

"Approved by the City Council/Redevelopment Agency Board on January 11, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY WESTMINSTER, CALIFORNIA
MINUTES OF THE ADJOURNED REGULAR MEETING November 16, 2005

The City Council/Agency Board of the City of Westminster, California convened on November 16, 2005 at 6:00 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

5:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

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

CLOSED SESSION:

The City Council/Redevelopment Agency convened in Closed Session for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Janice and John Foley vs. City of Westminster

The Mayor and City Council recessed from Closed Session at 5:58 p.m. and reconvened in open session at 6:00 p.m. in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

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

ORAL COMMUNICATIONS - None

1. **Discussion regarding terms and conditions of employment for the Planning Director, Assistant City Engineer and Housing Manager positions.**

The City Manager gave an overview of the positions and said that next month the job descriptions and salary ranges for the positions will be brought to Council for their approval. It was the consensus of Council to proceed with the job descriptions and salary ranges as presented, with the exception that the Housing Manager title be changed to "City Housing Supervisor".

Darrell Nolta, resident of Westminster, shared his thoughts on the Assistant City Engineer position.

RECESS: At 6:28 p.m.

6:30 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: Mayor Rice reconvened the meeting at 6:45 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

Mayor Pro Tem Paris participated in a portion of this meeting via teleconferencing. Pursuant to Government Code Section 54953(b)(1), the agenda was posted at 15561 Eden Street, Westminster, California; the location was freely accessible to the public.

ROLL CALL:

PRESENT: RICE, PARIS (Participated via teleconferencing from 8:02 to 8:35 p.m.), FRY, MARSH, QUACH

ABSENT: NONE

SALUTE TO FLAG: Council Member Fry

INVOCATION: Council Member Quach

REPORT OUT OF CLOSED SESSION:

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

SELECTION OF MAYOR PRO TEM

Mayor Rice requested that the selection of a Mayor Pro Tem be taken up after Mayor Pro Tem Paris is connected via teleconferencing. There were no objections.

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented a Resolution of Commendation to Pat Stewart for her years of service with Neighborhood Watch.
- B. The Mayor and Council Members presented a Certificate of Commendation to Lieutenant Phil Marshall upon his retirement from the City.
- C. A check from Commercial Capital Bank and SBC was presented to the Senior Foundation for Project S.H.U.E.
- D. A presentation was made by Mary Bishop and Scott Larsen from the County Department of Housing and Community Services regarding Housing for the Homeless.
- E. A presentation was made by George Burmeister, consultant for Edison, regarding Southern California Edison's Local Government Initiative, Energy Efficiency-Related Opportunities.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of October 12, 2005; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of October 19, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of November 9, 2005.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 (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.

- 1.3 Purchase of Police Department Safety Equipment for FY 2005-2006 (106-00)**

ACTION: Staff recommends that the Mayor and City Council authorize a purchase order be issued to Adamson Police Products in an amount not to exceed \$40,000.

- 1.4 Purchase of One Black and White Patrol Car (106-00)**

ACTION: The Mayor and City Council authorized a purchase order to Villa Ford in the amount of \$22,890.19 for the purchase of one new patrol car.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.5 Amendment No. 9 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded Work (502-15)**

Darrell Nolta, resident of Westminster, said he opposes putting up signs on telephone poles supporting Measure M, which he sees in surrounding cities.

Motion was made by Council Member Quach, and seconded by Council Member Fry, to approve the subject amendment and authorize the Mayor to execute the amendment on behalf of the City. The motion was carried by a 4-0 vote.

- 1.6 Agreement to Provide Graffiti Removal Services to the County of Orange in the unincorporated areas of Midway City (502-15)**

ACTION: The Mayor and City Council approved the subject agreement and authorized the Mayor to execute the agreement on behalf of the City.

- 1.7 Agreement for Professional Services with Imbsen & Associates for a Feasibility Study for Two I-405 Freeway Bridges at Goldenwest Street and Bolsa Chica Road (502-09)**

ACTION: The Mayor and City Council approved the subject agreement, in an amount not to exceed \$19,000, and authorized the City Manager to execute the agreement on behalf of the City.

- 1.8 Finance Department Reorganization Plan and amended classification specification for Senior Staff Accountant (110-04)**

ACTION: The Mayor and City Council approved the reorganization plan for the Finance Department and the updated for the Senior Staff Accountant job description.

- 1.9 Increase purchase order with Liebert, Cassidy & Whitmore to provide legal services for the City (502-12)**

ACTION: The Mayor and City Council approved an increase to the purchase order with Liebert, Cassidy & Whitmore in the amount of \$35,000.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.10 Ordinance No. 2391 - An Ordinance of the Mayor and City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for a change of zoning (Case No. 2005-49) for one site per Section Map No. 18-5-10 from C-M (Commercial-Industrial) to R-5P (Multiple Units, Nineteen to Twenty-four units per acre District; Parking District) (201-00)**

ACTION: The Mayor and City Council adopted Ordinance No. 2391 and waived further reading.

ADMINISTRATIVE ITEMS

- 1.11 Special Event Permit application from Little Saigon Foundation to hold the 14th annual Christmas Wish Program on Saturday, December 17, 2005 between the hours of 6:00 a.m. and 2:00 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)**

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.12 Special Event Permit application from Little Saigon TET Parade Association to hold the annual TET Parade on Sunday, January 29, 2006 between the hours of 5:30 a.m. and 2:00p.m. (includes set up and clean up times). The event will take place on Bolsa Avenue portions of Magnolia and Bushard; the anticipated attendance is 60,000 people. (213-02)**

Darrell Nolta, resident of Westminster, disagreed that fireworks should be permitted because people could be injured, however, he was in favor of approving the parade without fireworks.

Mayor Rice responded that the organization paid \$5,000 or more to Orange County Fire Authority to monitor the fireworks.

Council Member Marsh asked staff if the organization was the same one who owes the City \$7,000 from the event two years ago. Pam Gremling, Community Services Department, said that the organization is the same but it is a different group of people. Ms. Gremling recommended that the organization pay a deposit of \$27,000, which includes the \$7,000 previously owed.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the Special Event Permit application subject to the conditions attached to the staff report, with an estimated cost of \$20,000 for this year in addition to \$7,000 which was owed from 2 years ago. The motion was carried by a 4-0 vote.

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

ACTION: The Mayor and City Council approved a request from Soroptimist International of Westminster for waiver of fees for the use of the Community Services Building (East/West Room) on Friday, December 9, 2005 between the hours of 11:00 a.m. and 2:00 p.m. for their annual Holiday Auction Luncheon.

WARRANT REGISTER

1.14 (City Council/Redevelopment Agency) Warrant Register dated October 19, 2005 through November 8, 2005 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.15 Minutes of the Planning Commission meeting held October 5, 2005 and October 13, 2005 (104-11)

ACTION: Received and filed.

1.16 Treasurer's Report – September 2005 (105-08)

ACTION: Received and filed.

1.17 Community Development Monthly Activity Report – October, 2005 (216-01)

ACTION: Received and filed.

1.18 Minutes of the Traffic Commission meeting held October 4, 2005 (104-12)

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Fry, to approve the Consent Calendar, with the exception of Item Nos. 1.5 and 1.12 which were removed for separate consideration. The motion was carried by a 4-0 vote, with Mayor Pro Tem Paris absent.

END OF CONSENT CALENDAR

Mayor Rice announced a recess so that Mayor Pro Tem Paris can be connected for teleconferencing.

RECESS AND RECONVENE:

At 7:50 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:02 p.m.

Mayor Rice asked Mayor Pro Tem Paris if he would be able to attend the OCFA meeting on November 17th. Mayor Pro Tem Paris said he would not be able to attend it.

Urgency Items

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to bring an urgent item onto the agenda that needs to be considered before the next regular Council meeting. The motion was carried by the following vote:

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

Council Member Marsh noted that since neither he nor Mayor Pro Tem Paris will be able to attend the Orange County Fire Authority meeting on November 17th, Council Member Fry will need to be authorized to attend the closed session and regular session of the OCFA meeting.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, authorizing Council Member Fry to attend and vote on any and all OCFA meetings conducted on November 17th, closed session, open session or emergency items. And further, to direct staff to immediately notify OCFA staff of the emergency appointment. The motion was carried by the following vote:

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

SELECTION OF MAYOR PRO TEM

Motion was made by Council Member Quach, and seconded by Council Member Marsh, nominating Council Member Fry to be the Mayor Pro Tem for the next year.

Council Member Fry accepted the nomination. The motion was carried by the following vote:

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

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to bring an item forward on the agenda, Item 6.1, in order that Council Member Paris can vote on the matter before he has to leave the meeting via teleconferencing. The motion was carried by the following vote:

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

6.1 Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center (502-18)

The Finance Director stated that the following sections have been modified: theater management, discretion over events, minimum fee, term, option to extend, annual lease payments, notice to cure for non-payment and insurance limits. Some furniture and other items were not included in the projected cost of the theater; therefore, staff recommends a budget transfer from either the General Fund Contingency or the Redevelopment Agency contingency. The approximate cost is \$180,000.

Mayor Rice said that Boeing presented a check for \$15,000 to the Rose Center Foundation, and if all the seats are sold it will amount to \$185,000. She said that the Foundation is requesting that the agreement for a term of five years. Council Member Paris said that three years was not enough and he agreed with the Mayor to make the term for five years. He noted that there is no cause required for termination of the contract.

Motion was made by Council Member Paris, and seconded by Mayor Pro Tem Fry, to determine the "Term" of the Theater/Art Gallery Facility Management Services Agreement to be five years.

The Finance Director stated that the numbers for the report were provided by the Rose Center Foundation, except for the allocation of cost for the theater which was the number he determined. The projected gross revenue was discussed.

Mayor Rice thanked the Finance Director and Sondra Evans for their work on this project.

The motion was carried by the following vote:

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

Darrell Nolta, resident of Westminster, asked if the Foundation will have the ability to censor or prevent controversial plays, art or other activities which the community would like to put on in a publicly-funded facility.

Council Member Marsh said this should be up to the Foundation because they are managing the theater and the City does not want to be responsible for that, and will not engage in any censorship.

Motion was made by Council Member Paris, and seconded by Council Member Marsh, to approve the five-year Theater/Art Gallery Facility Management Services Agreement with the Friends of the Abbey Centre, Inc. dba as the Rose Center Foundation, authorize the City Manager to execute the agreement on behalf of the City, and request that the findings reflect that the agreement incorporates the financial documents provided by the Finance Director attached and distributed at today's meeting. The motion was carried by the following vote:

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

Motion was made by Agency Member Quach, and seconded by Agency Vice Chair Fry, based on the determination of the funding source for the City Equipment purchases, the Chair and Agency Board (Option 2) authorizes a budget transfer of \$180,000 from the Redevelopment Agency Fund Contingency (Account No. 18000-60904) to the Community Theater CIP Project (Project No. 11202-964001) to cover the costs of City Equipment not originally bid in the Theater project. This is in compliance with a previous statement made by Agency Chair Rice that no general fund money will be used for this project. The motion was carried by the following vote:

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

The Finance Director wished the Rose Center Foundation well on their endeavor and also credited the Assistant to the City Manager, Tami Piscotti and Attorney, Christian Bettenhausen for assisting on the agreement.

Council Member Paris ended his participation in the meeting at 8:35 p.m.

2. ORAL COMMUNICATIONS

Phil Hodgetts, resident of Westminster, spoke regarding an article in *Solar Today* on new energy sources.

Philip Russell, representing the Orange County Grand Jury and resident of Westminster, said he was recruiting for next year's Grand Jury. He gave applications to the City Clerk.

Darrell Nolta, resident of Westminster, reported on the OCTA Board meeting regarding the problem with the bus radio system. He said he did not agree with the Grand Jury report on this matter.

Marilyn Fry, resident of Westminster, spoke on behalf of the Westminster Chorale. She invited all to attend the Winter program which will be held on December 3, 2005 at the Strong Tower Worship Center on Westminster Boulevard.

Tony Lam, President of the Rose Center Foundation, thanked the Council for approving the contract.

Eva Corbett, resident of Westminster, reported on an event at Los Alisos Mobile Home Park. She displayed pictures from a "Haunted House" at Halloween. She requested a commendation for the organizers.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

The Community Development Director reviewed the actions of the Planning Commission meeting of November 2, 2005:

- 1) Case No. 2005-48 (CUP) – 15348 Beach Boulevard – on-sale beer and wine at restaurant.

Mayor Rice requested that the name be provided when it is a restaurant or business.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to receive and file the report of the Planning Commission meeting of November 2, 2005. The motion was carried by a 4-0 vote, with Council Member Paris absent.

4. PUBLIC HEARINGS

4.1 CASE NO. 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 7601 23RD STREET; APPLICANT: TIM HARRIS (Continued from the October 12, 2005 and October 26, 2005 meetings) (201-00)

Time set for a public hearing to consider the construction of three residential condominiums on a 12,774-square foot lot. The required entitlements include a

Zone Change, 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.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to continue the public hearing until the next regular Council meeting of December 14, 2005.

The Community Development Director reported that staff has been working with the applicant and the adjacent property owner and a meeting has been scheduled with them. It appears that the applicant will have to apply for a variance to utilize his property and possibly not utilize the easement, and in order to get the variance it will have to return to the Planning Commission.

The maker and second on the motion rescinded the motion on the floor and no action was taken.

Council Member Fry asked staff to take into consideration the church property on the corner of 23rd Street, as he believes those owners will not want their property converted to C-2.

4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-43 (VARIANCE); LOCATION: 16390 BEACH BOULEVARD; APPLICANT: LINDA SMITH (201-00)

Time set for a public hearing to review of the Planning Commission's decision to approve the attachment of two additional building wall signs, exceeding the maximum number of building wall signs allowed by the Municipal Code.

The Community Development Director said that the remodeled restaurant has two signs and is requesting a variance for two additional signs.

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

Dave Terrack from Signs and Services, explained that Marie Callender's started a new "branding" with the Marie Callender's Grille so there is a need for new signage, and that those traveling south on Beach Boulevard cannot see the signage as it exists now. The second sign faces the shopping center, over the front door. He said that they meet all the City's standards.

Mayor Rice said she asked for this to be reviewed because other businesses are not granted variances for extra signs.

Mr. Terrack stated that he received notice that the project was called up for review after the 15 days. Council Member Marsh asked Mr. Terrack if he felt he was at a disadvantage due to lack or lateness of a notice. Mr. Terrack said it did not put him at a disadvantage in preparing his presentation.

Jim Vickers with Marie Callenders, stated they chose Westminster as one of only four stores to receive the new design and menu, and the extra signs are very needed.

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

Darrell Nolta, resident of Westminster, spoke in opposition because he said there are three existing signs including a monument sign. He said there is a fairness issue because all businesses need to be treated equal.

REBUTTAL:

Jim Vickers said that what is most critical is the sign over the door, although he would like both signs to be approved.

Council Member Marsh asked Mr. Vickers if he was willing to promise not to put up any ugly little paper signs in the windows in return for the quality outdoor signs he is requesting. Mr. Vickers stated that he will make all reasonable effort not to put up any "ugly" little paper signs, as he does not want to degrade the look of Westminster.

Council Member Quach asked Mr. Vickers if they are planning to put up any neon signs in the windows, to which he said he does not plan to do that.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Fry said he believes that the two extra signs are relatively small and he said he sees the need for a sign above the front entrance.

Council Member Quach said he agrees with approval because there is a unique circumstance with the positioning of the building and the visibility of the signs, especially for the cars driving south on Beach Boulevard.

Council Member Marsh stated for the record that it is the Council who has 15 days to call up an item for review, and the notification process follows that.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve the Planning Commission's recommendation and adopt Resolution No. 3957 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-43 (Variance) to allow the attachment of two additional building signs on the existing Marie Callender's Grill restaurant, located at 16390 Beach Boulevard in the C-2 (General Business District)", and waive further reading. The motion was carried by the following vote:

AYES: FRY, MARSH, QUACH
NOES: RICE
ABSENT: PARIS

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**5.1 Council/Agency Member Items**

Mayor Pro Tem Fry thanked the Council for voting for him as Mayor Pro Tem.

Council Member Quach wished everyone a Happy Thanksgiving.

Council Member Marsh thanked KOCE-TV for giving a tour of their facility to his son's scouting troop. KOCE is considering a move to Santa Ana. Mayor Rice said she could write a letter to them requesting them not to leave Huntington Beach. She asked the City Manager to prepare a letter to KOCE for her signature.

Council Member Marsh said he was contacted by a resident who is organizing a World Aids fundraising conference on December 1, 2005. He plans to attend, however, if he is not able to attend he asked Mayor Rice or Mayor Pro Tem Fry to attend in his place.

Mayor Rice reported that the Kiwanis pancake breakfast and Jingle Jam in the Civic Center was a great success. She urged residents to oppose the Vector Control Board who want to give themselves and have given their employees a raise as they just received a large increase in rates. Council Member Marsh said he recalled that Vector Control said their increase was supposed to go for improvement of their facilities. Mayor Pro Tem Fry noted that elected officials on the Vector Control Board voted against it and those that were appointed voted for it.

Mayor Rice said that the Family Resource Center lost its funding and she is investigating why this happened. She urged everyone to pressure the Orange County Board of Supervisors to vote for our City.

5.2 Resolution No. 3959, Establishing an Ad Hoc Water Rate Structure Committee (Council Member Marsh) (104-31)

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

- 1) Adopt Resolution No. 3959 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing an Ad Hoc Water Rate Structure Committee", and waive further reading; and
- 2) Directed staff to agendize appointments to the committee for a future meeting, December 14, 2005, if possible.

Council Member Marsh requested that the motion include that he and Council Member Quach will serve on the committee.

The motion was carried by the following vote:

AYES: RICE, MARSH, QUACH

NOES: FRY

ABSENT: PARIS

6.2 Spending reduction plan for the City's adopted fiscal year 2005-06 budget (105-11)

Mayor Rice requested that the Police Department SHIELD Program be added back into the budget; and Council Member Quach requested that the Police front counter PSO personnel be added back into the budget.

Darrell Nolta, resident of Westminster, stated he was opposed to any cuts made to the Police Department. He said that it is important to have the SHIELD Program continue as it is assistance to the mentally ill.

Motion was made by Council Member Quach, and seconded by Mayor Rice, to approve the spending reduction plan for the City's adopted fiscal year 2005-06 General Fund budget, adding back in the SHIELD Program and the front counter PSO personnel in the Police Department. The motion was carried by a 4-0 vote.

6.3 Holiday Decorating Contest – Judge (701-01)

Mayor Rice volunteered to serve as a judge for the Holiday Decorating Contest on December 8, 2005.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to nominate Mayor Rice to serve as a judge for the Fourteenth Annual Holiday Decorating Contest scheduled for Thursday, December 8, 2005 at 5:00 p.m. The motion was carried by a 4-0 vote.

Mayor Rice said she will not be able to attend the Tree Lighting Ceremony on December 12, 2005 and she asked Mayor Pro Tem Fry if he could attend in her place. Mayor Pro Tem Fry said that he could attend.

6.4 Review of Ordinance No. 2191 and Ordinance No. 2240, both relating to storage of trash/garbage containers, to determine which ordinance should regulate enforcement. (Continued from the October 26, 2005 meeting) (801-01)

Council Member Marsh said that the Council received a letter from William de la Garza, on behalf of the residents of St. Mary's Circle, relating to the location of trash receptacles, which he read into the record.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to retain Ordinance No. 2191 in force which states that residents shall keep their trash can out of public view on days their trash is not being collected and to repeal Ordinance No. 2240. The motion was carried by the following vote:

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

Fred Madsen, resident of Westminster, thanked Council for retaining Ordinance No. 2191. He also suggested that something needs to be done about the contents of the recycle cans.

6.5 (City/Agency) Increase the purchase order for temporary Special Services Clerk services for the Code Enforcement Division of the Community Development Department (106-00)

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Vice Chair Fry, to:

- 1) Approve the transfer of funds in the amount of \$5,300 from Salary/Code Enforcement (Account No. 285-63050-40000) to Code Enforcement Professional/Contractual Services (Account No. 63050-43090); and
- 2) Approve an increase to the purchase order in the amount of \$5,300 with AppleOne for services provided by the temporary Special Services Clerk for the Code Enforcement Division.

Council/Agency Member Marsh said that the Council received a correspondence critical of the City's Code Enforcement, claiming that their budget was inflated in relation to Redevelopment and public funds, and that adding \$5,300 will probably be included in that issue. He said he does not necessarily agree with that accusation. The City Attorney said staff has reviewed the correspondence and found that there is not a problem. The motion was carried by a 4-0 vote.

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

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

- 1) Authorize an appropriation of \$20,400 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 Second Amendment to the Consulting Services Agreement with Civic Solutions in a total amount not to exceed \$85,400, and authorize the City Manager to execute the amendment on behalf of the City.

The motion was carried by the following vote:

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

6.7 Deobligation and reallocation of \$100,000 in 2005-06 Community Development Block Grant (CDBG) Funds (109-09)

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

- 1) Direct staff to set a public hearing date for the City Council to consider deobligation of the \$100,000 allocated to the Asian American Senior Citizens Association on April 20, 2005; and
- 2) Reallocate the \$100,000 during the allocation of 2006-2007 CDBG funds in April of 2006.

Darrell Nolta, resident of Westminster, quoted from an article in the paper which quoted Mayor Pro Tem Fry commenting on the Asian American Senior Citizens Association incident.

Council Member Marsh stated that any comment about that issue is irrelevant – he believes it is appropriate to withdraw the funds.

The motion was carried by a 4-0 vote.

6.8 Amendment to 2006 Regional Transportation Improvement Program (613-10)

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

- 1) Reduce the Traffic Impact Fee Revenue (Account No. 55030-34294) from \$1,080,000.00 to \$500,000.00;
- 2) Delete the Bolsa Chica Raised Median Project (Account No. 55031-063104);
- 3) Add a new Capital Improvement Project (CIP), Westminster Boulevard Raised Medians, Magnolia to Bushard; and
- 4) Adopt Resolution No. 3958 entitled, "A Resolution of the Mayor and City Council of the City of Westminster certifying that the City of Westminster has the resources to fund the project submitted for inclusion in the FY 2005-06 through 2010-11 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the Program", and waive further reading.

Mayor Pro Tem Fry stated that the City of Garden Grove owns half of one of the streets in the project. Council Member Quach said that a letter can be sent to the City of Garden Grove, asking them if they would like to be involved.

The Public Works Director/City Engineer explained that the money was offered to the City of Westminster and it will enable the City to finish the median all the way to the City limits. He said he could still write a letter to the City of Garden Grove.

The motion was carried by the following vote:

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

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to install parking restrictions on the north side of Westminster Boulevard between Hoover Street and Nevada Street – T.C. 04-107 (608-02)

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3956 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the north side of Westminster Boulevard between Hoover Street and Nevada Street", and waive further reading. The motion was carried by the following vote:

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

Urgent Item

Mayor Rice requested that an urgent item be placed on the agenda in relation to a letter sent to Council from William Gallahair who requests a red curb due to accessibility concerns in the event of a medical emergency at his residence located at 5532 Abraham Avenue. (608-02)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to place an urgent item on the agenda. The motion was carried by a 4-0 vote.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to take minute action and allow a red curb to be painted in Mr. Gallahair's residence at 5532 Abraham Avenue. The motion was carried by a 4-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:36 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Neomia Willmore, to Thursday, November 17, 2005 at 5:30 p.m. in the Council Chambers, 8200 Westminster Blvd., Westminster, for the purpose of holding a study session to review financing options for a potential new police facility.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary