

AGENDA

March 2, 2005

5:30 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(b): Anticipated Litigation (one potential case);
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: City of Huntington Beach vs. City of Westminster, et al; Case No. SACVO1-1125JVS;
- 3) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock, Director of Personnel/Risk Management Pat Corcoran, and Labor Negotiator Dave Larsen; Employee Organizations: Westminster Police Officers' Association (WPOA) and Westminster Municipal Employees Association; and
- 4) Pursuant to Government Code Section 54957: Public Employment: Title: Director of Community Services

RECESS:

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March 2, 2005

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, PARIS, FRY, MARSH, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member 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:

- A. Chamber of Commerce – Report on Upcoming Events
- B. Presentation regarding the 5th Annual American Cancer Society's Relay for Life to be held on Tuesday, March 8, 2005

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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 February 7, 2005, and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 16, 2005** (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 **Award of Contract to Coast Roof Company for the re-roof of the Corporate Yard Office (deferred from the February 2 and 16, 2005 meetings)** (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Award a contract to Coast Roof Company in the amount of \$36,958.00 (Account No. 75502-044006) to re-roof the Corporate Yard Office, and authorize the City Manager to execute the contract on behalf of the City; and
- 2) Authorize a contingency of \$3,695.00 for unforeseen problems related to the project.

1.4 **Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 MHz Countywide Coordinated Communications System** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the Joint Agreement with the County of Orange dated November, 2004, and authorize the Mayor to execute the agreement on behalf of the City.

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1. CONSENT CALENDAR (Continued)

1.5 Authorization to add Wyoming Street reconstruction from Hoover to Arizona Streets to the current contract for street improvements on Newland Street from Edinger Avenue to Heil Avenue (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council authorize a change order in the amount of \$87,855.00 to All American Asphalt for street repairs on Wyoming Street from Hoover to Arizona Streets.

1.6 Revised Classification Specification – Finance Director/City Treasurer (Pat Corcoran)

RECOMMENDATION: Staff recommends that the City Council approve the amended classification specification for Finance Director/City Treasurer.

1.7 New Classification Specification – Director of Public Works/City Engineer (Pat Corcoran)

RECOMMENDATION: Staff recommends that the City Council approve the new classification specification for Director of Public Works/City Engineer.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Ordinance No. 2381 - An Ordinance of the City Council of the City of Westminster establishing a “No Fee Waiver” Policy for the Westminster Rose Center (Penny Loomer)

RECOMMENDATION: That the City Council adopt Ordinance No. 2381 and waive further reading.

1.9 Resolution No. 3907 - A Resolution of the City Council of the City of Westminster providing for no parking and stopping on the south side of Trask Avenue, east of Chestnut Street T.C. 72-353 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 3907 and waive further reading.

ADMINISTRATIVE ITEMS

1.10 Analysis of Proposition 209 requirements for public contracts based on recent California decision (deferred from the February 2, 2005 meeting) (City Attorney)

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.11 Fee Waiver Policy for Use of City Facilities by Government Agencies, Organizations, and Representatives (Penny Loomer)

RECOMMENDATION: Staff recommends the City Council consider the adoption of the proposed policy.

1.12 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Service on Saturday, April 30, 2005 between the hours of 7:00 a.m. and 3:00 p.m. for 200 attendees at Freedom Park, 14180 All American Way (Penny Loomer)

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

1.13 Special Event Permit application from Qxpham, Inc. to hold a Book Launch Party on Monday, April 11, 2005 between the hours of 5:00 p.m. and 9:00 p.m. for 300 attendees at Sid Goldstein Freedom Park, 14180 All American Way, and adjacent to the County of Orange parking lot. (Penny Loomer)

RECOMMENDATION: Staff recommends 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 February 9 through 22, 2005 (Steve Klotzsche)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.15 Minutes of the Planning Commission meeting held January 26, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

1.16 Community Development Monthly Activity Report – January, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

1.17 Treasurer's Report – December 2004 (Steve Klotzsche)

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.18 Minutes of the Cultural Arts Commission meeting held January 6, 2005 (Diana Dobbert)

RECOMMENDATION: Receive and file.

1.19 Minutes of the Community Services & Recreation Commission meeting held January 11, 2005 (Diana Dobbert)

RECOMMENDATION: Receive and file.

1.20 Minutes of the Commission on Aging meeting held January 10, 2005 (Diana Dobbert)

RECOMMENDATION: Receive and file.

1.21 Minutes of Traffic Commission meeting held on February 1, 2005 (Marwan Youssef)

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 February 23, 2005

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of February 23, 2005:

- 1) 13590 Beach (Case 2005-01, Site Plan Review/Design Review) for expansion of Lexus dealership.

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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.

3.1 APPEAL OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-69 (SPECIAL ADVERTISING PERMIT); LOCATION: WESTMINSTER MALL; APPELLANT: JOEL GARCIA; APPLICANT: SIMON PROPERTY GROUP (Don Anderson)

Time set for a public hearing to consider an appeal of the Planning Commission's decision approving an 85-foot high freestanding sign with a 675-square-foot electronic display screen and four 144-square-foot electronic display screens, one mounted on the wall above each main entrance to the mall.

RECOMMENDATION: The Planning Commission recommends that the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-69; and
- 2) Adopt Resolution No. 3906 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-69 (Special Advertising Permit) to allow installation of an 85-foot high freestanding sign with a 675-square-foot electronic display screen and four 144-square-foot electronic display screens, one mounted on the wall above each main entrance to the mall", and waive further reading.

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3. PUBLIC HEARINGS (Continued)

3.2 INTENTION TO VACATE RIGHT-OF-WAY RELATED TO PARCEL MAP 2003-197 (Marwan Youssef)

Time set for a public hearing declaring the City's intent to Vacate Right-of-way Related to Parcel Map 2003-197, pursuant to the provisions of Chapter 3, Section 8320 of the Streets and Highways Code of the State of California.

RECOMMENDATION: Staff recommends that the City Council:

- 1) Adopt Resolution No. 3905 entitled, "A Resolution of the City Council of the City of Westminster approving the vacation of two (2) alleys relating to Parcel Map 2003-197" and waive further reading;
- 2) Direct the City Clerk to record a certified copy of Resolution No. 3905 with the County Recorder's office; and
- 3) Accept Final Parcel Map No. 2003-197 and authorize the City Clerk to sign and seal the map.

3.3 REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (Don Anderson)

RECOMMENDATION: Staff recommends that the City Council approve the reallocation of \$15,000 from 2004-2005 CDBG Administration Funds to 2004-2005 CDBG Public Services Funds for Volunteer Exchange-Misty's Closet.

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

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

5.2 Consideration of co-sponsoring an event with the Westminster Chamber of Commerce for a "State of the City" luncheon to be held on Tuesday, April 12, 2005 in the East/West Room of the Community Services Building (Mayor Rice)

5.3 Consider reestablishing the order of business to be followed in regular meetings of the City Council/Redevelopment Agency (Mayor Rice)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract to Vance & Associates Roofing for the re-roof of the Community Services Building (deferred from the February 2 and 16, 2005 meetings) (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Approve a contract with Vance & Associates Roofing in the amount of \$116,900.00 (Account No. 75502-034004) to re-roof the Community Services Building, and authorize the City Manager to execute the contract on behalf of the City and;
- 2) Authorize a transfer of \$41,790.00 from the Government Building Fund (No. 770) balance to Account No. 75502-034004.

6.2 Contractual budget for plan check and inspection services contract with Melad and Associates (Don Anderson)

RECOMMENDATION: Staff recommends that the City Council approve a \$30,000 increase to the contractual budget, Account No. 62050-43090, and increase the existing contract with Melad & Associations for plan check and inspection services by the same amount.

6.3. Agreement with Crystal Consulting and Management Inc. DBA Crystal Rose Catering to provide exclusive catering services at the Westminster Rose Center banquet facility. (Penny Loomer)

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

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.4 Civic Center – Pay to Park (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council direct staff to proceed with the bid process for a “Pay & Display” parking system to be located at the Civic Center.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 3910 - A Resolution of the City Council of the City of Westminster providing for a compensation plan for the Management/Administrative/Confidential employees of the City of Westminster (Pat Corcoran)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 3910 and waive further reading.

8.2 Ordinance No. 2382 – An Ordinance of the City Council of the City of Westminster to revise Section 2.68.050 relating to classification of the Directors of Public Works and Community Services as excepted from classified service, to revise Sections 2.20.010 and 2.20.050 regarding the Finance Director fulfilling the duties of City Treasurer, to update Section 2.32.010 regarding the Department of Public Works, to add a new Section 2.32.020 regarding the Director of Public Works fulfilling the duties of City Engineer, all of Title 2 (Administration and Personnel) of the Westminster Municipal Code.

RECOMMENDATION: That the City Council introduce Ordinance No. 2382 and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request for All-Way Stop Signs at Apache/Klamath and Bannock/Klamath – T.C. 04-104

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3904 entitled, “A Resolution of the City Council of the City of Westminster providing for the installation of two way stop signs at the intersections of Apache/Klamath and Bannock/Klamath”, and waive further reading.

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9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.2 Holiday display in the Sunken Garden area of the Civic Center

COMMUNITY SERVICES AND RECREATION COMMISSION
RECOMMENDATION: Staff recommends that the City Council take under consideration the Community Services and Recreation Commission's request for placement of a holiday display in the Sunken Garden area of the Civic Center.

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, February 7, 2005 at 5:30 p.m. in the Council Conference Room for the purpose of conducting a Closed Session Meeting, to convene in public session in the Council Chambers at 6:30 p.m. for the purpose of holding a study session to discuss City/Agency business.