

"Approved by the City Council/Redevelopment Agency Board on July 13, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA
MINUTES OF THE ADJOURNED REGULAR MEETING June 22, 2005

The City Council of the City of Westminster, California convened on June 22, 2005 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH
ABSENT: QUACH

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Pursuant to Government Code Section 54957: Public Employee Discipline/Dismissal/Release; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Scott Center vs. City of Westminster.

RECESS: At 6:55 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:05 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH
ABSENT: QUACH

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated that there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. Police Chief Andy Hall presented the Police Department 2005 Silver Medal of Courage award to Detective Kevin MacCormick and Sergeant Cliff Williams; the Bronze Medal of Merit for Career Achievement was awarded to Officer Al Brackett; and the Sergeant Promotion Ceremony was held for Detective Brian Carpenter. (115-00)
- B. The Mayor and Council Members presented Certificates of Recognition to Westminster High School teacher, Gregg Munsell, and Star View Elementary School teacher, Leslie Flores, who was one of 20 finalists nationwide in Time Warner Cable's 2005 National Teacher Awards competition. Gail Toth from Time Warner Cable presented gift bags to the two teachers. (115-00)

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of May 31, 2005, June 8, 2005 and June 9, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of June 15, 2005.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 (City Council) Denial of Claim(s) Against the City from:**

- 1. Nguyet Anh Tran in an unknown amount.
- 2. Ryan and Katherine Labonte in the amount of \$8,493.00.

ACTION: Claims filed against the City were denied.

- 1.3 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

1.4 New Classification specification – Police Fiscal Specialist (110-04)

ACTION: The City Council approved the new class specification of Police Fiscal Specialist.

1.5 Award of Contract for Westminster Rose Cultural Center Bid Package #3 Landscaping (502-14)

ACTION: The City Council approved a contract with the low qualified bidder, Nature Tech Landscaping, Inc., in the amount of \$192,000.00; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

1.6 Acceptance of Easement Deed for 14072 Ash Street (401-01)

ACTION: The City Council accepted an Easement Deed and authorized the City Clerk to record the deed with the County's Recorder's Office.

1.7 Notice of Completion for work performed by All American Asphalt for street improvements on Newland Street and Wyoming Street (502-01)

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.8 West Orange County Water Board Budget (WOCWB) for FY 2005-2006 (610-11)

ACTION: The City Council approved the WOCWB proposed budget for Fiscal Year 2005-2006.

1.9 (City/Agency) 2005 Statement of Investment Policy (105-01)

ACTION: The City Council/Agency Board approved the 2005 City of Westminster/Westminster Redevelopment Agency Statement of Investment Policy.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.10 Resolution No. 3924 – A Resolution of the Mayor and City Council of the City of Westminster amending the compensation plan for employees represented by the Westminster Municipal Employees' Union Local 1734 (110-02)**

ACTION: The Mayor and City Council adopted Resolution No. 3924 to include the positions inadvertently omitted from Resolution No. 3921 adopted on June 8, 2005, and waived further reading.

WARRANT REGISTER

- 1.11 **(City Council/Redevelopment Agency) Warrant Register dated June 1 through 14, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.12 **Minutes of the Planning Commission meeting held April 27, 2005 (104-11)**

ACTION: Received and filed.

- 1.13 **Community Development Monthly Activity Report – May 2005 (216-01)**

ACTION: Received and filed.

- 1.14 **(City/Agency) Treasurer's Report – April 2005 (105-08)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Paris, and seconded by Council/Agency Member Fry, to approve the Consent Calendar. The motion was carried by a 4-0 vote, with Council/Agency Member Quach absent.

END OF CONSENT CALENDAR**2. ORAL COMMUNICATIONS**

Diana Carey, Chair of the Ad Hoc I-405 Committee, reported on the OCTA Policy Working Group meeting held today. She said that the Council will vote on placing an insert in the water bill updating residents on OCTA's process. Council Member Marsh presented the Council's resolution adopted at its June 9, 2005 meeting, at the OCTA meeting.

Phil Hodgetts, resident of Westminster and Cultural Arts Commission member, spoke regarding a demonstration he witnessed where trash is turned into electricity.

John Nguyen, a member of the Vietnamese American Coalition, spoke on behalf of the Bui family and the death of their father after a police chase in February and called for an independent investigation into the incident.

Lloyd Duncan, a resident of Westminster, inquired concerning the street work on 14th Street.

Trinh Luu, a member of the Vietnamese American Coalition, read a letter she wrote to the Council (on file in the City Clerk's office) regarding the Bui incident, asking for the dismissal of the police officer in question.

Mary Dang, resident of Westminster, requested an independent investigation into the Bui matter.

Naru Huitzjopochtli, resident of Westminster, requested that the Council fire the police officer involved in the Bui incident.

Christine Hui, resident of Westminster, said she is the next door neighbor of the Bui family. She alleged that her house and her neighbor's house has been under surveillance by plain clothes officers ever since the incident in February.

Darrell Nolta, resident of Westminster, stated that he would like to see the Orange County Sheriff Department release their report on the Bui incident. He commented regarding the visit of the Prime Minister of Vietnam to the White House yesterday. Also, he said he was disappointed that other cities did not support Westminster in its plight to stop OCTA from taking houses for the I-405 expansion.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

4. PUBLIC HEARINGS – None

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Marsh reported on the OCTA meeting; he thanked the City Manager and the Public Works Director/City Engineer for their support at the meeting; he and Costa Mesa Mayor Gary Monahan moved to limit the footprint to what was provided in Alternative 4, with the potential of taking five homes, with a qualifier that even taking the five homes be removed; Fountain Valley voted against the motion and Huntington Beach had a split vote. A subsequent motion was proposed to approve revised Alternative 8. Art Leahy, OCTA CEO, supported Westminster's position for Alternative 4. Council Member Marsh said he made it clear that the City of Westminster will fight against Measure M if OCTA takes homes.

