

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

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA  
January 11, 2006

The City Council/Agency Board of the City of Westminster, California convened on January 11, 2006 at 6:11 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**

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

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

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 in regards to Cable Television Rights: Agency Negotiator: City Manager Vangie Schock; Negotiating Party: Mel Rogers, KOCE; Under Negotiation: Price and Terms of Payment.

**RECESS AND RECONVENE IN OPEN SESSION**

At 6:21 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, Closed Session, and reconvened the meeting in Open Session.

**ROLL CALL**

PRESENT: RICE, FRY, MARSH, QUACH  
ABSENT: PARIS (Arrived at 6:45 p.m.)

**ORAL COMMUNICATIONS - None**

1. **Discussion regarding terms and conditions of employment for the Economic Development Manager position**

It was the consensus of the City Council to bring forward Items Nos. 1.4 and 6.4 on the agenda for discussion purposes at this time. Council Member Marsh noted the difficulty in comparing salaries of Economic Development Manager positions with other cities, as the level of responsibility in other cities may vary. He suggested contracting out for this position. He said that his concern is not with the salary, but with the structure. Mayor Rice expressed opposition to contracting out for the position. The City Manager explained the difficulty in recruiting qualified applicants for this key position in the City. Council Member Marsh said it is important that this position be at-will. It was the consensus of Council that Interim Economic Development Manager services are needed.

Council Member Paris arrived at 6:45 p.m.

**RECESS:** At 6:50 p.m., Mayor/Agency Chair Rice recessed 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, PARIS, QUACH  
ABSENT: NONE

**SALUTE TO FLAG:** Council Member Marsh

**INVOCATION:** Mayor Rice

**REPORT OUT OF CLOSED SESSION:**

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

**SPECIAL PRESENTATIONS:**

A. Chief Andy Hall performed a promotional ceremony for:

- Bill Collins to Lieutenant
- Darin Upstill to Sergeant
- Karen Pickl to Senior Animal Control Officer

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

**1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of November 2, 2005; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of November 16, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of December 28, 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 First Amendment to Catering and Concession Services Agreement for the Westminster Rose Center (502-03)**

ACTION: The Mayor and City Council approved the First Amendment to the Catering and Concession Services Agreement with Crystal Consulting and Management Inc., DBA- Crystal Rose Catering, and authorized the City Manager to execute the amendment on behalf of the City.

**1.4 Agreement for Interim Economic Development Services (502-18)**

ACTION: The Mayor and City Council approved the Agreement for Interim Economic Development Services with Rosenow-Spevacek Group, Inc. in an amount not to exceed \$43,000, and authorize the City Manager to execute the Agreement on behalf of the City.

**ORDINANCES (SECOND READING)/RESOLUTIONS**

**1.5 Resolution 3966 - A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2004-31 (Variance), a request to allow a room addition which would result in a 45% lot coverage, exceeding the 40% maximum lot coverage stipulated in the Westminster Municipal Code, pertaining to a duplex located at 14531-41 Tilden Street. (201-00)**

ACTION: The Mayor and City Council adopted Resolution No. 3966 and waived further reading.

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.6 Resolution No. 3970 – A Resolution of the Mayor and City Council of the City of Westminster amending the Official City Travel Policy for Department Heads and Staff (101-04)**

Council Member Quach expressed concern with the second paragraph under B, Authorized Expenditures. The second to the last sentence, "The City, not the traveler, will pay the vendor for airfare, hotels and registration fees". He asked if the traveler is able to book a less expensive rate and charge it to their personal credit card, would the City reimburse the expense. He said he does not want a policy that limits the use of a personal credit card, if a less expensive rate is found.

The City Manager commented that one of the tasks that she had been asked to address was a stronger accountability in terms of taxpayer dollars, which is the reason for the proposed policy.

Council Member Marsh commented on two important aspects the proposed policy addresses: 1) the approval process going through the chain of command, first to the immediate supervisor, and then to the City Manager; and 2) the use of personal credit cards. He noted that an issue that has arisen in other cities is a reservation for a flight or hotel on a personal credit card, and then a few days

later the flight or hotel reservation is cancelled, reimbursement is received, and the money is used elsewhere. He expressed the importance of a mechanism in place to make sure this doesn't occur.

Mayor Rice asked the City Manager if she would take into consideration a travel request that is made inside the two week time frame, in the event of a late notification, etc. The City Manager responded that she would take that into consideration and that each request would be handled on a case-by-case basis. The Mayor asked who approves the City Manager's travel. The City Manager responded that the trips are identified and approved through the budget process. In addition, the Council is made aware in advance when she will be attending a conference. Mayor Rice suggested adding language to the policy that the City Manager will notify the City Council of her travel.

Council Member Marsh suggested a new Item No. 7 be added to read, "All travel expenses of the City Manager will be reviewed and approved by the Westminster City Council and/or Redevelopment Agency, as appropriate". Mayor Rice and Mayor Pro Tem Fry agreed to the proposed language.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry to adopted Resolution No. 3970, as amended, and waive further reading. The motion carried by a 5-0 vote.

### **WARRANT REGISTER**

- 1.7 (City Council/Redevelopment Agency) Warrant Register dated December 7, 2005 through January 3, 2006. (105-09)**

ACTION: Approved.

### **INFORMATION AND REPORTS**

- 1.8 Minutes of the Planning Commission meeting held November 16, 2005 (104-11)**

ACTION: Received and filed.

- 1.9 Community Development Monthly Activity Report – November 2005 (216-01)**

ACTION: Received and filed.

- 1.10 Treasurer's Report – November 2005 (105-08)**

ACTION: Received and filed.

- 1.11 Minutes of the Traffic Commission meeting held December 6, 2005 (104-12)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Council/Agency Member Paris, to approve the Consent Calendar, with the exception of Item No. 1.6, which was removed for separate consideration. The motion was carried by a 5-0 vote.

### **END OF CONSENT CALENDAR**

## **2. ORAL COMMUNICATIONS**

Mike Denucci, resident of Westminster, expressed concerns with the color of paint being used to cover up graffiti throughout the City.

Mayor Rice told Mr. Denucci that the City Manager will contact him. Council Member Marsh noted that Mr. Denucci brought this matter to his attention in September, 2005 and stressed the importance of a more prompt response time to constituents.

Darrell Nolta, spoke regarding the great victory achieved in a reverse decision by the Orange County Board of Supervisors to fund the City's Family Resource Center. He also spoke regarding the need for the County to fully fund sheriff deputies in Midway City to enforce traffic violations, so that the burden is not on the Westminster Police Department.

## **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

The Community Development Director reviewed the actions of the Planning Commission meeting of January 4, 2006:

- 1) Case No. 2005-59; Variance, Site Plan Review and Design Review; 14502 Beach Boulevard. The project consists of a new, 5,535 square-foot retail building on the southeast corner of Beach Boulevard and Hazard Avenue.

Council Member Marsh requested that Item No. 1, Case No. 2005-59, be brought up for review by the Council at a future Council meeting as environmental documents should be reviewed.

## **4. PUBLIC HEARINGS – None**

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Mayor Pro Tem Fry inquired about how the back-up system works for traffic signals. He wished everyone a Happy New Year and welcomed back Council Member Paris.

Mayor Rice spoke regarding the poor street conditions on Westminster Boulevard due to construction, and asked when the street will be fixed. The Director of Public Works/City Engineer responded that he will inspect the area in the morning. She also reported that a check for \$50,000 was received by the

Rose Center Foundation from Miriam Warne for the Rose Center, and that theater seats are selling, and money is coming in.

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 Fee Waiver Policy for Community Groups/Non-Profit Organizations (702-01)

In response to Mayor Pro Tem Fry, the Director of Community Services said that this administrative policy does not address fee waivers for the Rose Center. Mayor Rice noted that a policy has been adopted that no waivers will be granted on the use of the Rose Center. Council Member Marsh suggested the following language be added to the policy, "This administrative regulation will not in any way provide the basis for an exception to the City's absolute prohibition against waivers with regard to the Rose Center". Mayor Rice noted that the Rose Center is self-supporting, so fee waivers cannot be granted.

Council Member Marsh suggested that in A and B of the policy, that entities should have a two year track record of having performed actual service within the City of Westminster for the benefit of citizens of Westminster. The reference in B that states, "the City of Westminster or its affiliations", could constitute an affiliation of the City of Westminster. He suggested that it say "the City of Westminster or its Redevelopment Agency", or "the City of Westminster "or its residents and citizens". With regard to Item C, he felt that the words "generally serve" are very vague. He said the proper reference would be is "and do not have a well established history of service to the Westminster community during the previous two years", or "the preceding two years". He further suggested that where the policy references the letter that shall be submitted, that a part of the application process be that they should provide an itemization of the services that they have provided to the citizens of Westminster during the preceding two years, including the dates of events when they have done this, the nature and description of the events, the locations where they were conducted, and persons in Westminster who can function as their references. He requested the above-referenced language changes and that the policy be brought back at the next meeting.

**Moved by Councilmember Quach**, seconded by Mayor Pro Tem Fry, to defer the Fee Waiver Policy (as amended) to the meeting of January 25, 2006.

Darrell Nolta, resident of Westminster, asked if bookings for use of the Community Services Building East/West Rooms will continue, to which Council Members responded that they would.

The motion carried by a 5-0 vote.

### 6.2 Third 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 Council Member Quach, to:

- 1) Authorize an appropriation of \$27,540 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 Third Amendment to the Consulting Services Agreement with Civic Solutions in a total amount not to exceed \$112,940, and authorize the City Manager to execute the amendment on behalf of the City.

The motion carried by a 5-0 vote.

**6.3 (City/Agency) Increase the purchase order for temporary Special Services Clerk services for the Code Enforcement Division of the Community Development Department (105-12)**

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

- 1) Approve the transfer of funds in the amount of \$11,382 from Salary/Code Enforcement (Account No. 285-63050-40000) to Code Enforcement Professional/Contractual Services (Account No. 63050-43090) and
- 2) Approve the increase to the purchase order in the amount of \$11,382 with AppleOne for services provided by the temporary Special Services Clerk for the Code Enforcement Division.

The motion carried by a 5-0 vote.

**6.4 Increase to Salary Range for Economic Development Manager (110-04)**

Council Member Marsh said he is not so much concerned about the recommended salary increase as much as productivity from the person who fills the position through the use of goals. He did not agree with some of the comparable positions and salaries because many of them had other responsibilities.

The City Manager said two recruitments were completed before the last Economic Development Manager was hired and subsequently left. She said she believes the increase will help to attract a qualified candidate. She will hold this person accountable and he or she will be given a list of projects. That person will also be in the office to meet and greet business people and assure them that the City is business-friendly.

Mayor Rice inquired about the reason why the last Economic Development Manager left the City. The City Attorney stated the reason he left was connected to his outside investment and there was no truth to the rumor that the City lacked funds.

Council Member Marsh noted that the advertising for the position will include a broader base than in the past.

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

- 1) Approve an increase to the salary range for Economic Development Manager by 9% to a salary range of \$6,268 - \$8,000 per month; and
- 2) Authorize an appropriation of \$5,364 from the Redevelopment Agency Contingency Account (Account No. 18000-60904) to the Economic Development contractual line item (Account No. 18008-43090).

The motion carried by a 5-0 vote.

**6.5 Designation of City Council representative to serve on the League of California Cities Measure M Super Committee (103-03)**

Darrell Nolta, resident of Westminster, reported on the OCTA Board meeting he attended where he spoke against Measure M extension, or at the least, recommended that whoever they appoint will hold independent audits and impose penalties. He said he does not believe that OCTA is the proper organization to address transportation needs in Orange County.

Council Member Marsh stated that the City of Westminster has not taken a position on Measure M renewal, but it was made clear that it has to be incorporated into the language defining the scope of widening of the I-405 Freeway. And education must not become a euphemism for propaganda for Measure M renewal at taxpayer expense. He noted that a representative position on the League's Measure M Committee is valuable. There will be meetings that may have critical voting and in that case, all five Councilmember's should be there, or at least the Mayor should be there in case they want to undo what was accomplished regarding the I-405 expansion.

**Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to designate Council Member Marsh, with Council Member Quach as the alternate representative, to serve on the League of California Cities Measure M Super Committee. The motion carried by a 5-0 vote.**

Council Member Paris left the meeting at 8:25 p.m.

**6.6 Youth in Government Day (701-04)**

**Motion was made by Council Member Quach, and seconded by Council Member Marsh, to tentatively schedule the Annual Youth in Government Day Program to March 22, 2006. The motion carried by a 4-0 vote.**

**6.7 Select date and time for a Study Session for the 2006-2007 Community Development Block Grant (CDBG) and HOME Program funds (deferred from the December 14, 2005 meeting) (103-08)**

**Motion was made by Council Member Marsh,** and seconded by Council Member Quach, to schedule a study session to hear presentations from nonprofit agencies and City departments applying for fiscal year 2006-2007 HOME/CDBG funds on Monday, February 6, 2006, at 6:00 p.m. The motion carried by a 4-0 vote.

**6.8 Select date and time for a study session for discussion of financing options for potential new police facility (deferred from the December 14, 2005 meeting) (103-08)**

**Motion was made by Council Member Quach,** and seconded by Mayor Pro Tem Fry, to schedule a study session for discussion of financing options for a potential new police facility, on Monday, February 13, 2006, at 6:00 p.m. The motion was carried by a 4-0 vote.

**7. WRITTEN COMMUNICATIONS (Public) – None**

**8. LEGISLATIVE ITEMS**

**8.1 Ordinance No. 2392 - Amending Chapter 12.16 (Obstructions) of Title 12 of the Westminster Municipal Code relating to trash container requirements (209-05)**

Fred Madsen, resident of Westminster, spoke in favor of the proposed Ordinance.

**Motion was made by Council Member Quach,** and seconded by Council Member Marsh, to introduce Ordinance No. 2392 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 12.16 (Obstructions) of Title 12 of the Westminster Municipal Code relating to trash container requirements," and waive further reading. The motion was carried by the following vote:

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

**9. COMMISSION AND COMMITTEE ITEMS**

**9.1 Proposed Amendment to Section 10.44.200 of Chapter 10.44 of the Westminster Municipal Code – Stopping, Standing and Parking (608-02)**

**Motion was made by Mayor Pro Tem Fry,** and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission to amend Westminster Municipal Code Section 10.44.200 and introduce Ordinance No. 2393 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Section 10.44.200 of the Westminster Municipal Code to remove any reference to Sundays, Holidays, and Time of Day for Two-Hour Parking Restrictions", and waive further reading.

The motion carried by the following vote:

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

**9.2 Request to Install All Way Stop Signs at the Intersection of Chestnut Street and Maple Street – T.C. 74-185 (607-03)**

**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. 3969 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of All Way Stop Signs at the intersection of Chestnut Street and Maple Street", and waive further reading. The motion was carried by the following vote:

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

**9.3 Request to Install All Way Stop Signs at the Intersection of Locust Street and Main Street – T.C. 85-112 (607-03)**

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3968 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of All Way Stop Signs at the intersection of Locust Street and Main Street", and waive further reading. The motion was carried by the following vote:

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

**9.4 Request to Install All Way Stop Signs at the Intersection of Olive Street and Main Street – T.C. 79-119 (607-03)**

**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. 3967 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of All Way Stop Signs at the intersection of Olive Street and Main Street, and rescinding a portion of Resolution No. 3556, which provided for parking restrictions on Olive Street", and waive further reading. The motion was carried by the following vote:

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

**9.5 Request for Rate Increase for City Contracted Tow Companies – T.C. 93-104 (805-07)**

Bryan Scott, C & B Towing, explained the hourly rate charged by tow companies.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to approve the recommendation of the Traffic Commission for the request for rate Increase for City contracted tow companies. The motion was carried by a 4-0 vote.

**9.6 Appointments to Ad Hoc Water Rate Structure Committee (104-31)**

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to appoint the following members to the Ad Hoc Water Rate Structure Committee:

Mayor Rice appointed Leo Lopez  
Council Member Marsh appointed Vivian Kirkpatrick-Pilger  
Council Member Quach appointed Chad Morgan.

The City Manager asked for clarification on staff attending or not attending the first meeting of this committee. Council Member Marsh said he had no objection, but he did not want to oblige staff to attend for the reason of running up an expense.

The motion was carried by a 3-0-1 vote, with Council Member Fry abstaining.

**10. COUNCIL/AGENCY ADJOURNMENT:** At 9:00 p.m., Mayor/Agency Chair Rice adjourned the meeting to Monday, January 23, 2006 at 12:30 p.m. in the Administrative Conference Room for the purpose of discussing City/Agency business.

  
\_\_\_\_\_  
Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary



11/11/11

11/11/11