

"Approved by the City Council/Redevelopment Agency Board on April 19, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
March 22, 2006

The City Council/Agency Board of the City of Westminster, California convened on March 22, 2006 at 6:12 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: NONE

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(a), Existing Litigation: Charles Shinn vs. City of Westminster (Workers' Compensation);
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Vietnam War Memorial Committee (14180 All American Way); and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case); re issues raised by HUD regarding CDBG funding.

RECESS: At 6:59 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 7:10 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Pro Tem Fry

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 City Council Members introduced and recognized the Youth in Government Day participants.
- B. Al and Diane Brackett (Event Chairpersons) presented information regarding the 1st Westminster American Cancer Society's Relay for Life event to be held on August 12-13, 2006 at Westminster High School, and on April 6, 2006 a kick-off meeting will be held at the Community Services Building.
- C. The Mayor and City Council Members presented a Resolution of Commendation to Jerry Meade, congratulating him for being chosen as "Outstanding Commissioner of the Year" by the California Association of Parks and Recreation Commissioners and Board Members.
- D. The Mayor and City Council Members and Helen Paris presented a Resolution of Commendation to James Baker, La Quinta High School Instrumental Music Teacher, for being honored as one of eight regional Outstanding Music Educators of the Year, by the California Music Educators' Association Conference held in Sacramento. Former Council Member Russell C. Paris had recommended that Mr. Baker be given a Resolution of Commendation.
- E. The Mayor and City Council Members presented Certificates of Commendation to the PTA Reflections Contest Winners in various categories.

The City Manager requested that Item 5.2 be taken off the agenda and not be considered this evening. There were no objections.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 22, 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.

- (ITEM REMOVED AND HEARD SEPARATELY)**
1.3 (Redevelopment Agency) Purchase Order with Stone & Youngberg LLC for Annual Remarketing Services for Fiscal Year 2005-06 (106-00)

Council Member Marsh asked why a bid did not go out on this item and whether or not the amount is for the anticipated June 1 payment, or the past December 1 payment or the payment for the entire year. He also asked if 1/8 of 1% is competitive in the market.

The Finance Director responded that the remarketing service is connected to the issue and until it is retired, that would be the proper vendor. The City Attorney said that, historically, the City retains the same agency as the one connected to the bond, but it is not obligated to do that.

The Finance Director said that the payment is the past payment for December 1, 2005. He also said it was an urgency item tonight, but he said he can get the information back to Council regarding the competitive rate issue before the next semi-annual payment.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve a purchase order in an amount not to exceed \$60,000 for the Annual Remarketing Services on the Westminster Commercial Redevelopment Project No. 1, 1997 Tax Allocation Revenue Refunding Bond. The motion was carried by a 4-0 vote.

- 1.4 Notice of Completion for work performed by All American Asphalt for the City-Wide Cape and Slurry Seal Project (502-01)**

ACTION: The Mayor and City Council authorized an increase in the amount of \$24,307.47 to the purchase order; accepted the subject project; and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

- 1.5 Purchase of One-Ton Water Stand-by Truck (106-00)**

ACTION: The Mayor and City Council authorized a purchase order to Fairview Ford Sales, Inc. in the amount of \$39,682.30 to purchase a one-ton water stand-by truck.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.6 **Ordinance No. 2396 (2nd Reading) - An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 17.05 (General Procedures), Chapter 17.60 (Home Businesses) and Chapter 17.08 (R1 Single Family Residence District) of the Westminster Municipal Code Related to Home Business Permits (202-01)**

ACTION: The Mayor and City Council adopted Ordinance No. 2396 and waived further reading.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.7 **Ordinance No. 2398 (2nd Reading) - An Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System (608-06)**

Darrell Nolta, resident of Westminster, spoke in opposition to the ordinance. He did not see where people are exempt to do business at City Hall, or where seniors are exempt to visit the Senior Center.

Council Member Marsh responded that on page 2 of the ordinance it discusses temporary use of parking spaces without payment.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to adopt Ordinance No. 2398 and waive further reading.

Council Member Marsh said he would like the policy to be posted at the Senior Center, at the main City Hall building and on the City website.

The City Attorney stated that the ordinance was the enabling document, but staff would have to bring back the policy.

The motion was carried by the following vote:

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

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.8 **Resolution No. 3985 – 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 Marsh stated that the Council passed Resolution No. 3970 on January 11, 2006 and the proposed Resolution No. 3985 appears to be a re-write of Resolution No. 3970 with new language included and some language removed. He was satisfied with the original Resolution No. 3970 and rejects Resolution No. 3985. Also, he did not agree that it was appropriate to place this item on the Consent Calendar. Council Member Quach said he agreed with Council Member Marsh.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to reject the request to adopt Resolution No. 3985 and waive further reading.

The City Manager asked the Finance Director to explain the changes that were requested by Council at the January 11, 2006 meeting.

The Finance Director said that at the January 11th meeting, Council recommended changes to the language for staff travel for the City Manager. These changes were made after consultation with the City Attorney. As for the placement on the Consent Calendar, he said he thought it was the correct place on the agenda.

The motion was carried by a 4-0 vote.

- 1.9 Resolution No. 3987 - A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3853 providing for a compensation plan increase for the part time employees of the City of Westminster, by increasing the compensation for the positions of Van Driver, Transportation Coordinator, and Police Dispatcher. (110-02)**

ACTION: The Mayor and City Council adopted Resolution No. 3987 and waived further reading.

ADMINISTRATIVE ITEMS

- 1.10 Fee waiver request from the American Cancer Society to hold their Annual Relay for Life kick-off meeting on April 6, 2006 from 5:00 p.m. – 7:30 p.m. in the East Room of the Community Services Building (702-06)**

ACTION: The Mayor and City Council approved the fee waiver request as outlined in the Fee Waiver Policy for Use of City Facilities by Community Groups/Non-Profit Organizations.

- 1.11 Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 7, 2006 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. The anticipated attendance is 250 people. (213-02)**

ACTION: The Mayor and City Council:

- 1) Waived the \$100 Special Event Permit fee (see attached request); and
- 2) Approved the Special Event permit application subject to the conditions attached to the staff report.

- 1.12 Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 19, 2006 from 5:00 p.m. until 11:00 p.m., May 20, 2006 from 12:00 noon until 11:00 p.m., and May 21, 2006 from 12:00 noon until 10:00 p.m. 3,000 – 5,000 participants are anticipated daily at 14072 Olive Street. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so that bingo can be played during the Festival on Saturday, May 20th and Sunday May 21st from 2:00 p.m. until 8:00 p.m. (213-02)**

ACTION: The City Council:

- 1) Waived the \$100 Special Event Permit fee and approved the Special Bingo Permit; and
- 2) Approved the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

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

ACTION: Approved.

INFORMATION AND REPORTS

- 1.14 Minutes of the Planning Commission meeting held February 15, 2006 (104-11)**

ACTION: Received and filed.

- 1.15 Community Development Monthly Activity Report – February 2006 (216-01)**

ACTION: Received and filed.

- 1.16 Minutes of the Westminster Youth Committee meeting held on January 11, 2006 (104-17)**

ACTION: Received and filed.

- 1.17 Minutes of the Community Services & Recreation Commission meeting held on January 10, 2006 (104-12)**

ACTION: Received and filed.

- 1.18 Minutes of the Cultural Arts Commission meeting held on February 2, 2006 (104-06)**

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach and seconded by Mayor Pro Tem/Agency Vice Chair Fry, to approve the Consent Calendar, with the exception of Item Nos. 1.3, 1.7 and 1.8, which were removed for separate consideration. The motion was carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Phil Hodgetts, resident of Westminster, announced that school teachers can receive free education kits for their school from the Tiger Woods Foundation. The Mayor suggested that Mr. Hodgetts make that announcement at the School Board meeting. Mr. Hodgetts reported on a discovery of methane hydrates as an energy source buried underground and the problem of getting it out of the ground safely.

Tony Lam, resident of Westminster, addressed a statement made at the February 22, 2006 Council meeting, by Council Member Marsh about his affiliation with Jeff Brody, a professor at Cal State Fullerton. He said this did not translate well in the community. He stated for the record that he opposed the request to change a street name to Yen Do Street.

Council Member Marsh stated that former Council Member Lam introduced him to Mr. Brody; former Council Member Lam was featured in a mini-biographical section along with the publisher at Nguoi Viet. He said he did not state that Mr. Lam supported the proposed name change, so if someone misinterpreted that, that was not what he said.

Darrell Nolta, resident of Westminster, spoke regarding a religious revival happening in Viet Nam, and Westminster's debt being increased with the proposed new police building. He also complained about the rate increase by Midway City Sanitary District, which cited the reason for the increase as the increased development in the City.

Council Member Quach said that a resolution was passed about a "Communist-free zone" in Westminster for the purpose of reasonable notice to the police when dignitaries from Viet Nam come to visit and protesting mobs are anticipated.

Tri Tran, owner of Song Long Restaurant on Bolsa Avenue, stated that ever since the raised median was installed in Bolsa, his business has suffered. He said he is requesting that a monument sign variance be approved to try to remedy the situation with better visibility. He further requested that the \$1,500 fee be waived.

Mayor Rice responded that this is something staff should handle and she did not want signs all the way down Bolsa Avenue.

John Briscoe, resident of Huntington Beach, spoke regarding fundamental, alternative schools in Westminster.

RECESS AND RECONVENE:

At 8:25 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:37 p.m.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

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

The Community Development Director reviewed the actions of the Planning Commission meeting of March 15, 2006:

- 1) Case No. 2005-57, Conditional Use Permit, at 15440 Beach Boulevard, Suite 128 – on-sale beer and wine at a new restaurant (Westminster Noodle House).
- 2) Case No. 2005-64, Site Plan and Design Review, at 8201 Westminster Boulevard – a new commercial building.
- 3) Case No. 2006-03, Variance, Site Plan and Design Review, at 9062 Bolsa Avenue – construction of a new restaurant.
- 4) Case No. 2006-04, Conditional Use Permit, at 10161 Bolsa Avenue – on-sale beer and wine at a restaurant (Pho Tung).
- 5) Case No. 2006-15, Conditional Use Permit, at 15606 Brookhurst Street, Suite E – on-sale beer and wine at a restaurant (Hot Pot City).

The Community Development Director noted that the three businesses which are applying for on-sale beer and wine permits have signed an affidavit stating that they had not had an alcohol related violation at this business or any other business they have owned and they have signed the affidavits under penalty of perjury under the law of the State of California.

Council Member Quach stated he would have to recuse himself from voting on Item No. 2 when it comes before the Council, due to a conflict.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to receive and file the report of the March 15, 2006 Planning Commission meeting. The motion was carried by a 4-0 vote.

4. PUBLIC HEARINGS

4.1 ADOPTION OF NEGATIVE DECLARATION AND CASE NO. 2006-09, AMENDMENT OF THE CITY'S PARK DEDICATION REQUIREMENTS (Continued from the 2/22/06 meeting) (201-00)

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. As a result of the Planning Commission's request, this project now includes a proposal to adopt minimum open space requirements for residential developments.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to postpone the matter to April 12, 2006, as the Planning Commission considered the issue on March 15, 2006, rather than March 1, 2006 as anticipated earlier. The motion was carried by a 4-0 vote.

4.2 ALLOCATION OF 2006-2007 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (109-01)

Time set for a public hearing to consider the allocation of 2006-07 HOME Program and CDBG funds to non-profit organizations and City Departments.

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate HOME Program Funds in the amount of \$523,972 and CDBG funds in the amount of \$1,284,473; and
- 2) Authorize the City Manager to submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2006.

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

Tien Chu from A. A. Care Center spoke in favor of his request for funds.

Jim Miller from American Family Housing, asked for a room addition, a handicapped bathroom for a house on Wyoming Street. He hopes to purchase two condominiums for a first homebuyers project under HOME allocation.

Tracy Yassini from Orange Coast Interfaith Shelter, is requesting HOME funds for their emergency shelter. The Community Development Director noted that the request for funds from American Family Housing is not for this public hearing but for the next hearing on deobligated funds.

Darrell Nolta, resident of Westminster, said he supported funds going to American Family Housing, Interval Housing, Abrazar, and health care agency. He did not agree to support the Asian American Senior Center.

MAYOR 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, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the following in HOME funds totaling \$523,972:

Non-profit organizations:

\$309,562 American Family Housing

Home Administration:

\$52,397 Program Administration

Grants & Housing, Dept. of Community Development:

\$162,013 Housing Rehabilitation Loans & Mobile Home Grants

The motion was carried by a 4-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the following allocation of CDBG funds for public service requests for a sub-total of \$192,671:

<u>Organization</u>	<u>Amount</u>
AA Care Center	\$ 5,000
Abrazar	18,000
Acacia Adult Day Care	2,500
Alzheimer's Association	0
American Family Housing dba Shelter for The Homeless (Cedar St.)	7,000
American Family Housing dba Shelter for The Homeless (Jackson St.)	7,000
American Family Housing dba Shelter for The Homeless (Locust St.)	7,000
Asian American Senior Citizens Association	0
Boys & Girls Club	18,000
California Elwyn, Inc.	0
CSR Middle School Enhancement Program	15,000
CSR Project S.H.U.E.	15,000
CSR Red Cross Lifeline Program	6,600
CSR Senior Outreach Program	21,000
CSR Family Resource Center	25,000
Community Care Health Centers	3,000
D.A.R.T. Inc. Help Recovery	0
Interval House	12,000
Rebuilding Together Orange County	0
Senior Meals and Services	23,500
Senior Meals – Vietnamese Program	0
Volunteer Exchange – Project Impact	5,000
Westminster Jr. All American Football	1,000
Westminster Little League	0
Westminster Pony Youth Baseball	1,071
Women's Transitional Living Center	0

The motion was carried by a 4-0 vote.

Motion was made by Mayor Rice, and seconded by Council Member Marsh, to approve the following Construction and Rehabilitation projects, Community Development Department projects, CDBG Administration and City Manager/Economic Development requests for a sub-total of \$1,091,802, (bringing the total CDBG amount to \$1,284,473):

Community Sponsored Projects

Abrazar, Inc.	\$250,000
American Family Housing	100,000
Asian Amer. Senior Citizens Assoc.	0
Boys and Girls Club	75,000
Westminster Sr. Center (shuffleboard)	0
Westminster Sr. Center (office remodel)	10,000

Public Works Department

Pavement Rehabilitation Area bound by Westminster/Beach/Newland/All Amer. Way	\$200,000
Pavement Rehabilitation Area bound by Westminster/Hazard/Beach/Cedarwood	41,726

Community Development Department

Code Enforcement	\$158,181
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CDBG Administration

Fair Housing Council of Orange Co.	\$ 15,960
CDBG	240,935

Section 108 Loan Principal & Interest Payment \$0

City Manager

Economic Development	\$0
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The motion includes authorization for the City Manager to submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2006. The motion was carried by a 4-0 vote.

4.3 ALLOCATION OF DEOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FROM FISCAL YEAR 2005 AND DEOBLIGATED HOME PROGRAM FUNDS FROM FISCAL YEARS 2002, 2003, 2004 AND 2005 (109-02)

Time set for a public hearing to consider the reallocation of CDBG and HOME funds to non-profit organizations and City Departments.

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

Dave Broughtman, Westminster Little League, asked for funds for their organization.

Council Member Marsh asked Mr. Broughtman if the organization has their own 501c-3 non-profit set up and asked what the name is. Mr. Broughtman said it was under the name of "Westminster Little League".

Darrell Nolta, resident of Westminster, asked if the money requested by the Westminster School District (Westminster Little League) was really going to the school district or the Westminster Little League. If it is to go to the school district, he is opposed to that, but he was happy about the street improvement allocation.

Vivian Kirkpatrick-Pilger, resident of Westminster, agreed with Mr. Nolta regarding funds going to the Westminster School District.

Anne Duck, with Westminster Little League, said that the reason why it says Westminster School District is because the proposed batting cages will be on school property. The school district would not get any of the money. She noted that the batting practice is essential and if they do not have these batting cages they would have to pay to use commercial batting cages, which most of the children could not afford. The money is also for dugout covers at Finley School.

Mayor Rice confirmed that the check, if it is approved, would be made out to the Westminster Little League and not the Westminster School District.

MAYOR 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, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh stated that he supports the Westminster Little League because he realizes that they need the equipment and other requests.

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

- 1) Allocate CDBG funds in the amount of \$100,000 to the Westminster School District (Westminster Little League) - \$40,000, and \$60,000 to the Public Works Department for street improvements; and

- 2) Allocate HOME Program (HOME) funds in the amount of \$983,905 to Abrazar Inc. – (\$491,952) and American Family Housing (\$491,952) for acquisition of affordable housing units.

The motion was carried by a 4-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Quach congratulated the police department and the U.S. Marshalls for an arrest they made in Boston.

Mayor Pro Tem Fry commended the students from the Youth in Government Day program.

Mayor Rice inquired about the timing of the signals along Westminster Boulevard. She said she noticed the change ever since the median was installed. She said that the curb near Kiowa and Edwards has still not been painted and the big white van is still there.

Item 5.2 was removed from the agenda:

5.2 Resolution No. 3990 - A Resolution of the Mayor and City Council of the City of Westminster opposing AB 606 and SB 1437 related to discrimination and harassment at schools based on gender identification and sexual orientation (Council Member Marsh)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 3990 and waive further reading.

The above item was removed from the agenda at the request of the City Manager.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Rose Center Capital Replacement Reserve Account Contribution Agreement (502-23)

The Finance Director stated that there was a correction to page 5 of the agreement, Section 3.3, \$5,763,402 should be written in the blank space.

Council/Agency Member Marsh stated he did not want the City to agree to forgive an obligation as stated in Item 1 and he did not like language in Item 4, so he suggested that Item 1 be eliminated; renumber Item 2 as Item 1; renumber Item 2 as Item 3, to read: "The Agency's obligation under Section 3.1 shall be forgiven, discharged and excused upon the earliest to occur of: 1) the date the aggregate amount of the yearly reimbursement payments totals \$5,763,402 or 2) the date the Rose Center project is conveyed by the City to a non-public entity, third party."

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Marsh, to approve as amended:

City Council:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 3988 entitled "A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3974 and authorizing the Agency's use of tax increment funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center and making certain findings pursuant to Health and Safety Code Section 33445", and waive further reading.

The Redevelopment Agency:

- 1) The Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 178 entitled, "A Resolution of the Westminster Redevelopment Agency rescinding Resolution No. 177 and approving the Rose Center Capital Replacement Reserve Account Contribution Agreement and the use of public funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center pursuant to Health and Safety Code Section 33445", and waive further reading.

Vivian Kirkpatrick-Pilger inquired about the legality of using redevelopment funds for maintenance. Council/Agency Member Marsh said that the City Attorney and Best, Best and Krieger also approved it in that area.

The motion was carried by the following vote:

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

6.2 Third Amendment to Park, Median, Overpass and Related Landscape Maintenance/Service Agreement at Various Locations with Midori Gardens (502-13)

Council Member Marsh inquired about the Consumer Price Index based on the formula required. The Public Works Director/City Engineer stated it was 5.4. Council Member Marsh asked if the Public Works Director/City Engineer felt that this is a better price than going out to bid, to which Public Works Director/City Engineer answered yes.

Mayor Pro Tem Fry said he noticed weeds growing on the overpasses at Goldenwest and Bolsa and in the medians on Beach Boulevard.

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

- 1) Appropriate \$26,239.68 from the General Fund Contingency (Account No. 20000-60904) to the Park Maintenance Fund, Contractual Service budget (Account No. 53000-43090); and
- 2) Approve the Third Amendment to the Agreement with Midori Gardens in an amount not to exceed \$206,695.68 to provide landscape maintenance services for the new median on Westminster Boulevard from Edwards Street to Beach Boulevard, and the new landscaping at Beach Boulevard and 23rd Street, and authorize the City Manager to execute the amendment on behalf of the City.

The motion was carried by a 4-0 vote.

6.3 Approval of 2005 Justice Assistance Grant (JAG) Fund Distribution Agreement and 2006 JAG Application and Expenditure Plan (502-15)

Police Captain Waller stated it has taken a year for this grant to be available, the dispersal plan needs to be approved, and a lot of the funds will be for improved technology.

