

**CITY COUNCIL
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
July 13, 2005

5:30 p.m. – Council Conference Room
7:00 p.m. – Council Chambers

8200 Westminster Boulevard
Westminster, California 92683

**MARGIE L. RICE
MAYOR**

**RUSSELL C. PARIS
Mayor Pro Tem**

**FRANK G. FRY
Council Member**

**KERMIT MARSH
Council Member**

**ANDY QUACH
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 second and fourth 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 Consent Calendar 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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July 13, 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) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (two potential cases); and
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 15300 Beach Boulevard and 15550 Beach Boulevard; Agency Negotiator: Executive Director Vangie Schock and Assistant Executive Director Don Anderson; Negotiating Party: David B. McHowell and Terence M. O'Shea; Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

July 13, 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. Certificate of Congratulation to Westminster resident, Jeremy Tran, a contestant on ABC's reality show, The Scholar
- B. Certificate of Appreciation to Todai Westminster for their Senior Appreciation Luncheon held at the Westminster Mall on June 15, 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 June 22, 2005.**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **(City Council) Denial of Claim Against the City from:**

1. Daniel Alvin Ashworth in the amount of \$100,000.00

RECOMMENDATION: Deny claim filed against the City.

- 1.3 **(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.

- 1.4 **(City/Agency) Amendment to the agreement for property tax audit services with The Hinderliter, deLlamas & Associates, Coren & Cone (HdL) for the fiscal year 2005-2006** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council/Agency Board approve an amendment to the agreement with HdL for property tax audit services in the amount of \$16,800.00 and authorize the Mayor/Chair to execute the amendment to the agreement on behalf of the City/Agency.

- 1.5 **Notice of Completion with Coast Roof Company for the Removal/Abatement and Replacement of Roof at Corporation Yard Office**
(Marwan Youssef)

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 No. 2 to Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 2 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$60,000.00, extending the contract for a period not to exceed six months, and authorize the City Manager to execute the amendment on behalf of the City.

1.7 Purchase of Resilient Wedge Water Valves and Accessories for FY 2005-06 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$15,833.59 for a renewable supply bid to C. Wells Pipeline Materials Company to purchase resilient wedge water valves and accessories, and reject all other bids.

1.8 Purchase of Wet Barrel Hydrant Heads & Accessories for FY 2005-06 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for a renewable Wet Barrel Hydrant Heads & Accessories bid to the low qualified bidder in the amount of \$95,671.22 to Hughes Supply, dba Marden Susco, and reject all other bids.

1.9 Purchase of Vehicle Fuel for FY 2005-06 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$345,000.00 for a renewable vehicle fuel supply bid to Petro-Diamond Inc., and reject all other bids.

1.10 Renewal of Lease Agreement with the Boys and Girls Club of Westminster (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the renewal of the lease agreement with the Boys and Girls Club for the property located at 14400 Chestnut Avenue, and authorize the Mayor to execute the agreement on behalf of the City.

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1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.11 **Resolution No. 3925 - A Resolution of the Mayor and City Council of the City of Westminster repealing Resolution No. 3756 which provided for the installation of disabled parking restrictions at 13772 Charleville Drive – T.C. 77-142/03-100 (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3925 approving the removal of blue curb (special parking zone for handicapped individuals) on the east side of Charleville Drive, and waive further reading.

- 1.12 **Resolution No. 3926 - A Resolution of the Mayor and City Council of the City of Westminster, California, declaring its Intention to Vacate Right –of-way Related to Tract Map No. 16669 (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt the subject resolution which sets a public hearing for July 27, 2005 for the said vacation of right-of-way pursuant to the provisions of Chapter 3, Section 8320 of the Streets and Highways Code of the State of California, and waive further reading.

- 1.13 **Resolution No. 3927 - A Resolution of the Mayor and City Council of the City of Westminster expressing the Mayor and City Council's support for Assembly Bill 1222 (Jones); Assembly Bill 888 (De La Torre); and Senate Bill 459 (Romero); which would enact locomotive and rail yard emissions reduction and mitigation programs; a remote sensing program; and call upon U.S. EPA to further limit locomotive emissions (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3927 and waive further reading.

- 1.14 **Resolution No. 3928 – A Resolution of the Mayor and City Council of the City of Westminster fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3928, and waive further reading

WARRANT REGISTER

- 1.15 **(City Council/Redevelopment Agency) Warrant Register dated June 15 through 28, 2005. (Paul Espinoza)**

RECOMMENDATION: Approve.

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1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

1.16 Minutes of the Planning Commission regular meeting held May 25, 2005 and study session meeting held June 8, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

1.17 (City/Agency) Treasurer's Report for May 2005 (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Traffic Commission regular meeting held June 7, 2005 (Marwan Youssef)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

2. 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.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

3.1 The actions of the Planning Commission meeting held on July 6, 2005 (Don Anderson)

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of July 6, 2005:

- 1) 16320 Jupiter Circle (Administrative Adjustment, Case No. 2005-23) to allow a reduced rear setback for a second-story addition to a single family residence.
- 2) 14072 Goldenwest Street (Tentative Parcel Map, Site Plan and Design Review, Case No. 2005-27) to construct three new condominiums on a 9,525 square foot lot.

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4. 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.

4.1 Weed Abatement Cost Report – Fall, 2004 – Spring, 2005 (Marwan Youssef)

RECOMMENDATION: That the Mayor and City Council:

- 1) Receive and confirm the cost report;
- 2) Adopt Resolution No. 3929 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall 2004 and Spring, 2005 on lots within the City of Westminster", and waive further reading; and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector.

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4. PUBLIC HEARINGS (Continued)

4.2 Amendment to the City's One-Year Action Plan for Fiscal Year 2005-2009 (Marwan Youssef)

Time set for a public hearing to consider an amendment to the City's One Year Action Plan for FY 2005-09.

RECOMMENDATION: That the Mayor and City Council:

- 1) Approve an amendment to the City's One Year Action Plan for FY 2005-09 to add 13th Street Improvements to the 12th, 15th, and 16th Street Improvement project, utilizing the remaining balance in the previously approved CDBG funds to pay for the costs of the improvements on 13th Street; and
- 2) Approve Amendment No. 1 to the agreement with All American Asphalt for the improvements on 13th Street between Beach Boulevard and Cedarwood Street in an amount not to exceed \$221,122.09, and authorize the City Manager to execute the amendment on behalf of the City.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Consideration of including an insertion in the City's water bill updating residents on Orange County Transportation Authority's (OCTA's) progress on the proposed I-405 expansion project. (Mayor Rice)

5.3 Westminster Municipal Code Chapter 17.60 – Home Businesses (deferred from the June 8, 2005 meeting) (Mayor Rice)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Amendment to Chapter 17.60 of the Westminster Municipal Code – Home Businesses by: clarifying those uses listed in Tables A and B; deleting all references to the Home Business Committee; and requiring all applicants requesting approval of a Level Two businesses to submit a Conditional Use Permit application for consideration by the Planning Commission at a noticed public hearing.
- 2) Direct staff to return with an appropriate Ordinance to reflect the directed changes.

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

5.4 Consideration of request regarding economic development and the use of eminent domain (Mayor Pro Tem Paris)

- 1) Authorize a draft letter addressed to the Supreme Court of the United States (SCOTUS) be added to the City's web site (along with other draft letters regarding the I-405 expansion), in protest to the decision they made with regard to the use of eminent domain;
- 2) Authorize that SCOTUS names and address be posted on WTV-3 along with the City's website address, indicating a draft letter to SCOTUS exists on the City's website;
- 3) That the Mayor and City Council declare and make known via Resolution their intent in any use of eminent domain, clearly indicating that eminent domain will not be used for economic development; and
- 4) The Mayor and City Council write a letter in support of "H.R. 3135, the "Private Property Rights Protection Act of 2005" authored by F. James Sensenbrenner, Jr., Chairman of the U. S. House of Representatives Committee on the Judiciary to be sent to all legislative representatives from California, urging them to support this bill.

5.5 Review of City's procedure relative to appointment of Chair and Vice Chair to City Boards, Committees and Commissions. (Mayor Rice)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Special Counsel for Municipal and Redevelopment Legal Services (Don Anderson)

RECOMMENDATION: Staff recommends that the City Council and Agency Board approve a retainer agreement with Best Best & Krieger to provide legal services to the City and Agency, and authorize the City Manager/Executive Director to execute the agreement on behalf of the City and Agency.

6.2 Decorative pedestrian lighting along Bolsa Avenue (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council appropriate \$37,417.55 from the Municipal Lighting District Fund No. 59500 to fund the installation of an additional eight decorative pedestrian lights along the north side of Bolsa from Bushard to Ward.

6.3 Selection of date and time for study session meetings

RECOMMENDATION: That the Mayor and City Council select a date and time for study sessions for the purpose of establishing the City's future goals and objectives, and to review the Westminster Rose Center Financial Report.

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7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from Abrazar for conveyance of City-owned property at 7101 Wyoming Street (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council direct staff to implement one of the following options:

- 1) Continue leasing the property to Abrazar;
- 2) Enter into a long term multi-year lease agreement;
- 3) Convey ownership of the property to Abrazar with an agreement to be considered by the Mayor and City Council at a later date, which would specify the terms of conveyance.

8. LEGISLATIVE ITEMS

8.1 Amendments and Adoption of the 2004 Edition of the California Electrical Code (Soroosh Rahbari)

RECOMMENDATION: That the Mayor and City Council:

- 1) Adopt Resolution No. 3930 entitled, "A Resolution of the Mayor and City Council of the City of Westminster setting forth findings based on local conditions which make certain modifications to the California Electrical Code reasonably necessary", and waiver further reading;
- 2) Introduce Ordinance No. 2387 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 15 by deleting Chapter 15.12 of the Westminster Municipal Code to repeal previous editions of the Electrical Code and to replace with a new Chapter 15.12 adopting and amending the 2004 Edition of the California Electrical Code", and waive further reading; and
- 3) Schedule a public hearing and adoption of Ordinance No. 2387 for July 27, 2005 at 7:00 p.m.

This procedure is in accordance with California Government Code Title 5, Division 1, Part 1 as published by the Building Standards Bulletin 99-01.

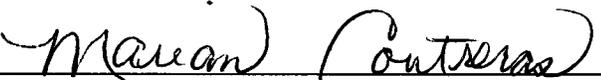
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9. COMMISSION AND COMMITTEE ITEMS - None

10. COUNCIL/AGENCY ADJOURNMENT: Adjourn in memory of Julie Loring.

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