"Approved by the City Council/Redevelopment Agency Board on November 29, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
October 25, 2006

The City Council/Agency Board of the City of Westminster, California convened on October 25, 2006 at 6:33 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, FRY, MARSH, QUACH
ABSENT: NONE

CLOSED SESSION:

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

1) 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);

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, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Marsh

INVOCATION: Council Member Marsh

REPORT OUT OF CLOSED SESSION – None

SPECIAL PRESENTATIONS:

A. Greg Johnson, Director of Community Services introduced the new Principal at Westminster High School, Shirley Vaughn. Mrs. Vaughn gave an overview of her history in the Westminster community and shared her hopes for the future. She thanked the community of Westminster for supporting the School Bond issue that passed a few years ago.

B. Mark Rosen, Orange County Transportation Authority presented a Resolution to Council Member Marsh to recognize his efforts on the League of Cities Measure M Super Committee. Mr. Rosen also reported that the SR-22 project has 36 days left until it is substantially complete. He introduced the Program Manager for the SR-22 Project, Rick Revner.

Rick Revner, Orange County Transportation Authority gave a brief history of the SR-22 Project and an update on the progress and estimated completion date.

C. Sandy McClure, Westminster Chamber of Commerce reported on the recent and upcoming events within the City.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM REMOVED AND HEARD SEPARATELY)

1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of September 13, 2006 and October 11, 2006.

Darrell Nolta, resident of Westminster, requested that a change be made to page 5 of the September 13, 2006 minutes to his comment regarding the illegal display of political and business signs. He asked that "and expressed his opposition to the County's NPDES permit" be removed from the minutes. He also requested that a change be made to page 8 of the September 13, 2006 minutes to his comment regarding CARE ambulance service. He asked that the word "and" be inserted into the sentence between the words "Westminster" and "if", to read: "Darrell Nolta, resident of Westminster asked why CARE ambulance was in the City of Westminster, and if the City owes CARE several thousand dollars."

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve Item 1.1, the September 13, 2006 minutes, as amended. 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 **Notice of Completion for work performed by All American Asphalt, Inc., for All American Way and 16th Street Improvement Project** (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.

(ITEM REMOVED AND HEARD SEPARATELY)

1.4 **Issuance of Request for Proposals for Project Management Services for New Police Facility** (702-08)

Darrell Nolta, resident of Westminster, spoke in favor of the new police facility. He requested that the City Council formally vote on this project, because he feels that it has not been done.

Will B. King, resident of Beverly Hills, spoke in favor of the new police facility. He also spoke on an incident that occurred in the City years ago that affected his life.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry to approve the issuance of a Request for Proposals for Project Management services for the new Police Facility. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.5 **Interim City Manager's Compensation** (110-02)

Will B. King, resident of Beverly Hills, spoke in regards to the compensation for the Interim City Manager.

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

1) Authorize compensating the Interim City Manager for his services so long as he continues to perform the services and responsibilities of Interim City Manager at the rate of $16,667.00 per month inclusive of the Continuous Meritorious Service (CMS) entitlement he has a right to receive, effective December 1, 2006; and

2) Acknowledge and approve that any funds he has received as the Interim City Manager while serving in the capacity as Interim City Manager for CMS above his base salary shall be deemed additional compensation through and including November 30, 2006.

The motion carried by a 4-0 vote.

(SECOND READING) ORDINANCE/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

1.6 **Resolution No. 4044 - A Resolution of the Mayor and City Council of the City of Westminster adopting the Orange County Regional Water and Wastewater Multi-Hazard Mitigation Plan** (610-12)

Darrell Nolta, resident of Westminster, spoke in support of the Orange County Regional Water and Wastewater Multi-Hazard Mitigation Plan. He questioned how this body will be addressed in conjunction with the Brown Act.

Marwan Youssef, Director of Public Works, responded to Mr. Nolta's concern in regards to the Orange County Regional Water and Wastewater Multi-Hazard Mitigation Plan by stating that the meetings that have and will be held are open to the public and subject to the Brown Act.

Dick Jones, City Attorney, stated that any formal objection to this Plan should be addressed to the Orange County Water District.

Motion was made by Council Member Quach, and seconded by Council Member Marsh to adopt Resolution No. 4044, subject to incorporation of comments, if any, by the State Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA), and waive further reading.

