

"Approved by the City Council/Redevelopment Agency Board on September 13, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA  
August 16, 2006

The City Council/Agency Board of the City of Westminster, California convened on August 16, 2006 at 6:07 p.m. in an Adjourned 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 (arrived at 6:10 p.m.)  
ABSENT: NONE

**CLOSED SESSION:**

The City Council/Redevelopment Agency will recess 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, Director of Personnel/Risk Management Pat Corcoran, and Finance Director Paul Espinoza; Employee Organization: Management/Administrative/Confidential Employees;
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager Andy Hall, Director of Personnel/Risk Management Pat Corcoran and Finance Director Paul Espinoza; Employee Organization: Westminster Police Officers' Association (WPOA); and
- 3) 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 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 7:06 p.m. in the Council Chambers.

**ROLL CALL:**

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

**SALUTE TO FLAG:** Mayor Pro Tem Fry

**INVOCATION:** Council Member Quach

**REPORT OUT OF CLOSED SESSION:**

The Deputy City Attorney stated that the Mayor and City Council took action to adopt findings and conclusions on a personnel termination matter. The vote was 4-0 (unanimous) to uphold the termination.

**SPECIAL PRESENTATIONS:**

A. Interim City Manager Andy Hall presented the following Police Department Distinguished Service Awards:

Gold Medal of Valor Sergeant Darin Upstill

Silver Medal of Courage Sergeant Cliff Williams  
Officer Don Webb  
Detective Cindy Sweasy

Bronze Medal of Merit Officer Ryan Reyes  
Officer Jim Wilson

B. Tim Nelson, Executive Director, Rose Center Theater, gave a presentation with the cast in the upcoming premiere "Once On This Island".

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

**1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of July 12, 2006, Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 24, 2006; and Minutes of the Regular Meetings of the City Council/Redevelopment Agency of July 26, 2006 and August 9, 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 **Fee Waiver Request from Toastmasters International to Conduct a Speech Contest in the A/B room of the Community Services Building on Saturday, September 30, 2006 from 10:00 a.m. to 2:00 p.m. (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.

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.4 **Fee Waiver Request from Westminster Repertory Theatre Company to Conduct Rehearsals in the A/B Room of the Community Services Building on August 28, 29 and 30, 2006 and the East Room on September 5, 6 and 7, 2006. (702-06)**

Council Member Marsh stated there is a need to adopt a policy regarding performance groups using the East/West Room for rehearsals. He said that approval of this item does not establish a policy.

Mayor Rice stated there had been a plan to set up a program at Warner School so rehearsals could be held there, because there is no time available for groups to practice at the theater.

Penny Loomer, representing Orange County Children's Theater, stated she was present to ask if there was an opportunity for the children to have rehearsal space in the East/West Room if Council sets up a program for that purpose.

**Motion was made by Council Member Marsh, and seconded by Council Member Quach to approve the fee waiver request as outlined in the Fee Waiver Policy for Use of City Facilities by Community Groups/Non-Profit Organizations with the provision that the approval is not intended to establish a policy.**

Council Member Marsh stated Council has not had time to explore and establish an appropriate policy to deal with rehearsals in connection with the community center. This is a short notice item from the Westminster Repertory Theatre and they based their request on staff's recommendation.

Mayor Rice asked the City Manager to contact the school district to inquire about the possibility of an exchange of services in order to use their facilities for rehearsals.

Reginald Crozier, Westminster resident, reported to Council that the word "not" is omitted from the recommendation on Item 1.7 on the Council Agenda. Council Member Marsh reported that it is correct in the staff report. The error was noted.

Patricia Miller, fee waiver applicant, stated she had short notice to find rehearsal space; that the fee waiver request was made on staff's recommendation. She understands this will not be a policy to be able to rehearse in the East/West Room.

Council Member Marsh said that with regard to the East/West Room, Council should decide how it is used. He does not want the room reserved almost entirely and exclusively for rehearsals. He said he is not attempting to deprive rehearsal groups of the use but he does not want others deprived of using it.

Mayor Rice stated there had been plans to work with Warner School regarding rehearsals. She said rehearsals should not be held at the Community Center.

The motion carried by a 3-1 vote, with Mayor Rice voting in opposition.

**1.5 Annual Maintenance Contract with Cyrun Corporation for FY 2006-07. (502-03)**

**ACTION:** The Mayor and City Council authorized a purchase order be issued to the Cyrun Corporation, a sole source vendor, for police department dispatching, records management, and Alliance PD Central software updates and maintenance in an amount not to exceed \$40,000.

**1.6 Transfer of Funds Agreement for 2005 Buffer Zone Protection Program Grant (BZPP). (502-15)**

**ACTION:** The Mayor and City Council authorized the Chief of Police/Interim City Manager to sign the BZPP Transfer of Grant Funds Agreement with the County of Orange.

**1.7 Award of Contract for Police Safety Equipment for Fiscal Year 2006-07. (502-01)**

**ACTION:** The Mayor and City Council awarded a contract to Adamson Police Products in an amount not to exceed \$40,000, for a period of one year, with an option to renew for additional four one-year periods, and reject all other bids.

**1.8 Award of Contract for Police and Animal Control Uniforms for Fiscal Year 2006-07. (502-07)**

ACTION: The Mayor and City Council awarded a contract to Galls in an amount not to exceed \$40,000 for a period of one year, with an option to renew for two additional one-year periods.

**(ITEM REMOVED AND HEARD SEPARATELY)**

**1.9 Purchase of Eighteen (18) Taser X26E Electronic Control Devices. (106-00)**

Darrell Nolta, Westminster resident, spoke regarding the issues of the Police Department using Taser devices. He questioned whether or not the vendor is a sole source for the device.

Mitch Waller, Acting Police Chief, stated Pro Force Law Enforcement Products is a sole source for the type of device a police department would use.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach to authorize a purchase order to Pro Force Law Enforcement Products, a sole source distributor, for eighteen (18) Taser X26E Electronic Control Devices and cartridges, in an amount not to exceed \$25,000. The motion carried by a 4-0 vote.

**1.10 Increase in Purchase Order for On-Site Sodium Hypochlorite Generation System for Well 107a to include Contract Change Order #1. (502-19)**

ACTION: The Mayor and City Council approved an increase to the purchase order with SB Water Services Company in the amount of \$5,300.00.

**1.11 Acceptance of Easement Deeds for 7581-7591 Wyoming Street. (401-23)**

ACTION: The Mayor and City Council accepted Easement Deeds for the subject properties, and authorized the City Clerk to record the deeds with the County Recorder's Office.

**1.12 (City/Agency) Purchase Order for Sales Tax Audit Services with The Hinderliter, de Llamas & Associates, Coren & Cone (HdL) for Fiscal Year 2006-07. (502-08)**

ACTION: The Mayor/Chair and the City Council/Agency Board authorized a purchase order with HdL for sales tax audit services in the amount of \$20,000.

- 1.13 (City/Agency) Purchase Order for Property Tax Audit Services with The Hinderliter, de Llamas & Associates, Coren & Cone (HdL) for the Fiscal Year 2006-07. (502-08)**

ACTION: The Mayor/Chair and the City Council/Agency Board authorized a purchase order with HdL for property tax audit services in the amount of \$16,800.

- 1.14 (City/Agency) Purchase Order with Stone & Youngberg LLC for Annual Remarketing Services for Fiscal Year 2006-07. (502-19)**

ACTION: The Mayor/Chair and Council/Agency Board Members authorized a purchase order in an amount not to exceed \$40,000 for Annual Remarketing Services on the Westminster Commercial Redevelopment Project No. 1, 1997 Tax Allocation Revenue Refunding Bond.

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.15 Purchase Order with American Medical Response (AMR) for Medical Transportation Services for the City. (502-01)**

Darrell Nolta, Westminster resident, spoke regarding AMR services to the City and questioned CARE coming into the City to answer calls.

**Motion was made by Council Member Quach**, and seconded by Council Member Fry to authorize a purchase order for medical transportation services with American Medical Response (AMR) in the amount of \$383,000 for the fiscal year 2006-07. The motion carried by a 4-0 vote.

- 1.16 Purchase Order with Union Bank of California – Corporate Trust Division for Trustee Services for Fiscal Year 2006-07. (502-21)**

ACTION: The Mayor and City Council authorized a purchase order for trustee services from Union Bank of California – Corporate Trust Division in an amount not to exceed \$30,000.

- 1.17 (City/Agency) Authorize Payment to MDG Associates for Assistance Provided to the Grants/Housing Division in Fiscal Year 2005-06. (502-13)**

ACTION: The Mayor/Chair and City Council/Agency Board approved payment to MDG Associates in an amount not to exceed \$5,500 from the fiscal year 2005-06 budget.

**(SECOND READING) ORDINANCES/RESOLUTIONS****(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.18 Ordinance No. 2401 (Second Reading) 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. (110-02)**

Council Member Marsh stated he would be giving a negative vote on this item.

**Motion was made by Mayor Pro Tem Fry**, and seconded by Council Member Quach to authorize a purchase order for medical transportation services with American Medical Response (AMR) in the amount of \$383,000 for the fiscal year 2006-07.

The motion carried by the following vote:

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

- 1.19 Ordinance No. 2403 (Second Reading) - 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. (105-15)**

ACTION: The Mayor and City Council adopted Ordinance No. 2403 and waived further reading.

- 1.20 Ordinance No. 2404 (Second Reading)- 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. (102-03)**

ACTION: The Mayor and City Council adopted Ordinance No. 2404 and waived further reading.

- 1.21 Ordinance No. 2405 (Second Reading) - 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. (102-03)**

ACTION: The Mayor and City Council adopted Ordinance No. 2405 and waived further reading.

**ADMINISTRATIVE ITEMS****1.22 Agreement between the City of Westminster and the Westminster School District for Staffing of Crossing Guards at Eleven (11) Locations. (502-23)**

ACTION: The Mayor and City Council:

- 1) Approved the agreement with the Westminster School District for fiscal year 2006-2007; and
- 2) Accepted \$38,034.00 from the Westminster 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****1.23 (City Council/Redevelopment Agency) Warrant Register dated July 19 through August 8, 2006. (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS****1.24 Community Development Department Monthly Report – July 2006. (216-01)**

ACTION: Received and filed.

**1.25 Minutes of the Planning Commission Meeting held July 13, 2006. (104-11)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Mayor Pro Tem/Vice Chair Fry, to approve the balance of the Consent Calendar with the exception of Item Nos. 1.4, 1.9, 1.15, and 1.18 which were removed for separate consideration. The motion carried by a 4-0 vote.

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

Jerry Dominguez, Southern California Edison Company representative, provided Council with a packet of information regarding rate increases. He spoke regarding the increased price of natural gas and the cost of infrastructure. He said that Southern California Edison has a large media room in their service center that they make available to community groups on a limited basis.

Mayor Pro Tem Fry asked if Edison International would be interested in a sponsorship of the Rose Center. Mr. Dominguez said Southern California Edison does have a substantial grant program and it is on the website. He said he has information about the grant and can discuss it with Council.

Mayor Rice said The Rose Foundation would be applying for the grant.

Patricia Miller, applicant for a fee waiver for the East/West Room, thanked the Mayor and Council for the fee waiver. She said she will stay in contact with Diana Dobbert, Community Services Assistant Director, to make sure they are not conflicting with another group who would pay for the room.

Edward Juries, Westminster resident, stated there is a need for an additional code enforcement officer to enforce the many code violations being committed in the City. He said that people are hesitant to call the City and complain because they do not want to give their name.

Mayor Rice asked Mr. Juries to speak with Acting Police Chief Waller regarding vandalism on his property relative to the complaint he reported to Code Enforcement.

Pat Stewart, Westminster resident, thanked Interim City Manager Andy Hall for the excellent Westminster Police Department and for giving the police officers their deserved recognition.

Darrell Nolta, Westminster resident, spoke regarding the December 7, 2005 Yorba Linda fire allegations.

Vivian Kirkpatrick-Pilger, Westminster resident, spoke pertaining to AB66, a bill to build granny units on residential property.

### **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

#### **3.1 The Community Development Director reviewed the action of the Planning Commission meeting of August 2, 2006.**

- 1) Case No. 2006-30 Site Plan, located at 15471 Brookhurst Street. To add a small recycling collection facility with reverse vending machines.

### **4. PUBLIC HEARINGS**

**4.1 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-28 (CONDITIONAL USE PERMIT AND DESIGN REVIEW); LOCATION: SOUTHERN CALIFORNIA EDISON OWNED PROPERTY AT THE SOUTHWEST CORNER OF WESTMINSTER BOULEVARD AND HOOVER STREET; APPLICANT: JOHN KOOS, REPRESENTATIVE FOR ROYAL STREET COMMUNICATIONS, THE WIRELESS OPERATOR, AND AUTHORIZED AGENT FOR SOUTHERN CALIFORNIA EDISON, PROPERTY OWNER OF RECORD (201-00)**

Chris Wong, Assistant Planner, presented a staff report and slide presentation.

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

John Koos, applicant for Royal Street Communications, stated Edison is reluctant to sign the indemnification agreement. He asked the Mayor and City Council that Royal Street Communications be allowed to assume the indemnification agreement.

Jerry Dominguez, Southern California Edison Company, stated that the tenant has their own insurance coverage, and that Edison is not willing to indemnify the City by signing an agreement to that effect.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM. SINCE THERE WAS NO COMMENT IN OPPOSITION TO THE ITEM, THERE WAS NO NEED FOR REBUTTAL, SO MAYOR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Mayor Pro Tem Fry**, and seconded by Council Member Quach to adopt Resolution No. 4031 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-28 pertaining to a Conditional Use Permit and Design Review for a wireless communications facility to be located on Southern California Edison owned property at the southwest corner of Westminster Boulevard and Hoover Street," and waive further reading.

Council Member Marsh stated he would support the motion as it stands.

Council Member Quach stated he does not want to establish a precedent of landlords being responsible for their tenants. He said if the maker of the motion will remove the condition that makes Southern California Edison responsible for their tenant, Royal Street Communications, he would agree with the motion.

Mayor Pro Tem Fry said landlords should not be held to the condition and supported the removal of Southern California Edison from the indemnity language.

Discussion ensued regarding the indemnification defense and hold harmless agreement.

The Deputy City Attorney stated the words "and property owner" should be removed from Condition No. 9.

**A substitute motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry to adopt Resolution No. 4031 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-28 pertaining to a Conditional Use Permit and Design Review for a Wireless Communications Facility to be located on Southern California Edison owned property at the southwest corner of Westminster Boulevard and Hoover Street," and waive further reading, with a modification to Condition of Approval No. 9 to remove the words "and property owner". Condition No. 9 shall read, "Prior to the issuance of a building permit the applicant should execute an indemnification defense and hold harmless agreement in the form approved by the City Attorney."

Council Member Marsh stated he would oppose the motion. A landlord is liable if their tenant causes damage to an adjoining property as a result of their use of the landlord's property.

City Attorney Jones stated that regardless of whether or not the condition is included, the City's legal right of recovery from the property owner does not change.

The motion carried by the following vote:

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

**4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-29 (CONDITIONAL USE PERMIT AND DESIGN REVIEW); LOCATION: SOUTHERN CALIFORNIA EDISON OWNED PROPERTY NORTH OF UNIVERSE AVENUE AND SOUTH OF A FLOOD CONTROL CHANNEL; APPLICANT: JOHN KOOS, REPRESENTATIVE FOR ROYAL STREET COMMUNICATIONS, THE WIRELESS OPERATOR, AND AUTHORIZED AGENT FOR SOUTHERN CALIFORNIA EDISON, PROPERTY OWNER OF RECORD (201-00)**

Chris Wong, Assistant Planner, stated the item is the same at Item 4.1 except for a different location.

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

John Koos, applicant, stated he is present for any questions from Council.

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

Darrell Nolta, Westminster resident, stated that he is not for or against this item, but he doesn't understand the liability issue because the tower is enclosed. He spoke regarding a newspaper article pertaining to wireless communications and Southern California Edison Company.

Council Member Marsh explained the reasons for requiring indemnity.

Vivian Kirkpatrick-Pilger, Westminster resident, spoke in opposition to the proposed amended Resolution. She asked if the indemnity required for this item is the same as what is required for the antennas in Little Saigon.

Council Member Quach responded that the same indemnity was not required. MAYOR RICE CLOSED THE PUBLIC HEARING SINCE THERE WAS NO FURTHER COMMENT IN OPPOSITION TO THE ITEM.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry to adopt Resolution No. 4032 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-29 pertaining to a Conditional Use Permit and Design Review for a wireless communications facility to be located on Southern California Edison owned property north of Universe Avenue and south of a flood control channel," and waive further reading, and to remove the wording "property owner" in Condition No. 8 as written in the Conditional Use Permit. Condition No. 8 shall read: The applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of a wireless communications facility designated as Case No. 2006-29. Should the City be named in any lawsuit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of a wireless communications facility designated as Case No. 2006-29, the applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Westminster's elected officials, appointed officials, officers, and employees.

Council Member Marsh requested the maker of the motion to add a condition that the applicant is required to provide a true and correct copy of the lease agreement between it and Southern California Edison concerning the structures of the property.

Mayor Pro Tem Fry, as second to the motion, stated he agreed with the condition as long as the dollar value of the lease is not included.

Council Member Quach, maker of the motion agreed to the condition as recommended by Council Member Marsh.

Council Member Marsh consented to maintaining the privacy of the dollar amount.

The motion carried by a 4-0 vote.

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Mayor Pro Tem Fry commented that the Rose Center is beautiful and invited the public to visit it.

Council Member Marsh stated that since the Mayor does not have a proponent in the November election, that the City Attorney look into any mechanisms to employ to minimize the City's expenses in connections with the County's election requirements.

Mayor Rice stated that even though she does not have a proponent she is still having a candidate statement to let the citizens know her position. She reported 100 people attended the Senior Luncheon.

### **5.2 AB 1234 Reports**

The City Clerk reported the dates for AB1234 training will be Monday, September 25, 2006 and Monday, October 2, 2006.

### **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. (Continued from the July 26, 2006 meeting) (201-00)**

Jason Hadley, applicant and representative for Royal Street Communications, stated that he has identified the carriers who currently have antennas on top of the building. Antennas on top of the elevator penthouse are Cingular, two paging companies, and the Westminster Police Department. The antennas around the building are screened and are not as visible. Mr. Hadley said he understands that Cingular has a permit from the City.

In response to Council, Steve Ratkay, Associate Planner, stated that a Conditional Use Permit can be revoked if the Council or Planning Commission thinks it is appropriate.

Mr. Hadley asked that the requirement for the indemnification from the landlord be removed and that Royal Street Communications be held completely liable. He said he would provide a copy of the lease agreement to the City.

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh to adopt Resolution No. 4023 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-25 pertaining to a Design Review for a wireless communication facility to be located at 5455 Garden Grove Boulevard", and waive further reading, and remove the wording that mandates that the property owner indemnify the City and add as a condition that they provide a complete, true, and correct copy of the lease agreement with all attachments between themselves and the landlord to the City.

The motion carried by a 4-0 vote.

Council Member Quach requested the planning staff require a full, complete, and true land lease or contract between the company and landlord for these types of proposed projects in the future.

Council Member Marsh requested that proof of insurance also be required.

Mayor Rice asked that the City Attorney write a letter to Cingular to let them know the City is not happy with the appearance of the building, and request they improve its appearance.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

**6.1 Increase to Police Budget - Donation of \$12,150 by Interval House to Assist the Family Protection Unit. (105-12)**

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh to increase the Police Department fiscal year 2006-07 budget by \$12,150 and authorize the transfer of funds from the General Fund Undesignated Unreserved Fund Balance (Account No. 00100-71030) to the following accounts:

Supplies (Account No. 31000-44000)	\$2,284.49
Office Furn. & Equip. (Account No. 31000-47000)	\$5,425.26
Training and Meetings (Account No. 31000-44000)	<u>\$4,440.25</u>
Total Police Department budget increase	<u>\$12,150.00</u>

The motion carried by a 4-0 vote.

Mayor Rice stated a letter of thanks would be sent to Interval House.

**6.2 Acceptance of Federal Grant for Orange County Human Trafficking Task Force (OCHTTF). (502-15)**

Darrell Nolta, Westminster resident, stated he would like the funds to be used to fight the issue of human trafficking. He questioned how much of the funds would be directed to CSP.

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

- 1) Accept the Federal Grant for Orange County Human Trafficking Task Force in the amount of \$197,439 awarded to the police department for assisting victims of human trafficking and prosecution of human traffickers; and
- 2) Amend the fiscal year 2006-07 adopted budget by designating Fund 252 Human Trafficking Task Force Grant (a new fund) for anticipated grant revenues (Account No. 39100-34098) in the amount of \$197,439. Amend the fiscal year 2006-07 adopted budget to increase budgeted expenditures for the Human Trafficking Task Force Fund (Fund 252) for the following accounts:

Overtime (Account No. 39100-40001)	\$ 14,040
Contractual (Account No. 39100-43090)	171,099
Training & Meetings (Account No. 39100-44030)	<u>12,300</u>
Human Trafficking Task Force Grant Total:	<u>\$197,439</u>

The motion carried by a 4-0 vote.

**6.3 Contractual Services Agreement for Plan Check and Inspection Services. (502-13)**

**Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to approve a contractual services agreement with Melad & Associates in an amount not to exceed \$60,000, and authorize the Interim City Manager to execute the agreement on behalf of the City. The motion carried by a 4-0 vote.**

**6.4 Resolution No. 4030 - Providing for a Compensation Plan for the Management/Administrative/Confidential Employees of the City of Westminster. (110-02)**

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

- 1) Adopt Resolution No. 4030 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Providing for a Compensation Plan for

the Management/Administrative/Confidential Employees of the City of Westminster”, and waive further reading; and

- 2) Appropriate \$180,210 for salaries and benefits to the following funds:

<u>Fund No</u>	<u>Fund Description</u>	<u>Amount</u>
100	General Fund	\$ 60,814
285	Community Development Fund	44,504
210	Gas Tax Fund	10,246
211	Measure M Fund	9,941
216	Traffic Impact Fund	276
220	Municipal Lighting Fund	275
242	HOME Fund	771
275	CS Grant Fund	1,984
500	Redevelopment Agency	9,142
530	Low/Mod Housing Fund	1,931
600	Water Fund	18,770
700	Equipment Replacement Fund	3,374
740	Employment Benefits Fund	4,273
750	Public Liability Fund	4,273
760	Information Systems Fund	<u>9,636</u>

Total budget adjustment for fiscal year 2006-07 \$ 180,210

The motion carried a 4-0 vote.

**6.5 Revised Classification Specification and Funding for an Additional Executive Coordinator Position. (110-04)**

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

- 1) Approve the amended classification specification for Executive Coordinator; and
- 2) Appropriate \$94,019 from the Undesignated Unreserved General Fund Balance (Account No. 00100-71030) to the City Manager Permanent Salaries budget (Account No. 11500-40000).

The motion carried by a 4-0 vote.

**6.6 (City/Agency) Consideration of an Alternative Date for the Regular Council/Agency Meeting of Wednesday, September 27, 2006. (103-08)**

Motion was made by Council/Agency Member Quach, seconded by Council/Agency Member Marsh, to defer the item to consider an alternative meeting date for the September 27, 2006 regularly scheduled meeting. The motion carried by a 4-0 vote.

**7. WRITTEN COMMUNICATIONS (Public)**

**7.1 Consideration of request from B. J. Savage and Chuck Smith that the Mayor and City Council Sanction an Advisory Committee to Represent the City in Meetings with the 3<sup>rd</sup> Amphibian Assault Battalion, U. S. Marine Corps at Camp Pendleton, in Order to Develop a Plan Concerning How the Community of Westminster Can Best Serve its Adopted Marine Battalion. (103-16)**

Council Member Marsh stated that every Council Member should have an appointee on the committee.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach to establish a committee with Council Member Quach as the Chairman and Council Member Marsh as the Vice Chairman and to consist also of former Mayor Chuck Smith, B.J. Savage, Mastery Gunnery Sgt Retired Jack Stites, USMC, Ed Arnold, Malcolm Willis and an appointee of each member of the Council.

Council Member Marsh amended his motion to include Mayor Pro Tem Fry. The second of the motion concurred.

Darrell Nolta, Westminster resident, opposed the committee as constructed because of the way the letter is written.

Council Member Marsh stated Council is not approving the letter. The committee will be treated as other City committees and will be posted for the public.

The motion carried by a 4-0 vote.

**8. LEGISLATIVE ITEMS - None**

**9. COMMISSION AND COMMITTEE ITEMS****9.1 Request for Parking Restrictions at 8981 and 8982 Natoma Avenue – T.C. 06-104. (608-02)**

**Motion was made by Council Member Quach**, seconded by Mayor Pro Tem Fry to approve the recommendation of the Traffic Commission and adopt Resolution No. 4034 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of parking restrictions at certain locations on the north and south side of Natoma Avenue", and waive further reading. The motion carried by a 4-0 vote.

**9.2 Staff Proposal to Establish Timed Parking Restrictions and a Passenger Loading Zone on All American Way between 13<sup>th</sup> Street and 15<sup>th</sup> Street – T.C. 06-106. (608-02)**

**Motion was made by Council Member Quach**, seconded by Council Member Marsh to approve the recommendation of the Traffic Commission and adopt Resolution No. 4035 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for a passenger loading zone and timed parking restrictions on the east side of All American Way between 13<sup>th</sup> Street and 15<sup>th</sup> Street", and waive further reading. The motion carried by a 4-0 vote.

**9.3 Staff Proposal to Install a One-Way Stop Sign at the "T" Intersection of 16<sup>th</sup> Street and Jackson Street – T.C. 06-105 (607-03)**

**Motion was made by Council Member Quach**, seconded by Mayor Pro Tem Fry to approve the recommendation of the Traffic Commission and adopt Resolution No. 4036 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of a one-way stop sign on 16<sup>th</sup> Street at Jackson Street", and waive further reading. The motion carried by a 4-0 vote.

**9.4 Final Appointment to the Planning Commission (Council Member Quach Appointee) (104-11)**

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

**9.5 Ad Hoc Residential Standards Committee Applications (104-33)**

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh, to appoint the following persons to the Ad Hoc Residential Standards Committee:

Sergio Contreras – Homeowner  
Bonnie Cooper – Apartment renter  
Anne Stewart – Mobile Home Owner  
Vivian Kirkpatrick-Pilger – Homeowner  
Leo Lopez – Homeowner  
Steve Nevarez - Homeowner  
Roger Fierce – Homeowner

Council Member Marsh – Council Liaison  
Council Member Quach – Council Liaison

An apartment complex owner and mobilehome park owner will be appointed at the August 30 Council meeting.

The motion carried by a 4-0 vote.

**URGENT ITEM ADDED**

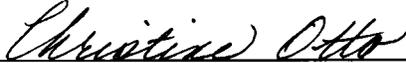
**Motion was made by Council Member Fry**, and seconded by Council Member Marsh, to bring the following item of an urgent nature on to the agenda, which arose subsequent to the posting of the agenda and requires immediate action.

The motion carried by a 4-0 vote.

**Motion was made by Council Member Quach**, seconded by Mayor Pro Tem Fry to accept the resignation of Craig Schweisinger, Area Variance Committee Member, and immediately post a vacancy notice.

The motion carried by a 4-0 vote.

- 10. COUNCIL/AGENCY ADJOURNMENT:** At 9:53 p.m., Mayor/Agency Chair Rice adjourned the meeting in honor of Mary Duffy, who passed away on August 7, 2006. Mary is the mother of Mary Andrusky, Senior Center Supervisor.

  
Christine Otto, Deputy City Clerk/  
Acting Agency Secretary