

AGENDA

April 6, 2005

**6:30 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 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 Organization: Westminster Municipal Employees Association (WMEA); and

- 2) Pursuant to Government Code Section 54957: Public Employment: Title: Director of Community Services.

RECESS:

AGENDA

April 6, 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: City Attorney

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. Introduction of new police officers and promotional ceremony to sergeant.
- B. Recognition of PTA Reflections Contest Winners
- C. Certificate of Congratulations to be presented to Quang X. Pham on his new book, "A Sense of Duty: My Father, My American Journey".

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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 Meetings of the City Council/Redevelopment Agency of March 2, 2005 and March 16, 2005, and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 7, 2005 and March 23, 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 **Proclamation declaring April 10-16, 2005 as “National Crime Victims’ Rights Week” in the City of Westminster**

RECOMMENDATION: Approve.

- 1.4 **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.

- 1.5 **Acceptance of work completed by Art Gautreau, Inc. for Public Restrooms (ADA) Upgrade at Senior Center (Project No. 16510-051601)** (Penny Loomer)

RECOMMENDATION: Staff recommends 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.

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1. CONSENT CALENDAR (Continued)

1.6 Amendment to Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Council approve the recommended changes to the current Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association.

1.7 Computer Replacement Program- Desktop/Laptop Computers (James McAuliffe)

RECOMMENDATION: Staff recommends that the City Council authorize a purchase order for forty-five (45) replacement desktop computers from Gateway in an amount not to exceed \$51,000.

1.8 Traffic Signal Modifications at Brookhurst Street/Bishop Place - Project No. 55031-031201; Brookhurst Street/Margo Lane - Project No. 55031-053100; Goldenwest Street/21st/Westpark - Project No. 55031-021202 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council reject all bids at this time.

1.9 Second Amendment to Park, Median, Overpass and Related Landscape Maintenance/Service Agreement at various locations (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the second amendment to the Park, Median, Overpass and Related Landscape Maintenance/Service Agreement at various locations with Midori Gardens in an amount not to exceed \$161,710, and authorize the City Manager to execute the agreement amendment on behalf of the City.

1.10 Median Improvements on Beach Boulevard (Marwan Youssef)

RECOMMENDATION: Staff recommends that that City Council authorize a change order in the amount of \$23,903 to Midori Gardens for median landscape improvements on the west side of Beach Boulevard near 23rd Street.

1.11 Award of contract for Water Vault Roof Replacement (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the contract with Action Awnings, Inc. in an amount not to exceed \$20,950, and authorize the City Manager to execute the agreement on behalf of the City.

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1. CONSENT CALENDAR (Continued)

- 1.12 **Award of Contract for Street Improvements on 12th Street- Cedarwood Avenue/Beach Boulevard; Project No. 16510-051600, 15th Street- Cedarwood Avenue/Beach Boulevard, Project No. 18002-044011; 16th Street- Cedarwood Avenue/Beach Boulevard, Project No. 16510-044000**
(Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the contract with All American Asphalt in the amount of \$617,861.57; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

- 1.13 **Amendment No. 8 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 the Mayor to execute the amendment on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.14 **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: Staff recommends that the City Council adopt Ordinance No. 2382 and waive further reading.

- 1.15 **Resolution No. 3911 – A Resolution of the City Council of the City of Westminster rescinding Resolution No. 3615 to reestablish the order of business to be followed in regular meetings of the City Council**

RECOMMENDATION: That the City Council adopt Resolution No. 3911 and waive further reading.

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1. CONSENT CALENDAR (Continued)

- 1.16 (City) Resolution No. 3912 – A Resolution of the City Council of the City of Westminster authorizing official signatures on behalf of the City for safekeeping City property and authorizing facsimile signatures for instrument of payment (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 3912 and waive further reading.

- 1.17 (Agency) Resolution No. 172 – A Resolution of the Westminster Redevelopment Agency of the City of Westminster authorizing official signatures on behalf of the Agency for safekeeping Agency property and authorizing facsimile signatures for instrument of payment (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Agency Board adopt Resolution No. 172 and waive further reading.

ADMINISTRATIVE ITEMS

- 1.18 Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 1, 2005 between the hours of 1:30 pm and 3:30 pm along Olive Street from Hazard Avenue to Blessed Sacrament Church at Westminster Boulevard, subject to the conditions attached to the staff report. The anticipated attendance is 1000 people (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Consider waiving the \$100 Special Event Permit fee; and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report.

- 1.19 Special Event Permit application from Blessed Sacrament Church to hold the 58th annual festival on May 20, 21,22, 2005 between the hours of 12:00 noon and 11:00 p .m. daily for 30,000 attendees per day at 14072 Olive Street (Penny Loomer)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Consider waiving the \$100 Special Event Permit fee; and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.20 (City Council/Redevelopment Agency) Warrant Register dated February 23 through March 29, 2005 (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.21 Minutes of the Planning Commission meetings held February 9 and February 23, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.22 Community Development Monthly Activity Report – February 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.23 Minutes of the Youth Committee meetings held January 12, 2005, February 9, 2005 and March 9, 2005 (Penny Loomer)

RECOMMENDATION: Receive and file.

- 1.24 Minutes of the Commission on Aging meeting held February 14, 2005 (Penny Loomer)

RECOMMENDATION: Receive and file.

- 1.25 Minutes of the Community Services and Recreation meeting held February 8, 2005 (Penny Loomer)

RECOMMENDATION: Receive and file.

- 1.26 Minutes of the Traffic Commission meeting held March 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 March 30, 2005

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of March 30, 2005:

- 1) 549 Westminster Mall (Case 2005-04, Amendment to Conditional Use Permit) for installation of seven television monitors (five interior and two non-audio exterior monitors) at the existing Outback Restaurant.
- 2) 7281 Maple (Site Plan/Design Review, Case 2005-05) for construction of a new triplex.
- 3) Amendment to the City Zoning Code (Case 2005-09) for allowing wholesale business offices at the C-1 (Local Business) district.

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.

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3. PUBLIC HEARINGS (Continued)

3.1 Public Hearing on Objections to Removal of Weeds and Debris – Spring 2005 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Overrule any objections received for the abatement of the weeds; and
- 2) Adopt Resolution No. 3908 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 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.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Schedule a joint study session with Council and the Board of the Rose Center Foundation to discuss contracting for the operation of the *Westminster Rose Center Theater* and ancillary facilities (Mayor Rice)

RECOMMENDATION: That the City Council provide direction to staff.

5.3 Ordinance No. 2383 - An Ordinance of the City Council of the City of Westminster amending Chapter 8.26, Regulation of Leaf Blowers of the Westminster Municipal Code to regulate powered yard equipment (Mayor Pro Tem Paris)

RECOMMENDATION: That the City Council introduce Ordinance No. 2383 and waive further reading.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **General Fund Appropriation for Fallen Officer Family Travel Expenses** (Andy Hall)

RECOMMENDATION: Staff recommends that the City Council approve the appropriation of \$21,000 from the General Fund Contingency (Account No. 20000-60904) to the Police Travel line item (Account No. 31000-44030) for travel expenses for the immediate family members of Lieutenant Ronald Weber Sr., Officer Steven Phillips, the Westminster Honor Guard, and Command Staff to attend the 2005 Peace Officer Memorial Ceremonies in Sacramento, California and Washington D.C.

6.2 **(Redevelopment Agency) Request from the Asian American Senior Citizen Association for a \$250,000 grant of Redevelopment Agency funds to remodel and expand its facility at the northeast corner of Hospital Circle and 21st Street** (Don Anderson)

RECOMMENDATION: Staff recommends that the Agency Board determine if it wishes to provide financial assistance and if so, the type of assistance to be provided, i.e., a grant, loan, or combination.

6.3 **(City/Agency) Moran Corridor Rezoning** (Don Anderson)

RECOMMENDATION: Staff recommends:

- 1) That the City Council authorize the rezoning to be accomplished through adoption of a Specific Plan; and
- 2) That the Agency Board authorize staff to request Specific Plan proposals from land use firms and submit the lowest responsible bid to the Agency Board for consideration at a subsequent meeting.

6.4 **(Redevelopment Agency) Amendment to Disposition and Development Agreement by and between the Westminster Redevelopment Agency and Shelter for the Homeless for development of three affordable family apartment units at 13942 Cedar Street** (Don Anderson)

RECOMMENDATION: Staff recommends that the Agency Board approve the Amendment that will provide Shelter for the Homeless with a grant of \$150,000 and a loan of \$200,000 from the Redevelopment Agency's Housing Assistance Project (Account No. 18602-03411) for its affordable family apartment project, and authorize the Executive Director to execute the Amendment on behalf of the Agency.

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

6.5 Amendment No. 1 to Police Building and Parking Needs Assessment Contract with DMJM Design Consulting to provide a traffic flow and parking needs study (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Approve the appropriation of \$33,280 from the General Fund Account No. 20000-60904 to Account No. 18002-044008, Police Building and Parking Study; and
- 2) Approve Amendment No. 1 to the subject contract, and authorize the City Manager to execute the amendment on behalf of the City.

6.6 (City/Agency) Mid-year amendments to the fiscal year 2004-05 budget (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council/Agency Board approve amendments to the fiscal year 2004-05 Municipal Budget.

6.7 Renewal of Agreement with Federal Legislative Consultant (Vicki Morgan)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Approve the agreement renewal with James F. McConnell in the amount of \$54,000 for the period March 1, 2005 through February 28, 2006, and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Approve the Federal Legislative priorities for Federal FY 2006.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: Staff recommends that the City Council take under consideration a request from the Westminster Senior Center Foundation for waiver of fees for the use of the Community Services Building East/West Rooms on Wednesday, May 11, 2005 between the hours of 9:00 a.m. and 1:00 p.m. for their second annual "Spring Fling Senior Expo" fundraiser.

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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:

- 1) Reconsider its action taken at the March 2, 2005 meeting to refer Resolution No. 3910 to the Financial Review Committee for review. (*Only those that voted in affirmative on the motion may move and second the motion for Council consideration*); and
- 2) Adopt Resolution No. 3910 and waive further reading, or provide direction to staff.

9. COMMISSION AND COMMITTEE ITEMS

- 9.1 **Request for Red Curb at 13631 Goldenwest Street – T.C. 91-107** (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3909 entitled, "A Resolution of the City Council of the City of Westminster providing for No Parking or Stopping at 13631 Goldenwest Street", and waive further reading.

- 9.2 **Appointments to Commissions and Committees** (Janet Mayfield)

RECOMMENDATION: Staff recommends that the City Council consider appointments to Commissions and Committees for a two-year term ending November, 2006.

- 9.3 **Commission and Committee Orientation** (Janet Mayfield)

RECOMMENDATION: Staff recommends that the City Council consider one of the following dates and times for a Commission and Committee Orientation Meeting.

| | | |
|-------------------------|--------|------------------------------------|
| Monday, April 25, 2005 | 6 p.m. | Community Services East/West Rooms |
| Tuesday, April 26, 2005 | 6 p.m. | Community Services A/B Rooms |
| Monday, May 2, 2005 | 6 p.m. | Community Services East/West Rooms |

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10. COUNCIL/AGENCY ADJOURNMENT