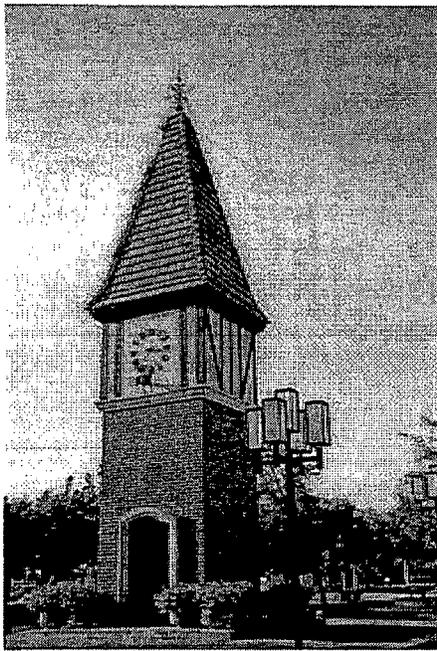


Original Packet



**CITY COUNCIL
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Adjourned Regular Meeting
October 19, 2004

6:00 p.m. – Council Conference Room
7:00 p.m. – Council Chambers

8200 Westminster Boulevard
Westminster, California 92683

**MARGIE L. RICE
MAYOR**

**ANDY QUACH
Mayor Pro Tem**

**FRANK G. FRY
Council Member**

**KERMIT MARSH
Council Member**

**RUSSELL C. PARIS
Council Member**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

GENERAL INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Public Hearing portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

AGENDA

October 19, 2004

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

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

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(c), Existing Litigation: City of Westminster, et al., vs. James Jones Company, a California Corporation, et. al.;
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case); and
- 3) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Municipal Employees' Association (WMEA).

RECESS:

AGENDA

October 19, 2004

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, PARIS

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- 115-00
- A. Recognition to Chief Andy Hall for receiving an "Alumni Pillar of Achievement" award from the Golden West College Foundation.
 - B. Presentation from Pacific Clinics on mental health services.

AGENDA

October 19, 2004

1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of October 6, 2004 (Marian Contreras)**

RECOMMENDATION: Approve.

ROUTINE MATTERS

1.2 **(City Council) Denial of Claims(s) Against the City from:**

1. Ronald Galletti in the amount of \$1,813.04. (Continued from the October 6, 2004 meeting)
2. Alex Azevedo in the amount of \$300.00.
3. Phi Hai Tran in an unknown amount.

RECOMMENDATION: Deny claim(s) filed against the City.

1.3 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

1.4 **Consultant and Professional Services Agreement between the City of Westminster and Interim Finance Director/Treasurer Steven Klotzsche (Pat Corcoran)**

502-11

RECOMMENDATION: Staff recommends that the City Council approve the consulting agreement between the City of Westminster and Steven Klotzsche to provide services as Interim Finance Director/Treasurer during the recruitment period for a Finance Director, and authorize the City Manager to execute the agreement on behalf of the City.

AGENDA

October 19, 2004

1. CONSENT CALENDAR (Continued)

- 1.5 Lot Line Adjustment No. 2003-65 for properties located at 6211 and 6221 Mahogany Avenue (Marwan Youssef) 201-06 LL**

RECOMMENDATION: Staff recommends that the City Council accept the subject document and authorize the City Clerk to record the Lot Line Adjustment with the County of Orange Recorder's Office.

- 1.6 "Covenant and Agreement to Hold as One Parcel" document for properties located at 7382-7392 Westminster Boulevard (Marwan Youssef) ~~408-23~~ 502-32**

RECOMMENDATION: Staff recommends that the City Council accept the subject document and authorize the City Clerk to record the "Covenant and Agreement to Hold as One Parcel" with the County of Orange Recorder's Office.

- 1.7 Agreement to terminate collection of sewer connection charges (Don Anderson) 609-07 502-15**

RECOMMENDATION: Staff recommends that the City Council approve the agreement and authorize the Mayor to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.8 Resolution No. 3876 - A Resolution of the City Council of the City of Westminster Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act (Pat Corcoran) 110-07**

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 3876 and waive further reading.

ADMINISTRATIVE ITEMS

- 1.9 Waiver of Rental Fees/Community Services Building 702-06**

RECOMMENDATION: Staff recommends that the City Council take under consideration a request from Westview, a non-profit agency, for waiver of fees for the use of the Community Services Building (East/West Room) on Thursday, December 2, 2004 between the hours of 4:00 P.m. and 9:00 p.m. for their holiday party.

- 1.10 Waiver of Rental Fees/Community Services Building 702-06**

RECOMMENDATION: That the City Council take under consideration a request from Friends of the Abbey Centre for waiver of fees for the use of the Community Services Building (East/West Room) on November 18, 2004 between the hours of 5:00 p.m. and 9:00 p.m. for their Annual Meeting and Community Appreciation Night.

AGENDA

October 19, 2004

1, CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated September 29 through October 11, 2004 (Steve Klotzsche)

105-09 (04)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.12 Minutes of the Planning Commission meeting held September 15, 2004 (Don Anderson)

104-11

RECOMMENDATION: Receive and file.

- 1.13 Treasurer's Report – August, 2004 (Steve Klotzsche)

RECOMMENDATION: Receive and file.

105-08

END OF CONSENT CALENDAR

2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

- 2.1 The actions of the Planning Commission meeting held on October 13, 2004

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of October 13, 2004:

- 1) 7581 & 7591 Wyoming Street (Case 2004-28, Zone Change, Site Plan Review, Design Review, & Tentative Parcel Map) for construction of twenty two-story rental units.
- 2) 8512 Westminster Boulevard (Case 2004-48, Conditional Use Permit) for sale of beer and wine for on site consumption at an existing restaurant (Pho Vinh Ky).
- 3) 7172 Park Street (Case 2004-50, Zone Change, Site Plan Review, Design Review, & Tentative Tract Map) for construction of a 12-unit detached residential housing development.
- 4) 549 Westminster Mall (Case 2004-51, Conditional Use Permit) for establishing an hourly, drop-in childcare center called "The Rumpus Room".

AGENDA

October 19, 2004

3. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-40 (MODIFICATION TO CONDITIONAL USE PERMIT C-979); LOCATION: 6202 GARDEN GROVE BOULEVARD; APPLICANT: MATTHEW CASEY (Don Anderson)

201-00 CN 2004-40

Time set for a public hearing to review the Planning Commission's decision to amend Conditional Use Permit C-979 related to extension of business hours, construction of window obstruction, installation of TVs and shooter bars, and permission for live entertainment including go-go dancing at a previously approved billiard parlor with a new business name called Player's Club.

RECOMMENDATION: The Planning Commission recommends that the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-40; and
- 2) Adopt Resolution No. 3874 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-40 (Amendment to Conditional Use Permit C-979) pertaining to modification of certain conditions related to window obstruction, installation of TVs and live entertainment and denying other amendments for the operation of a bar at 6202 Garden Grove Boulevard", and waive further reading.

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October 19, 2004

3. PUBLIC HEARINGS (Continued)

3.2 PLANNING CASE 2003-78; LOCATION: 15152-15232 MORAN STREET; APPLICANT: MORAN PROPERTY LIMITED PARTNERSHIP (Don Anderson) 201-00

Time set for a public hearing to consider a request for approval of a proposed development in order to construct a four-story, 80-unit active senior citizen condominium complex with additional parking to be used by adjacent commercial uses. The entitlements include approval of a zone change from CM (Commercial Industrial) to R-5-P (Multiple units with parking overlay zone), Conditional Use Permit to allow an active senior housing with bonus density, Tentative Tract Map No 16700, Site Plan, Design Review, five Variances including 1) increase the building height to sixty (60) feet, 2) increase the allowable lot coverage to 66%, 3) allow enclosed retail parking, 4) reduce the required parking for residential condominiums from 200 to 162, and 5) allow thirty-four tandem spaces, and certification of the Mitigated Negative Declaration 04-01. CN 2003-78

RECOMMENDATION: The Planning Commission recommends that the City Council:

- 1) Adopt Resolution No. 3875 entitled "A Resolution of The City Council of the City Of Westminster approving Mitigated Negative Declaration 04-01, Conditional Use Permit with bonus density, Tentative Tract Map No. 16700, Site Plan Review, Design Review, and five Variances dealing with building height, lot coverage, enclosed commercial parking, reduction in required parking spaces and the use of tandem parking for construction of an eighty (80) unit active senior condominium project with one level of commercial parking at 15152-15232 Moran Street." and waive further reading; and
- 2) Introduce Ordinance No. 2376 entitled, " An Ordinance of The City Council Of The City Of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for change of zoning for parcels of land located at 15152-15232 Moran Street from CM (Commercial Industrial) to R-5-P (Multiple units with parking overlay zone).

AGENDA

October 19, 2004

3. PUBLIC HEARINGS (Continued)

3.3 Public Hearing on Objections to Removal of Weeds and Debris – Fall 2004 (Marwan Youssef)

618-01(04)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 3871 entitled: "A Resolution of the City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law", and waive further reading.

4. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Responses to "Ask the Mayor and City Council" Requests

5.3 Discussion regarding the unveiling of the Little Saigon entrance sign (Council Member Fry)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Selection of developer to construct affordable condominium units at 13931 Cedar Street (Don Anderson)

502-08

RECOMMENDATION: Staff recommends that the Council/Agency select "Habitat for Humanity" as the developer for the condominium project and authorize staff to prepare and execute appropriate agreements between the City/Agency and "Habitat for Humanity" on the proposed development of two for sale condominiums.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.2 Consideration of alternative Council/Agency meeting date (Marian Contreras)

103-08

RECOMMENDATION: Staff recommends that the City Council/Agency Board take under consideration rescheduling the Wednesday, January 5, 2005 Council/Agency meeting.

7. WRITTEN COMMUNICATIONS (Public) - None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 3873 – Providing for a Special Runoff Election in the Event of a Tie Vote (Marian Contreras)

302-00(04)

RECOMMENDATION: Staff recommends that the City Council take under consideration the adoption of Resolution No. 3873 entitled, "A Resolution of the City Council of the City of Westminster providing for the conduct of a Special Runoff Election for elective offices in the event of a tie vote at any municipal election", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

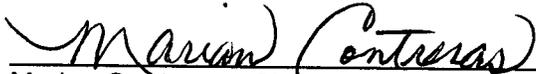
9.1 Resignation of Vera Kennedy from the Commission on Aging (Council Member Fry appointee)

104-03

RECOMMENDATION: Staff recommends that the City Council accept the resignation of Vera Kennedy from the Commission on Aging, with regrets, and direct the City Clerk to post the required Notice of Vacancy.

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Marian Contreras, City Clerk/Agency Secretary