The motion carried by the following vote:

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

ADMINISTRATIVE ITEMS

1.7 **Special Event Permit application from Little Saigon Foundation to hold the 14th Annual Christmas Wish Program on Saturday, December 23, 2006 between the hours of 6:00 a.m. and 1:30 p.m. (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard; the anticipated attendance is 2,000 people.** (213-02)

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

1.8 **Special Event Permit application from Vietnamese Alliance to Combat Trafficking (VietACT) to hold an Evening of Awareness: Fighting Human Trafficking Program on Saturday, December 9, 2006 between the hours of 3:00 p.m. and 9:00 p.m. (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard; the anticipated attendance is 250 people.** (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

1.9 **(City Council/Redevelopment Agency) Warrant Register dated October 4 through 17, 2006** (105-09)

ACTION: Approved

INFORMATION AND REPORTS

1.10 **Minutes of the Planning Commission meeting held September 20, 2006** (104-11)

ACTION: Received and filed.

1.11 **Minutes of the Traffic Commission meeting held on October 3, 2006** (104-12)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Vice Chair Fry, and seconded by Council/Agency Member Quach to approve the balance of the Consent Calendar with the exception of Item Nos. 1.1, 1.4, 1.5 and 1.6 which were removed for separate consideration. The motion carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Will B. King, resident of Beverly Hills, spoke regarding a possible conflict of interest when elected officials are members of more than one governing body in the same jurisdiction.

Darrell Nolta, resident of Westminster, spoke in opposition to Measure M.

Alin Hamade, resident of Westminster, stated that he received verbal warning from Code Enforcement in regards to his campaign signs. He claims that he did not hang the signs nor did anyone he knows, and he feels that he should not have to pay the fine.

Edelgard Crozier, resident of Westminster, spoke regarding enforcement of the illegal display of political and business signs.

Vivian Kirkpatrick-Pilger, resident of Westminster, spoke in regards to political signs and the enforcement of their illegal placement during this election. She also congratulated Council Member Marsh on his recognition from Orange County Transportation Authority on the Measure M Super Committee. Mrs. Kirkpatrick-Pilger requested that there be a common area where all the candidates could place their political signs during the political season.

Marilyn Fry, resident of Westminster, extended an invitation to everyone to attend the Westminster Chorale program that will be held at the Rose Center during the Holiday Season.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 18, 2006.

The Community Development Director reviewed the actions of the Planning Commission meeting of October 18, 2006:

1) Case 2006-24 – Variance, Conditional Use Permit, Site Plan Review, Design Review to allow the construction and operation of a 2,754-square foot 7-Eleven Market with off-sale beer and wine, less than required rear and interior side setbacks, and a CITGO self-service gasoline station beneath a 1,886-square foot canopy. Location: 13982 Bolsa Chica Road.

2) Case 2006-61 – Conditional Use Permit to serve alcoholic beverages for on-site consumption (Type 47 alcohol license) in conjunction with an existing restaurant (Jasmine Thai); Location: 9477 Bolsa Avenue.

3) Case 2006-88 – Appeal of Staff's Decision to Planning Commission pertaining to equipment screening and utility connections for a soil remediation unit. Location: 8481 Westminster Boulevard (northwest corner or Westminster Boulevard and Newland Street).

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to receive and file Item Nos. 1, 2, and 3 of the oral report of the Planning Commission meeting of October 18, 2006. The motion carried by a 4-0 vote.

RECESS AND RECONVENE:

At 8:10 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:23 p.m. All members of Council were present.

4. PUBLIC HEARINGS

4.1 CASE NO. 2006-72 (ZONE CHANGE) AND ACCOMPANYING NEGATIVE DECLARATION; LOCATION: 9282 BOLSA AVENUE, 15022 MORAN STREET AND 15054 MORAN STREET (SOUTHEASE CORNER OF BOLSA AVENUE AND MORAN STREET); APPLICANT: CITY OF WESTMINSTER (201-00) (CN2006-72)

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.

Associate Planner Steve Ratkay gave a PowerPoint presentation on Case No. 2006-72.

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

1) Adopt the negative declaration pertaining to Case 2006-72; and

2) Introduce Ordinance 2406 entitled, "An Ordinance of the Mayor and the City Council of the City of Westminster amending Sectional District Map 18-5-10 of Municipal Code Section 17.06.070 to change the zoning district designation for three adjoining parcels located at the southeast corner of Bolsa Avenue and Moran Street from CM (Commercial-Industrial) to C2 (General Business)", and waive further reading.

The motion 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

Council Member Quach reminded everyone to vote on November 7, 2006. He thanked the Planning Department staff for their efficiency in moving projects along

Mayor Pro Tem Fry spoke in opposition to the selling of single cans of beer at gas stations. He also spoke about the various propositions on the November 7, 2006 ballot.

Council Member Marsh stated that he received an anonymous phone call in regards to Time Warner Cable and the change in the channel line-up. He requested that someone from Time Warner come speak and clarify the issue. He spoke in regards to political signage. He reported that 767 illegally placed signs had been removed; of that number 532 were political candidate signs. Council Member Marsh thanked the staff for enforcing the issue of illegal signage. Council Member Marsh announced the Halloween Happening at the Westminster Mall.

Mayor Rice said that she will ask that the Executive Director of PCTA come to speak on the Time Warner issue. She commented she also had heard good things about the Planning Department and commended them on a job well done. Mayor Rice invited everyone to her Halloween Party at the park on October 28, 2006.

5.2 AB 1234 Reports - None

5.3 Endorse, Oppose, or Remain Neutral on Proposition 90 – Government Acquisition, Regulation or Private Property. Initiative Constitutional Amendment. (103-12)

Council Member Marsh presented a Resolution for the Council's consideration in regards to Proposition 90 on the November 7, 2006 ballot. He stated that the City of Westminster has aggressively resisted the issue of eminent domain since 1999. He continued by reading the proposed Resolution in full.

Mayor Rice stated that being on the Advisory Committee of the League of California Cities has brought great concern to her that the issue is very vague and may not be effective. She reported that there have not been any issues of eminent domain in the City of Westminster since 1999.

Council Member Quach spoke in support of the draft resolution.

Mayor Pro Tem Fry spoke in opposition of eminent domain and in support of Proposition 90.

Speaking in Support of Proposition 90:

Darrell Nolta, resident of Westminster, spoke in opposition of eminent domain and stated that he is against the taking of property for any purpose.

Vivian Kirkpatrick-Pilger, resident of Westminster, spoke in regards to the Infrastructure Redevelopment Plan (IRP) and the eminent domain issue.

Marilyn Fry, resident of Westminster

Earlene Whittington, resident of Westminster

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh to adopt the draft Resolution in support of Proposition 90 and waive further reading. The motion carried by the following vote:

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

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Official Staff Travel Reimbursement Policy (101-04)

Motion was made by Council Member Quach, and seconded by Council Member Marsh to adopt Resolution No. 4045 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the Official Staff Travel Reimbursement Policy", and waive further reading. The motion carried by the following vote:

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

6.2 Median Monument Signs for the Civic Center (203-02)

Marwan Youssef, Director of Public Works reviewed options for the Median Monument Signs.

Mayor Pro Tem requested that there not be any advertisements on the signs.

Council Member Marsh requested that there be an All America City Symbol on the sign and that it refer to the park as Sid Goldstein Freedom Park. He also

requested that it say City of Westminster, All America City on the back of the sign and that there be use of the City of Westminster seal somewhere on the sign.

Vivian Kirkpatrick-Pilger, Westminster resident, discussed the fact that the City of Westminster was recognized as an All America City in 1996. She asked if the City can drop the "Since 1996". She proposed that a United States Flag be placed on the sign.

Darrell Nolta, Westminster resident, requested that the park be properly referred to as Sid Goldstein Freedom Park in the future.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Fry to select Design No. 1 (attached to the staff report) as modified, and authorize staff to construct the signs as part of the Westminster Boulevard Median Project. The motion carried by a 4-0 vote.

7. **WRITTEN COMMUNICATIONS (Public) - None**

8. **LEGISLATIVE ITEMS - None**

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

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:16 p.m. Mayor Rice adjourned the meeting with good thoughts and a speedy recovery of Vivian Kirkpatrick-Pilger's husband.

Amanda Jensen

Amanda Jensen, Deputy City Clerk/
Acting Agency Secretary