

"Approved by the City Council/Redevelopment Agency Board on March 22, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
February 22, 2006

The City Council/Agency Board of the City of Westminster, California convened on February 22, 2006 at 6:01 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
ABSENT: PARIS, QUACH

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) re. Sigler Park ADA compliance matter
- 2) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 6312 California Avenue; City Negotiators: City Manager Vangie Schock and Director of Public Works/City Engineer Marwan Youssef; Negotiating party: Tina Tran; Under Negotiation: Price and Terms of Payment

RECESS: At 7:04 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 reconvened at 7:06 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Mayor Pro Tem Fry

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented a Certificate of Commendation to the family of Mr. Hien Nguyen commemorating his passing and years of service on City commissions. Mayor Rice announced that they plan to place his name on one of the bricks at the Rose Center Memorial Walk.
- B. A Presentation was made by Beckie Welty, Orange County Human Relations, on their Annual Report. She presented a Certificate of Recognition to the City, accepted by the Mayor and City Council Members.
- C. Representatives from MADD, Tracy Miller and Anna Hulbert, presented MADD Awards to Westminster Police Officers Paul Walker and Claudia Fletes for their DUI arrests.

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 February 6, 2006

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 State of the City Luncheon (116-02)

ACTION: The Mayor and City Council received and filed the report on the State of the City Luncheon.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.4 **Resolution No. 3975 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing Applications for Funds for the Transportation Enhancement Activity (TEA) Program Under the 1998 Transportation Equity Act for the 21st Century for Westminster Boulevard and Bolsa Avenue Master Planned Streetscape Improvements Project (Fiscal Years 2007/08 and 2008/09) (613-08)**

ACTION: The Mayor and City Council adopted Resolution No. 3975 which authorizes staff to file three TEA applications for the Westminster Boulevard and Bolsa Avenue Master Planned Streetscape Improvements Project, and waived further reading.

WARRANT REGISTER

- 1.5 **(City Council/Redevelopment Agency) Warrant Register dated February 1 through 14, 2006 (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.6 **Community Development Department – Monthly Activity Report – January, 2006 (216-01)**

ACTION: Received and filed.

- 1.7 **Minutes of the Planning Commission meeting held on January 18, 2006 (104-11)**

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Fry, and seconded by Council/Agency Member Marsh, to approve the Consent Calendar. The motion was carried by a 3-0 vote, with Council Members Quach and Paris absent.

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

B. J. Savage, resident of Westminster, gave an update on the 50th Anniversary Committee. He asked to reserve both the theater and the conference area of the Rose Center for Saturday, September 8, 2007 for the event. The event will focus on Founders Day and the committee recommends that it will be an annual event.

Nhan Phan, resident of Westminster, had a concern about the complex process for increasing her day care center to take up to 14 children. Mayor Rice asked the Community Services Director to assist Ms. Phan.

Tien Chu, CEO of A. A. Care Center, thanked the Council for assistance to their free clinic, but they need the City's continued help.

Vivian Kirkpatrick-Pilger, resident of Westminster, inquired about her email regarding eminent domain. Council Member Marsh said this will be on the next agenda for discussion. Mrs. Kirkpatrick-Pilger said she thinks it would be a good idea to have a dog park in the City.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on February 15, 2006

RECOMMENDATION: Staff recommends that the Mayor and City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of February 15, 2006.

- 1) Case 2005-64 at 8201 Westminster Boulevard. A proposal to construct an 8,042 square-foot, two-story commercial/office building.

The Interim Planning Manager reported that the only item for public hearing was continued to the next Planning Commission meeting, therefore, no action was taken.

4. PUBLIC HEARINGS

4.1 ADOPTION OF NEGATIVE DECLARATION AND CASE NO. 2006-09, AMENDMENT OF THE CITY'S PARK DEDICATION REQUIREMENTS (210-00) (CN 2005-40) (CN 2005-49)

Time set for a public hearing to consider a proposed negative declaration and ordinance to amend sections of Chapter 16.12 (Dedication for Park or Recreation Purposes) of Title 16 (Subdivisions) of the Westminster Municipal Code and establish a new modified formula to determine the amount of on-site open space that may be credited against the dedication requirement for park and recreational purposes associated with residential subdivisions.

Mayor Rice asked if there were any members of the audience who wanted to speak to this item. There were none.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to continue the public hearing to the March 22, 2006 Council meeting at 7:00 p.m., at the request of the Planning Commission. The motion carried by a 3-0 vote.

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

Mayor Pro Tem Fry is concerned about the cars for sale lined up on Beach Boulevard between 21st Street and Trask Avenue on the west side. He requested that the Traffic Commission consider changing that frontage road street to a red, no-parking area. He would like the Traffic Commission to review parking at the corner of 23rd Street and Pacific Avenue, as many times trash pick-up is blocked by parked cars.

Council Member Marsh said he is concerned about the alley behind Westate Street near Magnolia Street and Bolsa Avenue. Trucks block the alley and trash is heaping up at this location and along Moran Street. He thanked staff for taking care of the parking problem on Eden Street. He reminded residents that the political season is coming up, and if anyone violates the sign ordinance by placing political signs on peoples' parkways without permission, the resident has the right to remove it.

Mayor Rice said she is noticing human signs, people waving signs at the street corners. The City Manager said she will alert Code Enforcement on that problem.

5.2 Consider Request to Rename Moran Street from Bishop Street to 14771 Moran Street (the location of *Nguoi Viet Daily News*) to Yen Do Street (Mayor Pro Tem Fry) (604-01)

Mayor Pro Tem Fry stated that the person who requested a street name change withdrew his request. He noted that if a street name change is made, a lot of other records need to be changed, especially when it is a business.

Anh Do, from *Nguoi Viet Daily News*, said that although she and her father, Yen Do, are grateful for the gesture, she requested that the proposal be withdrawn.

Mr. Pham spoke in opposition of renaming any portion of Moran Street

Dr. Vinh Nguyen noted that streets are usually named after persons who are deceased and not living persons.

Nhan Bui spoke regarding the proposed street name change, stating that since the daughter of Yen Do did not want the action to go through, that should be the end of the discussion.

Crystal Wadsworth, resident of Westminster and Executive Director of Westminster Chamber of Commerce spoke in support of Yen Do. She said her contact with Mr. Do has mostly been through advertising. She said his daughter, Anh Do, is doing a fine job during the illness of her father.

Two unnamed persons spoke against naming Moran Street for Yen Do.

Chuyen Nguyen said the daughter of Yen Do did not want the proposed action to go through, so it is not the idea of his family to name the street after him.

Mayor Rice said she was opposed to changing street names in general unless it is a new street.

Council Member Marsh noted that it was Professor Jeffrey Brody, a professor at Cal State Fullerton who initially requested that this item be placed on the agenda. He subsequently requested that it be removed. He said that in many other countries, the press is controlled by the government and in America the press is free. So, it would be inappropriate to name a street after a newspaper or any media, which may leave the wrong impression.

Mayor Pro Tem Fry thanked Anh Do for coming forward to the podium to speak tonight.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to deny the request to rename a portion of Moran Street to Yen Do Street. The motion was carried by a 3-0 vote.

RECESS AND RECONVENE:

At 8:15 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:25 p.m.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Civic Center Pay Parking System (608-06)

The Public Works Director/City Engineer reviewed the proposed pay and display parking system which entails paying for parking, displaying the receipt on the dashboard and returning to the car before time has expired.

Council Member Marsh stated he never was in favor of this pay parking for purposes of collecting revenue.

The Public Works Director/City Engineer said that reconstruction of the north parking lot added 91 parking spaces. The new system will require the hiring of a part time Parking Control Officer and seniors will be exempt from paying to park. He reviewed the fees and the fines. The proposed hours of operation are from 7:30 a.m. to 5:30 p.m. Council Member Marsh suggested that the Community Services parking hours be from 7:00 a.m. to 5:30 p.m. Mayor Pro Tem Fry suggested 7:00 a.m. to 7:00 p.m. The consensus on the hours is 7:00 a.m. to 5:30 p.m. for both lots.

Mayor Pro Tem Fry asked if he received a copy of a Wall Street Journal article on the latest electronic pay parking systems. The Public Works Director/City Engineer said he would be happy to review it, but he did not see it yet.

Council Member Marsh said he previously expressed that he wanted a system that would accept credit cards or ATM debit cards for payment, and this was still his position. The Public Works Director/City Engineer said that the proposed system is capable of taking the cards, however, until the Finance Department is set up for it, it cannot be done. The City Manager said she will confer with the Finance Director to get the answer to this question.

Mayor Rice said she was not happy with the fact that people have to walk to the machine and come back to their car with their ticket.

Council Member Marsh suggested that both parking lots have reminders that overnight parking is not allowed.

Motion was made by Council Member Marsh, and seconded by Mayor Rice, to adopt the findings presented by staff, approve the Civic Center pay parking system policy and:

- 1) Adopt Urgency Ordinance No. 2397 entitled, "An Urgency Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System", and waive further reading;
- 2) Introduce Ordinance No. 2398 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System", and waive further reading;
- 3) Adopt Resolution No. 3976 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Adopting Parking Rates and Hours of Operation", and waive further reading; and
- 4) Adopt Resolution No. 3977 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing Fines for Pay Station Violations", and waive further reading; and

Add the following findings and instructions: That citizens should be able to make their payment by credit card and/or ATM card, and staff is instructed to come back to Council to see how that can be implemented at the March 8, 2006 meeting.

Mayor Pro Tem Fry stated he could not vote for the motion because there are too many unanswered questions. The City Attorney reminded the Council that this motion would have to be a 3-0 unanimous vote to pass.

A subsequent motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to continue this item to the March 8, 2006 meeting and give direction to staff to inform the Council how payment for parking by ATM or credit card can be implemented.

Mayor Pro Tem Fry stated he would also like staff to review the Wall Street Journal article regarding the three cities with new pay parking systems. The maker of the motion agreed to the amendment.

The motion carried by a 3-0 vote.

6.2 Third 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 Mayor Rice, to approve the Third Amendment to the Consulting Services Agreement with Willdan for an increase of \$30,240 and a total amount not to exceed \$115,240, and authorize the City Manager to execute the amendment on behalf of the City. The motion was carried by a 3-0 vote.

6.3 Select date and time for a study session to discuss the design and financing of the potential new police facility.

It was the consensus of the Council to schedule the study session for April 24, 2006 at 6:00 p.m.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 3978 – A Resolution of the Mayor and City Council of the City of Westminster Declaring Its Intention to Convey Certain City-Owned Real Property Located at 7101 Wyoming Street (402-27)

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to adopt Resolution No. 3978, which sets a public hearing to be held on March 8, 2006 on this matter, and waive further reading. The motion was carried by the following votes:

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

9. COMMISSION AND COMMITTEE ITEMS – None

10. COUNCIL/AGENCY ADJOURNMENT At 9:01 p.m., Mayor/Agency Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary