

"Approved by the City Council/Redevelopment Agency Board on October 24, 2007."

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

**WESTMINSTER, CALIFORNIA
September 26, 2007**

The City Council/Agency Board of the City of Westminster, California convened on September 26, 2007 at 6:30 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:30 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

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

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session at 6:30 p.m. for the following purpose:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 7201 Westminster Boulevard and 13942 Cherry Street; Agency Negotiator: Executive Director Ray Silver; Negotiating Party: Michelle Nguyen (owner); Under Negotiation: Price and Terms of Payment.

RECESS: At 6:50 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 7:02 p.m. in the Council Chambers.

ROLL CALL

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

SALUTE TO FLAG: City Attorney

INVOCATION: Mayor Pro Tem Marsh

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of Closed Session.

SPECIAL PRESENTATIONS

- A. The Mayor and City Council presented a Proclamation declaring October 7-13, 2007 as "Fire Prevention Week" in the City of Westminster, to Battalion Chief Ron Roberts. (115-00)
- B. The Mayor and City Council presented a Proclamation in support of the Unveiling of the United States Postal Service Stamp in honor of the "Mendez v. Westminster" case, to Mimi Lozano Holtzman, Lupe Fisher, Sergio Contreras, and Larry Luera, Members of LULAC Council #3017. (115-00)

The City Clerk Announced Late Communications

The City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk's office following the distribution of the agenda packet:

Matters from City Manager/Executive Director

- 6.1** Memorandum dated September 20, 2007 from Andrew Hall, Police Chief to the Mayor and City Council re: Requested Information Regarding Ambulance RFP.

Communication submitted by the following individuals stating opinions pertaining to the EMS Emergency Transportation Services Contract Award Recommendation:

- Bruce Hird, Chief Professional Officer at the Boys & Girls Club of Buena Park dated September 18, 2007.
- Cheryl Brothers, Fountain Valley Council Member dated September 23, 2007.
- Michael Hemphill, Westminster resident, dated September 22, 2007.

A side-by-side comparison for the Westminster Ambulance Program hand-delivered by Shoreline Ambulance to City Hall on September 26, 2007.

City Manager Ray Silver introduced the new Director of Human Resources and Risk Management, Eddie Manfro.

1. CONSENT CALENDAR**ROUTINE MATTERS****1.1 Proclamation declaring October, 2007 as “Lupus Awareness Month” in the City of Westminster. (115-00)**

ACTION: Approved.

1.2 Proclamation declaring October 5, 2007 as “California Arts Day” in the City of Westminster. (115-00)

ACTION: Approved.

1.3 Consulting Services Agreement to Update the City’s Housing Element of the General Plan (502-16)

ACTION: The Mayor and City Council approved an agreement with The Planning Center in an amount not to exceed \$61,850, and authorized the City Manager to execute the agreement on behalf of the City.

1.4 Award of Contract for Renewable Yearly Bid for Purchase of Asphalt (502-22)

ACTION: The Mayor and City Council authorized a purchase order to Vulcan Materials Co. in the amount of \$25,000 to purchase asphalt for fiscal year 2007/08.

1.5 Award of Contract for Purchase of One (1)-Ton Truck with Service Body – Unit #3007 (502-22)

ACTION: The Mayor and City Council authorized a purchase order to Villa Ford in the amount of \$48,855 to purchase one (1) one-ton truck with service body, Unit #3007.

1.6 Award of Contract for Maintenance/Service Agreement for Concrete Grinding at Various Locations (502-03)

ACTION: The Mayor and City Council awarded a contract to the low qualified bidder, Channel Island Sawing in the amount of \$86,000, and authorized the City Manager to execute the contract on behalf of the City.

(ITEM REMOVED AND HEARD SEPARTELY)
1.7 Sigler Park Waterspray Playground (603-02)

Mayor Rice informed the residents that the Sigler Park project is not going to be forgotten, but delayed. She said that staff is in the process of making changes to the plans.

Motion was made by Council Member Quach, and seconded by Council Member Fry to reject all bids at this time. The motion carried by a 5-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Resolution No. 4112 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing Applications for Funds for the Transportation Enhancement Activities (TEA) Program Under the 2005 Safe, Accountable, Flexible, Efficient, Transportation Act-Legacy for Users for Westminster Boulevard Master Planned Streetscape Improvements Project (Fiscal Years 2008/2009 and 2009/2010) (613-08)

ACTION: The Mayor and City Council adopted Resolution No. 4112 which authorizes staff to file two (2) TEA applications for the Westminster Boulevard Master Planned Streetscape Improvements Project.

WARRANT REGISTER

1.9 (City Council/Redevelopment Agency) Warrant Register dated September 5 through 18, 2007. (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.10 Minutes of the Traffic Commission meetings held on June 26, July 31, and August 28, 2007 (104-12)

ACTION: Received and filed.

1.11 Minutes of the Planning Commission meeting held August 15, 2007 (104-11)

ACTION: Received and filed.

1.12 Treasurer's Report – August, 2007 (105-08) (07)

ACTION: Received and filed.

1.13 Community Development Monthly Activity Report – August 2007 (216-01)(07)

ACTION: Received and filed.

Motion was made by Council/Agency Member Ta, and seconded by Council/Agency Member Quach to approve the Consent Calendar with the exception of Item No. 1.7 which was removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR**2. ORAL COMMUNICATIONS**

Roy Reynolds with Personal Rapid Transit's Strategies gave copies of a PowerPoint presentation to the Council Members that illustrate PRT's transportation option, which is an elevated monorail-like system with abundant distributed vehicles carrying only two or three people at a time.

Darrell Nolta, Westminster resident spoke in regards to the procurement process for the EMS Emergency Transportation Services contract, stressing the importance of public safety.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None**4. PUBLIC HEARINGS****4.1 FY 2006-2007 Consolidated Annual Performance and Evaluation Report (CAPER) (109-04)**

City Manager Ray Silver gave a brief summary of this item.

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 ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Marsh requested that the staff proofread the document and make any necessary corrections before the City submits it to the U.S. Department of Housing and Urban Development Department.

Motion was made by Council Member Quach, and seconded by Council Member Ta to approve the FY 2006-2007 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) and the HOME Investments Partnerships Act

Grant Program (HOME) and authorize the City Manager to transmit the report to the U.S. Department of Housing and Urban Development (HUD) by September 28, 2007. The motion carried by a 5-0 vote.

4.2 Review of Urgency Ordinance 2419 and Ordinance 2420, amending Section 5.08.040 of Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States. (209-05)

Police Chief Hall informed the Council that this item is in regards to marijuana dispensaries. He said that there have been a couple of requests to open marijuana dispensaries in the City of Westminster. As a precaution, staff is recommending that the Municipal Code be updated with the Ordinances prohibiting marijuana dispensaries.

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

Darrel Nolta, Westminster resident, spoke in opposition to the use of marijuana and marijuana dispensaries. He feels that the local laws within the City should not conflict with the federal laws.

MAYOR RICE CLOSED THE PUBLIC HEARING.

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

- 1) Adopt Urgency Ordinance 2419 entitled: "An Urgency Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 of Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or local law or that would conflict with the Constitution and laws of California or the United States," and waive further reading; and
- 2) Introduce Ordinance 2420 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster amending Section 5.08.040 OF Title 5 (Business Taxes, Licenses and Regulations) and Sections 17.02.030, 17.06.060 and 17.50.010 of Title 17 (Land Use) of the Westminster Municipal Code clarifying that no land, building, structure or premise shall be permitted to be used for any purpose prohibited by federal, state or

local law or that would conflict with the Constitution and laws of California or the United States," and waive further reading.

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Ta commended the Westminster Chamber of Commerce on the Taste and Tour of Little Saigon that was held on September 20, 2007.

Mayor Pro Tem Marsh stated that he was impressed with the Taste and Tour of Little Saigon. He also spoke in regards to an article that was in the *Orange County Register* that talked about the failure of the high rise condos projects and the mixed use buildings in Orange County.

Council Member Fry spoke in regards to HIVE and Liver Scans and would like to have information on these services aired on WTV3.

Council Member Quach reported that he went to his first Taste and Tour of Little Saigon and felt it was very informative on the history and culture of Little Saigon. He also thanked the Westminster Police Department for having a public safety class and is glad that he lives in the City and feels safe living here.

Mayor Rice said that she attended the Moon Festival and enjoyed it. She also thanked the Council for filling in at City functions while she was out of town last week.

5.2 AB 1234 Reports – None

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 The City of Westminster Grading Panel's EMS Emergency Transportation Services Contract Award Recommendation (deferred from the September 12, 2007 meeting) (502-03)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the EMS Emergency Transportation Services Agreement with CARE Ambulance Services, Inc., in the amount of \$1,465,888.22 for the period of October 1, 2007 through June 30, 2010 and authorize the City Manager to execute the agreement on behalf of the City.

Jennifer Ripley, Westminster resident, read a letter to the Council that was written by her father, Mike Hemphill, in support of Shoreline Ambulance and the service they gave him in a recent incident.

Ray Iskander, Pacific Ambulance expressed his gratitude to the Council for seeking additional information on the providers.

Mayor Pro Tem Marsh asked how the third ambulance would be billed, whether it would be through the City or through the provider.

Mr. Iskander replied by saying that the billing would be handled through Pacific Ambulance.

Rick Richardson, CARE Ambulance stated that they are the primary 9-1-1 provider for most all of the neighboring cities of Westminster. He commended the staff for performing a thorough Request for Proposals process.

In response to Mayor Rice, Mr. Richardson stated that CARE Ambulance headquarters is in Orange. He said that there are sixteen 24-hour stations located in Orange County, which include the four locations that surround Westminster. There are about 30 ambulances deployed out of the Orange headquarters as well.

In response to inquiries from Mayor Pro Tem Marsh, Bob Barry, CARE Ambulance said that the third ambulance proposed is dedicated to the City of Garden Grove and is located at Katella Avenue and Beach Boulevard. CARE Ambulance would be responsible for the billing of the third ambulance.

Gloria Reyes, Abrazar spoke in support of Shoreline Ambulance by saying that they are responsive and are also very involved in the community.

Crystal Wadsworth, Chamber of Commerce, spoke in support of Shoreline Ambulance by saying that they have served the City for the last six months without any complaints.

Darrell Nolta, Westminster resident stated that he supports the Request for Proposal process that was performed and feels that it was fairly done. He feels that CARE Ambulance scored 100%, because they received extra points for being CAAS accredited. He would like to see the best ambulance provider serving the City. Mr. Nolta requested that the Council support staff's recommendation to award CARE Ambulance the contract for Emergency Transportation Services.

Bryan Balmer, Shoreline Ambulance said that CARE Ambulance stood out from the rest of the providers, but there was a day when they didn't. CARE Ambulance was once a small company like Shoreline, until someone gave them

a chance. He said that the City of Westminster gave Shoreline an opportunity to serve the City for six months and they have been providing excellent service. He said that AMR was a big company, but when it became financially incapable for them to serve the City they walked away. He urged the Council to reject staff's recommendation and award the contract to Shoreline.

In response to Council Member Ta, Police Chief Hall said there have not been any complaints about Shoreline Ambulance in regards to the service within the last six months.

In response to Council Member Quach's inquiry regarding HIPPA compliance, Police Chief Hall responded by saying that Shoreline's answers were vague. CARE had a superior response in regards to HIPPA requirements. He stated that there have been no allegations of information being mishandled by Shoreline, but that the policies and procedures were better outlined in the CARE proposal.

Scott Smith, Westminster resident spoke in favor of CARE Ambulance and urged Council to follow staff's recommendation.

Paul Scarborough, Pacific Ambulance spoke in regards to the third ambulance dedicated to the City of Westminster. He stated that it is a huge benefit to the residents to have the third ambulance in the City. He also said they are compliant with HIPPA requirements.

Council Member Quach said that he visited CARE's facility in Orange and was very impressed, but he feels the City of Westminster will not utilize the facilities. He said that the 9-1-1 calls will be handled by the Westminster Police Department dispatch and the ambulances will be furnished by Orange County Fire Authority.

Mayor Rice said that she feels better knowing that the previous drivers from AMR are employed by Shoreline and that they know the area well.

Council Member Quach commented that Pacific Ambulance agreed to offer jobs to the current drivers in Westminster.

Mayor Pro Tem Marsh spoke in regards to the designated third ambulance and the billing for those services. He would like for the City to be able to bill for the third ambulance, because he feels that there may be confusion with the residents. He also said that the third ambulance should have been incorporated into the Request for Proposals and the billing should have been outlined. He referred to the grading sheets that illustrated CARE as being the strongest provider, Pacific being the second and Shoreline being the weakest. He stated that he agrees with staff's recommendation to award the contract to CARE Ambulance for Emergency Transportation Services.

Council Member Fry said that Shoreline has done a good job in the last six months, and there have not been any complaints. He feels that the City of Westminster should give Shoreline an opportunity to grow.

Motion was made by Council Member Fry, and seconded by Mayor Rice to award the EMS Emergency Transportation Services Contract to Shoreline Ambulance.

Council Member Ta said that he is sure that all three ambulance providers do an excellent job. He said that Shoreline has been with the City for six months and there haven't been any problems. He agrees that all smaller companies deserve a chance to grow, and he also feels the community supports Shoreline.

Council Member Quach asked the Council whether or not they would want a city-billed third ambulance, and if so Pacific Ambulance is the only one that has the third ambulance in their proposal.

Mayor Rice informed Council Member Quach that there is a motion and second on the table.

Council Member Quach said that the HIPPA issues with Shoreline concerns him. He would like to know if Shoreline or CARE can provide the third ambulance. He asked Pacific Ambulance if the third ambulance would be City billed.

Ray Iskander, Pacific Ambulance said that their third ambulance that was proposed would be dispatched by Orange County Fire Authority and would be the back up when the other two units are in use. He is not sure what the laws are in regards to billing ambulance services, but doesn't see a problem if there is a way to do it.

In response to Mayor Rice, Paul Espinoza, Finance Director stated that the City does still have the ambulance subscription program.

Giovanni Chiarella, Shoreline Ambulance, informed the Council that there is a dedicated third ambulance in the City of Westminster. He also said that Shoreline would be more than happy to work with the City on the subscription program and would allow the City to bill for the third ambulance.

In response to Council Member Quach's concern with Shoreline and its response to the HIPPA requirements, Mr. Chiarella said that their records are properly stored per HIPPA requirements. He feels that they did not communicate their policies and procedures clearly enough to the grader.

Bill Westin, CARE Ambulance said that the Request for Proposal only asked for two dedicated ambulances within the City, not three. He feels that if Shoreline Ambulance and Pacific Ambulance can furnish three ambulances dedicated to

the City for the same price as two, then they deserve the contract, because he feels that it is not financially possible.

Mayor Pro Tem Marsh asked Police Chief Hall whether or not Orange County Fire Authority would house a third ambulance at no additional cost.

Police Chief Hall responded by saying that he would have to consult with the Orange County Authority before making any commitment.

Mayor Pro Tem Marsh asked Shoreline Ambulance and Pacific Ambulance whether or not they would be able to have the third ambulance stationed at another fire station.

Giovanni Chiarella, Shoreline Ambulance responded by saying yes.

Ray Iskander, Pacific Ambulance also responded by saying yes.

Motion was made by Mayor Pro Tem Marsh, and seconded by Council Member Quach to re-open debate.

Motion carried by the following vote:

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

Council Member Quach stated that the terms have changed to three ambulances instead of two, in which the two will be at the expense of Orange County Fire Authority and the third to be at the expense of the provider. He stated that CARE Ambulance has unofficially withdrawn their bid.

Bill Westin, CARE Ambulance said that the Council is making a decision between a provider who has served in the City for six months with 9-1-1 dispatch versus a provider that has no experience within the City and no experience with 9-1-1 dispatch.

Ray Iskander, Pacific Ambulance stated that he personally has 16 years of experience. He stated that Pacific has 200 employees who have experience.

Mayor Pro Tem Marsh expressed his concerns of Shoreline's insurance provider and wondered if they would be able to get a better insurance policy.

Giovanni Chiarella, Shoreline Ambulance stated that the insurance company that they have was approved by the City when the contract for temporary emergency

transportation services was awarded six months ago. He stated that he is willing to work with the City to get a better insurance policy.

Based upon the discussion after the reopening of the debate, the motion to award the EMS Emergency Transportation Services Contract to Shoreline Ambulance (as reflected on page 10 of the minutes) carried by a 5-0 vote.

6.2 (Agency) Appropriation of Redevelopment Funds for Completion of Housing Strategy (502-18)

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

- 1) Approve a budget carry over from the fiscal year 2006-07 adopted budget in the amount of \$55,000 from the Redevelopment Low/Moderate Housing Fund – Contractual Services to the fiscal year 2007-08 Redevelopment Low/Moderate Housing Fund – Contractual Services; and
- 2) Approve the purchase order with Rosenow Spevacek Group (RSG) in the amount of \$55,000 for completion of the Housing Strategy.

The motion carried by a 5-0 vote.

RECESS AND RECONVENE:

At 9:02 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 9:12 p.m. All members were present.

6.3 Amendment No. 8 to Contractual Services Agreement for Temporary Engineering Services (502-26)

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

- 1) Transfer \$15,000 from Engineering Services Permanent Salaries and \$15,000.00 from Capital Improvement Project Accounts to Engineering Contractual Services; and
- 2) Approve Amendment No. 8 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$30,000, extending the contract to January 1, 2008, and authorize the City Manager to execute the amendment on behalf of the City.

The motion carried by a 5-0 vote.

6.4 Award of Contract for Purchase and Installation of One (1) On-site Sodium Hypochlorite Generation Unit for Well 75-A (502-16)

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

- 1) Transfer \$57,313 from Undesignated/Unreserved Water Fund Balance to 2007-2008 Periodic Repair and Replacement CIP; and
- 2) Award a contract to Process Solutions, Inc., in the amount of \$72,400 and authorize the City Manager to execute the contract on behalf of the City.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public)**7.1 (City/Agency) Request for assistance for plan check and inspection fees for the Huntington Beach Union High School District Education Resource Center at Westminster Mall. (702-06)**

Deborah Coleman, Huntington Beach Union High School District thanked the City of Westminster for considering the requested assistance.

Julie Garcia, Westminster Mall Manager thanked the Council for considering the requested assistance.

Connie Luizzi, Huntington Beach Union High School District expressed her appreciation to the Council for their continued support to the educational resource center in the Westminster Mall.

Motion was made by Mayor Pro Tem/Vice Chair Marsh, and seconded by Council/Agency Member Ta to approve assistance for this project in the amount not to exceed \$3,000 and authorize payment of the approved amount from the Agency's Development Funds. The motion carried by a 5-0 vote.

8. LEGISLATIVE ITEMS - None**9. COMMISSION AND COMMITTEE ITEMS****9.1 Parking Restrictions at 8361 Westminster Boulevard – T.C. 76-173 (608-02)**

Motion was made by Council Member Quach, and seconded by Council Member Ta to adopt Resolution No. 4109 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the north side of Westminster Boulevard, west of Newland Street".

The motion carried by the following vote:

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

9.2 Parking Restrictions on the west side of Cedarwood Avenue, north of Hazard Avenue – T.C. 77-124 (608-02)

Motion was made by Council Member Ta, and seconded by Council Member Fry to adopt Resolution No. 4110 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the west side of Cedarwood Avenue, north of Hazard Avenue".

The motion carried by the following vote:

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

9.3 Parking Restrictions on the east side of Edwards Street, north of Kiowa Road – T.C. 90-106 (608-02)

Motion was made by Mayor Rice, and seconded by Mayor Pro Tem Marsh to adopt Resolution No. 4111 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the east side of Edwards Street, north of Kiowa Road".

The motion carried by the following vote:

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

10. COUNCIL/AGENCY ADJOURNMENT: At 9:22 p.m., Mayor/Agency Chair Rice adjourned the meeting to Wednesday, October 10, 2007 at 5:30 p.m. in the Council Chambers, 8200 Westminster Boulevard for the purpose of a presentation by DMJM of possible design options for the new police facility.


Amanda Jensen, Assistant City Clerk/
Agency Secretary