

"Approved by the City Council/Redevelopment Agency Board on December 14, 2005."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
October 26, 2005

The City Council/Agency Board of the City of Westminster, California convened on October 26, 2005 at 6:00 p.m. in a 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, FRY, MARSH, QUACH
ABSENT: PARIS

CLOSED SESSION:

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

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

URGENT ITEM ADDED TO CLOSED SESSION:

There was a unanimous motion to bring the following item of an urgent nature onto the agenda for Closed Session, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: re: Shinn.

RECESS: At 6:45 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, QUACH
ABSENT: NONE

Mayor Pro Tem Paris participated in the meeting via teleconferencing, lawfully noticed pursuant to Government Code Section 54953(b)(1).

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Council Member Quach

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. Greg Johnson, the Interim Director of Community Services, introduced Louise Milner, new principal at La Quinta High School. Principal Milner expressed how happy she was to be at La Quinta High School and that she looked forward to working with the Council and the staff at the City of Westminster.
- B. Shirl Stewart, representing the Westminster Chamber of Commerce, gave a report on their past and upcoming activities.

1. CONSENT CALENDAR

ROUTINE MATTERS

- 1.1 **(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.

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

- 1. Progressive Solutions in the amount of \$17,444.75.

ACTION: Denied claim filed against the City.

- 1.3 **Stormwater Master Plan and Management System (502-11)**

ACTION: The Mayor and the City Council:

- 1) Increased the Purchase Order with KVL, Consultants, Inc. by \$4,200; and

2) Adopted the Stormwater Master Plan and Management System

1.4 Acceptance of Easement Deed for 7742 12th Street (401-20)

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

1.5 Amended Classification Specification for Deputy City Clerk and Organization Change in the City Clerk's Department (110-04)

ACTION: The Mayor and City Council approved the amended classification specification for Deputy City Clerk and organization change in the City Clerk's Department.

ORDINANCES (SECOND READING)/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

1.6 Resolution No. 3950 – (2006 Regional Transportation Improvement Program) A Resolution of the Mayor and the City Council of the City of Westminster certifying that the City of Westminster has the resources to fund the projects submitted for Inclusion in the Fiscal Years 2005/06 through 2010/11 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the Program (613-01)

Darrell Nolta, resident of Westminster, stated that he disagreed with a finding regarding elimination of one of the ramps onto the I-405 Freeway at Edinger Avenue and Beach Boulevard. He said he believes that the Council may be in favor of this action because it wants sales tax revenue from property near the ramp.

Council Member Marsh said he agreed that it makes sense to reduce extra ramps along the freeway where possible, like this one.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to adopt Resolution No. 3950 and waive further reading. The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH

NOES: NONE

ABSENT: NONE

- 1.7 **Resolution No. 3954 – A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-27 (Tentative Parcel Map/Site Plan Review/Design Review) a request to allow the construction of three residential condominium units on property located at 14072 Goldenwest Street.**

(This Resolution was adopted at the October 12, 2005 meeting as Resolution No. 3944. As two resolutions were inadvertently assigned Resolution No. 3944, this Resolution has been reassigned a new number in order to clarify the administrative record).

ACTION: The Mayor and City Council clarify for the administrative record the reassigned Resolution No. 3954.

- 1.8 **Resolution No. 3951 – A Resolution of the Mayor and City Council of the City of Westminster fixing the employer’s contribution under the Public Employees’ Medical and Hospital Care Act (PEMHCA) (110-07)**

ACTION: The Mayor and City Council adopted Resolution No. 3951 and waived further reading.

ADMINISTRATIVE ITEMS

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

ACTION: The City Council approved a request from Westview, a non-profit agency, for waiver of fees for the use of the Community Services Building (East/West Room) on Wednesday, December 7, 2005 between the hours of 3:00 p.m. and 9:00 p.m. for their holiday party.

WARRANT REGISTER

- 1.10 **(City Council/Redevelopment Agency) Warrant Register dated October 5 through October 18, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.11 **Minutes of the Planning Commission meeting held September 21, 2005 (104-11)**

ACTION: Received and filed.

- 1.12 **Community Development Monthly Activity Report – September 2005 (216-01)**

ACTION: Received and filed.

1.13 Minutes of the Commission on Aging meeting held on April 11, 2005 (104-03)

ACTION: Received and filed.

1.14 Minutes of the Community Services & Recreation Commission meetings held on March 8, 2005 and June 14, 2005. (104-05)

ACTION: Received and filed.

1.15 Minutes of the Cultural Arts Commission meetings held on April 7, 2005 and May 5, 2005. (104-06)

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, with the exception of Item No 1.6 which was removed for separate consideration. The motion was carried by the following vote:

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

END OF CONSENT CALENDAR

REQUEST TO MOVE AGENDA ITEM

Mayor Rice received a request from Council Member Quach to move Item No. 6.1 ahead on the agenda so that Mayor Pro Tem Paris can vote in the event he must end his participation (via teleconference) in the meeting. There were no objections.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to move Item No. 6.1 ahead on the agenda. The motion was carried by the following vote:

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

6.1 Resolution No. 3955 - A Resolution of the Mayor and the City Council of the City of Westminster providing for a compensation plan for the Management/Administration/Confidential Employees of the City of Westminster. (110-02)

The Personnel Director explained that the proposed compensation for the Management/Administration/Confidential Employee group is a step plan similar

to the other employee groups (the Westminster Municipal Employees Association and the Westminster Police Officers Association).

Council Member Marsh thanked the Personnel Director for giving the Council the updated survey information he requested, which confirmed to him that surrounding cities have a step system for administrative staff.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to adopt Resolution No. 3955 and waive further reading. The motion was carried by the following vote:

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

2. ORAL COMMUNICATIONS

Diana Carey, resident and Chair of the Ad Hoc I-405 Committee, thanked all those who participated in the support of Alternative No. 4, which was voted in at the last OCTA Board meeting. She said that the Ad Hoc Committee will meet in November and monitor OCTA meetings.

Council Member Marsh noted that the Ad Hoc Committee will have a new task of coming up with language to prohibit OCTA in the Measure M renewal, making it clear they are limited to the existing right-of-way. Mayor Rice thanked Ms. Carey for all of her work on the Ad Hoc I-405 Committee.

Phil Hodgetts, resident of Westminster, spoke regarding energy "leaks", unknown to most residents and he recommended that people use surge protectors.

Darrell Nolta, resident of Westminster, spoke regarding Alternative No. 4 and the victory at the OCTA Board meeting. He spoke regarding the Avian Flu and the County's response to it. He also reminded voters that everyone should request a paper ballot at Tuesday's polling places.

Mark Miller, resident of Westminster, said he believes it is taking too long in the City's Building and Planning Divisions to get an addition approved for his house, and complained about the high fees. He also expressed concern with abandoned shopping carts.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

The Community Development Director reviewed the actions of the Planning Commission meeting of October 19, 2005:

- 1) 13822 Beach Boulevard (Case No. 2005-53), Design Review, an application to construct roof mounted wireless communication facility.

- 2) 7302 20th Street (Case No. 2005-32), Site Plan and Design Review, an application to construct three units (triplex) in the R-5 district.

Council Member Quach recused himself from discussion on Item 2, due to a potential conflict with the proximity of his residence to the subject project on 20th Street.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to receive and file the review of the actions of the Planning Commission meeting of October 19, 2005. The motion was carried by the following vote:

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

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 10/12/05 meeting) (201-00 CN)**

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.

This item was previously considered by Council at its regular meeting of October 12, 2005 and was continued to the meeting of October 26, 2005.

Mayor Rice asked if there were any persons who opposed the continuation of the public hearing to the November 16th meeting as recommended by staff. No one came forward.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to continue the public hearing to the November 16, 2005 meeting at 6:30 p.m. The motion was carried by the following vote:

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

4.2 CASE NO. 2005-40 AND 2005-49 (MITIGATED NEGATIVE DECLARATION, ZONE CHANGE, CONDITIONAL USE PERMIT, TENTATIVE TRACT MAP, AMENDMENT TO TENTATIVE TRACT MAP, SITE PLAN, DESIGN REVIEW, SIX VARIANCES) (201-00 CN)

Time set for a public hearing to consider the Planning Commission's recommendation to approve the various actions needed to allow the proposed development.

The Community Development Director described the proposed project. He reminded the Council that approximately one year ago, the Council approved an 80-unit senior apartment project on the south section of the property. Now, there are two developers who joined together to propose the new design. The Project Manager was Rick Zimmer.

Discussion ensued regarding waiver of in lieu park fees. Council Member Marsh said he was concerned about the appraisal amount because when it was appraised before, it was a parking lot initially which would have resulted in a lower value. The Community Development Director responded that the request by the developer for waiver of in lieu park fees was being reviewed by staff; and that staff would take Council Member Marsh's concern into consideration when formulating a recommendation for City Council's consideration at a future meeting.

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

John Duong from Bridgecreek Development introduced the principals: Hi Dinh and Frank Jao, Joe Hartge, Lou Marinelli, John Macea and Harry Mestinek.

Frank Jao, co-developer from Bridgecreek Development, spoke in support of the proposed project.

Lou Marinelli, architect for the project, described the design aspects of the project in the Little Saigon style.

Harry Mestinek, Ivy Landscape Architects, spoke regarding 12-D on page 17 of the resolution regarding the courtyard area (planter boxes) also proposing some 18 inch high planters. On page 19, 13-I (walkways composed of stamped concrete) – he wants to include other materials.

John Duong requested two monument signs at Bishop and Moran. The Community Development Director said he would like to review the sign code before the signs can be recommended by staff.

The City Attorney suggested that a condition be added that the two signs will be approved if they meet the code and have correct siting.

John Macea, Bridgecreek Development, spoke in favor of the project. He said he is happy with the management company who will maintain the property.

Mayor Rice asked the audience for a show of hands for all those present who are in favor of the project. Many in the audience raised their hands.

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

Darrell Nolta, resident of Westminster, was opposed to the project because of the large number of variances requested. He said that initially it was proposed for four stories and now it is recommended for five stories. He believes that the parking and traffic issues need to be addressed.

REBUTTAL:

Frank Jao, co-developer, stated that the reason there are so many people parking in the area is for shopping, so the project will provide 300 parking spaces more than required. He noted that auto manufacturers are making more and more compact cars. Most of the cars parked on Bishop are taking the buses to the casinos. He distributed a picture of cars parked on Bishop.

Council Member Marsh asked Mr. Jao if he would be willing to assist the City in putting up parking restrictions signs along Moran and Bishop, to which Mr. Jao said he would be willing to do that.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Paris stated that this project is long overdue and he thinks it is very important to approve it.

Council Member Fry noted that the building is not five stories, but four stories, and the fifth story is below grade. He believes that most of the cars will be compact and not SUVs.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to uphold the Planning Commission's recommendation and:

- 1) Introduce Ordinance No. 2391 entitled: "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, 19-24 Units per acre District; Parking District)" and waive further reading; and
- 2) Adopt Resolution No. 3952 entitled "A Resolution of the Mayor and City Council of the City of Westminster amending the conditions incorporated in City Council Resolution 3888, adopting a Mitigated Negative

Declaration, approving a Conditional Use Permit, authorizing staff to prepare and execute a Density Bonus Agreement, amending approval of Tentative Tract Map No. 16700, approving the Site Plan, approving the Design Review, and approving six variances dealing with building height, lot coverage, enclosed commercial parking, the use of tandem parking, a reduction in parking stall length and a reduction in drive aisle width for construction of an eighty (80) unit senior condominium project with one level of commercial parking at 15152-15238 Moran Street" and waive further reading; and

- 3) Adopt Resolution No. 3953 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending the conditions incorporated in City Council Resolution 3888, adopting a Mitigated Negative Declaration, approving a Conditional Use Permit, authorizing staff to prepare and execute a Density Bonus Agreement, approving Tentative Tract Map No. 16701, approving the Site Plan, approving the Design Review, and approving six variances dealing with building height, lot coverage, enclosed commercial parking, the use of tandem parking a reduction in parking stall length and a reduction in drive aisle width for construction of a sixty-four (64) unit senior condominium project with one level of commercial parking at 15088-15122 Moran Street", and waive further reading.

Council Member Marsh said he is in agreement with the project, but he would like to propose some modifications. On Page 4, Paragraph 4, Condition (signage) add "the applicant may put two monument signs up at the southwest and northwest corners of the project, assuming it can be done consistent with the City's existing sign code".

The City Attorney noted that the siting of the signs will have to be approved by staff.

Council Member Marsh continued with his amendments to the above-referenced Resolutions Page 17, 12(d) : The developer will be allowed to place up to 10% of their planters at an 18-inch height; On Page 19, 13(i), instead of decorative stamped concrete, add "enhanced concrete, real stone or quarried stone". The developer may have "no more than two individuals residing in each unit" and "residents must be seniors, and only seniors may be residents". Regarding parking on Bishop and Moran, include as a condition, "the applicant will assist in the process of putting up signage and curb painting to designate a stretch of Bishop Street and Moran Street to either two or three hours restriction, subject to the approval of the Public Works Department, that it meets all the Vehicle Code requirements, and subject to approval of the Traffic Commission and the City Council."

Council Member Marsh said that although he is concerned about the in-lieu fees for park space, it can be put off for now. He agreed with the applicant that more

parking spaces should improve the traffic problem, however, he did not want any of the parking spaces in the project to be compact spaces.

The maker and second of the motion to approve the project agreed to the amendments made to Resolution Nos. 3952 and 3953, as proposed by Council Member Marsh.

The City Attorney also noted that the motion will include the introduction of Ordinance No. 2391.

The motion was carried by the following:

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

RECESS AND RECONVENE:

At 9:00 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:15 p.m.

4.3 (City/Agency) SECOND AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BY AND BETWEEN THE WESTMINSTER REDEVELOPMENT AGENCY AND SHELTER FOR THE HOMELESS FOR DEVELOPMENT OF THREE AFFORDABLE FAMILY APARTMENT UNITS AT 13942 CEDAR STREET.

SUBSTITUTION OF REDEVELOPMENT AGENCY SET-ASIDE FUNDS FOR FEDERAL HOME FUNDS (502-19)

The Community Development Director said that Jim Miller from Shelter for the Homeless has requested that the project provide three 3-bedroom units to extremely low income tenants, restricted to 55 years. At the present time rent is at approximately \$570 per month, which is not enough for Mr. Miller to fund a commercial or private loan. The Redevelopment Agency has enough money for this project in the low to moderate fund.

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

Jim Miller, Shelter for the Homeless, explained that once HOME funds are used you must comply with prevailing wage, which has increased substantially causing the cost of the project to increase substantially. The way to replace HOME funds is to return it to the City and request the Agency's Housing Assistance Project funds.

Darrell Nolta, resident of Westminster, spoke in favor of the project and the DDA.

MAYOR/CHAIR RICE ASKED IF THERE WERE ANY PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SEEING THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION, MAYOR/CHAIR RICE CLOSED THE PUBLIC HEARING.

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

- 1) Approve the Second Amendment to the DDA between the Westminster Redevelopment Agency and Shelter for the Homeless that will provide Shelter for the Homeless with a grant of \$140,000 from the Redevelopment Agency's Housing Assistance Project, Account Number 18602-03411 for its affordable family apartment project, and authorize the Executive Director to execute the Amendment on behalf of the Agency; and
- 2) Make a finding in accordance with Section 33334.3(j) of the California Community Redevelopment Law, that the Agency's Housing Assistance Project (Account Number 18602-03411) Funds are necessary for this project in the amounts recommended.

The motion was carried by the following vote:

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

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to deobligate Federal HOME Funds in the amount of \$124,131, previously approved for this project, and replace them with Redevelopment Agency Housing Assistance Project Funds, Account Number 18602-03411.

Council Member Marsh asked what is the total estimated construction cost plus the purchase price for the property. The Community Development Director said that the construction cost is approximately \$770,000, and he did not know what the purchase price was. Mr. Miller said it was \$93,000 at the time, and the cost to develop the property is \$120 per square foot.

Council Member Marsh stated that, based on the minimum cost of \$850,000 for the project and the property, and three units with a monthly rent of \$570, there is no way that Shelter for the Homeless could get private financing to cover half of the cost of this project. He thanked the Community Development Director for his efforts in assisting Mr. Miller.

The motion was carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry spoke regarding information from Vector Control about the bird flu. He also said he supports the four propositions proposed by the Governor for the state to live "within its means".

Urgency Items

Mayor Rice stated that the City Manager requested that the November 9, 2005 regular Council meeting be moved to November 16, 2005 and begin at 5:30 p.m. for Closed Session and to begin Open Session at 6:30 p.m.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to bring an urgency item onto the agenda due to the cancellation of the November 9, 2005 regular meeting, which would be cancelled before the proposed November 16, 2005 Council meeting is held. The motion was carried by the following vote:

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

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to cancel the regular Council/Agency meeting of November 9, 2005 and schedule the November 16, 2005 Council/Agency meeting with Closed Session to begin at 5:30 p.m. and Open Session to begin at 6:30 p.m. The motion was carried by the following vote:

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

Mayor Rice said she did not have an opportunity to place an item on the agenda to waive the fee for the Kiwanis Club to rent the East/West Room for a potluck dinner scheduled for November 3, 2005.

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Quach, to bring an urgency item onto the agenda due to the fact that the Kiwanis Club will hold a potluck dinner on November 3, 2005, before the next Council meeting of November 16, 2005. The motion was carried by the following vote:

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

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve waiver of fees for the Kiwanis Club to hold a potluck dinner in the East/West Room on November 3, 2005. The motion was carried by the following vote:

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

5.2 Discussion of 2006 Tet Parade (Mayor Rice)

Mayor Rice stated that although she realizes that this would have to be placed on a future agenda, Garden Grove Council Member Janet Nguyen requested that the Westminster City Council forgive a debt of \$7,000 due from the Tet Parade held two years ago in Garden Grove. Mayor Rice met with the group who plans to put on the parade in 2006, and they are requesting that the \$7,000 be waived for now.

Council Member Quach said he will propose that the balance be carried forward, in the event that it is successful, the group proposing the parade for 2006 will be in a better position to pay the extra \$7,000 from two years ago.

Council Member Marsh said he will vote against it because it would set a precedent. He said he would consider the request for waiving the fee if it was a different group than the one who was responsible for the parade two years ago.

Council Member Fry noted that Westways Magazine has added Little Saigon as a tourist destination, and the Tet Parade would be more of an asset than a detriment.

Mayor Rice requested that this item appear on a future agenda.

5.3 Establish Ad Hoc Water Rate Structure Committee (Council Member Marsh) (610-13)

Once an Ad Hoc Water Rate Structure Committee is established, Council Member Quach said he would volunteer along with Council Member Marsh, to serve on the committee.

The City Manager asked for clarification of the purpose of the new ad hoc committee and the difference between this committee and the Financial Review Committee. Council Member Marsh stated that the Financial Review Committee was unwilling to change its position on the current water rate structure which they had recommended. He also noted that many residents have larger yards which require more water for landscaping and he believes it should not be financially to their detriment as he did not want those residents to pave over their lawns. He said he would like the first meeting to be held without staff present.

Darrell Nolta, resident of Westminster, said he agreed with water conservation as mentioned by Council Member Fry, but he believes the subject needs to be addressed with objectivity. Therefore, he supports the creation of the Ad Hoc Water Rate Structure Committee.

It was the consensus of the Council to place this item on the November 16, 2005 agenda.

5.4 Request for the Mayor and City Council to express their support for the following propositions on the November 8, 2005 special election:

- Proposition 74 – Public School Teachers: Improves public education by helping to ensure that we have the best teachers available. Under this proposal, teachers must have satisfactory reviews for five consecutive years before receiving tenure. The current system only requires two years.
- Proposition 75 – Government Employee Union Dues – Amends state statutes to require public employee unions to get annual written consent from a government employee in order to charge and use that employee's dues or fees for political purposes.
- Proposition 76 – State Budget and School Funding – Will limit spending to the last year's spending to the last year's spending plus an average of the past three-years' income growth.
- Proposition 77 – Political Districts – Competitive elections are critical to ensuring that elected officials are responsive to the will of the people. Proposition 77 will change the State Constitution to give authority for setting up political district lines every ten years to a panel of three retired judges, instead of the State Legislature. (Mayor Pro Tem Paris) (117-02)

Mayor Pro Tem Paris said that he received a letter from the City of Garden Grove urging the City of Westminster to send out a letter as they had done, endorsing Proposition Nos. 74, 75, 76 and 77.

Darrell Nolta, resident of Westminster, said he did not agree that the Council take any position on state propositions. However, he did believe the Council should take a position on Measure D, which is a County measure.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, directing staff to prepare a letter for the Mayor's signature endorsing Propositions 74, 75, 76 and 77 for the November 8, 2005 election. The motion was carried by the following vote:

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

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.2 Review of Ordinance No. 2192 and Ordinance No. 2240, both relating to storage of trash/garbage containers, to determine which ordinance should regulate enforcement. (209-02)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Provide direction to staff on which ordinance is to be used for enforcement of storage of trash/garbage containers; and
- 2) Provide direction regarding the deletion of the alternate ordinance from the Municipal Code.

The Code Enforcement Manager explained that the later ordinance, Ordinance No. 2240 was the result of complaints about the earlier ordinance, Ordinance No. 2192, because the public complained that the bins were too heavy to put in their backyards or in their garages.

Council Member Marsh noted that the Ordinance No. 2192 was incorrect, so he recommended continuing this item to the next meeting.

Fred Madsen, resident of Westminster, said it is his opinion that there is ample room in peoples' backyards for them to store their trash cans.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to continue this item to the November 16, 2005 Council meeting.

The motion was carried by the following vote:

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

6.3 (City/Agency) Contract with California Shopping Cart Retrieval Corporation (CSCRC) for retrieval of stray shopping cart services (502-03)

The Code Enforcement Manager explained that in the past, the service was shared with other cities, but with this contract there would not be any sharing with other cities.

Council/Agency Member Quach requested that staff prepare a draft ordinance regarding cart retrieval. There were no objections.

Council/Agency Member Fry stated he would like individual citizens to take more responsibility and if anyone abandons a shopping cart to let them know that is wrong.

Darrell Nolta and Mark Miller spoke regarding the shopping cart problem.

Motion was made by Agency Member Quach, and seconded by Agency Member Marsh, to authorize an appropriation of \$24,000 from the Redevelopment Budget Contingency Account No. 18000-60904 to Code Enforcement Contractual/Professional Services Account No. 63050-43090 for shopping cart retrieval services.

The motion was carried by the following vote:

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

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the contract with California Shopping Cart Retrieval Corporation (CSCRC) in the amount of \$24,000 for the period of November 1, 2005 through June 30, 2006, and authorize the City Manager to execute the contract on behalf of the City. The motion was carried by the following vote:

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

6.4 Request from Abrazar for conveyance of city-owned property at 7101 Wyoming Street (401-36)

Chuck Smith, resident and former Mayor of Westminster, spoke in support of Option 2, conveyance of the property at 7101 Wyoming Street to Abrazar, with a deed restriction that it cannot be used for any other use than for Abrazar, or it will revert back to the City of Westminster.

Crystal Wadsworth, representing the Westminster Chamber of Commerce, urged the City Council to vote in favor of Option 2, to convey the property to Abrazar.

Council Member Marsh said he will want to see the proposed deed before it is approved.

Motion was made by Council Member Quach, and seconded by Mayor Rice, to direct staff to implement Option No. 2 and convey ownership of the property to Abrazar, with a deed restriction attached that the property at 7101 Wyoming Street cannot be used for any other use than for Abrazar, or it will revert back to the City of Westminster.

Council Member Marsh stated that there needs to be an automatic reversion if Abrazar ceases to exist, is dissolved by the State of California, if it loses its corporate charter, if it files bankruptcy, etc., or if Abrazar transfers or attempts to transfer the property to any other person or entity. It needs to be included in the purchase and sale agreement and in the deed. The Council needs to see the deed before it is approved, so, it can be approved only in concept.

Council Member Fry said he was originally in favor of a 99 year lease to show that the City stands behind the organization. If Abrazar sells or gives the property away, he thinks the City should have first right to purchase the property at the original price. The City Attorney responded that Abrazar would not be allowed to transfer or sell the property, because it is being conveyed to them only to operate Abrazar.

The Community Development Director noted that by law this will come back before the City Council as a public hearing item with the deed and all the other documents.

John Ensley, former Manager of Westminster Lexus, spoke in support of conveying the property to Abrazar because it is such a well run organization.

Council Member Fry said he would agree to the motion if once a year the City Council receives an annual report. Gloria Reyes from Abrazar said she would be happy to comply with that.

Council Member Quach repeated the motion to state that staff is directed to implement Option No. 2 and convey ownership of the property to Abrazar in concept, subject to the amendment read into the record by Council Member Marsh. This item will come back to the Council at a later date for a public hearing. Mayor Rice agreed as the second on the motion and called for the vote:

The motion was carried by the following vote:

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

6.5 (City/Agency) Presentation of Westminster Rose Center Financial Operating Plan (Continued from the 10/12/05 meeting) (702-02)

The Finance Director reviewed the financial plan for operation of the Westminster Rose Center for the first year. He is proposing to have a \$128,000 set-aside grant or loan which would be the worst-case scenario of his projection.

Council/Agency Member Marsh said that Crystal Catering assured the Council/Agency at the time of granting their contract that there would not be any shortfalls and they bear the risk of that according to their contract. He did not see a reason to anticipate having the City cover the shortfall for Crystal Catering.

Council AgencyMember Marsh agreed with the Finance Director that IRP funds can be used.

The Finance Director noted that the estimates he has used are based on information he received from the Rose Center Foundation.

Council/Agency Member Marsh suggested that the set-aside amount be more than \$128,000, to which the Finance Director responded that calling it set-aside denotes a budget and this would have to be a loan and would be determined only if necessary, after a policy is adopted.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Marsh, to change Direction No. 1 from "create" to "delete", regarding Crystal Catering and to adopt Direction No. 2 as recommended:

- 1) Delete a City Council Policy to address potential operating shortfall(s) for the Rose Center operating contract and the Crystal Catering operating contract that may result from the allocation of maintenance costs; and
- 2) Create a City/Redevelopment Agency Policy to fund the capital component costs associated with the Rose Center through the use of the Infrastructure Revitalization Plan (IRP).

The motion was carried by the following vote:

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

6.6 First Amendment to the Employment Agreement for the Office of Interim Community Services Director (502-10)

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

- 1) Approve the increase to the Purchase Order with Greg Johnson for services provided as the Interim Director of Community Services in the amount of \$18,000; and
- 2) Approve the First Amendment to the Employment Agreement for the Office of Interim Community Services Director.

The motion was carried by the following vote:

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

6.7 Schedule date and time for a study session to discuss the Police Facility

Motion was made by Council Member Quach, and seconded by Mayor Rice, to schedule a Council/Agency study session meeting to discuss the Police facility at 5:30 p.m. on Thursday, November 17, 2005. The motion was carried by the following vote:

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

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from Huntington Beach Union High School District (HBUHSD) to purchase out of service police vehicles (106-01)

Council Member Marsh said he did not want the City to sell cars that may still be needed by the Police Department.

The Public Works/City Engineer said that the cars being sold to the school district are cars in need of replacement, and he will be sure there is no more internal need for them.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the sale of retired patrol cars to the HBUHSD. The motion was carried by the following vote:

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

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to Install Parking Restrictions on the South Side of Baylor Drive, east of Hoover Street – T.C. 77-116 (608-02)

Motion was made by Council Member Quach, and seconded by Council Member Fry, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3943 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the south side of Baylor Drive, east of Hoover Street", and waive further reading. The motion was carried by the following vote:

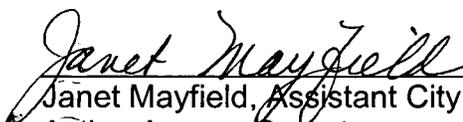
AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

9.2 Request to Install A Two-Way Stop Sign at the Intersection of Klamath Drive and Shawnee Road – T.C. 82-104 (608-02)

Motion was made by Council Member Fry, and seconded by Council Member Quach, to deny adoption of Resolution No. 3942 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for a Two-Way Stop Sign at the intersection of Klamath Drive and Shawnee Road", and waive further reading. The motion was carried by the following vote:

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

10. COUNCIL/AGENCY ADJOURNMENT: At 11:12 p.m. Mayor Rice adjourned the meeting to November 2, 2005 at 6:30 p.m. in the Council Chambers for the purpose of holding a study session to discuss City/Agency business.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary