

"Approved by the City Council/Redevelopment Agency Board on July 11, 2007."

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF THE REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
June 13, 2007**

The City Council/Agency Board of the City of Westminster, California convened on June 13, 2007 at 6:00 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: 6:02 P.M.**

**PRESENT: RICE, MARSH, FRY, QUACH (arrived at 6:20 P.M.), TA  
ABSENT: NONE**

**CLOSED SESSION:**

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

1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 14731 Goldenwest Street; Agency Negotiator: Executive Director Ray Silver and Planning Manager Art Bashmakian; Negotiating Parties: Daniel Bani-Esralli, Golden Westminster Investment, LLC and Craig Franz and Rick Jelke, Harley-Davidson of Westminster; Under Negotiation: Price and Terms of Payment; and

2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Ray Silver and Interim Director of Personnel/Risk Management Chris Birch; Employee Organization: Westminster Municipal Employees Association (WMEA)

**RECESS:**

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**ROLL CALL: Mayor Rice reconvened the meeting in the Council Chambers at 7:10 p.m.**

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

**SALUTE TO FLAG: Led by Evan from Boy Scout Troop No. 788**

**INVOCATION: Council Member Fry**

**REPORT OUT OF CLOSED SESSION – None**

**SPECIAL PRESENTATIONS:**

- A. Martha Parham, District Director of Marketing and Public Relations, Coast Community College District, thanked the Council for their support on the District's Utilization of Measure C monies. Richard Kudlik, Director of Internal Audit Services, Coast Community College District, provided Council with an overview of the District's use of Measure C monies and thanked Council for their support. (116-01)

**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 16, 2007**

ACTION: Approved.

**ROUTINE MATTERS**

- 1.2 **Claim Against The City (Continued from the May 9, 2007 meeting)**  
(119-02)

ACTION: The Mayor and City Council denied the claim against the City from Anne Belohovek in the amount of \$25,200.

- 1.3 **Increase Purchase Order with Ferguson, Praet & Sherman to Provide Legal Services for the City.** (502-06)

ACTION: The Mayor and City Council approved an increase to the purchase order with Ferguson, Praet & Sherman in the amount of \$25,000.

Mayor Rice requested additional information be provided for this item at a later time.

Mayor Pro Tem Marsh would like this information brought to Council in the context of a closed session.

- 1.4 **Increase Purchase Order with Haight, Brown and Bonesteel to Provide Legal Services to the City.** (502-08)

ACTION: The Mayor and City Council approved an increase to the purchase order with Haight, Brown and Bonesteel in the amount of \$25,000.

Mayor Rice requested additional information be provided for this item at a later time.

Mayor Pro Tem Marsh would like this information brought to Council in the context of a closed session.

**1.5 Revised Classification Specification – Research Analyst (110-04)**

ACTION: The Mayor and City Council approved the amended classification specification for Research Analyst.

**1.6 (City/Agency) Agreement for Federal Legislative Consultant Services (502-13)**

ACTION: The Mayor/Chair and City Council/Agency Board approved an agreement with James F. McConnell in the amount of \$65,000 for the period of July 1, 2007 to June 30, 2008, and authorized the City Manager/Executive Director to execute the agreement on behalf of the City.

**1.7 Notice of Completion for Work Performed by California Traffic Maintenance, Inc. for Maintenance/Service Agreement for Street Striping at Various Locations (502-03)**

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.

**1.8 Award of a Renewable Contract for New Water Meter Installation and Meter Exchange Program City-Wide – FY 2006-07 (502-01)**

ACTION: The Mayor and City Council awarded a contract, with four (4) option year renewals to Atlas-Allied, Inc. in the amount of \$252,300; rejected all other bids, and authorized the City Manager to execute the contract on behalf of the City.

**1.9 (City/Agency) Fiscal Year 2007-08 Statement of Investment Policy (105-01) (07)**

ACTION: The City Council/Agency Board approved the fiscal year 2007-2008 City of Westminster/Westminster Redevelopment Agency Statement of Investment Policy.

**(ITEM REMOVED AND HEARD SEPARATELY)**  
**1.10 Amendment No. 1 to Contract for Animal Shelter Services for 2007-08 (502-02)**

**Motion was made by Council Member Fry**, and seconded by Mayor Pro Tem Marsh, to continue Item 1.10 to the June 27, 2007 meeting.

The motion carried by a 5-0 vote.

**1.11 Agreement to Transfer Property or Funds for the 2006 Homeland Security Grant Program Purposes (502-15)**

ACTION: The Mayor and City Council approved an Agreement with the County of Orange to transfer property or funds for 2006 Homeland Security Grant Program Purposes and authorized the Chief of Police to execute the agreement on behalf of the City.

**ORDINANCES (SECOND READING)/RESOLUTIONS****1.12 Ordinance No. 2413 - An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and Amendment No. 5 , pursuant to the provisions of Health and Safety Code Sections 33333.2(c) and 33333.6 (e)(2)(C). (903-01)**

ACTION: The Mayor and City Council adopted Ordinance No. 2413 and waived further reading.

**1.13 Ordinance No. 2414 - An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area and Amendment No. 1, pursuant to the provisions of Health and Safety Code Section 33333.6(e)(2)(D). (903-01)**

ACTION: The Mayor and City Council adopted Ordinance No. 2414 and waived further reading.

**1.14 Ordinance No. 2416 - An Ordinance of the Mayor and City Council of the City of Westminster Establishing Policies Regarding the Use of Eminent Domain for the Westminster Commercial Redevelopment Project No. 1 as Amended by Amendments One, Two, Three and Four and the Westminster Infrastructure Revitalization Project (Amendment Five) and Authorizing Recording of a Revised Statement of Proceedings for Each Redevelopment Project Area (903-01)**

ACTION: The Mayor and City Council adopted Ordinance No. 2416 and waived further reading.

**1.15 Resolution No. 4088 - A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission's Denial of Case No. 2005-62 a Request to Construct a Self Storage Facility, located west of Hoover Street and between Trask Avenue and the Garden Grove Freeway (Assessor's Parcel Numbers 096-455-02 & 096-465-24), in the PF (Public Facilities) District. (201-00) (CN 2005-62)**

ACTION: The Mayor and City Council adopted Resolution No. 4088.

**WARRANT REGISTER**

- 1.16 (City Council/Redevelopment Agency) Warrant Register dated May 23, 2007 through June 5, 2007. (105-09) (07)

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.17 Minutes of the Planning Commission meetings dated May 14 and 24, 2007 (104-11)

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Council/Agency Member Ta, to approve the Consent Calendar, with the exception of Item No. 1.10 which was removed for separate consideration. The motion carried by a 5-0 vote.

**END OF CONSENT CALENDAR**

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**2. ORAL COMMUNICATIONS**

David Hester, 6272 California Avenue, Westminster, informed Council of a problem in the neighborhood with big rig trucks parking over night primarily at the Big Lots store in that area. A group of them contacted code enforcement and the police and asked if something could be done to relieve this situation.

Hung Van Nguyen, Coalition of the Republic VN Veteran Association, posted an invitation to the citizens of Westminster to attend their two-day Vietnamese Armed Forces Day Commemorative Vigil at Freedom Park near the Vietnam War Memorial on Saturday, June 16<sup>th</sup> at 6:00 p.m.

Phil Hodgetts, Westminster Energy Committee, commented that energy savings pamphlets can be found in front of the Chambers for everyone to pick up when they leave. He updated the Council that the Energy Committee has four projects they are trying to push (Chamber of Commerce building, Police building, Council Chambers, and DeMille School) and have the encouragement of the California Energy Commission. He said that each of the Energy Committee Members were taking an issue and filling out a form requesting financing and help for the project, and they need to have a governing board resolution to complete the process. He asked Council if they wanted to make Westminster a green city. He reminded them of his report on alternative energy dated September 13, 2006, on where the

City is and where the City was heading for encouragement on making Westminster a green city.

Mayor Rice stated that a letter of intent is needed from Council to show support of the Energy Committee efforts and to allow the City to apply for these grants.

Ray Silver, City Manager, requested the City's Building Official prepare the letter and present it to Council at a later meeting.

Mayor Pro Tem Marsh suggested that staff go to the League of Cities website to view samples from other cities that have done these green applications.

Darrell Nolta, resident of Westminster, posted a picture of the Vietnam War Memorial from the Orange County Register, dated March 22, 2007 which displayed three gentlemen in front of the Memorial, and one person leaning up against the American soldier, which he felt symbolized a great deal of disrespect to the American soldier. He stated his opposition to the hanging of any flags that are not the American flag on the streets of Westminster. He said that he spoke to Captain Waller about a multi-car accident on June 1, 2007, where he noticed that Care Ambulance did not call 911. He informed Council that he did not like that Care Ambulance service was in the City, and expressed deep concerns on the ambulance service contracts that were coming up for review soon.

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

#### **3.1 The actions of the Planning Commission meeting held on June 6, 2007.**

The Mayor and City Council reviewed items from the Planning Commission meeting June 6, 2007

- 1) Case 2007-01 Conditional Use Permit to allow for the sale of distilled spirits for off-site consumption in addition to the current sale of beer & wine for off-site consumption at an existing mini-market (J & K Market). Location: 7701 Westminster Boulevard.
- 2) Case 2007-22 Site Plan Review, Design Review, and Variance to allow the conversion of an existing industrial building into a retail building, building façade modification and parking variance. Location 15054 Moran Street.
- 3) Case 2007-45 Zone Text Amendment to exempt reflexology from the conditional use permit provision. Location: Citywide within commercially designated properties.
- 4) Case 2005-01 Amendment to previously approved project to eliminate a condition requiring the installation of decorative colored stamped concrete or pavers at the entry driveway of Lexus car dealership facility. Location: 13590 Beach Boulevard
- 5) Case 2007-29 Design Review to install wireless communications facility. Location: 14528 Edwards Street (US Storage)

Mayor Pro Tem Marsh called up Item No. 1 for review, because the applicant had a previous violation of an ABC license.

**Motion was made by Council Member Quach**, seconded by Council Member Ta to receive and file Item Nos. 2-5 with the exception of Item No. 1 as pulled by Mayor Pro Tem Marsh. The motion carried by a 5-0 vote.

#### 4. PUBLIC HEARINGS

##### 4.1 ADOPTION AND APPROPRIATION OF THE BUDGET FOR THE 2007-08 FISCAL YEAR. (105-03) (07)

The Finance Director presented an overview of the proposed Budget for Fiscal Year 2007-08. He reviewed the source, use of funds, and supplemental requests.

Mayor Pro Tem Marsh requested the reduction of the training for the Microsoft 2000 Office deployment be reflected in the budget from the original amount of \$140,000 to the current amount of \$65,000.

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

Crystal Wadsworth, Westminster Chamber of Commerce, informed Council that she sent a letter requesting a 10% increase to the funding the agency provides to the Chamber on a quarterly basis. The funding for 2006 was \$32,135 annually. Therefore, they are requesting for 2007 the total to be \$35,349.50 annually which includes the 10% increase.

Mayor Pro Tem Marsh requested that staff provide a 10 year history of the Chamber of Commerce allocations for Council review prior to increasing the funding.

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

Darrell Nolta, Westminster resident, stated that he believes that the Council should not be in the business of promoting business. He said that the basis by which the budget had been predicated was based on the tax increments and commented on an article in the newspaper recently about sagging home sales and the reduction in the property tax revenues that would come into the County. Mr. Nolta expressed the need for more police officers in the City and expressed his opposition to the supplemental amount of \$53,000 for parks maintenance and the Vietnam War Memorial maintenance. He reminded the Council of their promise that no tax funds were to be used on the Memorial.

SEEING THERE WERE NO OTHER PERSONS WISHED TO SPEAK, MAYOR/CHAIR RICE CLOSED THE PUBLIC HEARING.

**Motion was made by Mayor Pro Tem Marsh**, and seconded by Council Member Quach to adopt as amended by Finance Director's announced changes at tonight's meeting:

- 1) Resolution No. 4085 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting and appropriating the budget for the 2007-08 fiscal year;" and
- 2) Resolution No. 4086 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing the Article XIII B Appropriation limit for the 2007-08 fiscal year."

The motion carried by a 5-0 vote.

**Motion was made by Authority Vice Chair Marsh**, and seconded by Authority Member Quach to adopt as amended by Finance Director's announced changes at tonight's meeting:

- 1) Resolution No. 27 entitled, "A Resolution of the Westminster Public Financing Authority adopting and appropriating the budget for the 2007-08 fiscal year."

The motion carried by a 5-0 vote.

**Motion was made by Agency Vice Chair Marsh**, and seconded by Agency Member Quach to adopt as amended by Finance Director's announced changes at tonight's meeting:

- 1) Resolution No. 183 entitled, "A Resolution of the Westminster Redevelopment Agency adopting and appropriating the budget for the 2007-08 fiscal year."

The motion carried by a 5-0 vote.

- 4.2 CASE NO. 2007-19 – AMENDMENT TO TITLE 17 (LAND USE) OF THE WESTMINSTER MUNICIPAL CODE PERTAINING TO CHAPTER 17.22.010 (E) (C1 LOCAL BUSINESS DISTRICT) ELIMINATING A PROVISION WHICH ALLOWS THE OUTDOOR DISPLAY OF THREE OR LESS ITEMS OF MERCHANDISE IN CONJUNCTION WITH A COMMERCIAL BUSINESS; LOCATION: CITYWIDE; APPLICANT: CITY INITIATED (201-00) (CN 2007-19)**

Ray Silver, City Manager, withdrew this item from the agenda per staff's request.

**4.3 ORDINANCE NO. 2417 - AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER AMENDING CHAPTER 5.32, AMENDING CHAPTER 17.50.020, AND ADDING CHAPTER 5.34 TO THE WESTMINSTER MUNICIPAL CODE, RELATED TO THE REGULATION OF REFLEXOLOGY ESTABLISHMENTS. (203-05)**

Andrew Hall, Chief of Police and Christian Bettenhausen, Assistant City Attorney presented the corrected version of the ordinance addressing their concerns and including the redline version.

Mr. Bettenhausen informed Council of an e-mail made by Mr. Vu recommending the use of oil or lotion in reflexology. The City does not have an objection to this recommendation.

Mayor Pro Tem Marsh anticipates that within a few years the State legislature will regulate the reflexology business.

Mayor Rice requested that any and all reference to the ears be removed from the ordinance.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR OPPOSITION TO THE ITEM. BEING THERE WAS NO ONE WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM; MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Quach listed some modifications on the language of the ordinance and also wanted the last appointment be at 9:00 p.m. to allow for the business to close its doors at 10:00 p.m. He wanted a provision added to the ordinance that every applicant that went to the Police Department be made aware that at any time the City Council may chose to revoke this ordinance and institute a CUP requirement.

**Motion was made by Council Member Fry** and seconded by Council Member Ta to adopt Ordinance No. 2417 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 5.32, Amending Chapter 17.50.020 and Adding Chapter 5.34 to the Westminster Municipal Code Related to the Regulation of Reflexology Establishments", and waive further reading as amended to remove any and all reference to ears, the change of closing time to 10:00 p.m., and the addition of oil and lotion.

The motion carried by the following roll call vote:

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

**5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS****5.1 Council/Agency Member Items**

Council Member Quach thanked the Mayor, Council Member Fry and staff for their visit to his jobsite.

Council Member Fry spoke about a water inspection trip to the Colorado River.

Council Member Ta invited everyone to attend the Flag Day Event at noon on Thursday, June 14<sup>th</sup>.

Mayor Rice invited everyone to the Flag Day Celebration at the Rose Center on the evening of Thursday, June 14<sup>th</sup>. She also reminded everyone of the Mayor's Ball scheduled for Saturday, June 23<sup>rd</sup>.

**5.2 AB 1234 Reports –None****6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR****6.1 Award of Contract for HVAC Maintenance at the Westminster Rose Center, 14140 All American Way (502-01)**

Marwan Youssef, Director of Public Works/City Engineer, presented the item.

Council Member Quach asked why the City is recommending \$9,816 for HVAC, when it is not the City's responsibility to provide this maintenance.

Mr. Youssef explained that the City would pay for the maintenance upfront and then bill Crystal Rose Catering and the Rose Center Foundation later.

Mayor Pro Tem Marsh expressed his concern with the lack of agreements in place to provide the City with this type of reimbursement.

Mr. Youssef explained that the two parties would sign the contract with the provision that they would reimburse the City.

Council Member Quach expressed agreement with this procedure.

Mayor Rice expressed her concerns with the Rose Center Foundation's obligation to pay the maintenance of the Rose Center building when it is a City building.

Darrell Nolta, Westminster resident, asked why there had been such a delay in fixing the air conditioning problem.

Council Member Ta wanted clarification on the maintenance responsibility of the building.

**Motion was made by Council Member Quach** and seconded by Council Member Ta to approve as amended with the addition of the provision for Crystal Rose Catering and the Rose Center Foundation to sign the agreement to provide the City reimbursement.

- 1) Approved a budget transfer of \$13,792 from the Government Buildings Fund Contingency to the Government Buildings Maintenance Fund – Contractual Service;
- 2) Approved an award of contract for HVAC Maintenance at the Westminster Rose Center to Allison Mechanical Company in the amount of \$9,816; reject all other bids; and authorized the City Manager to execute the contract on behalf of the City; and
- 3) Approved an expenditure of \$3,976 to cover the cost of maintaining the elevator, fire alarm system, emergency power generator, and the f.o.b. system at the Westminster Rose Center for one year.

The motion carried by a 5-0 vote.

Peter Galang, Crystal Rose Catering spoke on the validity and fairness of the maintenance stipulation in his contract.

## **6.2 Continuance of Wireless Data Service at Police Department (502-22)**

**Motion was made by Council Member Quach** and seconded by Mayor Pro Tem Marsh to approve as recommended.

- 1) Approved the continued use of Verizon Wireless Data Services as the provider of wireless data local area network services for the police department in an amount not to exceed \$25,000 from the Department of Justice (DOJ) Seizure Account for fiscal year 2007-08;
- 2) Approved a wireless contingency fund in an amount not to exceed \$10,000 for evolving wireless data contractual services from the Department of Justice (DOJ) Seizure Account for fiscal year 2007-08; and,
- 3) Increase the Police Seizure DOJ fiscal year 2007-08 budget by \$35,000 and authorize the transfer of funds from the Police Seizure DOJ Undesignated Unreserved Fund Balance Account to the Contractual-Other Account in the amount of \$35,000.

The total Fiscal Year 2007-08 Expenditure Budget Increase is: \$35,000.

The motion carried by a 5-0 vote.

**6.3 2006 Justice Assistance Grant (JAG) Application and Expenditure Plan Approval (109-06)**

**Motion was made by Council Member Ta** and seconded by Mayor Pro Tem Marsh to:

- 1) Approved an appropriation of \$16,914.89 for the 2006 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2007-08 budget (Account No. 39910-34098); and
- 2) Approved an appropriation of \$16,914.89 to the LLEBG Fund expenditure budget for the fiscal year 2007-08 to the following line item:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
258-33910-43090	Contractual Services	\$16,914.89

The total Fiscal Year 2007-08 Expenditure Budget increase is: \$16,914.89.

The motion carried by a 5-0 vote.

**6.4 2007 Justice Assistance Grant (JAG) Application and Expenditure Plan Approval (109-06)**

**Motion was made by Council Member Ta** and seconded by Council Member Fry to:

- 1) Approved an appropriation of \$26,385.77 for the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2007-08 budget (Account No. 39910-34098); and
- 2) Approved an appropriation of \$26,385.77 to the LLEBG Fund expenditure budget for the fiscal year 2007-08 to the following line item:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
258-33910-43090	Contractual Services	\$26,385.77

The total Fiscal Year 2007-08 Expenditure Budget increase is: \$26,385.77.

The motion carried by a 5-0 vote.

**6.5 Classification Specification - Economic Development Specialist (110-04)**

**Motion was made by Council/Agency Member Fry** and seconded by Council Member Ta to approve the classification specification and salary range (\$4,335 to \$5,533) for the position of Economic Development Specialist.

The motion carried by a 5-0 vote.

- 7. **WRITTEN COMMUNICATIONS (Public) – None**
- 8. **LEGISLATIVE ITEMS –None**
- 9. **COMMISSION AND COMMITTEE ITEMS**
- 9.1 **Request by the Planning Commission for a Joint Study Session with the Mayor and City Council (103-15)**

RECOMMENDED ACTION/MOTION: The Mayor and City Council consider the request by the Planning Commission and take appropriate action. The Council could 1) note and file the Planning Commission's request, 2) direct staff to schedule a joint study session or 3) any take other action the Mayor and City Council deem appropriate

**Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta, to continue Item No. 9.1 to a September meeting.**

The motion carried by a 5-0 vote.

- 10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:00 p.m., Mayor/Agency Chair Rice adjourned the meeting.

  
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Patricia Jacquez-Mares  
Assistant City Clerk/Acting Agency Secretary