



**CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
March 22, 2006

6:00 p.m. – Council Conference Room
7:00 p.m. – Council Chambers

8200 Westminster Boulevard
Westminster, California 92683

**MARGIE L. RICE
MAYOR**

**FRANK G. FRY
Mayor Pro Tem**

**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.

* * * * *

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

March 22, 2006

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(a), Existing Litigation: Charles Shinn vs. City of Westminster (Workers' Compensation);
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Vietnam War Memorial Committee (14180 All American Way); and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case); re issues raised by HUD regarding CDBG funding.

RECESS:

AGENDA

March 22, 2006

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, FRY, MARSH, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Quach

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 Youth in Government Day Participants
- B. Presentation from Al and Diane Brackett on the 1st Westminster American Cancer Society Relay for Life event.
- C. Resolution of Commendation to Jerry Meade
- D. Resolution of Commendation to James Baker, La Quinta High School Instrumental Music Teacher
- E. Certificates of Commendation to PTA Reflections Contest Winners

AGENDA

March 22, 2006

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 February 22, 2006** (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 **(Redevelopment Agency) Purchase Order with Stone & Youngberg LLC for Annual Remarketing Services for Fiscal Year 2005-06** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Chair and Agency Board Members approve a purchase order in an amount not to exceed \$60,000 for the Annual Remarketing Services on the Westminster Commercial Redevelopment Project No. 1, 1997 Tax Allocation Revenue Refunding Bond.

1.4 **Notice of Completion for work performed by All American Asphalt for the City-Wide Cape and Slurry Seal Project** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase in the amount of \$24,307.47 to the purchase order; accept the subject project; and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.5 **Purchase of One-Ton Water Stand-by Truck** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Fairview Ford Sales, Inc. in the amount of \$39,682.30 to purchase a one-ton water stand-by truck.

AGENDA

March 22, 2006

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.6 **Ordinance No. 2396 (2nd Reading) - An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 17.05 (General Procedures), Chapter 17.60 (Home Businesses) and Chapter 17.08 (R1 Single Family Residence District) of the Westminster Municipal Code Related to Home Business Permits (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2396 and waive further reading.

- 1.7 **Ordinance No. 2398 (2nd Reading) - An Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2398 and waive further reading.

- 1.8 **Resolution No. 3985 – A Resolution of the Mayor and City Council of the City of Westminster Amending the Official City Travel Policy for Department Heads and Staff (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3985 and waive further reading.

- 1.9 **Resolution No. 3987 - A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3853 providing for a compensation plan increase for the part time employees of the City of Westminster, by increasing the compensation for the positions of Van Driver, Transportation Coordinator, and Police Dispatcher (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3987 and waiver further reading.

ADMINISTRATIVE ITEMS

- 1.10 **Fee waiver request from the American Cancer Society to hold their Annual Relay for Life kick-off meeting on April 6, 2006 from 5:00 p.m. – 7:30 p.m. in the East Room of the Community Services Building (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the Fee Waiver Policy for Use of City Facilities by Community Groups/Non-Profit Organizations.

AGENDA

March 22, 2006

1. CONSENT CALENDAR (Continued)

- 1.11 **Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 7, 2006 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. The anticipated attendance is 250 people. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

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

- 1.12 **Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 19, 2006 from 5:00 p.m. until 11:00 p.m., May 20, 2006 from 12:00 noon until 11:00 p.m., and May 21, 2006 from 12:00 noon until 10:00 p.m. 3,000 – 5,000 participants are anticipated daily at 14072 Olive Street. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so that bingo can be played during the Festival on Saturday, May 20th and Sunday May 21st from 2:00 p.m. until 8:00 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the City Council:

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

WARRANT REGISTER

- 1.13 **(City Council/Redevelopment Agency) Warrant Register dated March 1 through 14, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.14 **Minutes of the Planning Commission meeting held February 15, 2006 (Don Anderson)**

RECOMMENDATION: Receive and file.

AGENDA

March 22, 2006

1. CONSENT CALENDAR (Continued)

1.15 Community Development Monthly Activity Report – February 2006 (Don Anderson)

RECOMMENDATION: Receive and file.

1.16 Minutes of the Westminster Youth Committee meeting held on January 11, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.17 Minutes of the Community Services & Recreation Commission meeting held on January 10, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.18 Minutes of the Cultural Arts Commission meeting held on February 2, 2006 (Greg Johnson)

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

3.1 The actions of the Planning Commission meeting held on March 15, 2006

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of March 15, 2006.

- 1) Case No. 2005-57, Conditional Use Permit, at 15440 Beach Boulevard, Suite 128 – on-sale beer and wine at a new restaurant. (Westminster Noodle House)
- 2) Case No. 2005-64, Site Plan and Design Review, at 8201 Westminster Boulevard – a new commercial building.
- 3) Case No. 2006-03, Variance, Site Plan and Design Review, at 9062 Bolsa Avenue – construction of a new restaurant.
- 4) Case No. 2006-04, Conditional Use Permit, at 10161 Bolsa Avenue – on-sale beer and wine at a restaurant. (Pho Tung)
- 5) Case No. 2006-15, Conditional Use Permit, at 15606 Brookhurst Street, Suite E – on-sale beer and wine at a restaurant. (Hot Pot City)

AGENDA

March 22, 2006

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 **ADOPTION OF NEGATIVE DECLARATION AND CASE NO. 2006-09, AMENDMENT OF THE CITY'S PARK DEDICATION REQUIREMENTS (Continued from the 2/22/06 meeting) (Don Anderson)**

Time set for a public hearing to consider a proposed negative declaration and ordinance to amend sections of Chapter 16.12 (Dedication for Park or Recreation Purposes) of Title 16 (Subdivisions) of the Westminster Municipal Code and establish a new modified formula to determine the amount of on-site open space that may be credited against the dedication requirement for park and recreational purposes associated with residential subdivisions. As a result of the Planning Commission's request, this project now includes a proposal to adopt minimum open space requirements for residential developments.

STAFF RECOMMENDATION: Staff recommends that the Mayor and City Council postpone the matter to April 12, 2006, as the Planning Commission considered the issue on March 15, 2006, rather than March 1, 2006 as anticipated earlier.

AGENDA

March 22, 2006

4. PUBLIC HEARINGS (Continued)

4.2 ALLOCATION OF 2006-2007 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (Don Anderson)

Time set for a public hearing to consider the allocation of 2006-07 HOME Program and CDBG funds to non-profit organizations and City Departments.

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate HOME Program Funds in the amount of \$523,972 and CDBG funds in the amount of \$1,284,473; and
- 2) Authorize the City Manager to submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2006.

4.3 ALLOCATION OF DEOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FROM FISCAL YEAR 2005 AND DEOBLIGATED HOME PROGRAM FUNDS FROM FISCAL YEARS 2002, 2003, 2004 AND 2005 (Don Anderson)

Time set for a public hearing to consider the reallocation of CDBG and HOME funds to non-profit organizations and City Departments.

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate CDBG funds in the amount of \$100,000 to the Westminster School District (Westminster Little League) - \$40,000, and \$60,000 to the Public Works Department for street improvements; and
- 2) Allocate HOME Program (HOME) funds in the amount of \$983,905 to Abrazar Inc. - (\$491,952) and American Family Housing (\$491,952) for acquisition of affordable housing units

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Resolution No. 3990 - A Resolution of the Mayor and City Council of the City of Westminster opposing AB 606 and SB 1437 related to discrimination and harassment at schools based on gender identification and sexual orientation (Council Member Marsh)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 3990 and waive further reading.

AGENDA

March 22, 2006

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Rose Center Capital Replacement Reserve Account Contribution Agreement (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 3988 entitled "A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3974 and authorizing the Agency's use of tax increment funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center and making certain findings pursuant to Health and Safety Code Section 33445", and waive further reading.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 178 entitled, "A Resolution of the Westminster Redevelopment Agency rescinding Resolution No. 177 and approving the Rose Center Capital Replacement Reserve Account Contribution Agreement and the use of public funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center pursuant to Health and Safety Code Section 33445", and waive further reading.

6.2 Third Amendment to Park, Median, Overpass and Related Landscape Maintenance/Service Agreement at Various Locations with Midori Gardens (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Appropriate \$26,239.68 from the General Fund Contingency (Account No. 20000-60904) to the Park Maintenance Fund, Contractual Service budget (Account No. 53000-43090); and
- 2) Approve the Third Amendment to the Agreement with Midori Gardens in an amount not to exceed \$206,695.68 to provide landscape maintenance services for the new median on Westminster Boulevard from Edwards Street to Beach Boulevard, and the new landscaping at Beach Boulevard and 23rd Street, and authorize the City Manager to execute the amendment on behalf of the City.

AGENDA

March 22, 2006

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

6.3 Approval of 2005 Justice Assistance Grant (JAG) Fund Distribution Agreement and 2006 JAG Application and Expenditure Plan (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Agreement with the County of Orange to Transfer Funds for the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Approve an appropriation of \$28,485.07 for the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the fiscal year 2005-06 budget (Account No. 39910-34098);
- 3) Approve an appropriation of \$28,487.07 to the LLEBG Fund expenditure budget for the fiscal year 2005-06 to the following line items:

Account No. 258-339910-43090 (Contractual Services)	\$15,000.00
Account No. 258-33910-47022 (Computer Equipment)	\$ 9,000.00
Account No. 258-33910-47024 (Computer Hardware)	<u>\$ 4,485.07</u>

Total Fiscal Year 2005-06 Expenditure Budget Increase: \$28,485.07
- 4) Review and approve the fiscal year 2006-07 Edward Byrne Memorial Justice Assistance Grant Memorandum of Understanding (MOU), and expenditure plan outlined in the 2006 Program Narrative, and authorize the City Manager to execute the MOU on behalf of the City.

AGENDA

March 22, 2006

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

6.4 Joint Powers Agreement – Integrated Law and Justice Agency for Orange County (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 3986 entitled, “A Resolution of the Mayor and City Council of the City of Westminster Approving A Joint Powers Agreement for the Integrated Law and Justice Agency for Orange County (ILJAOC)”, and waive further reading. Adoption of Resolution No. 3986, which authorizes the Mayor to execute the Joint Powers Agreement (JPA) associated with the City’s participation, is to be conditioned upon correction of ambiguities contained in Section 5.03 (Indemnification) and Section 6.02(b) (Voluntary Withdrawal of Member Agencies) of the JPA, within six months of the City’s approval of the JPA, and/or the actual formation of the JPA;
- 2) Authorize the City Manager to execute any related documents consistent with the implementation of this Agreement; and
- 3) Ratify the COPLINK System Use Policy ((Attachment 2 to the Staff Report) which governs the operation and use of the Data Sharing System currently under development, and authorize the Chief of Police to execute the document and any amendments on behalf of the City.

6.5 (City/Agency) Consideration of alternative Council/Agency regular meeting dates

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

- 1) Reschedule the regular meeting of Wednesday, April 26, 2006 to Tuesday, April 25, 2006; and
- 2) Consider an alternative date for the May 10, 2006 regular meeting.

6.6 Consideration of Filling the Vacant City Council Seat

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

AGENDA

March 22, 2006

7. **WRITTEN COMMUNICATIONS (Public) – None**

8. **LEGISLATIVE ITEMS - None**

9. **COMMISSION AND COMMITTEE ITEMS – None**

10. **COUNCIL/AGENCY ADJOURNMENT:** In memory of Douglas Anderson (father of Don Anderson, Director of Community Development), to Monday, March 27, 2006 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding the mid-year budget review and/or 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.


Marian Contreras, City Clerk/Agency Secretary