Council Member Marsh commented on the remarks made by members of the public concerning the Bui incident. He stated that the City Council is subject to negotiated labor agreements, the California Government Code and the California Code of Regulations, which regulations and procedures must be followed. He said he is not willing to pre-judge the incident since the facts are not yet before him or the Council. He said that the accused has constitutional rights of due process. He said that the concerns are noted.

Mayor Pro Tem Paris agreed with Council Member Marsh's remarks regarding the Bui incident.

Council Member Fry also agreed with Council Member Marsh's remarks regarding the Bui incident. Regarding the OCTA meeting, he thanked Council Member Marsh for his clear presentation to OCTA.

Mayor Rice thanked the community for standing with the City Council in opposition to any eminent domain threats from OCTA. Regarding the Bui incident, she stated that until the City Council receives a formal report, no action can be taken, but once it comes out it will be made public.

Mayor Rice said she visited a third grade classroom, she answered their questions and spoke about the history of the City. She also invited all to attend the Mayor's Ball this Saturday at 6:00 p.m., where the theme will be "Down Memory Lane".

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Agency) Agreement with the Westminster Chamber of Commerce (502-23)

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to approve the agreement with the Westminster Chamber of Commerce in the amount of \$29,214.96 for fiscal year 2005-2006, and authorize the Chair to execute the agreement on behalf of the Agency. The motion was carried by a 4-0 vote.

Bill Brown, outgoing President of the Westminster Chamber of Commerce, and Keith Morrissey, incoming President, gave a report of the services the Chamber has provided to the City of Westminster during the last year; and plans and proposals for the coming year.

6.2 (Agency) Westminster Redevelopment Agency Notice of Funding Availability (NOFA) for affordable housing (203-01)

Motion was made by Agency Member Marsh, and seconded by Vice Chair Paris, to authorize staff to prepare a Notice of Funding Availability subject to Agency Board approval, for dissemination to the housing development sector. The motion was carried by a 4-0 vote.

6.3 Agreement with C.M. de Crinis & Co., LLP (CMdC) to provide financial advisory services to the City for Fiscal Year 2004-2005 (502-03)

Council Member Marsh said he had no problem approving an agreement for this year, however, the Council should consider whether or not to go out to bid for next year.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to:

- 1) Approve a budget transfer in the amount of \$4,600 from the General Fund Contingency Reserve, (Account 100-20000-60904) to the Finance Administration – Contractual budget (Account 100-21000-43090); and
- 2) Approve the agreement with CMdC in an amount not to exceed \$19,000 and authorize the City Manager to execute the agreement on behalf of the City.

The motion was carried by a 4-0 vote.

6.4 Award of Contract for Traffic Signal & Interconnect Project on Bolsa Avenue from Chestnut Street to Hoover Street; Hoover Street from Trask Avenue to Garden Grove Blvd.; McFadden Avenue from Brookhurst Street to Ward Street - Project No. 55026-052600; Traffic Signal Installation on Brookhurst Street and Bishop Place - Project No. 55031-031201; Traffic Signal Modifications on Brookhurst Street and Margo Lane -Project No. 55031-053100; and Traffic Signal Modifications on Goldenwest Street and 21st/Westpark - Project No. 55031-021202 (502-16)

Darrell Nolta, resident of Westminster, said he was happy that the City was going to install a signal at Brookhurst and Bishop.

Council Member Marsh was concerned about the differences in the bid prices and he asked the Public Works Director/City Engineer if he was concerned about change orders. The Public Works Director/City Engineer said he did not think that would happen because the increased cost of steel and materials is the reason for the higher bids.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to:

- 1) Reallocate \$162,582.00 from the Traffic Impact Fee fund to the project Account Nos. 55031-031201, 55031-021202, and 55031-053100; and
- 2) Approve the contract with Pouk & Steinle, Inc., in the amount of \$566,767.00, and authorize the City Manager to execute the contract on behalf of the City.

The motion was carried by a 4-0 vote.

6.5 Consultant and Professional Services Agreement for an Interim Director of Community Services (502-10)

Council Member Marsh inquired about Greg Johnson's qualifications. The Personnel Director stated that he has 24 years of experience in Parks and Recreation, with ten of those years as a director or manager and experience with senior programs with a number of cities. He will not be furnished with a City car. The City Manager said she interviewed Mr. Johnson and another applicant and she believes Mr. Johnson will provide quality service for the City.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to approve the consulting contract between the City of Westminster and Greg Johnson to provide services as Interim Director of Community Services during the recruitment period for a Director of Community Services, and authorize the City Manager to execute the agreement on behalf of the City. The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None**8. LEGISLATIVE ITEMS – None****9. COMMISSION AND COMMITTEE ITEMS****9.1 Youth Committee Appointments (104-00)**

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to:

- 1) Consider appointment of the following seven (7) current Youth Committee Members to serve as regular members for a term to expire on June 30, 2006:

Winnie Chan
Connie Chu
Kristy Nguyen
Sally Kim
Alma Rojas
Anna J. Lopez
Sophia Lai

The motion was carried by a 4-0 vote.

Mayor Rice and Council Member Fry volunteered to interview the remaining six applicants for a one year term on the Youth Committee.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to:

- 2) Select two Council Members to participate in an interview process of the six new applicants (listed on page 2 of the staff report).

The motion was carried by a 4-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:57 p.m. Mayor/Agency Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary

