

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
August 24, 2005

The City Council/Agency Board of the City of Westminster, California convened on August 24, 2005 at 7:15 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Council Member Fry

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented a Certificate of Commendation to Anastasha Uyemura. Her parents thanked her for saving her father's life. (115-00)
- B. The Mayor and Council Members presented a Certificate of Recognition to Pam Narz, Purchasing Officer, for saving the City money on the purchase of theater seats for the Westminster Rose Center. (115-00)
- C. A presentation of donations from the Westminster Senior Center Foundation, Soroptimist International, Employees Community Fund of Boeing California (nominated by Jerry Householder), and the Westminster Police Officer's Association, were made to the Project SHUE program by the organizations' representatives. The Mayor and Council Members presented Certificates of Appreciation to the representatives and thanked them for their donations. (115-00)
- D. Tish Murray made a presentation to the City from the Boys and Girls Club of Westminster along with Dave Smith from the Gene Autry RBI Program Orange County. They presented two plaques from RBI for clearing a field for the children from the Boys and Girls Club to play baseball on.

Mayor Rice displayed a picture of a group of Marines who received beanies from the Yarn Spinners, a Westminster group who meet at the Senior Center and knit and crochet items for distribution. The Yarn Spinners sent 700 beanies to members of the armed services. The picture shows the Marines wearing their beanies.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 22, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of July 27, 2005.**

ACTION: Approved.

ROUTINE MATTERS

- (ITEM REMOVED AND HEARD SEPARATELY)**
1.2 (City Council) Denial of Claim Against the City from:

1. Estate of Hoang Tan Bui in the amount of \$40,000,000.00.

Darrell Nolta, resident of Westminster, said he was concerned about information surrounding this incident.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to deny the claim filed by the estate of Hoang Tan Bui in the amount of \$40,000,000. The motion was carried by a 5-0 vote.

- 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 First Amendment to the agreement between the City and James F. McConnell for federal legislative consulting and representation services (502-13)**

ACTION: The Mayor and City Council approved the first amendment to the agreement with James F. McConnell for federal legislative consulting and representation services, and authorized the City Manager to execute the amendment on behalf of the City.

- (ITEM REMOVED AND HEARD SEPARATELY)**
1.5 (Agency) Junior Lienor's Consent and Subordination Agreement for the 13th Street Intergenerational Apartment Project (502-23)

The Community Development Director explained that the Agency is not being asked to subordinate anything it has not done already, but it would allow the construction loan to continue until 2006. He said it would not change the Agency's position, which is in third position.

Agency Member Marsh asked what is the Agency's equity cushion, or the difference between the debt and the equity or appraised value. The Community Development Director said he would have to research and bring back that answer.

Rick Westburg of The Related Companies said although he did not have the figure requested by Agency Member Marsh, he stated that granting the request would not extend the delay period of payments, which is three years.

Motion was made by Agency Member Marsh, and seconded by Agency Member Fry, to continue this item to the September 14, 2005 meeting, giving staff time to research and bring back information on the equity cushion requested by Agency Member Marsh. The motion was carried by a 5-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.6 Annual Disadvantaged Business Enterprise (DBE) Program and Annual Goal for the Federal Fiscal Year 2005-2006 (603-03)

Council Member Marsh stated that the DBE Program violates Proposition 209 and he would like the City Attorney to come back with a provision that deals with sham entities, when a person in a "disadvantaged" category poses as an owner of a business, but is only lending his or her name, in order to receive a preferred bidding status.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to continue this item to a date uncertain and requested the City Attorney to come back with a provision that deals with "sham" entities. The motion was carried by a 5-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.7 Resolution No. 3938 – A Resolution of the Mayor and City Council of the City of Westminster to adopt the National Incident Management System (NIMS) (803-03)

ACTION: The Mayor and City Council adopted Resolution No. 3938 and waived further reading.

1.8 Resolution No. 3940 – A Resolution of the Mayor and City Council of the City of Westminster to apply as lead agency for grant funds for the Westminster Family Resource Center and designating the City Manager to act as authorized representative (109-09)

ACTION: The Mayor and City Council adopted Resolution No. 3940 and waived further reading.

(ITEM REMOVED AND HEARD SEPARATELY)

1.9 Resolution No. 3944 – A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 3936 providing for a compensation plan for the Management/Administrative/Confidential employees of the City of Westminster (110-02)

Council Member Marsh said he spoke to the City Manager about two concerns; the first concern was alleviated. Sometimes certain positions need to be a particular percentage below positions higher in the organization. The City Manager assured Council Member Marsh that this is not the case with any of the salaries in this resolution. The second matter is adding the new Assistant to the City Manager position to the resolution. It was Council Member Marsh's opinion that if there is a problem with the salary of the Assistant to the City Manager being too low, it may be necessary for the City Manager to come back with a specific amount.

Mayor Rice recalled that the Council voted to include the Assistant to the City Manager position in the resolution for the 4% increase.

The City Manager responded that the Council approved the salary range and the job description for the Assistant to the City Manager, and at that time the position was included in the resolution for administrative salaries, then the Council authorized the 4% salary increase. She said just because the position was vacant should not prevent the position from receiving the same salary and benefits that all other administrative series/classifications receive. She recommended that this resolution be approved.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to adopt Resolution No. 3944 to include 4% increases to the positions inadvertently omitted from Resolution No. 3936 and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

ADMINISTRATIVE ITEMS

1.10 Cooperative Agreement between the Orange County Transportation Authority (OCTA), the City of Westminster and Abrazar, Inc. to provide a senior mobility program for senior transportation (502-15/502-01)

ACTION: The Mayor and City Council:

- 1) Approved an appropriation in the amount of \$49,574.00 to the Senior Transportation Revenue Account No. 70501-34490; and
- 2) Authorized an appropriation from Senior Transportation Expenditure Account No. 70501-43090 in the amount of \$49,574.00 to Abrazar, Inc.; and
- 3) Authorized the City Manager to execute the agreement on behalf of the City.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.11 Special Event Permit application from Little Saigon Foundation to hold the Moon Festival on Saturday, September 17, 2005 between the hours of 10:00 a.m. and 8:30 p.m. The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard; the anticipated attendance is 2,000 people (213-02 LI)**

Council Member Marsh said he was concerned about the insurance. He could find nothing in the documentation that says by what date the insurance certificate will be required; and he would like a copy of the actual insurance policy because some insurance certificates turn out to be false. He would also like to receive a copy of the insurance policy far enough in advance to be able to cancel the event if the City is not named as also insured and have time to be able to verify that in writing.

The Interim Community Services Director said he will make sure to get a copy of the insurance policy and certificate and also make sure that it will be policy to obtain these documents with the application for special event permits in the future. Council Member Marsh requested that the Interim Community Services Director check to make sure the insurance company for this permit is a reputable one.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the Special Event Permit application subject to the conditions attached to the staff report, on the condition that staff will provide proof of the insurance. The motion was carried by a 5-0 vote.

WARRANT REGISTER

- 1.12 (City Council/Redevelopment Agency) Warrant Register dated August 3 through 16, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

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

ACTION: Received and filed.

Motion was made by Council/Agency Member Fry, and seconded by Mayor Pro Tem/Vice Chair Paris, to approve the Consent Calendar, with the exception of Item Nos. 1.2, 1.5, 1.6, 1.9 and 1.11, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Lloyd Duncan, resident of Westminster, thanked Council Member Marsh for his attention to the code enforcement problem which he spoke to him about. He is still concerned about 14th Street and he believes that the contractor should be held in default. He suggested that a committee be formed which he would volunteer to serve on to review all contracts.

Craig Simpson, resident of Westminster, requested that he be given a special sticker on his car so he will not receive street sweeping tickets, because he works a graveyard shift and must park on the street. Mayor Rice said there was nothing the City could do for him and if they did it would set a precedent. Council Member Fry noted that cities are required by the federal government to keep the gutters cleaned or they have to pay a penalty.

