

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

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
July 26, 2006

The City Council/Agency Board of the City of Westminster, California convened on July 26, 2006 at 7:05 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting convened at 7:05 p.m. in the Council Chambers.

ROLL CALL:

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

SALUTE TO FLAG: Council Member Quach

INVOCATION: Interim City Manager

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented Commendations to sponsors of the Mayor's Ball held on June 24, 2006. (115-00)

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of June 14, 2006 and June 28, 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 **Award of bid for 800MHz Radio Maintenance with the Orange County Sheriffs Department Communication Division for FY 2006-2007 (106-00)**

ACTION: The Mayor and City Council authorized a purchase order with the Orange County Sheriffs Department Communication Division in an amount not to exceed \$30,000, and rejected the bid submitted by ComSerCo Communications.

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

ACTION: The Mayor and City Council authorized a purchase order for vehicle tire purchase in the amount of \$25,000 to Parkhouse Tire, Inc.

1.5 Purchase of One Ton Building Maintenance Truck with Service Body #2102 (106-00)

ACTION: The Mayor and City Council authorized a purchase order to Fairview Ford Sales, Inc. in the amount of \$32,675.32 to purchase a one-ton truck with service body, and rejected all other bids.

1.6 Award of Contract for Uniform Rental and Related Supplies for FY 2006-07 (106-00)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$16,000 for a renewable uniform rental and related supplies contract to So Cal Uniform Rental, and rejected all other bids.

1.7 New Classification Specification – City Cable Television Production Supervisor (110-04)

ACTION: The Mayor and City Council approved the new class specification of City Cable Television Production Supervisor.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Resolution No. 4027 - A Resolution of the Mayor and City Council of the City of Westminster Determining Service Areas for Community Development Block Grant Funded Projects for FY 2006-2007 Consolidated Annual Action Plan (109-00)

ACTION: The Mayor and City Council adopted Resolution No. 4027 and waived further reading.

(ITEM REMOVED AND HEARD SEPARATELY)

1.9 Resolution No. 4028 - A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for Employees Represented by the Westminster Municipal Employees' Union Local 1734 (110-02)

The Personnel Director reported corrections to Resolution No. 4028 on page 1 under Community Development Specialist, the top salary should read \$4505; and under Public Works Specialist, the top salary should read \$4505. She noted that these were typographical errors.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh, to adopt Resolution No. 4028 as amended, and waive further reading. The motion was carried by the following vote:

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

1.10 Resolution No. 4029 - A Resolution of the Mayor and City Council of the City of Westminster Rescinding Resolution No. 3983 and Compensation Plan for Part-Time Employees of the City of Westminster (110-02)

ACTION: The Mayor and City Council adopted Resolution No. 4029 and waived further reading.

ADMINISTRATIVE ITEMS

1.11 Special Event Permit application from Harley Davidson of Westminster to hold an Open House on Saturday, September 9, 2006 between the hours of 7:30 a.m. and 4:00 p.m. (includes set up and clean up times). The event will take place at Harley Davidson located at 13031 Goldenwest Street; the anticipated attendance is 300-500 people. (213-02)

ACTION: The Mayor and City Council approved the Special Event Permit application subject to the conditions attached to the staff report.

1.12 Agreement between the City of Westminster and the Ocean View School District for staffing of Crossing Guard at one (1) location. (502-15)

ACTION: The Mayor and City Council:

- 1) Approved the agreement with the Ocean View School District for fiscal year 2006-2007;
- 2) Accepted \$2,926.00 from the Ocean View School District as their portion of the agreement; and
- 3) Authorized the Interim City Manager to execute the agreement on behalf of the City.

WARRANT REGISTER

1.13 (City Council/Redevelopment Agency) Warrant Register dated July 6 through 25, 2006 (105-09)

ACTION: Approved.

INFORMATION AND REPORTS**1.14 Minutes of the Planning Commission meeting held June 21, 2006 (104-11)**

ACTION: Received and filed.

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

ACTION: Received and filed.

1.16 Treasurer's Report – June 2006 (105-08)

ACTION: Received and filed.

1.17 Minutes of the Traffic Commission meetings held June 6, 2006 and July 4, 2006. (104-12)

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 No. 1.9, which was removed for separate consideration at the request of staff. The motion was carried by a 4-0 vote.

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

Phil Hodgetts, resident of Westminster, spoke regarding the recent heat wave and power outage. He said he would like to make a presentation to the Council on alternative energy.

Mayor Rice said she would be interested in the presentation at a future meeting, but it would have to be limited to 15 minutes.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to move Item 9.1 forward on the agenda. The motion was carried by a 4-0 vote.

9.1 Request for the installation of all-way stop signs at the intersection of Newland Street and Oasis Avenue, and the subsequent Traffic Commission motion to install a traffic signal at the subject location – T.C. 96-100 (606-01)

The Public Works Director/City Engineer stated that staff did a speed survey and accident history investigation which showed that the last four accidents in the subject intersection were rear end accidents and not correctible by a traffic signal. At present there is a flashing beacon that could be modified to a full signal by adding a push button.

The following persons spoke in favor of the installation of a traffic signal at the intersection of Newland Street and Oasis Avenue, citing the danger of the intersection:

Erwin Vysma
David McCormick
Leo Castonguay
Kenny Wilson
Reginald Crozier (Traffic Commissioner)

A letter from Roberta Okuda was read into the record by Kenny Wilson, in favor of the traffic signal. Roberta Okuda circulated a petition to have a signal installed.

Council Member Quach asked for a show of hands in the audience of all those who wanted to have a traffic signal installed. All those present who were interested in the item raised their hands.

Mayor Rice said she favored a traffic signal. Mayor Pro Tem Fry said he would favor a demand light that would only change with a sensor or a button.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission and install a traffic signal at the intersection of Newland Street and Oasis Avenue. The motion was carried by a 4-0 vote.

URGENT ITEM FOR CLOSED SESSION ADDED TO AGENDA:

The City Attorney announced that there was an item of an urgent nature to be brought onto the agenda for Closed Session, which arose subsequent to the posting of the agenda and requires immediate action, as follows:

CLOSED SESSION:

At 7:52 p.m., the City Council/Redevelopment Agency recessed to a Closed Session in the Council Conference Room for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case re: District Attorney).

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 8:25 p.m. in the Council Chambers.

REPORT OUT OF CLOSED SESSION:

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

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

4. PUBLIC HEARINGS**4.1 Weed Abatement Cost Report – Fall 2005 and Spring 2006 (618-01)**

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

Council Member Marsh suggested that a lien be placed on Union Pacific Railroad for their negligence in not removing weeds. The City Attorney responded that the City could proceed with putting a lien in place.

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

- 1) Receive and confirm the weed abatement cost report;
- 2) Adopt Resolution No. 4024 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall 2005 and Spring 2006 on lots within the City of Westminster", and waive further reading; and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector

The motion was carried by the following vote:

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

4.2 Resolution for the Revision of Fees and Charges for Special Services Provided by the City of Westminster (105-07)

Time set for the public hearing to consider the revision of fees and charges for special services provided by the City of Westminster in compliance with Chapter 3.50 of the Westminster Municipal Code.

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

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to adopt Resolution No. 4012 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing fees and charges for special services provided by the City of Westminster for the 2006-07 fiscal year" and waive further reading. 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

Mayor Pro Tem Fry reported on the success of Safety Day at Sigler Park.

Council Member Quach said he was surprised to see so few people attend the Moran Corridor study session at McGarvin School on July 24, 2006. He requested that property shown as a vacant building north of Bolsa be brought on to the next agenda to rezone the corner and make it congruent with the General Plan.

Council Member Marsh agreed that attendance at the July 24th study session was very low. He noticed how much time and resources the City staff put into this study session which was requested by the business people in the Moran Corridor area and he said he would be skeptical if it is requested again. In the future he would like to see residents and not just business owners invited.

Mayor Rice agreed with Council Member Marsh's comments regarding the July 24th study session. In the future, she wanted to hold all study sessions in the Council Chambers, even though she asked that a letter of thanks be sent to McGarvin School for hosting the event.

Mayor Rice said she was pleased with the grand opening performances at the new Rose Center Theater held on July 21st and 23rd.

5.2 AB 1234 Reports - None

5.3 Review of the Planning Commission's Approval of Case No. 2006-25 (Design Review); Location: 5455 Garden Grove Boulevard; Applicant: Jason D. Hadley, Representative for Metro PCS, the Wireless Operator, and Authorized Agent for Avalon Center at Garden Grove, Inc., Property Owner of Record. (201-00)

Assistant Planner, Chris Wong, presented a before and after picture depicting what the building would look like with screening of the antennas as proposed by staff.

Council Member Marsh asked the applicant, Jason Hadley, if sufficient "gingerbread" screening could be placed around the antennas. Mr. Hadley

explained that it would cost hundreds of thousands of dollars and could not be done since it would be similar to putting a sail on a sailboat, and structurally it would not work without structural changes to the building. Also, the other carriers would not permit his company to screen their antennas, as it would affect their signal.

Council Member Marsh asked the applicant if he approached the owner about the screening or only Metro PCS, to which Mr. Hadley said he only discussed it with Metro PCS because Avalon Center would not agree to it because of the other carriers. He said he only received Avalon's consent as far as Metro PCS's project goes.

Council Member Quach suggested that this item be postponed giving time for Mr. Hadley to speak to the owner regarding the screening.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to defer this item to the next Council meeting which will be the first meeting in August, 2006. The motion was carried by a 4-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Consideration of alternative dates for the Regular Council/Agency meetings of Wednesday, August 9, 2006 and August 23, 2006 (103-08)

Due to upcoming scheduling factors, Mayor Rice suggested that the regular August Council meetings be rescheduled to August 16 and August 30, 2006.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to reschedule the August City Council/Agency meetings from August 2 and August 23, 2006 to August 16 and August 30, 2006. The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4026 and Ordinance No. 2401 – A Resolution Regarding Monthly Expense Reimbursement and an Ordinance Amending Westminster Municipal Code Section 2.04.080 Establishing Compensation for the Mayor and City Council (209-05)

The Finance Director informed the Council that the allowances now received by the Mayor and Council Members are no longer allowed under AB 1234. The draft proposed resolution would give the Mayor and Council Members a net raise of \$10 a month, in the form of a 5% pay increase.

