

"Approved by the City Council/Redevelopment Agency Board on August 16, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA  
July 12, 2006

The City Council/Agency Board of the City of Westminster, California convened on July 12, 2006 at 6:37 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

**URGENT ITEM ADDED TO CLOSED SESSION:**

There was a unanimous motion to bring the following item of an urgent nature onto the agenda for Closed Session, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

Conference with Legal Counsel pursuant to Government Code Section 54956.9;  
Existing Litigation: Janice and John Foley vs. City of Westminster, Case No. 05CC06994

**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 54957(b)(2): Personnel Matter to consider findings and recommendations of the Personnel Board in the administrative appeal of Delores Searle.

**RECESS:** At 7:01 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 Marsh

**INVOCATION:** Mayor Rice

**REPORT OUT OF CLOSED SESSION:**

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

**SPECIAL PRESENTATIONS:**

- A. The Acting Police Chief presented a check to John Hanson, a detective with the Los Angeles Sheriffs Department and recipient of a Graffiti Reward in the amount of \$250. Detective Hanson then presented the check to the Westminster Explorer Post Program. The Mayor and City Council presented Detective Hanson with a Certificate of Appreciation.

**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 May 31, 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 Wet Barrel Hydrant Heads & Accessories Purchase for FY 2006-07 (502-03)**

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$188,595.00 for a renewable wet barrel hydrant heads contract to C. Wells Pipeline Materials Inc., and rejected all other bids.

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.4 Option Year Renewal for Vehicle Fuel Purchase for FY 2006-07 (502-16)**

Darrell Nolta, resident of Westminster, commented on the contract from Petro-Diamond, Inc.

**Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh, to authorize a purchase order for vehicle fuel purchase in the amount of \$425,000 to Petro-Diamond Inc. The motion was carried by a 4-0 vote.**

**(ITEM REMOVED AND HEARD SEPARATELY)****1.5 Notices of Completion – Westminster Rose Center Projects at 14140 All American Way:**

- A. Notice of Completion for work performed by Southern California Grading (Bid Package No. 1) for Earthwork, Grading, and Paving in Connection with the Construction of the Westminster Rose Center (502-19)**
- B. Notice of Completion for work performed by John S. Meek Co. Inc. (Bid Package No. 2) for Pre-stressed Concrete Piles in Connection with the Construction of the Westminster Rose Center (502-13)**
- C. Notice of Completion for work performed by Nature Tech Landscaping (Bid Package No. 3) for Landscaping and Irrigation in Connection with the Construction of the Westminster Rose Center (502-14)**
- D. Notice of Completion for work performed by UDC Corporation (Bid Package No. 4) for Concrete and Rebar in Connection with the Construction of the Westminster Rose Center (502-21)**
- E. Notice of Completion for work performed by Day Star Industries (Bid Package No. 7) for Architectural Woodwork, Countertops, Prefinished Panels, Wood Door Frames and Wood Window Frames in Connection with the Construction of the Westminster Rose Center (502-04)**
- F. Notice of Completion for work performed by Crouner Sheet Metal Products, Inc. (Bid Package No. 9) for Sheet Metal Flashing, Trim, Metal Panels and Roof Specialties in Connection with the Construction of the Westminster Rose Center (502-03)**
- G. Notice of Completion for work performed by Hutchison Corporation (Bid Package No. 12) for Acoustical Ceilings and Wall Panels in Connection with the Construction of the Westminster Rose Center (502-08)**
- H. Notice of Completion for work performed by KJ Carpet Wholesale (Bid Package No. 13) for Tile and Stone Flooring in Connection with the Construction of the Westminster Rose Center (502-11)**
- I. Notice of Completion for work performed by The Fitness Standard (Bid Package No. 14) for Stage Flooring in Connection with the Construction of the Westminster Rose Center (502-20)**
- J. Notice of Completion for work performed by Partition Specialties (Bid Package No. 17A) for Operable Partitions in Connection with the Construction of the Westminster Rose Center (502-16)**
- K. Notice of Completion for work performed by Trimark Raygal (Bid Package No. 18) for Food Service Equipment in Connection with the Construction of the Westminster Rose Center (502-20)**
- L. Notice of Completion for work performed by HPS Mechanical (Bid Package No. 22) for Plumbing in Connection with the Construction of the Westminster Rose Center (502-08)**

Darrell Nolta, resident of Westminster, stated he did not see a notice of completion on the refrigerated air conditioning system. The Public Works Director/City Engineer noted that there are a total of 25 contracts to complete and this is only a portion of the contracts.

**Motion was made by Mayor Pro Tem Fry**, and seconded by Council Member Marsh, to accept the subject projects and authorize the City Clerk to file a Notice of Completion for each project with the County Recorder's Office. The motion was carried by a 4-0 vote.

**1.6 Option Year Renewal for Auto Parts Purchase for FY 2006-07 (106-00)**

**ACTION:** The Mayor and City Council authorized a purchase order for auto parts purchases in the amount of \$30,000 to C & C Distribution, Inc.

**1.7 Notice of Completion for work performed by All American Asphalt for Street Improvements on 19<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> Streets from Beach Boulevard to Monroe Street and on 20<sup>th</sup> Street from Beach Boulevard to Jefferson Street (502-01)**

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

**ORDINANCES (SECOND READING)/RESOLUTIONS**

**1.8 Resolution No. 4022 – A Resolution of the Mayor and City Council of the City of Westminster to change the name of Palos Verdes Park to Russell C. Paris Park in honor of former Councilmember Paris. (703-16)**

**ACTION:** The Mayor and City Council:

- 1) Adopted Resolution No. 4022 and waive further reading; and
- 2) Directed staff to order new signage to display at the Park and change the name of the park on all printed materials as soon as possible.

**ADMINISTRATIVE ITEMS**

**(ITEM REMOVED AND HEARD SEPARATELY)**

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

Darrell Nolta, resident of Westminster, stated he did not agree that the fee should be waived for the Westminster Chamber of Commerce.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to approve a request from the Westminster Chamber of Commerce to waive the banner hanging fee in the amount of \$400.00 to have two banners hung across Westminster Boulevard to announce the annual Taste and Tour of Little Saigon on Thursday, September 21, 2006. The motion was carried by a 4-0 vote.

- 1.10 Fee waiver request from Soroptimist International of Westminster to hold their annual Holiday Auction Luncheon on Friday, November, 2006 from 9:30 a.m. to 2:30 p.m. in the East/West 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.

### **WARRANT REGISTER**

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated June 21 through July 5, 2006 (105-09)**

ACTION: Approved.

### **INFORMATION AND REPORTS**

- 1.12 Treasurer's Report – May 2006 (105-08)**

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. 1.4, 1.5, and 1.9, which were removed for separate consideration. The motion was carried by a 4-0 vote.**

### **END OF CONSENT CALENDAR**

## **2. ORAL COMMUNICATIONS**

Judy Ahrens, resident of Westminster, commented regarding fundamental schools in the City.

## **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None**

## **4. PUBLIC HEARINGS**

- 4.1 CASE 2006-19 (CONDITIONAL USE PERMIT, DESIGN REVIEW); 8600 PALOS VERDES AVENUE ; APPLICANT: MR. PAUL GERST, SEQUOIA DEPLOYMENT SERVICES INC., AUTHORIZED AGENT FOR T-MOBILE, THE WIRELESS OPERATOR, AND SOUTHERN CALIFORNIA EDISON, PROPERTY OWNER OF RECORD (201-00)**

Time set for a public hearing to consider the construction of and operation of a wireless communications facility in the existing Southern California Edison right-of-way. The proposed facility consists of mounting three (3) antenna arrays and four (4) amplifiers to the western-most transmission tower, seventy (70) feet above grade. The associated ground level equipment will be within the footprint

of the existing transmission tower and will be surrounded by an eight (8) foot high decorative block wall.

The Planning Manager stated that the site is separated from the park open space by a fence. The applicant said he will meet with staff to formulate a landscape plan. Staff recommends an additional condition that the applicant and Southern California Edison Company will execute an indemnification, defense and hold harmless agreement in the form provided by the City Attorney.

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

Paul Gerst, applicant representing T-Mobile, said he was in favor of the project and stated he reviewed all the conditions, and they are acceptable to both Southern California Edison Company and T-Mobile.

SEEING THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to approve the recommendation of the Planning Commission and adopt Resolution No. 4020 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-19 Pertaining to a Conditional Use Permit and Design Review for a Wireless Communication Facility to be located at 8600 Palos Verdes Avenue", and waive further reading with the amendment that T-Mobile and Southern California Edison Company will execute an indemnification, defense and hold harmless agreement in the form provided by the City Attorney. The motion was carried by the following motion:

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

**4.2 CASE 2006-31 (CONDITIONAL USE PERMIT, DESIGN REVIEW); SOUTHWEST CORNER OF THE INTERSECTION OF HOOVER STREET AND 21<sup>ST</sup> STREET ; APPLICANT: MR. JOHN AUSTIN, TRILLIUM CONSULTING, INC., AUTHORIZED AGENT FOR T-MOBILE, THE WIRELESS OPERATOR, AND SOUTHERN CALIFORNIA EDISON, PROPERTY OWNER OF RECORD (201-00)**

Time set for a public hearing to consider the construction of and operation of a wireless communications facility within the existing Southern California right-of-way. The facility includes the installation of antennas on the existing western-most transmission tower and the construction of an 18'0" x 36'0" ground level equipment area which is surrounded by a 6'8" high block wall.

The Planning Manager stated that staff recommends an additional condition that the applicant will execute an indemnification, defense and hold harmless agreement in the form provided by the City Attorney.

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

John Austin, applicant representing Trillium Consulting, spoke in favor of the project. He said that his client, T-Mobile and Southern California Edison Company have agreed to execute an indemnification, defense and hold harmless agreement in the form provided by the City Attorney.