Darrell Nolta, resident of Westminster, commented on his concern for more information on meth labs.

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

- 1) Approve the Agreement with the County of Orange to Transfer Funds for the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Approve an appropriation of \$28,485.07 for the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2005-06 budget (Account No. 39910-34098);
- 3) Approve an appropriation of \$28,487.07 to the LLEBG Fund expenditure budget for the fiscal year 2005-06 to the following line items:

Account No. 258-339910-43090 (Contractual Services)	\$15,000.00
Account No. 258-33910-47022 (Computer Equipment)	\$ 9,000.00
Account No. 258-33910-47024 (Computer Hardware)	\$ 4,485.07
Total Fiscal Year 2005-06 Expenditure Budget Increase:	\$28,485.07

- 4) Review and approve the fiscal year 2006-07 Edward Byrne Memorial Justice Assistance Grant Memorandum of Understanding (MOU), and expenditure plan outlined in the 2006 Program Narrative, and authorize the City Manager to execute the MOU on behalf of the City.

The motion was carried by a 4-0 vote.

6.4 **Joint Powers Agreement – Integrated Law and Justice Agency for Orange County (502-15)**

The Police Chief noted that this joint powers agreement will replace a memorandum of understanding and will make it easier to apply for grant funding.

Darrell Nolta, resident of Westminster, said he is concerned about data security and noted that there is a private company involved in the COPLINK System.

The Police Chief responded that the Department of Justice has approved the network and he is confident it is a secure network.

Council Member Marsh noted that this is a system for Orange County.

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

- 1) Adopt Resolution No. 3986 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Approving A Joint Powers Agreement for the Integrated Law and Justice Agency for Orange County (ILJAOC)", and waive further reading. Adoption of Resolution No. 3986, which authorizes the Mayor to execute the Joint Powers Agreement (JPA) associated with the City's participation, is to be conditioned upon correction of ambiguities contained in Section 5.03 (Indemnification) and Section 6.02(b) (Voluntary Withdrawal of Member Agencies) of the JPA, within six months of the City's approval of the JPA, and/or the actual formation of the JPA;
- 2) Authorize the City Manager to execute any related documents consistent with the implementation of this Agreement; and
- 3) Ratify the COPLINK System Use Policy (Attachment 2 to the Staff Report) which governs the operation and use of the Data Sharing System currently under development, and authorize the Chief of Police to execute the document and any amendments on behalf of the City.

The motion was carried by the following vote:

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

6.5 (City/Agency) Consideration of alternative Council/Agency regular meeting dates

Council Member Quach requested to reschedule the regular April 12, 2006 Council meeting to Wednesday, April 19, 2006. There were no objections.

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

- 1) Reschedule the regular meeting of Wednesday, April 26, 2006 to Tuesday, April 25, 2006; and
- 2) Reschedule the May 10, 2006 regular meeting to Wednesday, May 17, 2006.

Also, the budget study session originally scheduled for May 17th will only be held at the May 18, 2006 budget study session, already scheduled. And the regular meeting of May 24, 2006 will be rescheduled for May 31, 2006.

The motion was carried by a 4-0 vote.

6.6 Consideration of Filling the Vacant City Council Seat (302-00)

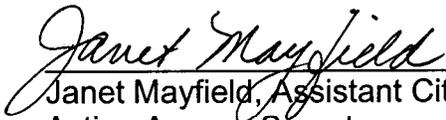
The City Manager informed the Council that there were unsolicited applications submitted for information only.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to take no action and allow the seat to be vacant until the November, 2006 election. The motion was carried by a 4-0 vote.

Darrell Nolta, resident of Westminster, was happy with the Council's position to let the voters decide on this seat in November.

7. **WRITTEN COMMUNICATIONS (Public) – None**
8. **LEGISLATIVE ITEMS - None**
9. **COMMISSION AND COMMITTEE ITEMS – None**

10. **COUNCIL/AGENCY ADJOURNMENT:** At 10:30 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Douglas Anderson (father of Don Anderson, Director of Community Development), to Monday, March 27, 2006 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding the mid-year budget review and/or to discuss City/Agency business.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary