



**CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Adjourned Regular Meeting
May 31, 2006

5:30 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.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

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May 31, 2006

5:30 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Janice and John Foley vs. City of Westminster, Case No. 05CC06994; and
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager Andy Hall and Director of Personnel/Risk Management Pat Corcoran; Employee Organization: Westminster Police Officers' Association (WPOA)

RECESS:

AGENDA

May 31, 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. Presentation of Employee Service Pins
- B. Proclamation – Drowning Prevention and Awareness Summer – May 29 – September 4, 2006.
- C. Presentation of Resolution of Commendation to Joan Hansen
- D. Presentation to the City from Orange County Human Relations Commissioner Ken Inouye

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1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of April 24, 2006 and April 25, 2006; Minutes of a Special Meeting of the City Council/Redevelopment Agency of April 27, 2006; and Minutes of a Regular Meeting of the City Council/Redevelopment Agency of May 24, 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 **(City Council) Denial of Claims Against the City From:**

1. Hans Lamme in the amount of \$7,895
2. Tommy Anderson in the amount of \$350

RECOMMENDATION: Deny claims filed against the City.

- 1.4 **Award of Contract for Replacement of A/C Condensing Coil Unit at Police Department Building** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award the contract to the low qualified bidder, Koltemp Refrigeration Company, in the amount of \$29,370.00; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

- 1.5 **Agreement with the County of Orange for Pavement Rehabilitation on Hazard Avenue from Beach Boulevard to Magnolia Street** (Marwan Youssef)

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

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1. CONSENT CALENDAR (Continued)

1.6 West Orange County Water Board budget for the fiscal year 2006/2007 (October 1, 2006 to September 30, 2007) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the FY 2006/07 budget of the West Orange County Water Board.

1.7 Agreement for Installation of Irrigation Water Management System at Nine Parks and the Civic Center (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with Micromet to perform the services for the subject project, and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.8 Purchase and Installation of Office and Conference Room Furniture for the Westminster Rose Center Theater Facility (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with McMahan Business Interiors for the purchase and installation of office and conference room furniture for the Westminster Rose Center's theater facility in the amount of \$37,026.67, and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.9 Agreement with Harris & Associates for Street Pavement Management System Upgrade (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the agreement with Harris & Associates in an amount not to exceed \$37,520 for Street Pavement Management System Upgrade, and authorize the Interim City Manager to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.10 Ordinance No. 2400 - An Ordinance of the Mayor and City Council of the City of Westminster amending Title 16 and 17 of the Westminster Municipal Code establishing a new formula for calculating the amount of on-site open space and recreational amenities that may be credited against the dedication requirement for park and recreational purposes or in-lieu fees associated with residential subdivisions and establishing minimum on-site open space requirements for residential developments (Don Anderson)

RECOMMENDATION: That the Mayor and City Council adopt Ordinance No. 2400 and waive further reading.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated May 10 through May 23, 2006. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.12 Minutes of the Youth Committee meeting held on March 8, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.13 Treasurer's Report – April 2006 (Paul Espinoza)

RECOMMENDATION: Receive and file.

- 1.14 Minutes of the Community Services & Recreation Commission meeting held on April 11, 2006 (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.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

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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 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); 7601 23RD STREET; APPLICANT: TIM HARRIS (Continued from the May 17, 2006 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.

RECOMMENDATION: Staff recommends that the Mayor and City Council continue the project indefinitely as requested by the applicant.

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4. CONSENT CALENDAR (Continued)

4.2 REVIEW OF THE PLANNING COMMISSION'S DENIAL OF CASE 2005-64 (SITE PLAN REVIEW AND DESIGN REVIEW); LOCATION: 8201 WESTMINSTER BOULEVARD; APPLICANT: MR. VIET LE (Don Anderson)

Time set for a public hearing to consider the Planning Commission's decision to deny the construction of an 8,042-square-foot commercial building on a vacant 0.36-acre (15,750-square-foot) site. The required entitlements include Site Plan review to assess the proposed site layout and Design Review to assess the architectural design of the development

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4004 entitled "A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-64 (Site Plan and Design Review), a request to construct a new 8,042-square-foot commercial building located at 8201 Westminster Boulevard" and waive further reading.

4.3 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE 2005-68 (SITE PLAN REVIEW AND DESIGN REVIEW); LOCATION: 7412 WESTMINSTER BOULEVARD; APPLICANT: MR. LONG HA (Don Anderson)

Time set for a public hearing to consider the construction of new, 3-story, 7,581 square foot retail/office building on a 17,040 square foot lot. The required entitlements include 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 the City Council adopt Resolution No. 4007 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-68 pertaining to a Site Plan Review and Design Review for a 7,581 square foot retail/office building on a 17,040 square foot lot located at 7412 Westminster Boulevard" and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 **Special Event Permit application from the Saigon for Saigon Movement to hold a Saigon Commemoration Rally on Sunday, July 2, 2006 between the hours of 8:00 a.m. and 2:00 p.m. (includes set up and clean up times). The event will take place at Freedom Park located at 14180 All American Way; the anticipated attendance is 750 people. (Continued from the May 17, 2006 Council meeting) (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.

- 6.2 **(City/Agency)Allocation of Redevelopment Agency Low and Moderate Income Housing funds in the amount of \$1,540,728 to two non-profits, Abrazar, Inc. and American Family Housing, Inc. (Shelter for the Homeless) for acquisition of six affordable housing units.**

Staff recommends that the Agency Board:

- 1) Allocate Redevelopment Housing Funds in the amount of \$1,540,728 to Abrazar (\$770,364) and American Family Housing (\$770,364) for the acquisition of affordable housing units;
- 2) Approve the Affordable Housing Assistance Agreement with Abrazar, Inc. to implement the acquisition of affordable housing units, and authorize the Interim Executive Director to execute the Agreement on behalf of the Agency; and
- 3) Approve the Affordable Housing Assistance Agreement with American Family Housing, Inc. to implement the acquisition of affordable housing units, and authorize the Interim Executive Director to execute the Agreement on behalf of the Agency.

Staff recommends that the Mayor and City Council:

- 1) Approve the CHDO HOME Program Participation Agreement with Abrazar, Inc. to implement the acquisition of affordable housing units., and authorize the Interim City Manager to execute the Agreement on behalf of the City; and
- 2) Approve the CHDO HOME Program Agreement with American Family Housing, Inc. to implement the acquisition of affordable housing units, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

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

6.3 First Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center (Paul Espinoza/Christian Bettenhausen)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the First Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement with the Rose Center Foundation, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

6.4 Utilities for Rose Center Banquet Facility and Performing Arts Center (Dick Jones)

RECOMMENDATION: Staff recommends that the Mayor and City Council determine which utilities, if any, should be placed in the City's name for the Rose Center Banquet Facility and Performing Arts Center.

6.5 Award of Contract for Street Improvements for All American Way from Westminster Boulevard to 13th Street and 16th Street from Jackson Street to Beach Boulevard – Project No. 16510-061603 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate \$80,000.00 from IRP Contingency (Account No. 18002-044010) to All American Way Street Improvements (Account No. 18002-061807); and
- 2) Award the contract to the low qualified bidder, All American Asphalt, in the amount of \$225,167.00; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

7. WRITTEN COMMUNICATIONS (Public) None

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4009 - A Resolution of the Mayor and City Council of the City of Westminster, State of California, Approving the Placement on the November 2006 Ballot of the "Renewed Measure M Transportation Investment Plan" for the Purpose of Allowing the Voters of Orange County to Decide Whether to Approve or Reject the Proposal (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4009 and waive further reading.

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9. COMMISSION AND COMMITTEE ITEMS

9.1 Request for parking restrictions at 23rd Street and Pacific Avenue – T.C. 92-100 (deferred from the May 17, 2006 meeting) (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4002 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of parking restrictions on the northwest corner of 23rd Street and Pacific Avenue", and waive further reading.

9.2 Request for parking restrictions on Navajo Road, east of Sioux Road – T.C. 83-102 (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4006 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of parking restrictions on the north side of Navajo Road, east of Sioux Road", and waive further reading.

10. COUNCIL/AGENCY ADJOURNMENT: In memory of Evelyn Gillespie, wife of former Council Member and Mayor Elden Gillespie.

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