

CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Adjourned Regular Meeting
November 16, 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.

**5:30 p.m. – Council Conference Room
6:30 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

November 16, 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 RICE, PARIS, FRY, MARSH, QUACH

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will convene in Closed Session for the following purpose:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Janice and John Foley vs. City of Westminster

RECESS AND RECONVENE IN OPEN SESSION:

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

ROLL CALL: RICE, PARIS, FRY, MARSH, QUACH

PRESENT:

ABSENT:

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.

1. **Discussion regarding terms and conditions of employment for the Planning Director, Assistant City Engineer and Housing Manager positions.**

RECOMMENDATION: That the Mayor and City Council provide direction to staff.

RECESS:

AGENDA

November 16, 2005

6:30 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)).

SELECTION OF MAYOR PRO TEM

SPECIAL PRESENTATIONS:

- A. Presentation of Resolution of Commendation to Pat Stewart
- B. Presentation of Certificate of Commendation to Lieutenant Phil Marshall upon his retirement from the City
- C. Presentation of a check from Commercial Capital Bank and SBC for Project S.H.U.E.
- D. Presentation by the County Department of Housing and Community Services on Housing for the Homeless
- E. Presentation on Southern California Edison's Local Government Initiative, Energy Efficiency-Related Opportunities

AGENDA

November 16, 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 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of October 12, 2005; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of October 19, 2005; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of November 9, 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 **Purchase of Police Department Safety Equipment for FY 2005-2006** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order be issued to Adamson Police Products in an amount not to exceed \$40,000.

- 1.4 **Purchase of One Black and White Patrol Car** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Villa Ford in the amount of \$22,890.19 for the purchase of one new patrol car.

- 1.5 **Amendment No. 9 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 Mayor and City Council approve the subject amendment and authorize the Mayor to execute the amendment on behalf of the City.

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November 16, 2005

1. CONSENT CALENDAR (Continued)

1.6 Agreement to Provide Graffiti Removal Services to the County of Orange in the unincorporated areas of Midway City (Marwan Youssef)

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

1.7 Agreement for Professional Services with Imbsen & Associates for a Feasibility Study for Two I-405 Freeway Bridges at Goldenwest Street and Bolsa Chica Road (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement, in an amount not to exceed \$19,000, and authorize the City Manager to execute the agreement on behalf of the City.

1.8 Finance Department Reorganization Plan and amended classification specification for Senior Staff Accountant (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the reorganization plan for the Finance Department and the update for the Senior Staff Accountant job description.

1.9 Increase purchase order with Liebert, Cassidy & Whitmore to provide legal services for the City (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Liebert, Cassidy & Whitmore in the amount of \$35,000.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.10 Ordinance No. 2391 - An Ordinance of the Mayor and City Council of the City of Westminster amending the Westminster Municipal Code by amending Section 17.06.070 thereof to provide for a change of zoning (Case No. 2005-49) for one site per Section Map No. 18-5-10 from C-M (Commercial-Industrial) to R-5P (Multiple Units, Nineteen to Twenty-four units per acre District; Parking District) (Don Anderson)

RECOMMENDATION: Staff recommends the Mayor and City Council adopt Ordinance No. 2391 and waive further reading.

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November 16, 2005

1. CONSENT CALENDAR (Continued)

ADMINISTRATIVE ITEMS

- 1.11 **Special Event Permit application from Little Saigon Foundation to hold the 14th annual Christmas Wish Program on Saturday, December 17, 2005 between the hours of 6:00 a.m. and 2:00 p.m. The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard; the anticipated attendance is 2,000 people. (Greg Johnson)**

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

- 1.12 **Special Event Permit application from Little Saigon TET Parade Association to hold the annual TET Parade on Sunday, January 29, 2006 between the hours of 5:30 a.m. and 2:00p.m. (includes set up and clean up times). The event will take place on Bolsa Avenue portions of Magnolia and Bushard; the anticipated attendance is 60,000 people. (Greg Johnson)**

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

- 1.13 **Waiver of Rental Fees/Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from Soroptimist International of Westminster for waiver of fees for the use of the Community Services Building (East/West Room) on Friday, December 9, 2005 between the hours of 11:00 a.m. and 2:00 p.m. for their annual Holiday Auction Luncheon.

WARRANT REGISTER

- 1.14 **(City Council/Redevelopment Agency) Warrant Register dated October 19, 2005 through November 8, 2005 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.15 **Minutes of the Planning Commission meeting held October 5, 2005 and October 13, 2005 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.16 **Treasurer's Report – September 2005 (Paul Espinoza)**

RECOMMENDATION: Receive and file.

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November 16, 2005

1. CONSENT CALENDAR (Continued)

1.17 Community Development Monthly Activity Report – October, 2005 (Don Anderson)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Traffic Commission meeting held October 4, 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

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of November 2, 2005:

- 1) Case No. 2005-48 (CUP) – 15348 Beach Boulevard – on-sale beer and wine at restaurant

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.

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4. PUBLIC HEARINGS (Continued)

4.1 CASE NO. 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 7601 23RD STREET; APPLICANT: TIM HARRIS (Continued from the October 12, 2005 and October 26, 2005 meetings) (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.

RECOMMENDATION: Staff recommends that the Mayor and City Council continue the matter to the December 14, 2005 meeting.

4.2 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2005-43 (VARIANCE); LOCATION: 16390 BEACH BOULEVARD; APPLICANT: LINDA SMITH (Don Anderson)

Time set for a public hearing to review of the Planning Commission's decision to approve the attachment of two additional building wall signs, exceeding the maximum number of building wall signs allowed by the Municipal Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 3957 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-43 (Variance) to allow the attachment of two additional building signs on the existing Marie Callender's Grill restaurant, located at 16390 Beach Boulevard in the C-2 (General Business" District)", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Resolution No. 3959 –Establishing an Ad Hoc Water Rate Structure Committee (Council Member Marsh)

RECOMMENDATION: That the Mayor and City Council:

- 1) Adopt Resolution No. 3959 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing an Ad Hoc Water Rate Structure Committee", and waive further reading; and
- 2) Appoint members to serve on the Ad Hoc Water Rate Structure Committee, or direct staff to agendize appointments to the committee for a future meeting.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council take the following actions:

- 1) Determine the "Term" of the Theater/Art Gallery Facility Management Services Agreement; and
- 2) Approve the Theater/Art Gallery Facility Management Services Agreement with the Friends of the Abbey Centre, Inc. dba as the Rose Center Foundation, and authorize the City Manager to execute the agreement on behalf of the City; and

Based on the determination of the funding source for the City Equipment purchases, staff recommends either the Mayor and City Council (Option 1) or Chair and Agency Board (Option 2) authorize:

- 1) A budget transfer of \$180,000 from the General Fund Contingency (Account No. 20000-60904) to the Community Theater CIP Project (Project No. 11202-964001) to cover the costs of City Equipment not originally bid in the Theater project; or
- 2) A budget transfer of \$180,000 from the Redevelopment Agency Fund Contingency (Account No. 18000-60904) to the Community Theater CIP Project (Project No. 11202-964001) to cover the costs of City Equipment not originally bid in the Theater project.

6.2 Spending reduction plan for the City's adopted fiscal year 2005-06 budget (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the spending reduction plan for the City's adopted fiscal year 2005-06 General Fund budget.

6.3 Holiday Decorating Contest – Judge (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council designate an appointee to serve as a judge for the Fourteenth Annual Holiday Decorating Contest scheduled for Thursday, December 8, 2005 at 5:00 p.m.

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

6.4 Review of Ordinance No. 2191 and Ordinance No. 2240, both relating to storage of trash/garbage containers, to determine which ordinance should regulate enforcement. (Continued from the October 26, 2005 meeting) (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.

6.5 (City/Agency) Increase the purchase order for temporary Special Services Clerk services for the Code Enforcement Division of the Community Development Department (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board Members:

- 1) Approve the transfer of funds in the amount of \$5,300 from Salary/Code Enforcement (Account No. 285-63050-40000) to Code Enforcement Professional/Contractual Services (Account No. 63050-43090); and
- 2) Approve an increase to the purchase order in the amount of \$5,300 with AppleOne for services provided by the temporary Special Services Clerk for the Code Enforcement Division.

6.6 Second Amendment to Consulting Services Agreement with Civic Solutions to provide temporary Planning staff services (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize an appropriation of \$20,400 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 Second Amendment to the Consulting Services Agreement with Civic Solutions in a total amount not to exceed \$85,400, and authorize the City Manager to execute the amendment on behalf of the City.

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

6.7 Deobligation and reallocation of \$100,000 in 2005-06 Community Development Block Grant (CDBG) Funds (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Direct staff to set a public hearing date for the City Council to consider deobligation of the \$100,000 allocated to the Asian American Senior Citizens Association on April 20, 2005; and
- 2) Reallocate the \$100,000 during the allocation of 2006-2007 CDBG funds in April of 2006.

6.8 Amendment to 2006 Regional Transportation Improvement Program (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Reduce the Traffic Impact Fee Revenue (Account No. 55030-34294) from \$1,080,000.00 to \$500,000.00;
- 2) Cancel the Bolsa Chica Raised Median Project (Account No. 55031-063104);
- 3) Add a new Capital Improvement Project (CIP), Westminster Boulevard Raised Medians, Magnolia to Bushard; and
- 4) Adopt Resolution No. 3958 entitled, "A Resolution of the Mayor and City Council of the City of Westminster certifying that the City of Westminster has the resources to fund the project submitted for inclusion in the FY 2005-06 through 2010-11 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the Program", and waive further reading.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS – None

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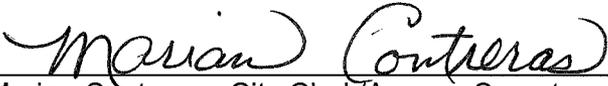
9. COMMISSION AND COMMITTEE ITEMS

- 9.1 **Request to install parking restrictions on the north side of Westminster Boulevard between Hoover Street and Nevada Street – T.C. 04-107**
(Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3956 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the north side of Westminster Boulevard between Hoover Street and Nevada Street", and waive further reading.

10. **COUNCIL/AGENCY ADJOURNMENT:** To Thursday, November 17, 2005 at 5:30 p.m. in the Council Chambers, 8200 Westminster Blvd., Westminster, for the purpose of holding a study session to review financing options for a potential new police facility.

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