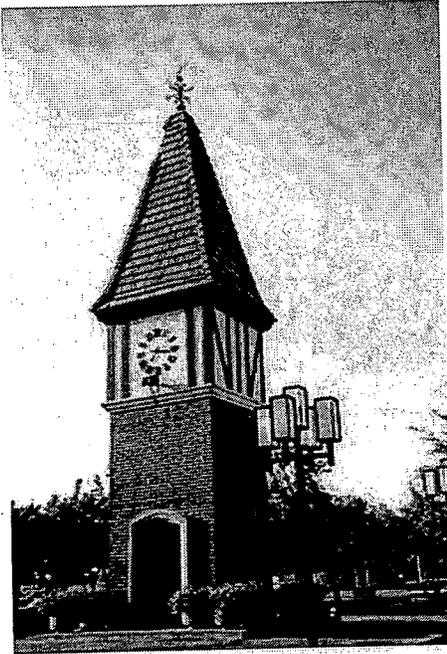


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**CITY COUNCIL
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
August 18, 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: Agency Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Municipal Employees' Association (WMEA);
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) Item 6.2.

RECESS:

AGENDA

August 18, 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:

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 - None

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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 Meeting of the City Council/Redevelopment Agency of July 28, 2004 and Minutes of the Regular Meeting of August 4, 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 **Purchase of Seven Black and White Patrol Cars for fiscal year 2004-05** (Brad Fowler)

RECOMMENDATION: Staff recommends that the City Council authorize a purchase order for the purchase of seven new patrol cars from Villa Ford in the amount of \$160,231.33.

- 1.4 **Information Services Consulting Services Contract** (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council approve a contract with Consistent Solutions Inc. to provide Information Systems consulting services during the implementation of the city's new financial systems and authorize the City Manager to execute the contract on behalf of the City.

- 1.5 **Annual software maintenance for Utility Billing** (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council approve a purchase order in the amount of \$17,444.75 to Progressive Solutions, Inc. (PSI) for Utility Billing software.

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1. CONSENT CALENDAR (Continued)

1.6 Purchase Order to Electronic Risk Consultants (ERC) for fiscal year 2004-05 (Pam Narz)

RECOMMENDATION: Staff recommends that the City Council approve issuance of a purchase order to ERC to underwrite maintenance of electronic equipment located throughout the City in the amount of \$56,578.00.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.7 Resolution No. 3858 - A Resolution of the City Council of the City of Westminster approving submittal of Tree Planting Project to the State of California Department of Forestry and Fire Protection for Urban Forestry Grant Program funding through Proposition 12. (Brad Fowler)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 3858 and waive further reading.

WARRANT REGISTER

1.8 (City Council/Redevelopment Agency) Warrant Register dated July 27, 2004 through August 10, 2004. (Sheri Peasley)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.9 Minutes of the Planning Commissioner meeting held July 14, 2004 (Don Anderson)

RECOMMENDATION: Receive and file.

1.10 Community Development Monthly Activity Report – July 2004 (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

AGENDA

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2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

2.1 The actions of the Planning Commission meeting held on August 11, 2004

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of August 11, 2004:

1. 545 Mall Ring Road (Case 2004-41, Conditional Use Permit/ Site Plan / Design review) to establish a full bar and live entertainment in a new restaurant named "S" Restaurant. The interior of the building will be remodeled, extensive design changes will be made to the exterior with a new outdoor patio.
2. 9741 Bolsa Avenue (Case 2004-30, Site Plan/Design Review) for demolishing an existing self-storage facility and constructing a new 55,207 square foot commercial center.
3. 15496 Magnolia Street (Case 2004-38, Lot Line Adjustment/Site Plan/Design Review) for construction of a new 17,000 sq ft two-story commercial retail building. The applicant is proposing to consolidate the subject parcel with the nearby property (15460 Magnolia Street) for shared parking.
4. 7742 12th Street (Site Plan/Design Review) for construction of three rental apartment units.
5. 15440 Beach Boulevard (Site Plan/Design Review) for remodeling the old K-mart building to a supermarket and fifteen new shop tenants with exterior façade improvement as well as parking lot and landscaping improvements.

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.

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3. PUBLIC HEARINGS (Continued)

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 SALE OF ONE AGENCY-OWNED PROPERTY LOCATED AT THE NORTHEAST CORNER OF OLIVE STREET AND WESTMINSTER BOULEVARD; AND TWO AGENCY-OWNED PROPERTIES AT THE NORTHWEST CORNER OF CHERRY STREET AND WESTMINSTER BOULEVARD (Continued from the July 28, 2004 meeting) (Steve Soto)

(City Council) Time set for a public hearing to consider authorization to allow the Westminster Redevelopment Agency to enter into a Disposition and Development Agreement (DDA) with Mr. Chuck Ponti to sell one Agency-owned property at the northeast corner of Olive Street and Westminster Boulevard (7361 Westminster Boulevard), and two Agency-owned properties at the northwest corner of Cherry Street and Westminster Boulevard (7185 & 7191 Westminster Boulevard).

(Redevelopment Agency) Time set for a public hearing to consider entering into a Disposition and Development Agreement (DDA) with Mr. Chuck Ponti for one Agency-owned property at the northeast corner of Olive Street and Westminster Boulevard (7361 Westminster Boulevard), and two Agency-owned properties at the northwest corner of Cherry Street and Westminster Boulevard (7185 & 7191 Westminster Boulevard).

RECOMMENDATION: Staff recommends that the City Council authorize the Westminster Redevelopment Agency to enter into a Disposition and Development Agreement (DDA) with Mr. Chuck Ponti to sell one Agency-owned property at the northeast corner of Olive Street and Westminster Boulevard (7361 Westminster Boulevard), and two Agency-owned properties at the northwest corner of Cherry Street and Westminster Boulevard (7185 & 7191 Westminster Boulevard).

RECOMMENDATION: Staff recommends that the Agency Board approve a Disposition and Development Agreement (DDA) with Mr. Chuck Ponti to sell one Agency-owned property at the northeast corner of Olive Street and Westminster Boulevard (7361 Westminster Boulevard), and two Agency-owned properties at the northwest corner of Cherry Street and Westminster Boulevard (7185 & 7191 Westminster Boulevard).

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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 Discussion to set a timeline to reduce utility users tax (Mayor Pro Tem Quach & Council Member Marsh)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 State Legislative Consultant (Penny Loomer)

RECOMMENDATION: Staff recommends the City Council:

- 1) Approve an agreement with Townsend Public Affairs, Inc. to obtain grant funding from the state, and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Approve the priority for funding requests as listed on page 2 of the staff report; and
- 3) Authorize an appropriation of \$50,000.00 from General Fund Contingency Account No. 20000-60904 to Assistant City Manager Contractual/Professional Services Account No. 11600-43090.

6.2 Traffic Mitigation and Impact Fee for Self Storage Facility located at 13070 Old Bolsa Chica Road (Continued from the August 3, 2004 meeting) (Brad Fowler)

RECOMMENDATION: Staff recommends that the City Council require the developer to install the California Environmental Quality Act (CEQA) required traffic signal at the corner of Bolsa Chica Avenue and Old Bolsa Chica Road; waive the requirements for the traffic impact fee; and consider waiving the costs for traffic signal interconnection.

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7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: That the City Council take under consideration a request from Erwin Vysma from Kiwanis Club of Westminster, for waiver of fees for the use of the Community Services Building (East/West Room) on Saturday, August 21, 2004 between the hours of 11 a.m. to 3 p.m. for a fish fry to benefit the Boy Scouts of America, Orange County District.

7.2 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: That the City Council take under consideration a request from Leonard Tran from the Vietnamese American Cancer Foundation, for waiver of fees for the use of the Community Services Building (East/West Room) on Sunday, August 29, 2004 between the hours of 1 p.m. to 5 p.m. for a community seminar regarding hepatitis and liver cancer.

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS - None

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.



Janet Mayfield, Assistant City Clerk/Acting Agency Secretary