SEEING THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to approve the recommendation of the Planning Commission and adopt Resolution No. 4021 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-31 Pertaining to a Conditional Use Permit and Design Review for a Wireless Communication Facility to be located at the Southwest Corner of the Intersection of Hoover Street and 21<sup>st</sup> Street", and waive further reading, with the amendment that T-Mobile and Southern California Edison Company will execute an indemnification, defense and hold harmless agreement in the form provided by the City Attorney. The motion was carried by the following motion:

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**

Mayor Pro Tem Fry reported on the Santa Ana River Flood Control Committee meeting he attended. He said that the Committee will sunset since the work is near completion and it should be completed within the next two years.

Council Member Quach said he received a letter of resignation from his Planning Commissioner, Linh Nguyen, effective August 1, 2006. He requested that the Council accept his resignation and direct the City Clerk to advertise with a Notice of Vacancy. He also requested that a thank-you letter be sent to Mr. Nguyen.

Mayor Rice said she received an unsigned letter regarding pay parking. She noted that all of the Council voted to approve pay parking and there are passes available for those who use the Senior Center.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR****6.1 Parkway Trees at 15611 Garland Circle (614-05)**

The Public Works Director/City Engineer said that Michael Phan has gathered signatures from his neighbors who do not want any of the palm trees along the front or the side of his house removed.

The Public Works Manager stated that all of the palm trees in the parkway along Cloverdale Avenue were planted some time during or after 2001. The aerial photos taken in early 2001 showed no trees in the parkway along Cloverdale, although Mr. Phan has stated that the trees along Cloverdale have been there many years.

Bob Bertels, resident of Westminster and Planning Commissioner, said that all of the parkway trees should be removed and replaced by trees which are on a list of designated trees. The Public Works Manager noted that there were certain species of palm trees on the list of designated trees for the parkways.

Michael Phan, owner at 15611 Garland Circle, stated that 20 of his neighbors agreed with him to keep his palm trees along the front and side of his house. He said this also makes a buffer from the cars traveling down the street.

Ralph Velez, resident of Westminster and member of the Tree Education Committee, spoke in favor of Mr. Phan keeping his palm trees in the parkway.

Danny Hill, resident of Westminster, said he believes that further study should be made since sometimes there are exceptions to the rule.

John Briscoe, resident of Huntington Beach, spoke regarding the importance of enforcing City ordinances, and noted that any trees in the parkway are the City's responsibility. He suggested the City look into smaller distances between trees.

Darrell Nolta, resident of Westminster and member of the Tree Education Committee, stated that Mr. Phan came before the Committee and he said he supports Mr. Phan's appeal to keep the trees.

Mayor Rice stated she believes Mr. Phan has too many trees in the parkway.

Council Member Marsh said that on most properties in the City, the City has an easement but does not own the property, which is the case with Mr. Phan.

Council Member Quach stated he would like to take the issue of trees planted in the parkway on a case-by-case basis.

**Motion was made by Council Member Quach, and seconded by Council Member Marsh, to adhere to the Municipal Code and allow the trees in the front parkway at 15611 Garland Circle to remain; and allow Mr. Phan to keep the palm trees along Cloverdale Avenue in the parkway, subject to signing a Memorandum of Understanding with the City of Westminster (which will be drawn up by the City**

Attorney), stating that he will accept all liability for and maintenance of the trees, with the proviso that if at any time the trees interfere with the City's ability to perform the functions for which it has an easement, the trees will have to be removed as necessary. This action will remain in effect until the Westminster Tree Education Committee returns to the City Council with a recommendation. The motion was carried by a 3-1 vote, with Mayor Rice voting no.

**7. WRITTEN COMMUNICATIONS (Public)**

**7.1 Request from League of California Cities for the Mayor and City Council to designate a voting delegate and alternate for the 2006 League Annual Conference, September 6-9, 2006 in San Diego. (112-09)**

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh, to nominate Mayor Rice as the voting delegate and Mayor Pro Tem Fry as the alternate, and direct the City Clerk to forward the Voting Delegate/Alternate Form to the League of California Cities. The motion was carried by a 4-0 vote.

Mayor Rice stated that the City will receive the Helen Putman Award and she was very proud of the Assistant to the City Manager, Tami Piscotty, who prepared the application.

**8. LEGISLATIVE ITEMS – None**

**9. COMMISSION AND COMMITTEE ITEMS – None**

Mayor Rice said she forgot to bring this matter up under Council items, but she has received complaints from residents about a company painting curb numbers and demanding a set sum for payment.

**10. COUNCIL/AGENCY ADJOURNMENT:** At 8:35 p.m., Mayor/Agency Chair Rice adjourned the meeting to Monday, July 24, 2006 at 6 p.m. at the McGarvin Intermediate School Multi-Purpose Room, 9802 Bishop Place, Westminster, California for the purpose of soliciting input from property and business owners within the Moran Corridor regarding future uses and zoning.

  
Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary