

**CITY COUNCIL  
REDEVELOPMENT AGENCY  
AGENDA**

City of Westminster  
Regular Meeting  
April 21, 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**

April 21, 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) Pursuant to Government Code Section 54957: Public Employee Appointment: City Manager;
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager, Penny Loomer and Public Works Director, Brad Fowler; Employee Organization: Westminster Municipal Employees' Association (WMEA); and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

### **RECESS:**

# AGENDA

April 21, 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 checks to representatives from Westminster High School, Ocean View High School and La Quinta High School for Grad Night events
- B. Presentation of "Tree City USA" plaque to the City by California Department of Forestry

# AGENDA

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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 Regular Meeting of the City Council/Redevelopment Agency of April 7, 2004 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of April 12, 2004 (Marian Contreras)**

RECOMMENDATION: Approve.

### ROUTINE MATTERS

- 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 **Proclamation declaring May 1, 2004 as "National Arbor Day" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **Proclamation declaring May, 2004 as "Veteran Appreciation Month" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.5 **Acceptance of Emergency Response Equipment (Andy Hall)**

RECOMMENDATION: That the City Council accept the emergency response equipment from the County of Orange and authorize the Chief of Police to enter into an agreement with the County for transfer of this equipment.

- 1.6 **Extension of Tree Maintenance Contract (Brad Fowler)**

RECOMMENDATION: That the City Council authorize an extension of the current contract with West Coast Arborists for tree maintenance for an additional five option years.

# AGENDA

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## 1. CONSENT CALENDAR (Continued)

### 1.7 Selection of Consultant for Remediation Work for Westminster Corporate Yard Tank Site and Advance of Funds (Brad Fowler)

RECOMMENDATION: That the City Council:

- 1) Approve the selection of Telluris, Inc. to perform the remediation services for the subject project;
- 2) Authorize a transfer of \$253,813.00 to Account No. 58002-934401 from Equipment Replacement Fund 700 to cover the overall budget request of \$375,932.00, and
- 3) Authorize the Interim City Manager to execute the agreement on behalf of the City.

### 1.8 Notice of Completion for Work Performed by JFL Electric, Inc. for Lighting System Improvements for the Civic Center Plaza and Westminster Park Basketball Court (Brad Fowler)

RECOMMENDATION: That the City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

### 1.9 Approval of Amendment No. 6 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded Work (Brad Fowler)

RECOMMENDATION: That the City Council approve the subject amendment and authorize its execution by the Interim City Manager and Public Works Director.

### 1.10 Increase purchase order with KLF Consulting for personnel consulting services (Sheri Peasley)

RECOMMENDATION: That the City Council increase Purchase Order No. P17709 by \$1,500.00.

### 1.11 Increase purchase order with Greg Ferrell for Computer Systems Replacement Project (Sheri Peasley)

RECOMMENDATION: That the City Council increase Purchase Order No. P17925 by \$48,000.

## ADMINISTRATIVE ITEMS

### 1.12 Special Event Permit Application from Blessed Sacrament Church to hold the 57<sup>th</sup> Annual Festival on May 14, 15, and 16, 2004 at 14072 Olive Street for 100,000 participants, between the hours of 12:00 noon and 9:00 pm. (Penny Loomer)

RECOMMENDATION: That the City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

# AGENDA

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## 1. CONSENT CALENDAR (Continued)

- 1.13 **Special Event Permit Application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 2, 2004 between the hours of 1:30 p.m. and 3:30 p.m. along Olive Street from Hazard Avenue to Westminster Boulevard. Anticipated attendance is 1,000 people (Penny Loomer)**

RECOMMENDATION: That the City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

### WARRANT REGISTER

- 1.14 **(City Council/Redevelopment Agency) Warrant Register dated March 26 through April 15, 2004 (Sheri Peasley)**

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.15 **Minutes of the Planning Commission meeting held March 24, 2004 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.16 **Community Development Monthly Activity Report – March, 2004 (Don Anderson)**

RECOMMENDATION: Receive and file.

### END OF CONSENT CALENDAR

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## 2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

- 2.1 **The actions of the Planning Commission meeting held on April 14, 2004**

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of April 14, 2004:

- 1) 549 Westminster Mall (Modification to Case No. 2003-79) for providing alternative solution related to pedestrian walkway
- 2) 14571 Brookhurst Street (Case No. 2004-02, Site Plan/Design Review) the renovation of an existing car wash facility
- 3) 15081 Beach Boulevard (Case No. 2004-13 Modification of Conditional Use Permit C-1000) for changing the existing restaurant to a banquet facility, changing the ABC license from 47 to 48, allowing dance and live entertainment in each of the two banquet rooms, and extending hours of operation to midnight Sunday through Wednesday and to 2:00 a.m. Thursday through Saturday

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## 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.

Time set for a public hearing to consider the abatement of weeds growing upon parkways, sidewalks, and private property, at which time objections of property owners liable to be assessed for the abatement will be heard and given due consideration.

### 3.1 REMOVAL OF WEEDS AND DEBRIS – SPRING, 2004 (Brad Fowler)

RECOMMENDATION: That the City Council:

- 1) Overrule any objections received for the abatement of the weeds; and
- 2) Adopt Resolution No. 3831 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 Interim 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.

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## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

### 5.1 Council/Agency Member Items

### 5.2 Consideration of recognition of U. S. Marine Corps Medal of Honor recipient, Lance Corporal Kenneth Lee Worley, USMC, who died in the Vietnam War. (Mayor Rice)

RECOMMENDATION: That the City Council provide direction on this matter.

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 (City/Authority/Agency) Community Cultural Center Financing (Sheri Peasley)

AD HOC FINANCING COMMITTEE RECOMMENDATION:

- 1) That the City Council adopt Resolution No. 3834 entitled "A Resolution of the City Council of the City of Westminster approving the issuance and sale of Westminster Redevelopment Agency Commercial Redevelopment Project No. 1 2004 Subordinate Tax Allocation Notes", and waive further reading;
- 2) That the Authority Board adopt Resolution No. 21 entitled "A Resolution of the Westminster Public Financing Authority authorizing the execution and delivery of a purchase agreement and actions related thereto", and waive further reading;
- 3) That the Agency Board adopt Resolution No. 166 entitled "A Resolution of the Westminster Redevelopment Agency authorizing the issuance of the Agency's Westminster Commercial Redevelopment Project No. 1 2004 Subordinate Tax Allocation Notes, and the Execution and Delivery of an indenture, a purchase agreement and other matters relating thereto" and waive further reading.

### 6.2 (City/Agency/Authority) Selection of dates and times for Budget Study Session(s) (Sheri Peasley)

RECOMMENDATION: That the City Council/Agency Board/Authority Board provide direction to staff on this matter.

### 6.3 Appointment of City Manager and approval of contract

RECOMMENDATION: That the City Council appoint a new City Manager; approve the contract; and authorize the Mayor to execute the contract on behalf of the City.

### 6.4 Vietnam War Memorial Modifications (Brad Fowler)

RECOMMENDATION: That the City Council review the plan for the computer kiosk addition and sketch of the eternal flame urn base, and provide direction to staff.

## 7. WRITTEN COMMUNICATIONS (Public) - None

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## 8. LEGISLATIVE ITEMS

### 8.1 (City) Ordinance No. 2372 and (Redevelopment Agency) Resolution No. 165 – Establishing Public Hearing Requirements when considering Requests for Financial Assistance for Alcohol or Drug Recovery Facilities (Don Anderson)

RECOMMENDATION: That the City Council introduce Ordinance No. 2372 entitled “An Ordinance of the City Council of the City of Westminster amending Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code by adding Chapter 9.76” and waive further reading.

RECOMMENDATION: That the Agency Board adopt Resolution No. 165 entitled “A Resolution of the Westminster Redevelopment Agency adopting public hearing requirements when considering requests for financial assistance for alcohol or drug recovery facilities” and waive further reading.

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Request for 4-Way Stop Signs at Cedarwood Avenue and 13<sup>th</sup> Street - T.C. 04-100 (Brad Fowler)

TRAFFIC COMMISSION RECOMMENDATION: That the City Council approve the recommendation of the Traffic Commission to deny the request for 4-way stop signs at the intersection of Cedarwood Avenue and 13<sup>th</sup> Street.

### 9.2 Resolution No. 3832 – Parking restrictions on the north side of McFadden Avenue west of Swallow Lane, and extension of existing 75 feet of parking restrictions, just east of Swallow Lane, to 102 feet - T.C. 76-179 (Brad Fowler)

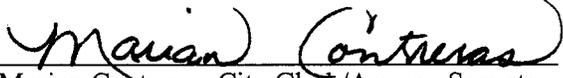
TRAFFIC COMMISSION RECOMMENDATION: That the City Council adopt Resolution No. 3832 entitled, “A Resolution of the City Council of the City of Westminster providing for No Stopping or Parking at certain locations on the north side of McFadden Avenue, east and west of Swallow Lane”, and waive further reading.

### 9.3 Appointment of a Council Member to serve as Vice Chair to the Energy Committee

RECOMMENDATION: That the City Council select a Council Member to serve as Vice Chair to the Energy Committee.

## 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