



# **CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA**

**City of Westminster  
Regular Meeting  
October 26, 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 26, 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).

### **RECESS:**

# **AGENDA**

October 26, 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 Marsh

**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 Louise Milner, new principal at La Quinta High School
- B. Chamber of Commerce – Report on Upcoming Activities

# AGENDA

October 26, 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.

### ROUTINE MATTERS

#### 1.1 (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.

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

1. Progressive Solutions in the amount of \$17,444.75.

RECOMMENDATION: Deny claim filed against the City.

#### 1.3 Stormwater Master Plan and Management System (Marwan Youssef)

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

1) Increase the Purchase Order with KVL, Consultants, Inc. by \$4,200; and

2) Adopt the Stormwater Master Plan and Management System

#### 1.4 Acceptance of Easement Deed for 7742 12<sup>th</sup> Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept an Easement Deed for the subject property, and authorize the City Clerk to record the deed with the County's Recorder's Office.

#### 1.5 Amended Classification Specification for Deputy City Clerk and Organization Change in the City Clerk's Department

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the amended classification specification for Deputy City Clerk and organization change in the City Clerk's Department.

# AGENDA

October 26, 2005

## 1. CONSENT CALENDAR (Continued)

### ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.6 Resolution No. 3950 – (2006 Regional Transportation Improvement Program) A Resolution of the Mayor and the City Council of the City of Westminster certifying that the City of Westminster has the resources to fund the projects submitted for Inclusion in the Fiscal Years 2005/06 through 2010/11 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the Program (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3950 and waive further reading.

- 1.7 Resolution No. 3954 – A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-27 (Tentative Parcel Map/Site Plan Review/Design Review) a request to allow the construction of three residential condominium units on property located at 14072 Goldenwest Street.

*(This Resolution was adopted at the October 12, 2005 meeting as Resolution No. 3944. As two resolutions were inadvertently assigned Resolution No. 3944, this Resolution has been reassigned a new number in order to clarify the administrative record).*

RECOMMENDATION: Staff recommends that the Mayor and City Council clarify for the administrative record the reassigned Resolution No. 3954.

- 1.8 Resolution No. 3951 – 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 (PEMHCA) (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3951 and waive further reading.

### ADMINISTRATIVE ITEMS

- 1.9 Waiver of Rental Fees/Community Services Building

RECOMMENDATION: Staff recommends that the City Council take under consideration a request from Westview, a non-profit agency, for waiver of fees for the use of the Community Services Building (East/West Room) on Wednesday, December 7, 2005 between the hours of 3:00 p.m. and 9:00 p.m. for their holiday party.

# AGENDA

October 26, 2005

## 1. CONSENT CALENDAR (Continued)

### WARRANT REGISTER

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated October 5 through October 18, 2005 (Paul Espinoza)

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.11 Minutes of the Planning Commission meeting held September 21, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.12 Community Development Monthly Activity Report – September 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.13 Minutes of the Commission on Aging meeting held on April 11, 2005. (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.14 Minutes of the Community Services & Recreation Commission meetings held on March 8, 2005 and June 14, 2005. (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.15 Minutes of the Cultural Arts Commission meetings held on April 7, 2005 and May 5, 2005. (Greg Johnson)

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.

# AGENDA

October 26, 2005

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of October 19, 2005:

- 1) 13822 Beach Boulevard (Case No. 2005-53), Design Review, an application to construct roof mounted wireless communication facility.
- 2) 7302 20<sup>th</sup> Street (Case No. 2005-32), Site Plan and Design Review, an application to construct three units (triplex) in the R-5 district.

## 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.

# AGENDA

October 26, 2005

## 4. PUBLIC HEARINGS (Continued)

### 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 (Continued from the 10/12/05 meeting) (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.

This item was previously considered by Council at its regular meeting of October 12, 2005 and was continued to the meeting of October 26, 2005.

RECOMMENDATION: Staff recommends that the Mayor and City Council continue the matter to the November 16, 2005 meeting.

### 4.2 CASE NO. 2005-40 AND 2005-49 (MITIGATED NEGATIVE DECLARATION, ZONE CHANGE, CONDITIONAL USE PERMIT, TENTATIVE TRACT MAP, AMENDMENT TO TENTATIVE TRACT MAP, SITE PLAN, DESIGN REVIEW, SIX VARIANCES) (Don Anderson)

Time set for a public hearing to consider the Planning Commission's recommendation to approve the various actions needed to allow the proposed development.

PLANNING COMMISSION RECOMMENDATION: Staff recommends that the City Council uphold the Planning Commission recommendation and action and take the following action:

- 1) Introduce Ordinance No. 2391 entitled: An Ordinance of the Mayor and City Council of the City of Westminster rezoning the parcel at 15088-15122 Moran Street from C-M (Commercial-Industrial) to R-5P, Multiple Units (14-24 Du/Ac) Parking Overlay;" and
- 2) Adopt Resolution No. 3952 entitled " A Resolution of the Mayor and City Council of the City of Westminster amending the conditions incorporated in City Council Resolution 3888, adopting a Mitigated Negative Declaration, approving a Conditional Use Permit, authorizing staff to prepare and execute a Density Bonus Agreement, amending approval of Tentative Tract Map No. 16700, approving the Site Plan, approving of the Design, and approving six variances dealing with building height, lot coverage, enclosed commercial parking, the use of tandem parking, and the reduction in parking stall width and drive aisle width for construction of an eighty (80) unit senior condominium project with one level of commercial parking at 15152-15238 Moran Street" and

# AGENDA

October 26, 2005

## 4. PUBLIC HEARINGS (Continued)

- 3) Adopt Resolution No. 3953 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting a Mitigated Negative Declaration, approving a Conditional Use Permit, authorizing staff to prepare and execute a Density Bonus Agreement, approving Tentative Tract Map No. 16701, approving the Site Plan, approving the design, and approving six Variances dealing with building height, lot coverage, enclosed commercial parking, the use of tandem parking and the reduction in parking stall width and drive aisle for construction of a sixty-four (64) unit senior condominium project with one level of commercial parking at 15088-15122 Moran Street"

### 4.3 (City/Agency) SECOND AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BY AND BETWEEN THE WESTMINSTER REDEVELOPMENT AGENCY AND SHELTER FOR THE HOMELESS FOR DEVELOPMENT OF THREE AFFORDABLE FAMILY APARTMENT UNITS AT 13942 CEDAR STREET.

#### SUBSTITUTION OF REDEVELOPMENT AGENCY SET-ASIDE FUNDS FOR FEDERAL HOME FUNDS (Don Anderson)

##### RECOMMENDATION:

- 1) Staff recommends that the Agency Chair and Agency Board approve the Second Amendment to the DDA between the Westminster Redevelopment Agency and Shelter for the Homeless that will provide Shelter for the Homeless with a grant of \$140,000 from the Redevelopment Agency's Housing Assistance Project, Account Number 18602-03411 for its affordable family apartment project, and authorize the Executive Director to execute the Amendment on behalf of the Agency; and
- 2) Staff recommends that the Agency Chair and Agency Board make a finding in accordance with Section 33334.3(j) of the California Community Redevelopment Law, that the Agency's Housing Assistance Project (Account Number 18602-03411) Funds are necessary for this project in the amounts recommended; and
- 3) Staff recommends that the and Mayor and City Council, Agency Chair and Agency Board, respectively, deobligate Federal HOME Funds in the amount of \$124,131, previously approved for this project, and replace them with Redevelopment Agency Housing Assistance Project Funds, Account Number 18602-03411.

# AGENDA

October 26, 2005

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

### 5.1 Council/Agency Member Items

### 5.2 Discussion of 2006 Tet Parade (Mayor Rice)

### 5.3 Establish Ad Hoc Water Rate Structure Committee (Council Member Marsh)

### 5.4 Request for the Mayor and City Council to express their support for the following propositions on the November 8, 2005 special election:

- Proposition 74 – Public School Teachers: Improves public education by helping to ensure that we have the best teachers available. Under this proposal, teachers must have satisfactory reviews for five consecutive years before receiving tenure. The current system only requires two years.
- Proposition 75 – Government Employee Union Dues – Amends state statutes to require public employee unions to get annual written consent from a government employee in order to charge and use that employee's dues or fees for political purposes.
- Proposition 76 – State Budget and School Funding – Will limit spending to the last year's spending to the last year's spending plus an average of the past three-years' income growth.
- Proposition 77 – Political Districts – Competitive elections are critical to ensuring that elected officials are responsive to the will of the people. Proposition 77 will change the State Constitution to give authority for setting up political district lines every ten years to a panel of three retired judges, instead of the State Legislature. (Mayor Pro Tem Paris)

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 Resolution No. 3955 - A Resolution of the Mayor and the City Council of the City of Westminster providing for a compensation plan for the Management/Administration/Confidential Employees of the City of Westminster. (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3955 and waive further reading.

# AGENDA

October 26, 2005

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

### 6.2 Review of Ordinance No. 2192 and Ordinance No. 2240, both relating to storage of trash/garbage containers, to determine which ordinance should regulate enforcement. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Provide direction to staff on which ordinance is to be used for enforcement of storage of trash/garbage containers; and
- 2) Provide direction regarding the deletion of the alternate ordinance from the Municipal Code.

### 6.3 (City/Agency) Contract with California Shopping Cart Retrieval Corporation (CSCRC) for retrieval of stray shopping cart services (Vicki Morgan)

RECOMMENDATION: Staff recommends:

- 1) That the Chair and Agency Board Members authorize an appropriation of \$24,000 from the Redevelopment Budget Contingency Account No. 18000-60904 to Code Enforcement Contractual/Professional Services Account No. 63050-43090 for shopping cart retrieval services; and
- 2) That the Mayor and City Council approve the contract with California Shopping Cart Retrieval Corporation (CSCRC) in the amount of \$24,000 for the period of November 1, 2005 through June 30, 2006, and authorize the City Manager to execute the contract on behalf of the City.

### 6.4 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) Enter into a long term multi-year lease agreement; or
- 2) Convey ownership of the property to Abrazar.

### 6.5 (City/Agency) Presentation of Westminster Rose Center Financial Operating Plan (Continued from the 10/12/05 meeting) (Paul Espinoza)

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

# AGENDA

October 26, 2005

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

- 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 First Amendment to the Employment Agreement for the Office of Interim Community Services Director (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the increase to the Purchase Order with Greg Johnson for services provided as the Interim Director of Community Services in the amount of \$18,000; and
- 2) Approve the First Amendment to the Employment Agreement for the Office of Interim Community Services Director.

### 6.7 Schedule date and time for a study session to discuss the Police Facility

## 7. WRITTEN COMMUNICATIONS (Public)

### 7.1 Request from Huntington Beach Union High School District (HBUHSD) to purchase out of service police vehicles (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the sale of retired patrol cars to the HBUHSD.

## 8. LEGISLATIVE ITEMS - None

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Request to Install Parking Restrictions on the South Side of Baylor Drive, east of Hoover Street – T.C. 77-116 (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3943 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the south side of Baylor Drive, east of Hoover Street", and waive further reading.

# AGENDA

October 26, 2005

**9. COMMISSION AND COMMITTEE ITEMS (Continued)**

**9.2 Request to Install A Two-Way Stop Sign at the Intersection of Klamath Drive and Shawnee Road – T.C. 82-104 (Marwan Youssef)**

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3942 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for a Two-Way Stop Sign at the intersection of Klamath Drive and Shawnee Road", and waive further reading.

**10. COUNCIL/AGENCY ADJOURNMENT:** To November 2, 2005 at 6:30 p.m. in the Council Chambers for the purpose of holding a study session to discuss a contract between the City of Westminster and the Rose Center Foundation and to discuss City/Agency business.

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, Acting City Clerk/Agency Secretary