Diana Carey, resident and Chair of the Ad Hoc I-405 Committee, reported that the Ad Hoc Committee met last evening. She said there was a change in the advertised OCTA procedures. The recommendation will now go to the Regional Planning and Highway Committee on September 19th. Supervisor Lou Correa urged that as many residents as possible attend that meeting on September 19, 2005.

Mayor Rice said it is very important for Westminster residents to continue to be involved in opposing the plan for widening the I-405.

Vivian Kirkpatrick-Pilger, resident of Westminster, stated that the City's website is fine, however, there are pieces of information placed where they are not easy to find. She asked when the Council is going to schedule a time to study the water rate structure.

Alin Hamade, resident of Westminster, said he took a tour of the police building and he noticed how small it is. He suggested that a trust fund be set up to collect money for a new police station.

The City Manager announced that an item regarding the police building will be brought before the Council in late October or early November for consideration.

Darrell Nolta, resident of Westminster, commented on the Missing In Action (MIAs) from Vietnam. One MIA was found in Vietnam who came from Garden

Grove and he will be buried in Arlington National Cemetery. A poll was released by OCTA that shows the public favors their plans. He also stated he was opposed to the War in Iraq.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on August 17, 2005

The Community Development Director reviewed the actions of the Planning Commission meeting of August 17, 2005:

- 1) 9800 McFadden Avenue; Case No. 2005-29 – Conditional Use Permit/Site Plan/Design Review – proposal to install a new wireless telecommunications facility (WCF), a 50-foot-high monopine with 12 panel antennas, at the existing Southern California Edison substation.
- 2) 5572 Norma Drive, Case No. 2005-38 – Home Business Permit to operate a travel agency in the R1 (Single-Family Residence) district. The applicant proposes to use the residence for administrative office purposes only. No clients would visit the residence.

Council Member Quach said he would recuse himself from voting on Item No. 1 since he lives near the site. He left the dais.

Council Member Marsh asked to pull Item No. 2 for review by the Council because there are other travel agencies who are located in regular business centers who may question travel agencies located in homes.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Marsh, to receive and file Item No. 1 and call up Item No. 2 for Council review. The motion was carried by a 4-0-1 vote, with Council Member Quach abstaining.

Council Member Quach returned to the dais.

4. PUBLIC HEARINGS

4.1 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-27 (TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); LOCATION: 14072 GOLDENWEST STREET; APPLICANT: LONG HA (201-00 CN 2005-27)

Time set for a public hearing to consider the Planning Commission's decision to approve the construction of three residential condominiums on a 9,525-square-foot lot. The required entitlements include a Tentative Parcel Map for condominium purposes, Site Plan Review to assess the proposed site layout, and Design Review to assess the design and overall appearance of the development.

Council Member Quach stated he has a business relationship with the applicant in an unrelated matter, so he said he will recuse himself from discussion. He left the dais.

The Community Development Director said there is a car wash which shares an easement with the proposed condominium units.

Council Member Marsh said he could not find a reciprocal access easement for either the car wash owner or the owner of the vacant lot for the driveway. The Community Development Director said he has not seen an actual document or agreement for the driveway.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Lynne Coker, spokesperson for the developer on the project, stated he would get the recorded deed which was requested, however, he did not have it this evening. He noted that the lot was designed according to City standards. He recommends that both parties (the applicant and the car wash owners) carry appropriate liability insurance. The owner has agreed to put in a commercial grade driveway along with a drain. Rainbow Disposal said they will be able to provide trash bin service. They received assurance from Midway City Sanitary District that there is adequate capacity to provide sewer service for the three condos. He said that when they get ready to pull the building permits, the OCFA will give their comments on the plans to the City.

Council Member Marsh asked if there were any CC&R's. Mr. Coker and the applicant, Mr. Ha said they were not aware of any, however, they said they did not do a title check.

Council Member Marsh asked the applicants if they believed there was a safety issue with cars driving northbound on Goldenwest Street. They saw no problem with visibility. Discussion ensued regarding the configuration of the fencing along Goldenwest Street.

Council Member Fry asked if an entry could be made anywhere other than the proposed shared driveway. Mr. Ha said it could not be done as there was no other access.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

David Pham, resident of Westminster, stated he was opposed to the project.

Vivian Kirkpatrick-Pilger, resident of Westminster, stated that the reason she was opposed to the project was due to overall negative aesthetics. Discussion ensued regarding the zoning on the property which is R4. Council Member

Marsh asked when the R4 designation was placed on the property. The Community Development Director said it has been there a long time.

Roger and Mary Fryer, owners of the car wash, spoke in opposition to the proposed project. Mr. Fryer explained that one owner originally owned both parcels so it is equal with neither subservient. He said it was all zoned as C2 until recently. Mrs. Fryer said it was always assumed that commercial zoning would go in next door to their business. They are concerned about the safety issue and they would like to get something in writing regarding liability insurance.

REBUTTAL:

Long Ha, the applicant, stated that they will have to meet the standards of the Fire Authority on the driveway, so it will be 25 feet. Mr. Coker said he did not believe the new development would be hodgepodge in nature, but rather an attractive housing tract and better looking than an empty lot. He said that there are other small housing developments on Goldenwest and similar streets where cars back into a garage. Mr. Ha said the project will be reviewed again regarding the garages before permits are issued.

Council Member Marsh asked why the yard for the front unit is so small. Mr. Ha said it meets the City's requirements.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Paris remarked that he did not think it was wise to use one driveway for a common entrance to both residential units and a commercial business; and he feared it could start a precedence.

Council Member Fry stated the plans were not well drawn and he thought perhaps two units would be better than three units. He said he would vote against it.

Council Member Marsh said he was troubled by the fact he did not have an easement, but it appears there is a reciprocal easement of some nature. He said he did not like the idea of a multi-unit residential project being built on Goldenwest Street, which is a busy and dangerous street. He said when he voted for a similar residential project on Westminster Boulevard it had a gate and a signal and the developer paid for it. He said the City is paying for synchronized traffic signals so the traffic will flow better on Goldenwest and this would interfere with that effort. He did not think this was good planning principle and he was not comfortable with the project, even though he appreciated the genuine attempt by the applicant to propose a positive project.

Mayor Rice said she was concerned about the car wash and residential using the same driveway and she said she could not support it.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to deny the staff's recommendation along with the proposed findings to uphold the Planning Commission's approval of Case No. 2005-27. The motion was carried by a 4-0-1 vote, with Council Member Quach abstaining.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to adopt the comments made by the Council Members during the course of the hearing as findings for denial. The motion was carried by a 4-0-1 vote, with Council Member Quach abstaining.

Council Member Quach returned to the dais.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Pro Tem Paris commended the police for rescuing missing juveniles.

Council Member Quach also congratulated the police for rescuing the missing juveniles.

Council Member Marsh displayed a picture of his new daughter, Morgan, who was born on August 13, 2005. He reported that the OCTA asked to have the expansion of the I-405 Freeway pulled up for review. The recommendation adopted at the policy committee meeting will go to the full OCTA Board at the end of September, but there will also be a finding from the RPHC, so it is important for Westminster residents to attend the OCTA meeting on September 19, 2005. Also, he thanked Marwan Youssef, Soroosh Rabhari and Jeff Howell for their prompt response to concerns from his constituents.

Mayor Rice thanked Diana Carey and the members of the Ad Hoc I-405 Expansion Project. She asked the public to attend the OCTA meetings because there is so much at stake for all the residents of the City and it involves businesses and not just residential properties. Council Member Fry added that people should also spread the word to the businesses and residents of Fountain Valley and Huntington Beach.

Mayor Rice announced that Harry Dotson, the Mayor of Stanton, passed away; and a resident and former member of the FRC, Stan Hirsch also passed away. She said she would adjourn tonight's meeting in their honor.

5.2 Resolution No. 3942 - Establishing an Ad Hoc Police Facility Financing Committee (Council Member Marsh) (104-30)

Mayor Rice stated she was not ready to appoint members to the new committee at this time as recommended in Recommendation No. 2. There were no objections.

Council Member Marsh suggested that proposed Section 5-B in Resolution No. 3942 be removed and that 5-C be the new 5-B.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to adopt Resolution No. 3942, as amended, entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing an Ad Hoc Police Facility Financing Committee", and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
 NOES: NONE
 ABSENT: NONE

5.3 Resolution No. 3943 – Establishing a Rose Center Ad Hoc Maintenance Committee (Council Member Marsh) (104-31)

Mayor Rice stated she was not in favor of creating a Rose Center Ad Hoc Maintenance Committee which will be in competition with the Rose Center Foundation to solicit funds.

Council Member Marsh said he was concerned that there are grants that can apply to some maintenance items that are not under the Rose Center Foundation's rubric, but are under the City's, which he does not want to go unexplored. Mayor Rice stated this was possible for Council Member Marsh to do on his own without a committee.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to defer establishment of a Rose Center Ad Hoc Maintenance Committee to a date uncertain. The motion was carried by a 5-0 vote.

Owen Eames, member of the Cultural Arts Commission, recommended that the Cultural Arts Commission be tasked with fund raising for the Rose Center.

Tony Lam, resident of Westminster, said he was elected as President of the Rose Center Foundation and he agreed that there should not be a competing fund raising group.

Mayor Pro Tem Paris left the meeting at 9:45 p.m.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Westminster Municipal Code Chapter 17.60 – Home Businesses (deferred from the July 13, 2005 meeting) (202-01)

The Community Development Director reviewed the prohibited home business table, and other suggestions made at the July 13th Council meeting. He said there was no redline version of an ordinance as yet.

Darrell Nolta, resident of Westminster, said he thought the City should do anything it can to help home businesses, which may one day become bigger businesses.

Council Member Fry said he agreed with Mr. Nolta's comment and he also thought any home business that operates only over the phone should not need a permit, like a travel agent, that does not have customers coming to the door.

Council Member Marsh commended staff for the great job they have done on home businesses.

Council Member Fry said he would agree as long as it is not set in stone, but is more broadly defined.

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to:

- 1) Amend Chapter 17.60 of the Westminster Municipal Code – Home Businesses by: clarifying those uses listed in Tables A and B; deleting all references to the Home Business Committee; requiring all applicants requesting approval of a Level Two business to submit a Conditional Use Permit application, with the applicable fee, for consideration by the Planning Commission at a noticed public hearing; prohibit alcohol, gambling, and livestock-related businesses; delete the reference in Table B to Day Care; and add language that Chapter 17.60 does not pertain to restrict or prohibit home schooling.
- 2) Direct staff to return with an appropriate Ordinance to reflect the directed changes.

The motion was carried by a 4-0-1 vote, with Mayor Pro Tem Paris absent.

6.2 Request from Abrazar for conveyance of City-owned property at 7101 Wyoming Street (502-01)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, directing staff to bring back draft language for Option 2 (a long term multi-year lease agreement) and Option 3 (convey ownership of the property to Abrazar with an agreement, specifying the terms of conveyance) of the recommendation, for a future Council meeting. The motion was carried by a 4-0 vote.

6.3 Donation for Trails4All, a non-profit organization (103-11)

Discussion ensued on whether a donation to Trails4All would be a gift of public funds. The Public Works Director/City Engineer said that according to the City Attorney it would not be considered a gift.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to defer the item to the next regular Council meeting of September 14, 2005. The motion was carried by a 4-0 vote.

6.4 Reorganization of the Building Maintenance Division of the Public Works Department (110-04)

The Public Works Director/City Engineer reviewed the proposed organization chart which includes a new title change for the position of Building Supervisor.

Council Member Marsh questioned where the funds should come from. The Public Works Director/City Engineer felt that there was still more than \$70,000 in the contingency fund, which he felt was adequate.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to:

- 1) Approve the reorganization of the Building Maintenance Division;
- 2) Approve the new job description for a new position, Building Supervisor;
- 3) Transfer \$6,676.80 from Government Building Funds Contingency (Account No. 75500-60904) to Government Building Permanent Salaries (Account No. 75500-40000).

The motion was carried by a 3-1 vote, with Mayor Rice voting no.

Mayor Rice said she voted in opposition because of the small number of custodians taking care of so many buildings.

6.5 Police radio repairs and maintenance costs for 800 Megahertz Countywide Coordinated Communications System for fiscal year 2005-06 (deferred from the August 10, 2005 meeting) (502-15)

Council Member Marsh thanked the Police Chief for supplying additional information to him before the meeting as he requested.

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to authorize a purchase order be issued to the Orange County Sheriff's Department Communication Division in an amount not to exceed \$25,000 for police radio repairs and maintenance. The motion was carried by a 4-0 vote.

6.6 Request for Proposals (RFP) for medical transportation services for the City (502-01)

A motion was made by Council Member Quach to:

- 1) Direct staff to conduct a formal bid procedure for medical transportation services; and
- 2) Authorize a purchase order with American Medical Response (AMR) for medical transportation services in an amount not to exceed \$363,000 for fiscal year 2005-06.

Council Member Quach asked if the contract was up for renewal. The Finance Director stated that it is just good business practice to review a contract after a while and this contract has not gone out to bid in at least the last 10 years.

Council Member Marsh inquired if the contract goes out to bid, would there be a possibility of losing the right to renew the contract with AMR. The Finance Director said the contract can be terminated at any time with a 30 day notice, but he would like the City Attorney to answer that question.

Darrell Nolta, resident of Westminster, asked about an amount in the report, to which Council Member Quach stated it was fees for the drivers, etc. Council Member Marsh stated that this information should only be discussed in closed session.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to defer this item for review by the City Attorney for him to determine whether or not the City will waive its right to renew by going out to bid. The motion was carried by a 4-0 vote.

6.7 First Amendment to Consulting Services Agreement with Civic Solutions to provide temporary Planning staff services (502-03)

The Community Development Director reminded Council that in one month his department lost four full time planners. He said that beginning on September 1, 2005, Civic Solutions will provide the services of an Interim Planning Director until a permanent Planning Director can be hired.

Council Member Marsh said that an urgency situation exists in the Community Development Department which excuses the City from the usual bidding process.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to:

- 1) Authorize an appropriation of \$50,000 from the Community Development Fund 285 Undesignated Balance (Account No. 285-00285-71030) to Community Development Administration (Account No. 285-60050-43090); and

- 2) Approve the First Amendment to the Consulting Services Agreement with Civic Solutions in a total amount not to exceed \$65,000, and authorize the City Manager to execute the amendment on behalf of the City.

The motion was carried by a 4-0 vote.

6.8 Schedule a study session meeting on the Rose Center Financial Operating Plan (103-08)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to defer this item to the September 14, 2005 Council meeting so that Mayor Pro Tem Paris can have input. The motion was carried by a 4-0 vote.

6.9 Schedule a town hall meeting for a status report on the proposed I-405 Expansion project (103-08)

Council Member Marsh suggested that a meeting be scheduled several days before OCTA's September 19th meeting. It was the Council consensus to schedule a town hall meeting at 6:00 p.m. on Tuesday, September 13, 2005 in the East/West Room of the Community Services Building, for the purposes of discussing the proposed I-405 Expansion project.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building (702-06)

Motion was made by Council Member Marsh, and seconded by Council Member Fry, to approve a request from Toastmasters of Westminster for waiver of fees for the use of the Community Services Building (A/B Room) on Saturday, September 24, 2005 between the hours of 8:00 a.m. and 12:00 noon for their Area Speech Contest. The motion was carried by a 4-0 vote.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request for parking restrictions on Westminster Boulevard at Nevada Street and Nevada Street at California Avenue – T. C. 04-107 (608-02)

Motion was made by Council Member Fry, and seconded by Council Member Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3941 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for No Parking or Stopping at a certain location on Westminster Boulevard at Nevada Street and on California Avenue at Nevada Street", and waive further reading. The motion was carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH

NOES: NONE

ABSENT: PARIS

10. COUNCIL/AGENCY ADJOURNMENT: At 10:45 p.m. Mayor/Chair Rice adjourned the meeting in honor of the Mayor of Stanton, Harry Dodson and Stan Hirsch.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary