



**CITY COUNCIL
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
October 6, 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.

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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 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);
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager; and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

RECESS:

AGENDA

October 6, 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: Council Member Marsh

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:

- A. Presentation of commendation from Child Abuse Services Team (C.A.S.T.) to Westminster Police (Family Protection Unit).
- B. Presentation of Resolution of Commendation from the City to The Yarn Spinners.
- C. Presentation of Certificates of Appreciation to Leo Lopez and Lupe Fisher for their contribution to the Dia de la Familia event
- D. Acceptance of donation from TARGET to the City.

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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 Adjourned Regular Meetings of the City Council/Redevelopment Agency of September 8, 2004 and September 22, 2004. (Marian Contreras)**

RECOMMENDATION: Approve.

ROUTINE MATTERS

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

1. Jessica Chaidez in an unknown amount.
2. Ronald Galletti in the amount of \$1,813.04.
3. David Ginger 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 **Proclamation declaring October, 2004 as "Lupus Awareness Month" in the City of Westminster**

RECOMMENDATION: Approve.

1.5 **Accept Donation from TARGET for Police Department Technology (Andy Hall)**

RECOMMENDATION: Staff recommends that the City Council accept the donation from TARGET in the amount of \$7,000.00, and allocate \$7,000.00 to Capital Project Account No. 31002-042800.

1.6 **Amended Classification Specification - Parking Control Supervisor (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the City Council approve the amended classification specification for Parking Control Supervisor.

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1. CONSENT CALENDAR (Continued)

- 1.7 **Amendment No. 7 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded work**
(Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the subject amendment and authorize its execution by the City Manager and Interim Public Works Director/City Engineer.

- 1.8 **Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve a contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$52,800.00 to provide temporary engineering services for six months, and authorize the City Manager to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.9 **Ordinance No. 2374 - An Ordinance of the City Council of the City of Westminster amending Chapters 17.04 (Definitions), 17.05 (General Procedures), 17.48 (General Provisions and Exceptions), and adding Chapter 17.60 (Home Businesses) to the Westminster Municipal Code related to home business permits.** (Don Anderson)

RECOMMENDATION: That the City Council adopt Ordinance No. 2374 and waive further reading.

- 1.10 **Ordinance No. 2375 - An Ordinance of the City Council of the City of Westminster amending Chapters 17.04 (Definitions), 17.22 (C1 Local Business District), and 17.50 (Conditional Use Permit) to the Westminster Municipal Code related to requirements for the conversion of hotels and motels to apartments.** (Don Anderson)

RECOMMENDATION: That the City Council adopt Ordinance No. 2375 and waive further reading.

ADMINISTRATIVE ITEMS

- 1.11 **Special Event Permit application from KROQ Radio Station for a calendar signing and concert on Saturday, November 13, 2004 in the Best Buy parking lot, 500 Westminster Mall Road, between the hours of 6:00 a.m. – 8:00 p.m. (event noon – 5 p.m.)** (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council deny the Special Event application submitted by KROQ.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.12 (City Council/Redevelopment Agency) Warrant Register dated September 15 through 28, 2004. (Steve Klotzsche)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.13 Minutes of the City of Westminster Youth Committee meeting held on September 8, 2004. (Diana Dobbert)

RECOMMENDATION: Receive and file.

- 1.14 Minutes of the Cultural Arts Commission meetings held on June 3, 2004, July 1, 2004 and August 5, 2004. (Diana Dobbert)

RECOMMENDATION: Receive and file.

- 1.15 Minutes of the Community Services & Recreation Commission meetings held on June 8, 2004, July 13, 2004 and August 10, 2004. (Diana Dobbert)

RECOMMENDATION: Receive and file.

- 1.16 Minutes of the Commission on Aging meeting held on Monday, August 9, 2004. (Diana Dobbert)

RECOMMENDATION: Receive and file.

- 1.17 Minutes of Traffic Commission meeting held on September 7, 2004. (Marwan Youssef)

RECOMMENDATION: Receive and file.

- 1.18 Minutes of the Planning Commission meeting held September 1, 2004. (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

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. 2004-42 (CONDITIONAL USE PERMIT); LOCATION: 6452 WESTMINSTER BOULEVARD; APPLICANT: CARLOS RODRIGUEZ (Don Anderson)

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit allowing for the sale of beer and wine for on-premises consumption incidental to "Carne Asada Mexican Grill Restaurant," a new restaurant.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-42; and
- 2) Adopt Resolution No. 3868 entitled, "A Resolution of the City Council of the City of Westminster approving Case 2004-42 (Conditional Use Permit) pertaining to the sale of beer and wine for on-site consumption incidental to a new restaurant located at 6452 Westminster Boulevard," and waive further reading.

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3. PUBLIC HEARINGS (Continued)

3.2 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-46 (CONDITIONAL USE PERMIT); LOCATION: 2008A – 2009 WESTMINSTER MALL; APPLICANT: ART RODRIGUEZ & ASSOCIATES (Don Anderson)

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit allowing for the sale of beer and wine for on-premises consumption incidental to "Todai", a new restaurant.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-46; and
- 2) Adopt Resolution No. 3869 entitled, "A Resolution of the City Council of the City of Westminster approving Case 2004-46 (CUP) pertaining to the sale of beer and wine for on-site consumption incidental to a new restaurant located at 2008A-2009 Westminster Mall," 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 Resolution No. 3870 – Opposition to Proposition No. 70 – Tribal Gaming Compacts and Exclusive Gaming Rights

RECOMMENDATION: That the City Council take under consideration the adoption of Resolution No. 3870 entitled, "A Resolution of the City Council of the City of Westminster opposing Proposition No. 70 – Tribal Gaming Compacts and Exclusive Gaming Rights", and waive further reading.

5.3 Resolution No. 3872 – Support of Proposition 1A – Protection of Local Government Revenues

RECOMMENDATION: That the City Council take under consideration the adoption of Resolution No. 3872 entitled, "A Resolution of the City Council of the City of Westminster supporting Proposition 1A – Protection of Local Government Revenues", and waive further reading.

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5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS (Continued)

- 5.4 Selection of date and time for the unveiling of the Little Saigon entrance sign.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 Professional Services Agreement with The Mills Group for Executive Recruitment for Finance Director (Pat Corcoran)

RECOMMENDATION: That the City Council:

- 1) Approve the appropriation of \$17,500.00 from General Fund Contingency balance to Personnel Contractual (14200-43090); and
- 2) Approve the agreement with The Mills Group in an amount not to exceed \$17,500.00 without prior City approval and authorize the City Manager to execute the agreement on behalf of the City.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

- 9.1 Review of Red Curb Consistency on Westminster Boulevard between Hoover Street and Olive Street – TC. 73-118 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3867 entitled, "A Resolution of the City Council of the City of Westminster rescinding a portion of Resolution No. 1116 which provides for parking restrictions at certain locations on the south side of Westminster Boulevard and providing parking restrictions at certain locations on Westminster Boulevard east of Olive Street", and waive further reading.

10. **COUNCIL/AGENCY ADJOURNMENT:** To Tuesday, October 19, 2004 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of conducting an adjourned regular meeting.

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