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

1. Adopt Resolution No. 4026 entitled, "A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3937 regarding monthly expense reimbursement for the Mayor and City Council", and waive further reading; and
2. Introduce Ordinance No. 2401 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Section 2.04.080 of the Westminster Municipal Code establishing compensation for the Mayor and City Council", and waive further reading.

Council Member Marsh asked the Finance Director if members can still receive reimbursement for itemized receipts, to which the Finance Director said yes. The Finance Director further stated that the Mayor and Council Members can be reimbursed for gasoline if the gas receipts are accompanied by the mileage used for City business.

Council Member Marsh said his concern is that AB 1234 requires the City to do away with the flat assumed rate, then it may look to some as though the increase in pay is a shift in funds to maintain a guaranteed minimum.

The motion was carried by the following vote:

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

8.2 Urgency Ordinance No. 2402 and Ordinance No. 2403 – An Urgency and Regular Ordinance of the Mayor and City Council of the City of Westminster Adopting Amendments to the Utility Users Tax Ordinance Relating to Telephone Users Tax (105-15)

Mayor Rice noted that this ordinance is not an increase in the utility tax.

The City Attorney explained that the urgency and regular ordinances were necessary due to change in definitions and the way in which telephone charges are now determined.

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

- 1) Adopt Urgency Ordinance No. 2402 entitled, "An Urgency Ordinance of the Mayor and City Council of the City of Westminster, California Amending Section 3.14.030 of Chapter 3.14 (Utility Users Tax) of the Westminster Municipal Code, to Clarify Original Intent and Remove Obsolete References", and waive further reading; and

- 2) Introduce Ordinance No. 2403 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster, California Amending Section 3.14.030 of Chapter 3.14 (Utility Users Tax) of the Westminster Municipal Code, to Clarify Original Intent and Remove Obsolete References", and waive further reading.

The motion was carried by the following vote:

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

8.3 Ordinance No. 2404 – Relating to the Regulation of Shopping Carts (102-03)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to introduce Ordinance No. 2404 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster adding Chapter 8.74 to Title 8 of the Westminster Municipal Code relating to the regulation of shopping carts", and waive further reading.

Regarding "Penalty for violation", Section 8.74.120, Council Member Marsh said he would like this item to come back with a clear provision providing that if the City is forced to go after someone with an abatement action, it will be able to recover the total attorneys fees.

Council Member Quach suggested that this ordinance be approved with direction to the City Attorney to add language providing for recovery of attorneys fees. Council Member Marsh said he agreed with that suggestion. Mayor Pro Tem Fry, who made the second on the motion, agreed with this amendment.

Mayor Rice said she was not satisfied with the current company doing the cart retrieval at present.

The motion was carried by the following vote:

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

8.4 Ordinance No. 2405 –Relating to Shopping Cart Containment and Retrieval by Owners (102-03)

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to introduce Ordinance No. 2405 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster adding Chapter 8.78 to Title 8 of the Westminster Municipal Code relating to shopping cart containment and retrieval by owners", and waive further reading, with direction to the City Attorney

to add language providing for recovery of attorneys fees. The motion was carried by the following vote:

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

8.5 Resolution No. 4005 - Adopting an Official City Travel Reimbursement Policy for Elected and Appointed Officials (209-05)

The Finance Director noted that the per diem limit has to do with meals and not with fuel.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry, to keep the per diem rate at \$50 a day and adopt Resolution No. 4005 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Adopting the Official City Travel Reimbursement Policy for Elected and Appointed Officials", and waive further reading. The motion was carried by the following vote:

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

9. COMMISSION AND COMMITTEE ITEMS

9.1 (Item was moved forward.)

9.2 Resignation of Linh Nguyen from the Planning Commission effective August 1, 2006 (Council Member Quach Appointee) (104-11)

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

- 1) Accept the resignation of Linh Nguyen from the Planning Commission, with regrets, effective August 1, 2006; and
- 2) Find that an emergency exists because Linh Nguyen is resigning effective August 1, 2006, and there is a Planning Commission meeting on August 2, 2006. Therefore, pursuant to Government Code. § 54974(b), fill the unscheduled vacancy immediately. The person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made, *(since the 10 working day vacancy notice posting requirement, pursuant to Government Code § 54974(a), will not have been met by July 26th);* and
- 3) Appoint a member to serve on the Planning Commission on an acting basis effective August 1, 2006, for a term to expire in November, 2006, and direct staff to agendize the final appointment at the next scheduled Council meeting.

The motion was carried by a 4-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to appoint Roxanne Chow to a term on the Planning Commission for a term to expire in November, 2006. The motion was carried by a 4-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:40 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Janet Mayfield, Assistant City Clerk
Acting Agency Secretary