



# **CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA**

City of Westminster  
Regular Meeting  
October 12, 2005

Notice is given that this meeting may be conducted simultaneously through teleconferencing at two different locations pursuant to Government Code Section 54953(b)(1). A quorum of the City Council/Redevelopment Agency/Financing Authority will be present at the Civic Center location listed below. Mayor Pro Tem/Vice Chair Russell C. Paris will be present at the second location as follows: 15561 Eden Street, Westminster, California, which shall be accessible to the public.

6:00 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 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 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.

# **AGENDA**

October 12, 2005

**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 Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case): The Asian American Senior Citizens' Association; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Shinn

## **RECESS:**

# **AGENDA**

October 12, 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 Fry

**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. Proclamation declaring October 9-15, 2005 as Fire Prevention Week

# AGENDA

October 12, 2005

## 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 **Minutes of the Special/Adjourned Regular Meeting of the City Council/Redevelopment Agency of September 13, 2005; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 14, 2005; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of September 19, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of September 28, 2005 (Marian Contreras)**

### 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 October 3-7, 2005 as "Lawsuit Abuse Awareness Week" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **Proclamation declaring October, 2005 as "Lupus Awareness Month" in the City of Westminster**

RECOMMENDATION: Approve.

- 1.5 **Notice of Completion for work performed by Vance & Associates Roofing, Inc., for the Removal/Abatement and Replacement of Roof, including Tile Repair, at the Community Services Building (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file the Notice of Completion with the County Recorder's Office.

# AGENDA

October 12, 2005

**1. CONSENT CALENDAR (Continued)**

**1.6 Amendment No. 1 to Agreement for Westminster Rose Center Project No. 11202-964001 – Bid Package No. 24 – Electrical (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the agreement with Snowden Electric Company, Inc., to supply and install an elevator for the Westminster Rose Center in the amount of \$95,320.00, and authorize the City Manager to execute the amendment on behalf of the City.

**1.7 Award of Contract for Median Island Improvements on Westminster Boulevard from Edwards Street to Beach Boulevard (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a contract with GMC Engineering Inc., in the amount of \$2,274,354.75, and authorize the City Manager to execute the contract on behalf of the City.

**1.8 Selection of Consultant for Design Services of Raised Landscaped Medians along Westminster Boulevard from Newland to Magnolia (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the selection of Norris-Repke to perform the subject work in the amount of \$43,750.00 and authorize the City Manager to execute the agreement on behalf of the City.

**1.9 Award of Contract for Westminster Rose Center Bid Package No. 17 – Specialties (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a contract with Inland Building Companies in the amount of \$321,600 for Bid Package No. 17, Specialties, and authorize the City Manager to execute the contract on behalf of the City.

**1.10 Settlement Agreement with Huntington Beach Police Officers Association (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the payment of \$8,500 from the City's Liability Claims Account (Account No. 750-14335-45002) to the City of Huntington Beach for the settlement pertaining to the Huntington Beach Firing Range.

**1.11 Purchase Order to Electronic Risk Consultants (ERC) for FY 2005-06 (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve issuance of a purchase order in the amount of \$29,676.79 to ERC to underwrite maintenance of electronic equipment located throughout the City.

# AGENDA

October 12, 2005

1. **CONSENT CALENDAR (Continued)**
  - 1.12 **Amendment to the Employment Agreement for the City Manager (City Attorney/Paul Espinoza)**

RECOMMENDATION: That the Mayor and City Council approve the amendment to the employment agreement with Vangie Schock, City Manager.

## **ORDINANCES (SECOND READING)/RESOLUTIONS**

- 1.13 **Resolution No. 3944 – A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-27 (Tentative Parcel Map, Site Plan Review and Design Review) a request to allow the construction of three residential condominium units (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3944 and waive further reading.

- 1.14 **Resolution No. 3945 – A Resolution of the Mayor and City Council of the City of Westminster authorizing examination of sales and use tax records (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3945 and waive further reading.

## **WARRANT REGISTER**

- 1.15 **(City Council/Redevelopment Agency) Warrant Register dated September 7 through October 4, 2005 (Paul Espinoza)**

RECOMMENDATION: Approve.

## **INFORMATION AND REPORTS**

- 1.16 **Minutes of the Planning Commission meeting dated August 10, 2005, August 17, 2005, and September 7, 2005 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.17 **Community Development Monthly Report – August 2005 (Don Anderson)**

RECOMMENDATION: Receive and file.

# AGENDA

October 12, 2005

## 1. CONSENT CALENDAR (Continued)

### 1.18 Treasurer's Report – July and August 2005 (Paul Espinoza)

RECOMMENDATION: Receive and file.

### 1.19 Minutes of the Traffic Commission meeting dated September 6, 2005 (Marwan Youssef)

RECOMMENDATION: Receive and file.

## END OF CONSENT CALENDAR

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## 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

RECOMMENDATION: That the Mayor and City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of October 5, 2005:

- 1) 16390 Beach Boulevard (Case No. 2005-43), Variance, an application to attach two new building wall signs to the existing Marie Callender's Grill restaurant building, which will exceed the total number of building wall signs allowable by the Municipal Code.
- 2) 14531-41 Tilden Street (Case No. 2004-31), Variance, an application to construct a 392-square foot room addition to an existing residential duplex development, which will exceed the maximum lot coverage in the R2 district allowable by the Municipal Code.

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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 **CASE NO. 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 7601 23<sup>RD</sup> STREET; APPLICANT: TIM HARRIS (Don Anderson)**

Time set for a public hearing to consider the construction of three residential condominiums on a 12,774-square foot lot. The required entitlements include a Zone Change, Tentative Parcel Map for condominium purposes, Site Plan Review to assess the proposed site layout, and Design Review to assess the design and overall appearance of the development.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 3946 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting Mitigated Negative Declaration MND 05-02 and approving Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, Design Review) to allow the construction of three residential condominiums on a 12,774-square-foot lot located at 7601 23<sup>rd</sup> Street," and waive further reading; and
- 2) Introduce Ordinance No. 2390 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7601 23<sup>rd</sup> Street from M1 (Light Industrial) to R2 (Multiple Units, 08-12 units/acre)," and waive further reading.

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## 4. PUBLIC HEARINGS (Continued)

### 4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-39 (VARIANCE); LOCATION: 6312 GARDEN GROVE BOULEVARD; APPLICANT: ROD WILSON (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to approve the modification of an existing sign variance, Area Variance AV-1013, which allowed a maximum sign area of 310 square feet and a maximum sign height of 60 feet. The required entitlement is a variance to allow a freestanding sign to exceed the maximum area and height allowed by code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2005-39; and
- 2) Adopt Resolution No. 3948 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-39 (Variance) by allowing a maximum sign face area of 511.2-square feet and maximum sign height of 60-feet, amending Area Variance AV-1013", and waive further reading.

### 4.3 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-38 (HOME BUSINESS PERMIT); LOCATION: 5572 NORMA DRIVE; APPLICANT: HERBERT SATO (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to approve the operation of an administrative office for a travel agency at the residence located at 5572 Norma Drive in the R1(Single Family Residence) District. Review of a Home Business Permit application is required to assess the characteristics of the proposed business and its potential impacts on the surrounding neighborhood.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2005-38; and
- 2) Adopt Resolution No. 3949 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-38 (Home Business Permit) to allow the operation of an administrative office for a travel agency at the residence located at 5572 Norma Drive in the R1 (Single Family Residence) District," and waive further reading.

# **AGENDA**

October 12, 2005

## **4. PUBLIC HEARINGS (Continued)**

### **4.4 PUBLIC HEARING ON OBJECTIONS TO REMOVAL OF WEEDS AND DEBRIS – FALL 2005 (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council :

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 3947 entitled, "A Resolution of the Mayor and 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.

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

### **5.1 Council/Agency Member Items**

### **5.2 Discussion of Administrative Salaries (Mayor Rice)**

### **5.3 Explore options for establishment of a Sister City (Council Member Quach and Council Member Fry)**

### **5.4 City concert to raise funds for the victims of Hurricane Katrina (Council Member Quach)**

### **5.5 Review of Fee Waiver Requests for use of City facilities (Council Member Marsh)**

# AGENDA

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## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 **Acceptance of Traffic Safety Grant for DUI Enforcement from the State of California, Office of Traffic Safety** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the Office of Traffic Safety (OTS) funds in the amount of \$275,177 awarded to the police department for enforcement of drunk driving related offenses and authorize the Chief of Police to complete the application process for the OTS 10/05 – 12/07 funding period; and
- 2) Amend the fiscal year 2005-06 adopted budget to increase anticipated revenues for Special Police Services (Fund 258) in the amount of \$275,177. Amend the fiscal year 2005-06 adopted budget to increase budgeted expenditures for the Special Police Services Fund (Fund 258) in the amount of \$275,177.

### 6.2 **Acceptance of the Paul Coverdell Forensic Science Improvement Grant from the U.S. Department of Justice, Office of Justice Programs (OJP)** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the OJP funds in the amount of \$76,134 awarded to the police department for equipment upgrades, training, and overtime pay for the Forensic Services Unit, and authorize the Chief of Police to complete the application process for the OJP 01/01/06– 12/31/06 funding period; and
- 2) Amend the fiscal year 2005-06 adopted budget to increase anticipated revenues for Special Police Services (Fund 258) in the amount of \$76,134. Amend the fiscal year 2005-06 adopted budget to increase budgeted expenditures for the Special Police Services Fund (Fund 258) in the amount of \$76,134.

### 6.3 **First Amendment to Consulting Services Agreement with Willdan to provide temporary Planning Staff services** (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize an appropriation of \$40,000 from the Community Development Fund – 285 Undesignated Balance (Account No. 285-00285-71030) to Community Development Administration (Account No. 285-60050-43090); and
- 2) Approve the First Amendment to the Consulting Services Agreement with Willdan in an amount not to exceed \$55,000, and authorize the City Manager to execute the amendment on behalf of the City.

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October 12, 2005

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

### 6.4 Rose Center Building Fund Donation (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the transfer from the Cable TV Fund Miscellaneous Donations (Account No. 230-11200-39049) to the Community Theater Capital Improvement Project (Account No. 400-11202-48009) in the amount of \$5,000.

### 6.5 (City/Agency) Presentation of Westminster Rose Center Financial Operating Plan (Paul Espinoza)

RECOMMENDATION: Staff recommends that the City Council/Agency Board review the Rose Center Financial Operating Plan and direct staff to:

- 1) Create a City Council Policy to address potential operating shortfall(s) for the Rose Center operating contract and the Crystal Catering operating contract that may result from the allocation of maintenance costs; and
- 2) Create a City/Redevelopment Agency Policy to fund the capital component costs associated with the Rose Center through the use of the Infrastructure Revitalization Plan (IRP).

### 6.6 Request for Proposals (RFP) for medical transportation services for the City (deferred from the August 24, 2005 meeting) (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council either:

- 1) Direct staff to conduct a formal bid procedure for medical transportation services and authorize a purchase order with American Medical Response (AMR) in the amount of \$363,000; or
- 2) Waive the formal bid procedure and authorize a purchase order with AMR for medical transportation services in an amount not to exceed \$363,000 for the fiscal year 2005-06.

### 6.7 Select date and time for a study session for discussion of potential budget cuts for Fiscal Year 2005-06 (Paul Espinoza)

RECOMMENDATION: That the Mayor and City Council select a date and time for a study session for discussion of potential budget cuts for FY 2005-06.

# AGENDA

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

### 6.8 Select date and time for a Moran Corridor Workshop to solicit input regarding future uses and zoning (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council schedule the meeting for the Study Session of March 13, 2006.

### 6.9 (City/Agency) Consideration of alternative date(s) for the regular meetings of November 23, 2005 (the day before Thanksgiving) and December 28, 2005 (City Hall furlough closure)

RECOMMENDATION: Staff recommends that the City Council/Agency Board consider alternative meeting date(s) for the November 23, 2005 and December 28, 2005 meetings.

## 7. WRITTEN COMMUNICATIONS (Public)

### 7.1 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from the Vietnamese American Pharmacy Student Association (VAPSA) for waiver of fees for the use of the Community Services Building (East/West Rooms) on Saturday, November 19, 2005 and Sunday, November 20, 2005 between the hours of 9:00 a.m. and 5:00 p.m. for their 3<sup>rd</sup> Annual Immunization Drive and Health Fair.

### 7.2 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from The Rose Center Foundation for waiver of fees for the use of the Community Services Building (West Room) on Tuesday, November 29, 2005 between the hours of 6:00 p.m. to 9:00 p.m. for their annual meeting.

## 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.

  
Marian Contreras, City Clerk/Agency Secretary