

"Approved by the City Council/Redevelopment Agency Board on October 25, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
September 13, 2006

The City Council/Agency Board of the City of Westminster, California convened on September 13, 2006 at 6:45 p.m. in a 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, MARSH, QUACH
ABSENT: FRY

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. HVAC at Westminster Rose Center (14140 All American Way)

RECESS: At 7:00 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 (arrived at 7:30 p.m.), MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION – None

SPECIAL PRESENTATIONS:

A. Phil Hodgetts, resident of Westminster gave a PowerPoint presentation on Alternative Energy.

1. CONSENT CALENDAR**APPROVAL OF MINUTES****(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of August 16, 2006 and August 30, 2006.**

Darrell Nolta, resident of Westminster, requested that a change be made to page 9 of the August 16, 2006 minutes to his comment regarding the Orange County Fire Authority. He asked that the sentence beginning with "He praised" and concluding with "firefighters" be removed from the minutes.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve Item 1.1, including the amendment as recommended by Mr. Nolta to the August 16, 2006 minutes. The motion was carried by a 4-0 vote.

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 Proclamation declaring October 2-6, 2006 as Lawsuit Abuse Awareness Week in the City of Westminster.**

ACTION: Approved

- 1.4 (Agency) Fourth Amendment to Declaration of Establishment of Protective Covenants, Conditions and Restrictions and Grants of Easements for the shopping center known as the Westminster Center, located at the northwest corner of Goldenwest Boulevard and Westminster Boulevard. (502-23)**

ACTION: The Chair and Agency Board Members approved the Fourth Amendment to Declaration of Establishment of Protective Covenants, Conditions and Restrictions and Grants of Easements, and authorized the Interim Executive Director to execute the Fourth Amendment on behalf of the Westminster Redevelopment Agency.

1.5 New Classification Specification – Systems Administrator. (110-04)

ACTION: The Mayor and City Council approved the new class specification of Systems Administrator.

(ITEM REMOVED AND HEARD SEPARATELY)

1.6 Agreement with the Garden Grove Sanitary District for Construction, Operation, and Maintenance of a Sanitary Sewer Line along Trask Avenue from Coast Street to Beach Boulevard. (502-07)

Councilmember Quach asked that he be recused due to his involvement in a personal development project that he would directly benefit from.

Mayor Rice asked the City Attorney if it would be of any conflict to discuss this matter since she serves on the Midway City Sanitary Board. The City Attorney replied by saying that since it involves two separate organizations and two separate items of jurisdiction there would be no conflict of interest.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry to approve the subject agreement and authorize the Interim City Manager to execute the agreement on behalf of the City.

The motion carried by a 3-0-1 vote, with Council Member Quach abstaining.

1.7 Selection of Consultant to Provide an Advanced Transportation Management System (ATMS), Traffic Congestion Monitoring at 12 Intersections, New Traffic Signal Controllers, and Traffic Signal Coordination Plans City-wide. (502-09)

Motion was made by Council Member Marsh, seconded by Mayor Pro Tem Fry to approve the selection of Iteris, Inc., to perform the subject work in the amount of \$1,257,187.54, and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.8 Notice of Completion for work performed by American Seating for the Purchase and Installation of Theater Seating for the Westminster Rose Center. (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.

1.9 Purchase of Resilient Wedge Water Valves and Grip Rings for FY 2006-07. (502-03)

ACTION: The Mayor and City Council authorized a purchase order to C. Wells Pipeline Materials Company in the amount of \$19,518.92 to purchase resilient wedge water valves and grip rings for FY 2006-07, and rejected all other bids.

1.10 Purchase of Used Sedans and Vans. (502-18)

ACTION: The Mayor and City Council authorized a purchase order to Ray's Auto Sales, Inc. in the amount of \$150,000 to purchase used sedans and vans for FY 2006-07, and rejected all other bids.

1.11 Resolution No. 4039 – A Resolution of the Mayor and the City Council of the City of Westminster rescinding Resolution No. 4030 and providing for a compensation plan for the Management/ Administrative/ Confidential employees of the City of Westminster. (110-02)

ACTION: The Mayor and City Council adopted Resolution No. 4039 and waived further reading.

1.12 Resolution No. 4040 – A Resolution of the Mayor and City Council of the City of Westminster fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act. (110-07)

ACTION: The Mayor and City Council adopted Resolution No. 4040 and waived further reading.

ADMINISTRATIVE ITEMS

(ITEM REMOVED AND HEARD SEPARATELY)

1.13 Special Event Permit application from the National Vietnamese Overseas Mutual Association to hold a Commemoration Ceremony on Sunday, October 22, 2006 between the hours of 1:00 p.m. and 8:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way; the anticipated attendance is 200 people. (213-02)

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to approve the Special Event Permit application subject to the conditions attached to the staff report. The motion carried by a 4-0 vote.

WARRANT REGISTER

- 1.14 (City Council/Redevelopment Agency) Warrant Register dated August 23 through September 5, 2006.**

ACTION: Approved

INFORMATION AND REPORTS

- 1.15 Minutes of the Planning Commission meeting held August 2, 2006.**

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. 1.1, 1.6 and 1.13 which were removed for separate consideration. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

John Briscoe, trustee candidate for the Ocean View Board of Education, presented a letter to the Mayor and City Council which addressed recent budget disasters within the school districts. Council Member Marsh requested a copy of the referenced food service contract that was approved by the Trustees that would allow school lunch payments to be automated.

Darrell Nolta, Westminster resident, spoke regarding enforcement of the illegal display of political and business signs.

Jason Doan, Westminster resident, spoke regarding enforcement of trash issues in the City.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

- 3.1 The actions of the Planning Commission meeting held on September 6, 2006.**

- 1) Case 2006-47, Conditional Use Permit to allow the off-sale of beer and wine at My Thuan Supermarket (8900 Westminster Boulevard).
- 2) Case 2006 64, Design Review to allow an 18-foot high pylon sign and a second wall sign for Harley Davidson of Westminster (13031 Goldenwest Street).

- 3) Case 2006-03, Substantial Conformance Review of revised plans for Hoa Binh Plaza (9062 Bolsa Avenue)

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach, to receive and file Item Nos. 1, 2, and 3 of the oral report of the Planning Commission meeting of September 6, 2006. The motion carried by a 4-0 vote.

4. PUBLIC HEARINGS

4.1 Fiscal Year 2005-2006 Consolidated Annual Performance and Evaluation Report (CAPER) (109-04)

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

SINCE THERE WERE NO SPEAKERS IN FAVOR OR IN OPPOSITION ON THIS MATTER, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, seconded by Mayor Pro Tem Fry to approve the FY 2005-2006 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Act Grant Program (HOME) and authorized the City Manager to transmit this report to the U.S. Department of Housing and Urban Development (HUD) before September 8, 2006. The motion carried by a 4-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Marsh stated that he has made numerous phone calls to code enforcement in regards to the large number of illegal political signs that are found throughout the City. He suggested that it is time for the staff to start issuing notices of violation.

Mayor Rice agreed with Council Member Marsh and added that she has noticed commercial business signs also being displayed.

Council Member Quach agreed with Mayor Rice and Council Member Marsh and stated that he will personally hold back on his signage. He informed everyone that if people do see signs that are illegally placed to call the City's Code Enforcement Department.

Mayor Rice asked Interim City Manager Hall if the traffic officers could assist in the process of removing the signs. Interim City Manager Hall responded that other personnel will help during this period before the election.

Mayor Rice said that she has noticed an increase in graffiti in the City. The Interim City Manager reported that the Police Department caught a couple more taggers over the past weekend.

5.2 AB 1234 Reports

Mayor Rice reported that she and the City Council attended the League of California Cities Annual Conference in San Diego from September 6-8, 2006. On Friday, she did a presentation on Project S.H.U.E. and Intergenerational Housing Programs with the assistance of the Assistant to the City Manager, Tami Piscotty. The Mayor also participated as the City's Voting Delegate for League of Resolutions on Saturday morning. The Mayor and City Council attended many various seminars that included topics such as Wi-Fi access, housing sex offenders and legislative matters. Mayor Rice announced that the City was a Helen Putnam Award winner for the Civic Center, in the Intergovernmental Relations category. She informed that the League will come to the City before the end of the year to formally present the award.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Proposed Real Estate Market Analysis (906-01)

The Director of Community Development, Don Anderson and Economic Development Manager, Ray Silver gave a PowerPoint presentation. The Real Estate Market Analysis provides the foundation for the development of the Economic Development Strategy/Business Plan to implement Council approved programs and projects. The Request for Proposals for a Real Estate Market Analysis will be sent to firms specializing in Real Estate Market Studies, and staff will bring a recommendation for award of contract to one of the firms to the Agency Board in October, 2006.

In response to Chair Rice, the Economic Development Manager confirmed that there will be no tax increases.

Agency Member Quach stated that the City is overdue for a market analysis.

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

- 1) Authorize the issuance of a Request for Proposals for a Real Estate Market Analysis; and
- 2) Approve an appropriation of \$49,000 for this work from Account No. 18008-44030.

The motion carried by a 4-0 vote.

6.2 Ambulance Billing Services for the City (502-03)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry to authorize a purchase order for ambulance billing services to Chupan Medical Computer Services (CMCS) in an amount not to exceed \$135,000 for the fiscal year 2006-07.

Council Member Marsh requested that the Finance Director inform him of his research on this contract. The Finance Director explained that most cities do not contract out their billing and collection for ambulance services.

Darrell Nolta, resident of Westminster asked why CARE ambulance was in the City of Westminster, and if the City owes CARE several thousand dollars.

The Finance Director responded that CARE is the back up provider when AMR is not available to respond to calls. He also stated that as far as he is aware the City is up to date on those bills.

The motion carried by a 4-0 vote.

6.3 Notice of Completion for work performed by Maxwell Industries, Inc., for the Civic Center Pay Parking System Project (502-13)

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

- 1) Transfer \$1,838.80 from General Fund Contingency, (Account No. 20000-60904) to the Parking Equipment CIP Project, (Project No. 50002-065001); and
- 2) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

The motion carried by a 4-0 vote.

URGENT ITEM

Fee Waiver request from the Westminster Chamber of Commerce to host a Candidates Forum in the East/West room of the Community Services Building on October 10, 2006 from 3:00 p.m. until 10:00 p.m. (includes set-up and tear-down time). (702-06)

Motion was made by Council Member Marsh, and 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 was carried by a 4-0 vote.

Council Member Quach asked if it would present conflict for him to vote on this matter since he is a participant of the forum. The City Attorney said it would not pose a conflict since there are no benefits economically.

Motion was made by Council Member Marsh, and seconded by Council Member Quach to approve the Fee Waiver request from the Westminster Chamber of Commerce to host a Candidates Forum in the East/West room of the Community Services Building on October 10, 2006 from 3:00 p.m. until 10:00 p.m. (includes set-up and tear-down time). The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the Westminster Chamber of Commerce to Co-Host the 7th Annual Taste & Tour of Little Saigon Event by Allowing WTV-3 to Videotape the Reception and Dinner. (112-04)

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh to approve the request from the Westminster Chamber of Commerce to Co-Host the 7th Annual Taste & Tour of Little Saigon Event by Allowing WTV-3 to Videotape the Reception and Dinner. The motion was carried by a 4-0 vote.

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Area Variance Committee Appointment (104-15)

The Area Variance Committee Appointment was deferred by consensus of the Mayor and the City Council.

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

Mayor Rice announced that she did not have anyone to appoint to this committee.

Council Member Quach nominated Long Nguyen to be on the Committee. He stated that Mr. Nguyen had not submitted an application, but he had spoke to him and said he would like to be involved in the committee.

Motion was made by Council Member Quach, and seconded by Council Member Marsh to appoint Long Nguyen to the 3rd Assault Amphibian Battalion Advisory Committee.

Council Member Marsh commented on the structure of the Committee. He stated that he would like for the City to allow the Committee to function as a 501(c)(3) and communicate directly to the City Council.

Mayor Rice asked that the issue be brought back on the agenda to make formal action to revise the committee, and authorize the City Attorney's office to assist in the preparation of the 501(c)(3) non-profit paperwork.

The motion carried by a 4-0 vote.

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

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Quach to appoint Guy Perry to the Ad Hoc Residential Standards Committee in the Mobile Home Park Owner Category.

The motion carried by a 4-0 vote.

9.4 Resignation of Charlie Wilkins from the Personnel Board (Religious Category). (104-09)

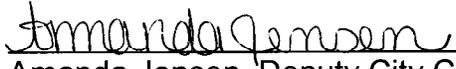
Mayor Rice stated that Charlie Wilkins has decided to become the Chaplain for the Police Department and requested that a letter of appreciation be sent to Pastor Wilkins..

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh to accept the resignation of Charlie Wilkins from the Personnel Board (Religious Category) with regrets and authorized the City Clerk to post a Notice of Vacancy pursuant to Government Code Section 54974.

Mayor Rice commented that Pastor Richard Sturgis expressed interest in serving on the Personnel Board (Religious Category).

The motion carried by a 4-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:03 p.m. Mayor Rice adjourned the meeting in honor of Doris Patterson, who passed away on September 4, 2006. Mayor Rice had worked with Doris for many years in the schools, where Doris was very active in PTA and various school committees.



Amanda Jensen, Deputy City Clerk/
Acting Agency Secretary