

"Approved by the City Council/Redevelopment Agency Board on July 26, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
June 28, 2006

The City Council/Agency Board of the City of Westminster, California convened on June 28, 2006 at 6:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

6:30 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 Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representative: Interim City Manager Andy Hall; Employee Organization: Management/Administrative/Confidential Employees.

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 reconvened at 7:10 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: City Attorney

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION:

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

SPECIAL PRESENTATIONS:

- A. Jennifer Gonzalez, Chamber President, presented the Westminster Chamber of Commerce Quarterly Report and Report on Upcoming Events.
- B. Barbara Eames from the Westminster Tree Education Committee, along with the Mayor and City Council presented Certificates of Congratulations to the top five 3rd and 4th graders for coloring tree flyers.
- C. The Mayor and City Council presented a Resolution of Commendation to Beverly Rosen for her work with the Cancer Society.
- D. Mark Rosen, from the Orange County Transportation Authority (OCTA), presented \$1 million to the City for Transportation Enhancement Activity (TEA) funds. The Mayor thanked Marwan Youssef, Public Works Director/City Engineer, for this effort in securing these funds.

1. CONSENT CALENDAR**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of May 17, 2006 and May 18, 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 **Approval of Specific Terms of the West County Regional SWAT Protocol (continued from the May 17, 2006 meeting) (502-23)**

ACTION: The Mayor and City Council authorized the Chief of Police to participate in and execute the West County SWAT Protocol (Protocol) and approve paragraphs 7 and 8 of the Protocol entitled "Liability" and "Workers Compensations and Other City Benefits".

(ITEM REMOVED AND HEARD SEPARATELY)**1.4 Renewal of Contract with California Shopping Cart Retrieval Corporation (CSCRC), a Sole Service Provider, in the Amount of \$36,000 for Retrieval of Stray Shopping Carts (502-03)**

Darrell Nolta, resident of Westminster, said he supports the renewal of the contract and commented on the penalties for not retrieving shopping carts.

Council Member Marsh stated he did not see any improvement in the part of town near his residence. He also inquired concerning enforcement ordinances.

The Community Development Director said that there will be two ordinances presented at the July 26th Council meeting. One is a containment ordinance and one is an ordinance establishing penalties. Council Member Marsh requested that "penalty draft ordinance" be distributed to the Mayor and the Council Members before July 21, 2006.

Mayor Pro Tem Fry stated that by bringing the shopping carts back, the owner will get to use them again and it may translate into lower prices, but if they are stolen, costs will increase.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to approve the contract with California Shopping Cart Retrieval Corporation (CSCRC), a sole service provider, in the amount of \$36,000 for the period of July 1, 2006 through June 30, 2007, and authorize the Interim City Manager to execute the contract on behalf of the City. The motion was carried by a 4-0 vote.

1.5 Amendment No. 5 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. 5 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$62,400.00, extending the contract for a period up to six months, and authorized the Interim City Manager to execute the amendment on behalf of the City.

1.6 U. S. Environmental Protection Agency (EPA) Grant #XP-96965901-0 Agreement for Water Infrastructure, Water Quality Improvement, and Storm Drain Storm Water Clean Up (502-21)

ACTION: The Mayor and City Council approved the U. S. EPA Grant #XP-96965901-0 in the amount of \$626,300.00, and authorized the Public Works Director to execute the agreement on behalf of the City.

1.7 Final Seven Year Capital Improvement Program (CIP) for the Measure M and Congestion Management Programs (2006/07) (617-01)

ACTION: The Mayor and City Council reviewed the Final Seven Year Capital Improvement Program for the Measure M and Congestion Management Programs (CMP), and authorized its submittal to the Orange County Transportation Authority (OCTA).

1.8 Option Year Renewal for Procurement of Asphalt (502-22)

ACTION: The Mayor and City Council authorized renewal of the subject contract with Vulcan Materials for an additional year, exercising the fourth year renewal option.

(ITEM REMOVED AND HEARD SEPARATELY)

1.9 Authorization to Increase/Decrease the Purchase Orders for Various Contracts for the Construction of the Westminster Rose Center (116-00)

Darrell Nolta, resident of Westminster, stated his opposition to the following bid numbers: 23, 24 and 25.

Council Member Marsh asked staff if this is the last increase on these items that the Council will see. The Public Works Director/City Engineer responded that this will be the last list of change orders. He noted that the changes amount to only 3 ½ percent, which he said is low considering all of the challenges that the City faced during construction.

Council Member Marsh questioned the increased amounts for Snowden Electric for electrical and Best Interiors for framing and drywall. The Public Works Director/City Engineer explained that every time there was a change to one trait, it necessitated changes to other traits. Regarding the electrical, not only underground piping but also earthwork had to be redone due to the unusual rain. Snowden Electric also was responsible for providing the elevator. Council Member Marsh asked the Public Works Director/City Engineer who was the person responsible for the high change order from Snowden Electric.

Council Member Quach requested that the lights in the banquet room be changed to chandeliers. The Public Works Director/City Engineer said this would be considered after all the contractors are paid.

Lloyd Duncan, resident of Westminster, stated that he believes the change orders are the responsibility of the architect and he recommended that the City hold the architect responsible and take it out of his pay.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to authorize the increase/decrease to the purchase orders for various contracts for the construction of the Westminster Rose Center as follows:

BID #	DESCRIPTION	PRIME CONTRACTOR	INCREASE <DECREASE>
1	Earthwork / Grading	So. Cal Grading	\$16,292
2	Prestressed Piles	Meeks Construction	\$395
3	Landscape	Nature Tech	\$9,965
4	Concrete	UDC	\$71,024
5	Masonry	Industrial Masonry	\$16,948
6	Structural Steel	McMahon	\$76,884
7	Architectural Woodwork	Day Star Industries	\$28,661
8	Roofing / Waterproofing	Best Roofing	\$9,776
9	Sheet Metal	Crowner	\$13,604
10	Glass and Glazing	Padua Glass	\$15,271
11	Framing & Drywall	Best Interiors	\$43,473
12	Acoustical Ceiling	Hutchinson	<\$4,996>
13	Stone & Ceramic Flooring	KJ Carpet	\$4,700
14	Stage Flooring	Fitness Standard	<\$2,000>
15	Carpet / VCT	Spectra	\$2,681
16	Painting / Wallcovering	Western Painting	<\$3,846>
17	Specialties	Inland	\$7,302
17A	Operable Partitions	Partition Specialties	0
18	Food Service	Trimark Regal	\$8,192
19	Theatrical Rigging	LVH Entertainment	\$7,851
20	Elevator	Snowden Electric	0
21	Fire Protection	Ability Fire Protection	<\$7,200>
22	Plumbing	HPS Mechanical	<\$10,192>
23	H.V.A.C.	Refrigerated Air	\$21,462
24	Electrical	Snowden Electric	\$127,382
25	Final Clean-Up	MNZ Janitorial	\$1,592

Council Member Marsh said he could support the motion if the matter of establishing responsibility for the change orders is referred to the City Attorney's office for a report back to Council. The maker and second agreed with the amended motion. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.10 Purchase of Computer Equipment for Rose Center (106-00)

The Information Systems Manager explained that the Rose Center will have 11 computer stations and 2 servers between the catering section and the theater.

Council Member Marsh asked how many employees will be using the computers, to which Francis Luongo, Senior Network Engineer from the Core Group, responded that there will be 5-6 employees on the catering side and 5-7 employees on the theater side.

Mayor Rice suggested that Council Members should meet with the Theater Director, Tim Nelson, to review the theater information.

Mr. Luongo stated that he was given the number of computers requested by Mr. Nelson, he did not suggest a number.

Peter Galang from Crystal Catering, stated that the computers for catering will be used for booking the banquet room. He said he will have 4 employees working computers during the week and a fifth person on the weekends.

Vivian Kirkpatrick-Pilger, resident of Westminster, asked if the theater will be wired for wireless computers. The Mayor said that it will be wired for wireless, in the theater and in the banquet rooms.

Council Member Marsh requested a report from the Information Systems Manager regarding the theater's computers, but he said he would not delay the approval.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve a purchase order in the amount of \$56,557.66 to CDW-G Company for computer equipment to be used at the Rose Center. The motion was carried by a 4-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.11 Resolution No. 4019 - A Resolution of the Mayor and City Council of the City of Westminster Concerning the Status of the Circulation Element for the City of Westminster (613-07)**

Darrell Nolta, resident of Westminster, stated that the draft resolution refers to a uniform setback ordinance and he does not believe that the project at the southeast corner of Beach and Westminster complies with that ordinance.

The Public Works Director/City Engineer responded that the intent of the Master Plan of Arterial Highways is not to address the setback of the buildings, but to insure that the right-of-way for the street itself is not reduced.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to adopt Resolution No. 4019 and waive further reading. The motion was carried by the following vote:

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

WARRANT REGISTER

1.12 (City Council/Redevelopment Agency) Warrant Register dated June 7 through June 20, 2006 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.13 Minutes of the Planning Commission meeting held June 7, 2006 (104-11)

ACTION: Received and filed.

1.14 Minutes of the Youth Committee meeting held on April 19, 2006 (104-17)

ACTION: Received and filed.

1.15 Community Development Department Monthly Report – May 2006 (216-01)

ACTION: Received and filed.

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. 1.4, 1.9, 1.10 and 1.11, which were removed for separate consideration. The motion was carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Lloyd Duncan, resident of Westminster, stated that cracks were not sealed on 14th Street. He also stated that a certain police officer is using a patrol car to drive to restaurants for lunch. He suggested that more police cars should patrol in the neighborhoods and not just on major streets.

John Briscoe, resident of Huntington Beach, spoke regarding the right to petition elected officials and that he has a right to speak regarding public schools in the City of Westminster. He said he would like to see fundamental schools established and asked residents to tell the Westminster School District Board of Trustees to establish fundamental schools.

Vivian Kirkpatrick-Pilger, resident of Westminster, spoke regarding fundamental schools and a desire to make safe and sane fireworks legal again, since the ban has not curtailed the use of illegal fireworks.

Darrell Nolta, resident of Westminster, continued his comments regarding Item 1.9 from the Consent Calendar regarding the air conditioning in the Rose Center and he noted that the report from OCFA on the Yorba Linda Fire has been released. He also commented on the MIAs in Vietnam.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on June 21, 2006.

The Community Development Director reviewed the actions of the Planning Commission meeting of June 21, 2006:

- 1) Case 2006-46, temporary display of large helium balloons for a temporary used car sales event in the parking area of the Westminster Mall.
- 2) Case 2006-17, (CUP), sale of beer and wine for off-site consumption at a new mini-market within the G.Q. De Plaza at 14022 Edwards Street.
- 3) Case 2006-28, (CUP, DR) construction and operation of a wireless facility on an existing 150-foot tall Southern California Edison transmission tower located west of Hoover Street and bounded on the north by Westminster Boulevard and on the south by Main Street.
- 4) Case 2006-29, (CUP, DR) construction and operation of a wireless facility on an existing 120-foot tall Southern California Edison transmission tower located north of Universe Avenue and south of a flood control channel.

Regarding Item 2, Council Member Marsh asked about the type of ABC licenses that allow single bottle sales of alcoholic beverages. The Community Development Director said he was unaware of such a type of license and he will report back on this.

Council Member Marsh tentatively pulled Items 3 and 4 unless the language regarding indemnity issues is resolved before the deadline to review, which will be on July 7, 2006.

4. PUBLIC HEARINGS

4.1 CASE 2006-03 (SITE PLAN REVIEW AND DESIGN REVIEW); 9062 BOLSA AVENUE; APPLICANT: MR. YONG PARK, AUTHORIZED AGENT FOR MR. BOB NGYUEN, HOA BINH PLAZA LLC, PROPERTY OWNER OF RECORD (201-00)

Time set for a public hearing to consider the construction of a 1,800 - square foot addition to an existing retail building, and to remodel the exterior of the retail building on a 81,972- square foot lot. The required entitlements include Site Plan

Review to assess the proposed site layout, and Design Review to assess the design and overall appearance of the development.

The Planning Manager described the proposed project and stated there are no variances.

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

Council Member Marsh asked the applicant to agree to an additional condition that he will not add a third restaurant to the plan which may create a parking problem. The applicant agreed.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to approve the recommendation of the Planning Commission and adopt Resolution No. 4016 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-03 pertaining to a Site Plan Review and Design Review for an 1,800-square foot addition to and exterior remodeling of an existing retail center located at 9062 Bolsa Avenue", and waive further reading, and add the condition that "at no time in the future will this shopping center have large and small retail food and beverage service exceeding 3,955 square feet, and the additional maximum of two allowable small food facilities will not exceed 2,750 square feet in the aggregate". The motion was carried by the following vote:

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

4.2 CASE 2006-12 (CONDITIONAL USE PERMIT, DESIGN REVIEW, VARIANCE); 9421 EDINGER AVENUE; APPLICANT: MR. PAUL GERST, SEQUOIA DEPLOYMENT SERVICES INC., AUTHORIZED AGENT FOR T-MOBILE, THE WIRELESS OPERATOR, AND WESTVIEW VOCATIONAL SERVICES, PROPERTY OWNER OF RECORD (201-00)

Time set for a public hearing to consider the construction of and operation of an unmanned communication facility. The required entitlements include a Conditional Use Permit, Design Review, and Variance to allow the establishment and operation of a wireless communications facility.

The Planning Manager pointed out that the location of the flag pole with the antenna inside is east of the property, requiring a variance.

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

Paul Gerst, the applicant from Sequoia Deployment Services, spoke in favor of the project.

Mayor Pro Tem Fry asked if there were any complaints from the residents about reception interference, to which the Planning Director stated there was no interference because this is on a different frequency.

Vivian Kirkpatrick-Pilger, resident of Westminster, commented about the flag on the flag pole and asked that flag etiquette be followed.

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

Darrell Nolta, resident of Westminster, stated he was not in opposition to the project but had concerns about sensors in the equipment that governs power output and the FCC's authority for health issues. He stated he did not like the fact that it needs a variance.

MAYOR RICE STATED THAT SINCE THERE WAS NO COMMENT IN OPPOSITION TO THE ITEM THERE WAS NO NEED FOR REBUTTAL, SO SHE CLOSED THE PUBLIC HEARING.

Council Member Marsh said that the federal government preempted the health issue of wireless equipment so that it could not be used to regulate those businesses out of existence. But local government can still regulate whether or not equipment will not fall and injure someone and that is why he would want a hold harmless clause inserted. The City Attorney said he is currently working on the indemnity language.

Council Member Marsh asked the applicant if he would be agreeable to an indemnification clause. Mr. Gerst said he would like to see the language first. The City Attorney suggested that it could be approved subject to the applicant's approval of the indemnity clause.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to approve the recommendation of the Planning Commission and adopt Resolution No. 4017 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-12 pertaining to a Conditional Use Permit, Design Review, and Variance for a wireless communication facility to be located at 9421 Edinger Avenue", and waive further reading, subject to the applicant's approval of the added indemnity clause. The motion was carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

Council Member Quach invited all residents to attend the annual 4th of July fireworks display to be held at Westminster High School.

Mayor Pro Tem Fry congratulated the Mayor on the successful Mayors Ball held at the new Rose Center.

Council Member Marsh also congratulated the Mayor on the Mayors Ball and commented on the Yorba Linda fire report from OCFA, which he has not yet received. He wished everyone a happy 4th of July.

Mayor Rice said that the 4th of July event will also include food and entertainment. She stated she was very pleased with the way the Mayors Ball turned out at the new Rose Center, where approximately \$70,000 was raised. She thanked all the donors who participated in the silent auction. She also said she received so much support from the Interim City Manager.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Agency) Agreement with the Westminster Chamber of Commerce (502-23)

Motion was made by Agency Member Marsh, and seconded by Agency Member Quach, to approve the agreement with the Westminster Chamber of Commerce in the amount of \$32,135.58 for fiscal year 2006-2007 and authorize the Chair to execute the agreement on behalf of the Agency. The motion was carried by a 4-0 vote.

6.2 Conceptual Design Presentation by David Volz Design – Sigler Park Water Spray Playground (703-13)

The Community Services Director introduced David Volz, designer of the water spray playground, who gave a presentation with pictures of the proposed playground, which has an ocean theme.

Motion was made by Mayor Rice, and seconded by Council Member Quach, to approve the architect's conceptual design of the Sigler Park Water Spray Playground.

Vivian Kirkpatrick-Pilger, resident of Westminster, inquired about the material proposed for the fence. The Community Services Director said the specification is for galvanized material.

Darrell Nolta, resident of Westminster, inquired about Mr. Volz' projects in other cities.

The motion was carried by a 4-0 vote.

6.3 Establishment of an Ad-Hoc Committee to review current development standards for all residential zoning districts (104-33)

The City Attorney advised that this committee will come under the rules of the Brown Act.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to establish an Ad Hoc Committee to review current development standards for all residential zoning districts and directed staff to advertise for members. The motion was carried by a 4-0 vote.

6.4 Zone Text Amendment to eliminate the City's requirement for subtracting common driveways from apartment and condominium developments, for the purpose of determining allowed density (202-01)

Council Member Marsh said he feared that an amendment for common driveways may be used to increase density. He said he did not want to see common driveways used as substitute access roads.

Mayor Pro Tem Fry stated he would rather consider common driveways on a case-by-case basis.

Council Member Quach said he believes that density is determined by the zoning designation. He preferred to take no action.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to reject the proposed amendment which would eliminate the City's requirement for subtracting common driveways from apartment and condominium developments, for the purpose of determining allowed density. The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Youth Committee Appointments (104-17)

Mayor Rice noted that a 14th application was submitted for the Youth Committee.

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

- 1) Nominate Mayor Pro Tem Fry and Council Member Marsh (with Council Member Quach as an alternate) to participate in an interview process of the thirteen (13) new applicants (listed on page 2 of staff report), including an additional applicant whose application came in after the staff report was prepared; and
- 2) Appoint the following eight (8) current Youth Committee Members to serve as regular members for a term to expire on June 30, 2007:

Winnie Chan
Andrew Duong
Thuy Tran

Fountain Valley High School
Westminster High School
Westminster High School

Sophia Lai
Anna Lopez
Candice Nguyen
Ptryk Grochowski
Kevin Lam

Fountain Valley High School
Westminster High School
Westminster High School (Fall)
Westminster High School
Westminster High School (Fall)

The motion was carried by a 4-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT** At 9:42 p.m., Mayor/Agency Chair Rice adjourned the meeting.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary

