

"Approved by the City Council/Redevelopment Agency Board on February 8, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
December 14, 2005

The City Council/Agency Board of the City of Westminster, California convened on December 14, 2005 at 5:15 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

5:00 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; Existing Litigation: Janice and John Foley vs. City of Westminster;
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Director of Personnel/Risk Management Pat Corcoran; Employee Organization: Westminster Municipal Employees Association (WMEA);
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Approximately 2.2 acres of land located at the northeast corner of Beach Boulevard and Edinger Avenue; Agency Negotiator: Executive Director Vangie Schock; Negotiating Party: James Pinheiro; Under Negotiation: Price and Terms of Payment; and
- 4) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Loren Carrillo vs. City of Westminster.

RECESS: At 7:05 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 7:10 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: City Attorney

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members thanked all the participants who decorated their homes for the 2005 15th Annual Holiday Home Decorating Contest. Certificates of Congratulations were presented to the following residents for their participation:

Area 1:

Best Use of Lights

First Place – The Letourneau Family

Total Display

First Place – Bich Nguyen

Mobile Home – Total Display

First Place – Joanne & Shawn Scharein

Area 2:

Total Display

First Place – Herbert Weinstock

Neighborhood Theme

First Place - Tom & Debbie Savage
Chris Bianchi & Eddi Maloney
Vince & Erin Hamamoto

Area 3:

Best Use of Lights

First Place – Chris Morrow
Second Place – Tom & Jennifer Goode

Total Display

First Place – Kerensa Nichols

Neighborhood Theme

First Place - Jerylyn Kriha

Area 4:

Best Use of Lights

First Place – Steve Houston
Second Place – The Cobo Family
Third Place – Don Nokes
Third Place – Dimitri & Gloria Conostas
Third Place – Andy Nam Do

Total Display

First Place – Bob & Jan Johnson
Second Place – Mary Ahearn

Mobile Home – Total Display

First Place – Joann Winderman
First Place – Steve Houston
First Place – Don Nokes

Area 5:

Best Use of Lights

First Place – Rodney & Danielle Mathis
First Place – Rob and Jane Fergeson

Total Display

First Place – Michael & Gabrella Mathis
Second Place – Jerry & Leann Rogers
Second Place – Donald Revelles

Area 6:

Best Use of Lights

First Place – The Lee Family

Total Display

First Place – Bill & Cherie Ham
First Place – Mike & Brenda Kuhlman
Second Place – Shannon Everson & Sue Ehret
Third Place – Tricia Snyder

Animation

First Place – Keith, Leah, Orlando, Michael & Niel Bennett

Area 7:

Best use of Lights

First Place – Franklin C. Feliscuzo

Second Place – Venus Lopez

Neighborhood Theme

First Place - Don & Jayme Brady

Residents from the Centerstone Homeowners Association presented Mayor Rice with a token in appreciation of her attending their neighborhood's block holiday party.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of Minutes of the Regular Meeting of the City Council/Redevelopment Agency of October 26, 2005; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of November 17, 2005; and Minutes of the Regular Meeting of City Council/Redevelopment Agency of November 23, 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 New classification specification and salary range for Assistant City Engineer (110-04)**

ACTION: The Mayor and City Council approved the new classification specification and salary range for Assistant City Engineer.

- 1.4 Revised classification specification and salary range for Planning Manager (110-04)**

ACTION: The Mayor and City Council approved the revised classification specification and salary range for Planning Manager.

1.5 New classification specification and salary range for City Housing Supervisor (110-04)

ACTION: The Mayor and City Council approved the new classification specification and salary range for City Housing Supervisor.

1.6 Agreement with Ferguson, Praet & Sherman to provide legal services to the City (502-06)

ACTION: The Mayor and City Council:

- 1) Approved the agreement with Ferguson, Praet & Sherman to provide legal services to the City and authorized the City Manager to execute the agreement on behalf of the City; and
- 2) Approved a purchase order in the amount of \$110,000.

(ITEM REMOVED AND HEARD SEPARATELY)

1.7 (Redevelopment Agency) Subordination Agreement for the 13th Street Intergenerational Apartment Project (502-23)

Agency Member Marsh stated that although he intends to vote in favor of the agreement, he would like the record to show that he is not happy about always subordinating to the County on these projects. The City did a favor for the County by allowing them to build what they requested on the site.

Motion was made by Agency Member Marsh, and seconded by Agency Vice Chair Fry, to approve the Subordination Agreement for Westminster Housing Partners, L. P., and authorize the Executive Director to execute the agreement on behalf of the Agency. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.8 (City/Agency) HELP and HOME loans for rehabilitation of single-family homes (109-01)

Darrell Nolta, resident of Westminster, said he learned from the Community Development Director that if federal funding is used, the homes are checked for lead based paint.

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

- 1) Authorize an increase in the loan amount for the HOME (Federal HOME Funds) funded Housing Rehabilitation Program from \$35,000 to \$45,000 for single-family housing rehabilitation loans, with an additional loan amount of \$5,000 for homeowners that will be retrofitting the aluminum wiring receptacles in their homes, for a maximum loan amount of \$50,000; and

- 2) Authorize an increase in the loan amount for the HELP (Agency Low-Moderate Funds) funded Housing Rehabilitation Program from \$35,000 to \$45,000 for single-family housing rehabilitation loans; with an additional loan amount of \$5,000 for homeowners that will be retrofitting the aluminum wiring receptacles in their homes, for a maximum loan amount of \$50,000.

The motion was carried by a 4-0 vote.

1.9 Purchase of Two One-Ton Pick-ups (106-00)

ACTION: The Mayor and City Council authorized a purchase order to Villa Ford in the amount of \$38,137.04 for the purchase of two one-ton pick-ups.

1.10 Notice of Completion for work performed by Taylor Tennis Courts Inc. for Bolsa Chica and Park West Park Tennis Courts Resurfacing, and Bolsa Chica Park Basketball Court Resurfacing – Project No. 76502-057603 (502-20)

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

1.11 Acceptance of Final Parcel Map No. 2004-272 (7921 10th Street) (201-02)

ACTION: The Mayor and City Council accepted Final Parcel Map No. 2004-272 and authorized the City Clerk to sign and seal the map.

1.12 Amendment No. 3 to Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services (502-26)

ACTION: The Mayor and City Council approved Amendment No. 3 to the Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$31,200, extending the contract for a period not to exceed three months, and authorized the City Manager to execute the amendment on behalf of the City.

1.13 Award of Contract for water improvements at the following locations: 20th, 21st, 22nd and 23rd Streets from Richardson Way to Pacific Street; Jasperson Way from Westminster Boulevard to end of cul-de-sac northerly; Pacific Street from 18th Street to 200 feet southerly; Cardillo Drive and Lipkin Drive from Westminster Boulevard to 320 feet northerly; Magnolia Avenue from Reading Avenue cul-de-sac to 220 feet northerly; Butte Street and Tilden Street from McClure Avenue to southerly end and connection between Butte Street and McClure Avenue through park site; McClure Avenue and Kern Avenue from Moran Street to 300 feet easterly; and Hazard Avenue from Castle Street to 200 feet westerly. (502-03)

ACTION: The Mayor and City Council approved the contract with Robert G. Castongia, Inc. in the amount of \$548,896; rejected all other bids; and authorized the City Manager to execute the contract on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.14 Resolution No. 3945 - A Resolution of the Mayor and City Council of the City of Westminster repealing and replacing Resolution No. 3616 authorizing the examination of sales and use tax records (502-03/502-08)**

ACTION: The Mayor and City Council adopted Resolution No. 3945 and waived further reading.

- 1.15 Resolution No. 3962 - A Resolution of the Mayor and City Council of the City of Westminster providing for no stopping or standing on the south side of Abraham Avenue east of Milan Street (608-02)**

ACTION: The Mayor and City Council adopted Resolution No. 3962 and waived further reading.

- 1.16 Resolution No. 3965 - A Resolution of the Mayor and the City Council of the City of Westminster amending the City of Westminster Personnel Policy Manual. (110-01)**

ACTION: The Mayor and City Council adopted Resolution No. 3965 and waived further reading.

ADMINISTRATIVE ITEMS

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.17 Special Event Permit application from Saigon City Marketplace to hold the TET Festival from Saturday, January 14, 2006 through Sunday, January 29, 2006 between the hours of 7:00 a.m. and 9:30 p.m. (includes set up and clean up times). The event will take place in the Saigon City Marketplace parking lot at 15471 Brookhurst Street. The anticipated attendance is 40 people per day (213-02)**

Council Member Marsh described this as an outdoor marketing event, which is allowed once a year with restrictions. He asked staff if the requested 15 days is the correct time period for this type of event. He also inquired about the number of booths and the insurance requirement. The Code Enforcement Manager stated that parking lot sales are allowed six times a year for no more than three consecutive days. Since the request is for more than three days it is in the Special Event request category. The Director of Community Services said the applicant plans on having 22 booths.

Motion was made by Council Member Marsh, and seconded by Mayor Rice, to deny the request.

Council Member Quach expressed that this is a special time of year for the Vietnamese American residents.

Darrell Nolta, resident of Westminster, said he was concerned about the request for amplified sound.

The motion failed by a 2-2-1 vote, with Mayor Pro Tem Fry and Council Member Quach voting no, and Council Member Paris absent.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to approve the event for nine days, due to previous precedence.

Vivian Kirkpatrick-Pilger, resident of Westminster, suggested that the rule be changed for all ethnic celebrations by allowing all to be celebrated for nine days.

Council Member Quach agreed that this was a good idea and he asked if an urgency ordinance could be prepared for the next Council meeting. The Deputy City Attorney said that could be done. Council Member Quach withdrew his last motion.

Council Member Marsh requested that in the future Community Services and Code Enforcement coordinate their information on special events so that there is consistency in the policy.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to defer this matter to the January 11, 2006 meeting and bring back an urgency ordinance changing the time to 9 days for the outdoor marketing event. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.18 Special Event Permit application from Asian Garden, LTD to hold the Annual New Year Festival beginning Thursday, January 12, 2006 through Friday, January 27, 2006 between the hours of 10:00 a.m. and 9:00 p.m. The event will take place in the shopping center parking lot located at 9200 Bolsa Avenue; the anticipated attendance is 1,000 people per day (213-02)**

Council Member Marsh understood that the request from Asian Garden and Asian Village (Item 1.19) were from landlords and not separate merchants so he was willing to grant more days. Mayor Rice objected, and said she only wanted to approve a maximum of nine days.

Council Member Marsh asked Ms. Buchoz, representing Asian Garden and Asian Village, if this will be their only outdoor sale for the year, to which she responded, it would be the only one in 2006.

Council Member Marsh reviewed the insurance requirements with the Director of Community Services. Council Member Marsh requested that the certificate of insurance, a copy of the insurance policy, an additional insured statement and a

written letter from the City confirming the coverage, be submitted before January 3, 2006.

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, including the insurance requirements, and the landlord waives the ability to repeat the same type of event during the rest of 2006. The dates will be from January 12 to January 27, 2006, and the hours are from 10:00 a.m. to 9:00 p.m. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.19 Special Event Permit application from Asian Village, LTD to hold the Annual New Year Festival beginning Thursday, January 12, 2006 through Tuesday, January 31, 2006 between the hours of 10:00 a.m. and 9:00 p.m. The event will take place in the shopping center parking lot located at 9191 Bolsa Avenue; the anticipated attendance is 200 people per day (213-02)**

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, including the insurance requirements, and a provision that the landlord waives the ability to repeat the same type of event during the rest of 2006. The dates will be from January 12 to January 27, 2006, and the hours are from 10:00 a.m. to 9:00 p.m. The motion was carried by a 4-0 vote.

WARRANT REGISTER

- 1.20 (City Council/Redevelopment Agency) Warrant Register dated November 9, 2005 through December 6, 2005 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.21 Minutes of the Planning Commission meeting held October 19, 2005 and November 2, 2005 (104-11)**

ACTION: Received and filed.

- 1.22 Minutes of the Commission on Aging meetings held on May 9, 2005, June 13, 2005 and July 11, 2005 (104-03)**

ACTION: Received and filed.

- 1.23 Minutes of the Community Services & Recreation Commission meeting held on September 13, 2005. (104-05)**

ACTION: Received and filed.

1.24 Minutes of the Cultural Arts Commission meeting held on September 1, 2005. (104-06)

ACTION: Received and filed.

1.25 Minutes of the Traffic Commission meeting held on November 1, 2005 (104-12)

ACTION: Received and filed.

1.26 Minutes of the Youth Committee meetings held on September 14, 2005 and October 12, 2005 (104-17)

ACTION: Received and filed.

1.27 Treasurer's Report – October 2005 (105-08)

ACTION: Received and filed.

1.28 Annual Financial Reports (105-06)

ACTION: The Mayor and City Council accepted the financial reports for the fiscal year ending June 30, 2005.

Motion was made by Mayor Pro Tem/Agency Vice Chair Fry, and seconded by Council/Agency Member Quach, to approve the Consent Calendar, with the exception of Item Nos. 1.7, 1.8, 1.17, 1.18 and 1.19 which were removed for separate consideration. The motion was carried by a 4-0 vote, with Council/Agency Member Paris absent.

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

Darrell Nolta, resident of Westminster, spoke regarding American investigators finding the remains of an American soldier in Vietnam. He also spoke in front of the Orange County Board of Supervisors regarding funding of the Family Resource Center in Westminster.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

The Community Development Director reviewed the actions of the Planning Commission meeting of December 7, 2005:

- 1) Case 2005-45; Conditional Use Permit, Site Plan Review and Design Review; 15081-15111 Beach Boulevard. The project consists of a 3,092 square-foot addition to an existing restaurant building, formerly Los Castillos and The Castles, (now closed) for use as a wedding reception hall (with catering including the on-sale of alcoholic beverages). The dining and banquet rooms of the existing restaurant are being converted

under administrative approval to a retail shop selling wedding gowns and accessories. The project also includes renovation of an existing retail building adjacent to and south of the subject building on the same property.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to receive and file the report of the Planning Commission meeting of December 7, 2005. The motion was carried by a 4-0 vote.

4. PUBLIC HEARINGS

4.1 CASE NO. 2004-31 (VARIANCE) 14531 – 14541 TILDEN STREET; APPLICANT: JO PAT WILLIAMS JR., APPELLANT: JO PAT WILLIAMS SR. AND DARLENE WILLIAMS (201-00)

Time set for a public hearing to consider an appeal filed by Jo Pat Williams Sr. and Darlene Williams of the Planning Commission's decision to deny an increase in the maximum allowed lot coverage of 40%. The applicant's proposed addition to an existing residential duplex would have increased the lot coverage to 45%.

The Community Development Director noted that the applicant began building without a building permit.

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

Jo Pat Williams Sr., owner of the property and appellant, stated that he wants to build a bathroom and a bedroom in an area which had been a patio. He claimed his neighbor had been granted variances, for which he presented a document. Upon review of the document by Council Member Marsh, it was noted that the document was only a request and it did not have the address to which it supposedly pertained. Mr. Williams Sr. noted that the Planning Commission was under the impression that he was building a triplex, but he said he only wanted to remodel his duplex.

Darrell Nolta, resident of Westminster, said he was in favor of the appeal as a matter of fairness because he said the City grants many variances to other owners like Frank Jao, even though he does not like variances per se.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE APPEAL. SEEING THERE WERE NO PERSONS WISHING TO SPEAK, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Fry said the owner's request for lot coverage of 45%, was only 5% over the maximum permitted 40%, and Mayor Pro Tem Fry said he was in favor of granting the variance because it was such a small amount.

Council Member Quach noted from the staff report that the applicant was willing to amend his plan and lower it to 42%, which Council Member Quach said he found to be reasonable.

The Community Development Director stated for the record that the property was zoned R2, but the Council can change it to R2-PD if it wishes.

Council Member Marsh asked if the neighboring property next to Mr. Williams Sr. did exceed the maximum 40% lot coverage. The Community Development Director and his staff said they were not made aware of this allegation until this evening.

Council Member Marsh said that the term "fairness", as mentioned by the owner and Mr. Nolta, did not apply in this case because it is a subjective term. But rather he believes the term is generally used by people to describe what they want. He asked what the applicant is going to do to make the City "whole" for the expense it has had to go to in Code Enforcement and legal enforcement, and what penalty is going to be applied to make sure people understand that you should not do work without a permit assuming there will be no consequences.

The Deputy City Attorney stated that there can be no "quid pro quo", or "this for that", but it must be based strictly on the findings at tonight's hearing, however, it can be requested later in a court of law.

Mayor Rice noted that the Code Enforcement case will be separate from Council's action on this item.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to deny the recommendation of the Planning Commission, approve the variance (Case No. 2004-31), and grant the appeal filed by Jo Pat Williams Sr. and Darlene Williams.

The Community Development Director said there was a provision allowing Building staff to charge double the permit fee to the owner. For the record Mr. Williams Sr. said he would agree to the double charge on the permit.

The motion was carried by a 4-0 vote.

4.2 2005 URBAN WATER MANAGEMENT PLAN (610-02)

Time set for a public hearing to consider the adoption of the 2005 Urban Water Management Plan.

The Director of Public Works/City Engineer stated that every supplier must adopt a plan every five years, and the first plan adopted was done in 1995. He noted that if the plan was not adopted by the Council, the City would not receive State Proposition 50 funds to spend on the water system.

Council Member Marsh asked why the plan came to the Council so close to the deadline for filing it. The Director of Public Works/City Engineer stated that

although there is a deadline, staff is allowed to make amendments beyond the deadline.

The Water Superintendent apologized for the timing of the plan but explained that this document has always been done in-house to save costs. He noted that there were several new regulations to comply with this time. He thanked his staff for completing the plan.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM. SEEING NO ONE WISHED TO SPEAK, MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, said he is opposed to parts of the document, dealing with the tiered water rate structure on Page 30. On Page 54, under Water Quality, he said where he lives, they have a problem with hard water.

Vivian Kirkpatrick-Pilger, resident of Westminster, asked how much money the City would lose if the plan was not adopted, and can it be amended by the results of the Ad Hoc Water Rate Structure Committee. Mayor Rice said she would never take that gamble with not adopting the plan. The Water Superintendent said that the real loss would be State funding during a drought situation.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to adopt Resolution No. 3961 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the 2005 Urban Water Management Plan", and waive further reading.

Although Council Member Marsh said he agreed with opposition to the water rate structure, however, the documentation before the Council needs to reflect what the current structure is.

The motion was carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

All the Council Members wished the residents of Westminster Happy Holidays.

Mayor Rice asked for prayers and support for Council Member Paris. She said she really enjoyed judging the Holiday Decorating Contest. She attended the Seniors Holiday Luncheon today which she enjoyed.

The City Manager also wished the residents of Westminster Happy Holidays.

5.2 Request from Automobile Club of Southern California to support Assembly Bill 714 (Ridley-Thomas) - Motor Vehicles Key Information Access (Mayor Rice and Council Member Quach) (301-01)

Council Member Marsh understood that this Assembly bill could give criminals access to people's car keys and he was opposed to it.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh, to receive and file the report. The motion was carried by a 4-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for Civic Center Pay Parking System Project (502-13)

Council Member Marsh asked why there was only one bid made on this project. The Director of Public Works/City Engineer responded that the project was advertised as usual but only one bid was received. Council Member Marsh asked what was the original estimate, to which the Director of Public Works/City Engineer responded it was \$85,000.

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

- 1) Transfer \$128,000 from the General Fund Budget Contingency Account (Account No. 20000-60904) to the Parking Equipment Capital Improvement Project (CIP) (Project No. 50002-065001) for the subject work; and
- 2) Approve the contract with Maxwell Industries, Inc. in the amount of \$127,986.50; the only bid submittal, and authorize the City Manager to execute the contract on behalf of the City.

The motion was carried by a 4-0 vote.

The Mayor noted that the parking will still be free for the seniors and those doing business with the City.

6.2 Award of Contract for City Hall North Parking Lot Improvements (502-07)

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

- 1) Allocate \$315,000 from 2005-06 Infrastructure Redevelopment Project (IRP) funds, usually allocated during mid-year budget; and

- 2) Approve the contract with GMC Engineering, Inc. in the amount of \$287,287; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

Vivian Kirkpatrick-Pilger, resident of Westminster, said she did not recall that this was a project that was supposed to receive IRP funds. She suggested that a Community Advisory Group meeting be called and that they be assigned to reassess the IRP funds and where they are going.

Council Member Marsh said that parking was included as a top goal for IRP funds.

The motion was carried by a 4-0 vote.

6.3 Amendment No. 1 to Agreement for Professional Services for Construction Management of the Westminster Rose Center (502-03)

The Director of Public Works/City Engineer noted that C.W. Driver said this request was caused by the heavy rains that delayed the project for three months.

Council Member Marsh asked Mr. Shawn Wardlow, with C.W. Driver, how many exact days of rain delay occurred. Mr. Wardlow said he would have to research the answer to that question, however, he stated rain delay is the smallest impact of the schedule, but rather it involves removing damaged material and putting it back. He said it would amount to three to four days of remediation for every one day of rain. He referred to a report on the unusually high rainfall from the last rainy season. He also noted that rebidding occurred on some items, pushing back the start of construction.

Mayor Rice said she recalled that not only was there rain falling, there was also days of removing foundation and holding up on construction for drying out periods in between.

Council Member Marsh asked Mr. Wardlow if there was any way to reduce the amount they are requesting, to which Mr. Wardlow said there was no way to reduce it. Council Member Marsh asked the Director of Public Works/City Engineer if he agreed with C.W. Driver's calculation, to which he said he does agree with it.

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

- 1) Approve a budget transfer of \$184,136 from the Redevelopment Agency Fund Contingency (Account No. 18000-60904) to the Community Theater Capital Improvement Project (CIP) (Project No. 11202-964001) to cover the cost of extending the C. W. Driver contract caused by rain delays; and

- 2) Approve Amendment No. 1 to the Agreement for Professional Services for construction management of the Westminster Rose Center with C. W. Driver, in an amount not to exceed \$184,136, extending the contract for a period not to exceed ninety days, and authorize the City Manager to execute the amendment on behalf of the City.

Darrell Nolta, resident of Westminster, commented on the cost overrun on the project.

The motion was carried by a 4-0 vote.

6.4 Second Amendment to Consulting Services Agreement with Willdan to provide temporary Planning staff services (502-23)

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

- 1) Authorize an appropriation of \$30,240 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 Willdan in a total amount not to exceed \$85,240, and authorize the City Manager to execute the amendment on behalf of the City.

The motion was carried by a 4-0 vote.

6.5 Select date and time for a study session for the 2006-2007 Community Development Block Grant (CDBG) and HOME Program funds. (103-08)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to defer this item to the January 11, 2006 meeting. The motion was carried by a 4-0 vote.

6.6 Select date and time for a study session for discussion of financing options for potential new police facility (103-08)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to defer this item to the January 11, 2006 meeting. The motion was carried by a 4-0 vote.

6.7 Reallocation of Funds for Landscaping of the Westminster Rose Center (105-12)

Motion was made by Mayor Pro Tem Fry, and seconded by Mayor Rice, to approve the reallocation of \$39,466.00 from the Park Project Contingency (Project No. 76502-043205) and the reallocation of \$135,534.00 from the "Development of Hoover Park Extension Project", (Project No. 76502-067602) to

the "Westminster Rose Center Project", (Project No. 11202-964001), to fund portions of the landscaping for the Westminster Rose Center.

Council Member Marsh said he would not agree to take funds from the expansion of Hoover Park and suggested that funds come from another source.

The motion failed by a 2-2 vote with Council Members Quach and Marsh voting no.

Discussion ensued regarding various items such as a bike track, soccer or baseball field.

Motion was made by Council Member Marsh to approve the reallocation of \$39,466.00 from the Park Project Contingency (Project No. 76502-043205) to fund portions of the landscaping at the Westminster Rose Center. The motion failed for lack of a second.

Vivian Kirkpatrick-Pilger, resident of Westminster, stated that she does not believe that a soccer or baseball field is realistic in Hoover Park.

The Director of Community Services noted that the original plan for Hoover Park was merely to expand the greenbelt, since it is a passive park. And there are a number of restrictions there because it is under Edison power lines.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the reallocation of \$39,466.00 from the Park Project Contingency (Project No. 76502-043205) and the reallocation of \$135,534.00 from the "Development of Hoover Park Extension Project", (Project No. 76502-067602) to the "Westminster Rose Center Project", (Project No. 11202-964001), to fund portions of the landscaping for the Westminster Rose Center, with the provision that \$400,000 was pledged from a donor in connection with the Rose Center on which estimates were based. So, the first \$135,534 received from the donor will be reconveyed to the Hoover Park extension project (76502-067602).

Mayor Rice said she would vote for the motion if the words "if needed" were added to the provision. Council Member Marsh agreed that if it is not all needed it can be taken out of the project fund if it is completed under budget.

The motion was carried by a 4-0 vote.

Darrell Nolta, resident of Westminster, stated he was not in favor of a soccer field under power lines.

6.8 Consideration of a waiver for all or portion of the required park in-lieu fees for previously approved Tentative Tract Maps 16700 and 17601 (Case Nos. 2005-40 and 49). (201-00)

Council Member Marsh said the question is, does the City want to reward a developer who puts in private park space that will be used by the residents who live there but not by everyone else. He recommended a 40% credit for Class B

space, which gives the City the benefit of 36,000 square feet of private sector space. And the developer's obligation for the park fee is \$49,060.48. He requested that this formula be used in the future.

The developer agreed with the fee and the formula.

The Community Development Director stated that he would bring back to a future Council meeting, the formula for in-lieu park fees as suggested by Council Member Marsh.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to adopt the formula as he described and to discount the fee in-lieu requirement to \$49,060.48 for this project to go into a dedicated park fund for the purchase of park space.

The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Consideration of request from A. A. Care Center that the donation of \$1,000 in CDBG funds granted to their agency by the City Council at the October 12, 2005 meeting for the purpose of securing and distributing medical supplies be used for monthly rental or the salary for a full-time Physician Assistant. (109-01)

Council Member Marsh requested that A.A. Care Center verify that the reason they want the \$1,000 to go to salaries is because they receive enough drug samples.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve the request from A.A. Care Center to use the \$1,000 grant money for salaries pending verification that they receive enough drug samples. The motion was carried by a 4-0 vote.

7.2 Request for Waiver of Banner Hanging Fee (702-06)

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve a request from Coastline Community College to waive the banner hanging fee in the amount of \$400.00 to have banners hung across Westminster Boulevard and Jackson Street and Westminster Boulevard and Olive Street to announce their grand opening. The motion was carried by a 4-0 vote.

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to install parking restrictions on the west side of Springdale Street in front of 14071 Springdale Street (Calvary Baptist Church) – T.C. 75-150 (608-02)

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3960 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the west side of Springdale Street in front of 14071 Springdale Street”, and waive further reading. The motion was carried by the following vote:

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

9.2 Request for on-street disabled parking restrictions at 9421 Oasis Avenue – T.C. 77-142 (608-02)

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3963 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of disabled parking restrictions at 9421 Oasis Avenue”, 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 10:37 p.m. Mayor/Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary

