



**CITY COUNCIL  
REDEVELOPMENT AGENCY  
AGENDA**

**City of Westminster  
Regular Meeting  
December 1, 2004**

**5:30 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**

December 1, 2004

**5:30 P.M.**

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:

1. **Review and discussion of federal funding with the City's federal legislative consultant.**

RECOMMENDATION: Receive and file.

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## **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: Acting City Manager Penny Loomer and Labor Negotiator Dave Larsen; Employee Organization: Westminster Police Officers' Association (WPOA); and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

## **RECESS:**

# AGENDA

December 1, 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:

PRESENT:  
ABSENT:

**SALUTE TO FLAG:** City Attorney

**INVOCATION:** Pastor Rocky Bales, Calvary Baptist Church

### ELECTION BUSINESS

**A) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004 (Marian Contreras)**

RECOMMENDATION: That the City Council:

- i) Receive and file the City Clerk's Certificates of Results of the General Municipal Election held on November 2, 2004; and
- ii) Adopt Resolution No. 3885 entitled "A Resolution of the City Council of the City of Westminster, California, reciting the fact of the General Municipal Election held on November 2, 2004, declaring the result and such other matters as provided by law", and waive further reading.

### **B) OATH OF OFFICE**

City Clerk, Marian Contreras, will administer the Oath of Office to Mayor Margie L. Rice and to Councilmembers Kermit Marsh and Frank G. Fry, and present each with a Certificate of Election. 302-00

### RECESS

# AGENDA

December 1, 2004

## RECONVENE

### 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)).

### PRESENTATION:

#### CITY WEBSITE REDESIGN

RECOMMENDATION: Staff recommends that the City Council receive the presentation by Civica 116-02

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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.

#### ROUTINE MATTERS

##### 1.1 (City Council) Denial of Claims(s) Against the City from:

1. Hung Tran in the amount of \$375.00
2. Gary Perkinson in an unknown amount

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

##### 1.2 (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.

##### 1.3 Increase in Purchase Order with RBF, Planning Consultant, for Phase 2 of the "Mixed Use Strategy Study" (Bonny Lay)

RECOMMENDATION: Staff recommends that the City Council authorize a \$13,000 increase in the purchase order with RBF for Phase 2 of the "Mixed Use Strategy Study". 502-18

# AGENDA

December 1, 2004

## 1. CONSENT CALENDAR (Continued)

### WARRANT REGISTER

- 1.4 (City Council/Redevelopment Agency) Warrant Register dated November 10 through 23, 2004 (Steve Klotzsche)

105-09

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.5 Minutes of the Planning Commission meeting held October 27, 2004 (Bonny Lay)

104-11

RECOMMENDATION: Receive and file.

- 1.6 Community Development Monthly Activity Report - October 2004 (Bonny Lay)

216-01

RECOMMENDATION: Receive and file.

- 1.7 Minutes of the Community Services & Recreation Commission meeting held on October 12, 2004 (Diana Dobbert)

104-05

RECOMMENDATION: Receive and file.

- 1.8 Minutes of the Cultural Arts Commission meeting held on October 7, 2004. (Diana Dobbert)

104-06

RECOMMENDATION: Receive and file

- 1.9 Minutes of the Commission on Aging meeting held on October 11, 2004 (Diana Dobbert)

104-03

RECOMMENDATION: Receive and file

- 1.10 Minutes of the Westminster Youth Committee meeting held on October 13, 2004 (Diana Dobbert)

104-17

RECOMMENDATION: Receive and file

- 1.11 Minutes of Traffic Commission meeting held on November 2, 2004 (Marwan Youssef)

104-12

RECOMMENDATION: Receive and file.

**END OF CONSENT CALENDAR**

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# AGENDA

December 1, 2004

## 2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 2.1 The actions of the Planning Commission meeting held on November 17, 2004

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of November 17, 2004:

- 1) 6172 – 6182 Garden Grove Boulevard (Conditional Use Permit, Case 2005-56) for operating a new motorcycle dealership for the sale of new and used motorcycles with services.

## 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.

# AGENDA

December 1, 2004

**3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-48 (CONDITIONAL USE PERMIT); LOCATION: 8512 WESTMINSTER BOULEVARD; APPLICANT: CHRISTINE TRAN ON BEHALF OF TOM BUI (Bonny Lay)**

201-00 CN 2004-48

Time set for a public hearing to review the Planning Commission's decision to approve a conditional use permit allowing the sale of beer and wine for on-sale consumption incidental to the operation of Pho Vinh Ky, an existing full-service restaurant.

**RECOMMENDATION:** The Planning Commission recommends that the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-48; and
- 2) Adopt Resolution No. 3886 entitled "A Resolution of the City Council of the City of Westminster revoking Conditional Use Permit C-704 and approving Case No. 2004-48 (Conditional Use Permit) pertaining to the sale of beer and wine for on-site consumption as an Incidental use at an existing restaurant located at 8512 Westminster Boulevard," 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**

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR – None**

**7. WRITTEN COMMUNICATIONS (Public) – None**

# AGENDA

December 1, 2004

## 8. LEGISLATIVE ITEMS

- 8.1 **Ordinance No. 2376 (2<sup>nd</sup> Reading) - Zone change for parcels of land located at 15152-15232 Moran Street (continued from the November 17, 2004 meeting)**

~~202-03~~

RECOMMENDATION: Staff recommends that the City Council:

~~201-00~~  
Case 2003-78

- 1) Reconsider the action taken at the November 3, 2004 meeting; and
- 2) Adopt 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)" and waive further reading.

- 8.2 **Ordinance No. 2378 (2<sup>nd</sup> Reading) - Change the zoning district designation for property located at 7581-7591 Wyoming Street (Bonny Lay)**

201-00  
Case 2004-28

RECOMMENDATION: That the City Council adopt Ordinance No. 2378 entitled, "An Ordinance of the City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7581-7591 Wyoming Street from CR-PD (Restricted Commercial with Planned Development Overlay) to R5 (Multiple Units, 19-24 units/acre)", and waive further reading.

- 8.3 **Ordinance No. 2377 (2<sup>nd</sup> Reading) - Zone change for the property located at 7172 Park Street (Bonny Lay)**

201-00  
Case 2004-50

RECOMMENDATION: That the City Council adopt Ordinance No. 2377 entitled, "An Ordinance of the City Council of Westminster amending Sectional District Map 11-5-11 of Municipal Code Section 17.06.070 to change the zoning for the property located at 7172 Park Street from R-2 (Multiple Units, 08-12 units/acre) to R2-PD (Multiple Units, 08-12 units/ac with a Planned Development Overlay)", and waive further reading.

## 9. COMMISSION AND COMMITTEE ITEMS

- 9.1 **Proposed Installation of a Stop Sign on Hortense Drive at Gretchen Lane - T.C. 04-103 (Marwan Youssef)**

607-03

RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3884 entitled, "A Resolution of the City Council of the City of Westminster providing for the Installation of a One Way Stop Sign on Hortense Drive at Gretchen Lane," and waive further reading.

# AGENDA

December 1, 2004

## 9. COMMISSION AND COMMITTEE ITEMS (Continued)

- 9.2 **Reduction in parking restrictions on the North Side of Westminster Boulevard in Front of "Purrfect Auto", between Hoover Street and Olive Street – T.C. 04-102** (Marwan Youssef) 608-02

RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3883 entitled, "A Resolution of the City Council of the City of Westminster amending Resolution No. 3201, which provides for the installation of parking restrictions at a certain location on Westminster Boulevard", and waive further reading.

- 9.3 **Proposed parking restrictions on the East side of Suffolk Street, South of Charing Cross Road – T.C. 75-123** (Marwan Youssef) 608-02

RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3882 entitled, "A Resolution of the City Council of the City of Westminster providing for No Parking or Stopping on the East Side of Suffolk Street, South of Charing Cross Road", and waive further reading.

- 9.4 **Proposed extension of parking restrictions on the South Side of Main Street, West of Locust Street, for OCTA bus layover – T.C. 73-118** (Marwan Youssef) 608-02

RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No 3881 entitled, "A Resolution of the City Council of the City of Westminster providing for an extension of the No Parking or Stopping Restrictions on the South side of Main Street, West of Locust Street", and waive further reading.

10. **COUNCIL/AGENCY ADJOURNMENT:** To Monday, December 6, 2004 at 4:30 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding a study session to discuss City/Agency business.

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.

for: Janet Mayfield, Asst. City Clerk  
Marian Contreras, City Clerk/Agency Secretary