

The City Council/Redevelopment Agency Board of the City of Westminster, California convened on August 30, 2006 at 7:10 p.m. in an Adjourned Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL:

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

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Mayor Pro Tem Fry

SPECIAL PRESENTATIONS:

- A. The Mayor and City Council, and Rose Center Foundation Treasurer Shirl Stewart presented a Certificate of Appreciation to Benny Vargas, Vice-President, Regional Director of Property Management of First Bank, for their generous donation of furniture to the Westminster Rose Center.
- B. Lieutenant Al Panella gave a brief overview of the graffiti incident that occurred in the City on August 7, 2006. The Mayor and City Council presented a Certificate of Appreciation to the recipient of the graffiti reward, Marshall Christmann, and presented him with a check for \$250.00.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of August 23, 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.**

RECOMMENDATION: Approve.

1.3 Proclamation declaring September, 2006 as National Save A Life (SALF) Month in the City of Westminster.

ACTION: Approved.

1.4 Proclamation declaring September 8, 2006 as Developmental Disabilities Day in the City of Westminster.

ACTION: Approved.

1.5 Planned Expenditure of State Law Enforcement Subvented Funds (SLESF), Fiscal Year 2006-2007 (109-06)

ACTION: The Mayor and City Council accepted the planned expenditure of State Law Enforcement Subvented Funds in the amount of approximately \$130,000 for fiscal year 2006-2007 for the funding offset of one police sergeant position at the police department.

1.6 Fee Waiver Request from the Vietnamese American Pharmacy Student Association to Conduct an Immunization Drive and Health Fair in the East/West Room of the Community Services Building on October 7, 2006 from 9:00 a.m. until 5:00 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.

1.7 Fee Waiver Request from the Westminster Girl Scouts to Conduct a Silver Awards Ceremony in the East/West Room of the Community Services Building on September 15, 2006 at 7:00 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.

1.8 Amendment No. 1 to Contractual Services Agreement with Harris & Associates for Street Pavement Management System Upgrade (502-08)

ACTION: The Mayor and City Council approved Amendment No. 1 to the Contractual Services Agreement with Harris & Associates, in an amount not to exceed \$5,000.00, and authorized the Interim City Manager to execute the amendment on behalf of the City.

1.9 Rejection of Bid for Purchase of Brass Pipeline Materials for the Repair and Installation of Water Services for FY 2006-07 (603-02)

ACTION: The Mayor and City Council rejected the one bid received for the purchase of brass pipeline materials for the repair and installation of water

services for FY 2006-07, and authorized the City Clerk to rebid the subject purchase.

1.10 Rejection of Bid for Purchase of Miscellaneous Pipeline Materials for the Repair and Installation of Water Mains and Services for FY 2006-07 (603-02)

ACTION: The Mayor and City Council rejected the one bid received for the purchase of miscellaneous pipeline materials for the repair and installation of water mains and pipelines for FY 2006-07, and authorized the City Clerk to rebid the subject purchase.

(REMOVED AND HEARD SEPARATELY)

1.11 Approval of the City Pavement Management Plan (PMP) for Maintenance and Rehabilitation of Arterial and Collector Streets for 2006/2007 Measure M Compliance (613-07)

Darrell Nolta, resident of Westminster, asked why the list of streets does not include Bishop Place, between Magnolia Avenue and Bushard Street. He expressed concern that curbs and gutters are not included in this work, as many gutters are deteriorating.

The Director of Public Works/City Engineer explained that Bishop Place will be included in the plan for residential streets that will be brought to Council for approval in the next few months.

Council Member Marsh pointed out that the reason for the restrictions on curbs and gutters is that cities vary in the level of work that they have done; the plan is designed to keep our City from having to subsidize other cities.

Motion was made by Council Member Marsh, seconded by Council Member Quach to approve the PMP for arterial and collector streets and authorize staff to submit the report to the Orange County Transportation Authority (OCTA) to fulfill the 2006/2007 Measure M requirement.

The motion carried by a 4-0 vote.

1.12 Increase in Purchase Order for Replacement of A/C Condensing Unit at the Police Department Building (502-11)

ACTION: The Mayor and City Council approved an increase to the purchase order with Koltemp Air Conditioning in the amount of \$14,860.00.

ORDINANCES (SECOND READING)/RESOLUTIONS

(REMOVED AND HEARD SEPARATELY)

1.13 Resolution No. 4033 - A Resolution of the Mayor and City Council of the City of Westminster Designating the Emergency Coordinator and the Assistant to the City Manager as the City's Authorized Agents to the State of California Office of Emergency Services. (803-01)

Darrell Nolta, resident of Westminster, expressed his support for the Emergency Coordinator being an authorized agent. He asked Council to change the Assistant to the City Manager to the Community Services Director Greg Johnson as the other authorized agent.

Mayor Rice said she feels that Mr. Johnson is very well qualified, but he has a lot of extra duties. The Assistant to the City Manager is a very astute person and does a fine job on any project that she has been given.

Council Member Marsh concurred with Mayor Rice.

Council Member Quach commented that in the event of any emergency, Mr. Johnson will be tasked with heading up the Emergency Command Center.

Motion was made by Council Member Marsh, seconded by Council Member Quach to adopt Resolution No. 4033 and waive further reading. The motion carried by a 4-0 vote.

ADMINISTRATIVE ITEMS

- 1.14 Special Event Permit Application from Westminster Foursquare Church to hold their annual Classic Car Show on Saturday, September 16, 2006 between the Hours of 11:00 a.m. and 3:00 p.m. The event will take place at the Westminster Foursquare Church located at 8091 22nd Street, Westminster. The anticipated attendance is 1,000 people. (213-02)**

ACTION: The Mayor and City Council:

- 1) Approved the request from Westminster Foursquare Church to waive the \$100 Special Event fee; and
 - 2) Approved the Special Event Permit application subject to the conditions attached to the staff report.
- 1.15 Special Event Permit Application from Circus Vargas to hold a circus beginning October 10, 2006 through October 16, 2006 (includes set up and clean up days). The circus will be open to the public October 11, 2006 through October 15, 2006. The event will take place at the Westminster Mall parking lot between Macy's and JC Penney's. (213-02)**

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

WARRANT REGISTER

- 1.16 (City Council/Redevelopment Agency) Warrant Register dated August 9 through August 22, 2006. (105-09)**

ACTION: Approved.

INFORMATION AND REPORTS

1.17 Minutes of the Traffic Commission Meeting held on August 1, 2006. (104-12)

ACTION: Received and filed.

The Deputy City Attorney announced that Consent Calendar Item 1.16 (Warrant Register) includes an item which is in settlement of the Foley vs. City of Westminster, and that approval of the warrant register will constitute a final agreement to the settlement.

Motion was made by Council/Agency Member Quach, seconded by Council/Agency Member Marsh, to approve the Consent Calendar, with the exception of Item Nos. 1.11 and 1.13, which were removed for separate consideration. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Darrell Nolta, resident of Westminster, expressed concern with public safety and the rash of deaths that have occurred in Orange County involving cyclists. He stressed the importance of the maintenance of the streets and police patrol in saving lives, and urged cyclists to wear a helmet. Mr. Nolta commented that at yesterday's OCTA meeting the City of Anaheim received \$32.5 million dollars for a train station, and that the City of Westminster does not have a representative on OCTA to fight for us.

Council Member Quach inquired about the law relating to helmets for bicyclists. Mayor Rice stated that the City Manager will look into the issue of helmets for adult bicyclists.

Jason Do, resident of Westminster, expressed concern with trash in the City.

Council Member Quach asked that the City Manager look into the City's current fines. Mayor Rice commented that the businesses should be responsible for the sidewalk in front of their business and parking lot.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on August 23, 2006

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of August 23, 2006

- 1) Case 2006-34, Conditional Use Permit and Design Review, located at 7498 Garden Grove Boulevard, regarding a wireless communications

facility on an existing transmission tower within the Southern California Edison electrical utility right-of-way.

- 2) Case 2006-40, Conditional Use Permit and Site Plan Review, located at 15151 Beach Boulevard, to establish and operate a used car sales business.
- 3) Case No. 2006-74, Sign Variances, located at 13590 Beach Boulevard (Lexus dealership) involving installation of various signs requiring variances

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to receive and file the report. The motion carried by a 4-0 vote.

Council Member Quach asked the Director of Community Development if the City received copies of the two lease agreements involving the installation of antennas, approved at the August 16, 2006 meeting. The Director of Community Development responded that the agreements are in progress, and that building permits will not be issued until the lease and indemnity agreements have been signed.

Council Member Marsh requested copies of the lease agreements. The Director of Community Development stated that copies will be provided to Council

4. PUBLIC HEARINGS

4.1 Resolution Amending 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.

The Finance Director explained that two fees were erroneously omitted from the schedule when it was presented to Council on June 14, 2006. The fees were for business license application and renewal processing, and are not recommended for increase.

MAYOR RICE OPENED THE PUBLIC HEARING. THERE BEING NO ONE WISHING TO SPEAK IN FAVOR OR IN OPPOSITION, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to adopt Resolution No. 4037 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 carried by a 4-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Quach invited everyone to attend Circus Vargas at the Westminster Mall between Macy's and J. C. Penney's from October 10-16, 2006.

Mayor Rice reported on "Once On This Island" at the Westminster Rose Center and encouraged everyone to attend.

5.2 AB 1234 Reports

Mayor Pro Tem Fry reported that he attended the National Association of Telecommunication Officers and Advisors Conference in Florida from August 22-25, 2006. He attended workshops on various telecommunication issues such as new state and federal franchise legislation, wireless services, right-of-way issues, PEG (Public, Education and Government) Access Channel management and a tech showcase on new information technology.

Mayor Pro Tem Fry further elaborated on the advancement in wireless technology.

Vivian Kirkpatrick-Pilger, resident of Westminster, stated that she works in a wireless environment at UCI Irvine and supports wireless technology in the City of Westminster.

Mayor Rice directed the City Manager to look into this matter.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Expansion of Police Department Wireless System Using Verizon Wireless. (502-22)

The Acting Police Chief presented the report.

Darrell Nolta, resident of Westminster, commented that technology only works when it is an encrypted system, and that security has to be maintained.

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

- 1) Accept the State Master Contract (#1S-05-58-02) for Verizon Wireless costs and related Verizon Business (landline) costs in an amount not to exceed \$33,000, and
- 2) Amend the fiscal year 2006-07 adopted budget to increase budgeted expenditures for the Department of Justice seized funds account (Fund 250, Account No. 34100), the Department of Transportation seized funds account (Fund 250, Account No. 34200), the Federal Narcotics seized funds account (Fund 250, Account No. 34300) and the Local Criminal

seized funds account (Fund 260, Account No. 35100) for the following accounts:

• Contractual (Account No. 35100.43090)	\$ 3,112.54
• Contractual (Account No. 34300.43090)	1,836.10
• Contractual (Account No. 34200.43090)	2,144.57
• Contractual (Account No. 34100.47022)	2,627.60
• Contractual (Account No. 34100.43090)	<u>23,279.19</u>
Verizon Wireless Project Total:	\$ <u>33,000.00</u>

The motion carried by a 4-0 vote.

6.2 Increase the Westminster Rose Center Budget to Include Funds Received from Southern California Edison under their "Savings By Design" Incentive Program (702-02)

Council Member Marsh stated there are still issues with Southern California Edison and the providers of the air conditioning. The air conditioning problem is on-going at the Rose Center.

Motion was made by Council Member Marsh, seconded by Council Member Quach, to increase the Westminster Rose Center fiscal year 2006-07 budget by \$10,970, and authorize the transfer of funds from the Cable TV Fund (Account No. 11200-91000) to the Westminster Rose Center (Account No. 11202-964001). The motion carried by a 4-0 vote.

6.3 Award of Contract for Fumigation of Three City Buildings: Council Chambers, City Hall, and Clock Tower, and Five-Year Maintenance Program (502-23)

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry, to appropriate \$24,923.00 from Government Buildings Contingency (Account No. 75500-60904) to Repairs and Maintenance Buildings (Account No. 75500-44082); and award the contract to the low qualified bidder in the amount of \$24,923.00 to Western Exterminator Company; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City. The motion carried by a 4-0 vote.

6.4 (City/Agency) Allocation of Redevelopment Agency Low-and Moderate-Income Housing funds to two non-profits, Abrazar, Inc. and American Family Housing, Inc. (Shelter for the Homeless) for acquisition of affordable housing units and rehabilitation purposes under the Lease Purchase Program and approve six Agreements. (502-01)

Motion was made by Agency Member Quach, seconded by Vice Chair Fry, to:

- 1) Allocate Redevelopment Low-and Moderate-Income Housing funds in the amount of \$1,018,014 to Abrazar, Inc. (\$523,576) and American Family

- Housing, Inc. (\$494,438) for acquisition of four affordable housing units under the Lease Purchase Program; and
- 2) Allocate an additional amount of Redevelopment Low-and Moderate-Income Housing funds in the amount of \$60,000 to provide new heating and air conditioning systems for the six condominium units previously approved on May 31, 2006 by the Agency; and
 - 3) Approve the Affordable Housing Assistance Agreement with Abrazar, Inc. to Implement the acquisition of two affordable housing units; and
 - 4) Approve the Affordable Housing Assistance Agreement with American Family Housing, Inc. to implement the acquisition of two affordable housing units; and
 - 5) Approve the First Amendment to the Affordable Housing Assistance Agreement dated May 31, 2006 to provide additional funding for heating and air conditioning systems in the amount of \$10,000 per each of the six previously approved units for a total of \$60,000.

Motion was made by Council Member Quach, seconded by Council Member Fry to:

- 1) Approve the HOME Program Participation Agreement with Abrazar, Inc. to implement the acquisition of two affordable housing units under the Lease Purchase Program utilizing previously allocated HOME funds; and
- 2) Approve the HOME Program Participation Agreement with American Family Housing, Inc. to implement the acquisition of two affordable housing units under the Lease Purchase Program utilizing previously allocated HOME funds.

The motion carried by a 4-0 vote.

6.5 Consider the Cancellation of the Regular Council/Agency Meeting scheduled for Wednesday, September 27, 2006 (103-08)

Motion was made by Mayor Pro Tem/Vice Chair Fry, seconded by Council/Agency Member Quach to cancel the September 27, 2006 regularly scheduled meeting. The motion carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4025 – Conflict of Interest Code Amendments (304-01)

Council Member Marsh stated that he supports the motion with the exception of the Tree Education Committee. He said that he believed that the motion at the July 12, 2006 meeting, with regards to the issue of palm trees at 15611 Garland Circle, planted along the parkway side on Cloverdale Avenue, was for the matter to go back to the Tree Education Committee, not for consideration of the subject property, but for consideration of revising the language of the Tree Ordinance.

Motion was made by Council Member Marsh, seconded by Council Member Quach to adopt Resolution No. 4025 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending the Conflict of Interest Code for the City of Westminster for Designated Employees and Officials", with the removal of the reference to the Tree Education Committee, and waive further reading.

Mayor Rice clarified for the record that she did not refer the matter back to the Tree Education Committee, as she voted in opposition to this matter.

The motion carried by a 4-0 vote.

Darrell Nolta, resident of Westminster, stated that he did not participate in the Tree Education Committee meeting held on Monday. He thanked the Mayor and City Council for not including the Tree Education Committee to the Conflict of Interest Code.

8.2 Resolution No. 4038 – Amending the Official City Travel Policy for Department Heads and Staff. (101-04)

Council Member Marsh stated that he does not believe that the proposed travel policy provides sufficient protection for the City.

Motion was made by Council Member Marsh, seconded by Council Member Quach, to defer consider of this item until a meeting in October or November, 2006 to give staff adequate time to look at some additional safeguards, and bring it back to Council. The motion carried by a 4-0 vote.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to the 3rd Assault Amphibian Battalion Advisory Committee. (104-34)

Council Member Marsh stated that he would like to nominate Timothy O'Reilly, who has served recently in the armed forces and the guard, and felt he would be a significant asset to the Committee.

Motion was made by Council Member Marsh, seconded by Council Member Quach, to appoint Timothy O'Reilly as Council Member Marsh's nominee to serve on the 3rd Assault Amphibian Battalion Advisory Committee. The motion carried by a 4-0 vote.

Mayor Rice commented on a letter that was received from B. J. Savage that he felt the committee, as initially proposed, was adequate. He no longer wanted to be on the Committee. In his letter, he provided guidelines on matters that need to be taken care of. Mayor Rice expressed the need to verify that those appointed to the committee still want to participate.

Discussion ensued relative to the make-up of the Committee, the planned trip to Camp Pendleton on September 16th, and the posting requirements for the Committee.

The Deputy City Attorney explained the posting requirements.

Council Member Quach stated that the purpose of the trip to Camp Pendleton is to meet with the commanders of the base to go over the parameters of what can or cannot be given to the marines.

URGENT ITEM

Motion was made by Council Member Marsh, seconded by Council Member Quach to bring an item on to the agenda as an urgent item, as the matter 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 Mayor Pro Tem Fry's resignation from the 3rd Assault Amphibian Battalion Advisory Committee and that Mayor Pro Tem Fry serve as an alternate to Council Member Marsh or himself. The motion carried by a 4-0 vote.

9.2 Ad Hoc Residential Standards Committee Appointments (104-33)

Motion was made by Council Member Marsh, seconded by Council Member Quach, to appoint Phil Anthony to serve as the Apartment Complex Owner to the Ad Hoc Residential Standards Committee. The motion carried by a 4-0 vote.

URGENT ITEM

Discussion relating to the Vietnam War Memorial

Motion was made by Council Member Marsh, seconded by Council Member Quach, to bring an item on to the agenda as the matter arose subsequent to the posting of the agenda, and requires immediate action. The motion carried by a 4-0 vote.

Council Member Quach commented on a recent article in the *Orange County Register* relating to cracks in the Vietnam War Memorial. Subsequently, a response from the Director of Public Works/City Engineer indicated that the cracks were easily resolved.

Mayor Rice stated that this matter was blown out of proportion and that she was not informed that there was a problem with the Memorial.

The Director of Public Works/City Engineer stated that he read the newspaper article and immediately inspected the site. The architect, Lam Nguyen, is aware of the matter. He assured the Mayor and City Council that this is not critical, and is being taken care of. The comment that the concrete is sinking is not true. He

explained that one tile was loose, and that it is not unusual for an individual tile to come loose from time to time.

Council Member Quach commented that he and Council Member Marsh are on the Vietnam War Memorial Oversight Committee. He said that a few weeks ago they requested from the Vietnam War Memorial Committee their funding resources in order to look at its maintenance, and it has not yet been received. Council Member Quach said he would like to set up a formal meeting with the Committee as soon as possible.

Council Member Marsh said that documentation is needed in advance of the Oversight Committee meeting, and requested that the Director of Public Works/City Engineer be present at the meeting. He stated that they want the financial information from the Vietnam War Memorial Committee within 10 days.

Mayor Pro Tem Fry stated that the Committee meets on the second Tuesday of the month.

Mayor Rice suggested that Council Member Quach and Marsh attend the Vietnam War Memorial Committee meeting.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:32 p.m. In memory of Yen Do, founder and publisher of the Nguoi Viet Daily News.



Marian Contreras, City Clerk/Agency Secretary