

"Approved by the City Council/Redevelopment Agency Board on September 12, 2007."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING

WESTMINSTER, CALIFORNIA
August 22, 2007

The City Council/Agency Board of the City of Westminster, California convened on August 22, 2007 at 7:15 p.m. in a Regular Meeting in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

7:00 P.M.

ROLL CALL: Mayor Rice reconvened the meeting in the Council Chambers at 7:15 p.m.

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

SALUTE TO FLAG: Council Member Ta

INVOCATION: Council Member Quach

SPECIAL PRESENTATIONS:

- A. Robert Carolan, Chairman, Law & Order Commission, State of California, American Legion presented to Sergeant Darin Upstill their Award of Valor, 1st Runner-Up for the State of California.
- B. Kimchi Congton presented the City Council and the City of Westminster a framed piece of Artwork representing four main activities of old time Vietnamese society, Fishery (symbolized by a fisherman), Forestry (symbolized by a forester), Farming (symbolized by a farmer), and Husbandry (symbolized by a shepherd).

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

Commission and Committee Items

Item No. 9.2

Application for Appointment to the Planning Commission dated August 22, 2007 from Ha Son Tran.

1. CONSENT CALENDAR

ROUTINE MATTERS

1.1 Claims Against the City (119-02)

ACTION: The Mayor and City Council denied claims against the City from:

- a) Mark and Gordon Lawrence in the amount of \$300,000. (\$150,000 each).

1.2 Proclamation declaring the month of September as National Alcohol and Drug Addiction Recovery Month. (115-00) (07)

ACTION: Approved.

(ITEM REMOVED AND HEARD SEPARATELY)

1.3 Planned Expenditure of State Law Enforcement Subvented Funds (SLESF) Fiscal Year 2007-2008 (109-06)

Vivian Kirkpatrick-Pilger, resident of Westminster, asked for the meaning of subvented funds. Chief Hall explained that it is grant funding from the federal government that goes through the state, the county and then to the City.

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta, to accept the planned expenditure of State Law Enforcement Subvented Funds in the amount of approximately \$130,000 for the fiscal year 2007-08 for the funding offset of one police sergeant position at the police department.

The motion carried by a 5-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.4 License Agreement for Year One (1) of a Two (2) Year License for Software of View Oblique Aerial Images. (502-16)

Vivian Kirkpatrick-Pilger, resident of Westminster, asked why this contract was being awarded on a one year basis when it had the option to fund for a second year. Mayor Pro Tem Marsh explained that this would allow the City the option of not renewing for the second year.

Motion was made by Council Member Ta, and seconded by Council Member Quach, to approve a License Agreement in the amount of \$10,000 with Pictometry International Corporation for year one (1) of a two (2) year license for software to view oblique aerial images.

The motion carried by a 5-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.5 Renewal of Contract for Retrieval of Stray Shopping Cart Services. (502-03)

Mayor Rice asked Vicki Morgan, Code Enforcement Manager, if there is a limit to the amount of carts the company can pick-up. Ms. Morgan stated that there is a limit to the cost with a maximum cap of \$3,000 per month of what they retrieve. The City does receive monthly inventories that have daily counts and they typically exceed 1,000 pick-ups monthly.

Council Member Quach asked Ms. Morgan if she believed the company is performing their job duties well. Ms. Morgan confirmed that they were performing their duties and that she had requested better turn around time for the cart pick-ups.

Mayor Pro Tem Marsh said that he received a call from a constituent that complained about the service he received from the Police Department when calling in a shopping cart complaint. The constituent was not given the help needed and was referred to Code Enforcement. He requested that the Police Department and Code Enforcement work together to provide better service.

Council Member Fry asked if the store signs a return slip stating how many carts the company has retrieved for them upon delivery. Ms. Morgan stated that yes, they are doing this and they will continue this process.

Vivian Kirkpatrick-Pilger congratulated the City Clerk's office for having the agenda with the staff report available on the website. She requested clarification on what a participating store meant in the contract. Ms. Morgan informed her that a participating store also uses California Shopping Retrieval for their shopping cart retrievals. Ms. Kirkpatrick-Pilger suggested nonparticipating stores pay to have their carts returned to them at a rate of \$25 for each cart.

Vicki Morgan stated the Business and Professions Code 22435.7.f states that if a cart is on a property it has to be tagged and after the third occurrence a \$50 fee can be assessed to a business.

Council Member Quach suggested that a containment system be a requirement on new applications for conditional use permits.

Darrell A. Nolta, resident of Westminster, stated that this is a public safety issue, carts are left on the sidewalk or street and people can get hurt.

Motion was made by Council Member Quach, and seconded by Council Member Fry to approve the contract renewal with California Shopping Cart Retrieval Corporation (CSCRC), a sole service provider, in the amount of \$36,000 for the period of July 1, 2007 through June 30, 2008.

The motion carried by a 5-0 vote.

1.6 Award of Bid for Purchase of Brass Pipeline Materials for the Installation, Repair, and Maintenance of the City's Water System (502-25)

ACTION: The Mayor and City Council authorized a purchase order to Yo Fire Supply in an amount not to exceed \$35,000 for a renewable supply bid for the purchase of brass pipeline materials for fiscal year 2007-08, and rejected all other bids.

1.7 Award of Bid for Purchase of Miscellaneous Pipeline Materials for the Installation, Repair and Maintenance of the City's Water System (502-25)

ACTION: The Mayor and City Council authorized a purchase order to Yo Fire Supply in an amount not to exceed \$25,000 for a renewable supply bid for the purchase of miscellaneous pipeline materials for fiscal year 2007-08, and reject all other bids.

(ITEM REMOVED AND HEARD SEPARATELY)

1.8 Notice of Completion for work performed by All American Asphalt, Inc., for CTB 04-05-06 Street Improvements Project at various locations (502-01)

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Quach, to continue item to the September 12, 2007 Council/Agency meeting.

The motion carried by a 5-0 vote.

1.9 Extension of Contractual Services Agreement for Plan Check and Inspection Services for Fiscal Year 2007-08. (502-13)

ACTION: The Mayor and City Council approved the extension of the contractual services agreement with Melad & Associates and authorized a purchase order in an amount not to exceed \$60,000 to provide services for fiscal year 2007-08.

1.10 Purchase Order to Electronic Risk Consultants (ERC) for FY 2007-08 (502-05)

ACTION: The Mayor and City Council authorized a purchase order to ERC in the amount of \$22,091.49 to underwrite maintenance of electronic equipment located throughout the City.

1.11 Increase to Purchase Order with Gladwell Governmental Services, Inc. for Records Management Consulting Services. (502-07)

ACTION: The Mayor and City Council authorized an increase to the purchase order with Gladwell Governmental Services, Inc. in the amount of \$1,920 to provide records management consulting services.

ADMINISTRATIVE ITEMS

1.12 Fee Waiver request from Reverend Charles Wilkins, Senior Pastor of the Greater Grace Church of Deliverance for use of the Craft room in the Community Services building to hold a meeting on September 5, 2007. (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.

WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated August 2 through August 14, 2007. (105-09) (07)**

ACTION: Approved.

INFORMATION AND REPORTS

- 1.14 Minutes of the Planning Commission meeting held July 18, 2007 (104-11)**

ACTION: Received and filed.

- 1.15 Minutes of the Energy Committee meeting held July 31, 2007 (104-07)**

ACTION: Approved.

- 1.16 Community Development Monthly Activity Report – July 2007 (216-01) (07)**

ACTION: Received and filed.

Motion was made by Council/Agency Member Quach, and seconded by Council/Agency Member Fry, to approve the Consent Calendar, with the exception of Items 1.3, 1.4, 1.5 and 1.8 which were removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Darrell A. Nolta, resident of Westminster, commended the individuals who protested against the casino in Garden Grove and commended the City Council member that participated, as he is opposed to such a casino anywhere near the City of Westminster. Mr. Nolta expressed his concerns with the civil rights lawsuit of Mr. Bui.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

- 3.1 The actions of the Planning Commission meeting held on August 15, 2007**

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta, to receive and file the following Planning Commission Items:

- 1) Case 2007-15 Variance, Conditional Use Permit, Site Plan Review and Design Review to allow the development of a new veterinary hospital. Location 7122 Garden Grove Boulevard
- 2) Case 2007-42 Tentative Parcel Map, Site Plan Review, Design Review, and Variance to allow the development of a residential duplex condominium. Location 7341 Texas Street.

The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

4.1 WEED ABATEMENT COST REPORT – FALL 2006 AND SPRING 2007 (618-01) (07)

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

SEEING THERE WERE NO PERSONS WHO WISHED TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING

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

- 1) Receive and confirm the cost report;
- 2) Adopt Resolution No. 4100 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall 2006 and Spring 2007 on lots within the City of Westminster", and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector.

The motion carried by a 5-0 vote.

4.2 REPORT ON CITY OF WESTMINSTER WATER DIVISION PUBLIC HEALTH GOALS FOR DRINKING WATER (610-12)

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

Darrell A. Nolta, resident of Westminster, requested that page 5 of the report be rewritten as it pertains to Coliform bacteria and radio activity, as clarification of these items is found on page 6. He questioned why these instances only occurred in a few of the wells. He said this report really substantiates that our water is pretty good, and asked why this was only in one or two wells versus the entire structure that the City has.

SEEING THERE WERE NO OTHER PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Marsh, to approve the required City of Westminster 2007 Report on Water Quality Relative to Public Health Goals.

The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta voiced his opposition to a casino in Garden Grove, even though this is a City of Garden Grove issue; he believes that it will have a negative impact in our City as well. He wished everyone a good Labor Day weekend and reminded everyone of the League of Cities Conference in Sacramento next week.

Mayor Pro Tem Marsh appreciated the concern for a casino in Garden Grove. He reminded everyone that he is opposed to having a casino in Westminster and the federalization of land in Westminster. He encouraged everyone to buy something that was made here in America at all those Labor Day sales.

Mayor Rice referenced a letter from a Mayors group, which states a concern with Mayors of several cities going out and vetoing bottled water. She also reminded everyone that the next concert in the park would be in September for the Dia De la Familia celebration. She commended the staff for the concerts in the park; they were great. Mayor Rice informed Council of the success the Salute the Senior Luncheon had at the Rose Center this past week. She stated her opposition to a casino in or around our City.

5.2 AB 1234 Reports – None

5.3 Consideration of donation to the Westminster Police Memorial (103-11) (07)

Mayor Rice invited the public to come to the unveiling ceremony on August 30, 2007, 7:30 p.m. in the Civic Center between the Police Station and City Hall.

Dan Schoonmaker, President, Westminster Police Officers Association, stated that the project is currently \$40,000 short. The Police Officers Association will hold a fundraiser to help this deficit and any donation would be graciously

received. This project has truly been a team effort by all the members of the City, staff both from City Hall and from the City Yard have been very helpful. In addition, local businesses, members of the community, and our brothers and sisters from other local police agencies have really united to come through with this project. Total cost is \$165,000.

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Ta, to authorize staff to prepare documentation for a donation of \$25,000 to Westminster Police Memorial and to have staff research the ability to use different available Redevelopment Funds as options rather than the general fund to the extent possible and to report back to Council at the soonest available opportunity.

The motion carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Go Local Grant Funding Opportunity (502-15)

Darrell A. Nolta, a resident of Westminster, supports this item unless it impacts Brookhurst Street in terms of congestion.

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

- 1) Authorize the submission of a grant application to the Orange County Transportation Authority (OCTA) as part of its Go Local Program to study transit opportunities that link to Metrolink, specifically using either Beach Boulevard or Brookhurst Street; and
- 2) Authorize City staff to work with the OCTA to return with a Cooperative Agreement for this Study.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)

Mayor Rice received a letter to invite the public to the Olive Street Reunion to be held at Sigler Park on September 29, 2007 from 11:00 a.m. to 6:00 p.m.

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS**9.1 Applications for California Energy Commission Technical Assistance (109-08)**

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

- 1) Adopt Resolution No. 4104 entitled, "A Resolution of the Mayor and City Council of the City of Westminster to participate in the California Energy Commission Energy Partnership Program and to apply for Technical Assistance", and
- 2) Authorize the City Manager to execute the Technical Assistance applications for four projects to the California Energy Commission on behalf of the City. The four projects are the Council Chamber, Senior Center, proposed City-Chamber of Commerce Building, and the proposed Police Facility.

The motion carried by a 5-0 vote.

9.2 Appointment to the Planning Commission (Council Member Ta Appointee) (104-11)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh to appoint Ha Son Tran as Council Member Ta's appointee to serve on the Planning Commission for a term to expire in November 2008.

The motion carried by a 5-0 vote.

9.3 Appointment of Alternate Members to the City's Energy Committee (Mayor Pro Tem Marsh and Council Members Fry, Quach and Ta Appointees) (104-07)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh, to appoint Vu Vo as Council Member Ta's alternate member to serve on the City's Energy Committee.

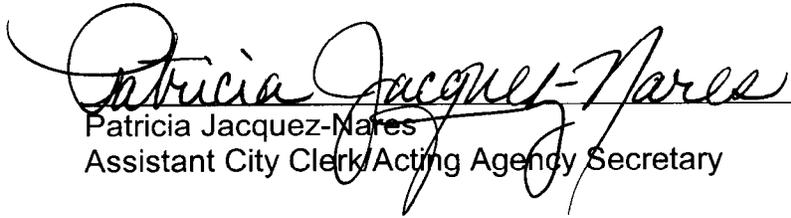
The motion carried by a 5-0 vote.

9.4 Appointment of Alternate Member to the Cultural Arts Commission (Council Member Ta Appointee) (104-06)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Marsh to appoint Tan Nguyen as Council Member Ta's alternate member to serve on the Cultural Arts Commission for a term ending in November 2008.

The carried by a 5-0 vote.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:22 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Patricia Jacquez-Mares
Assistant City Clerk/Acting Agency Secretary