



CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Regular Meeting
October 11, 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.

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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 11, 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) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation : Interim City Manager.

RECESS:

AGENDA

October 11, 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: City Attorney

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. Orange County Human Relations Annual Report

AGENDA

October 11, 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 September 27, 2006 (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

1.2 **Claims Against The City** (Pat Corcoran)

RECOMMENDATION: Staff recommends the Mayor and City Council deny claims against the City from:

- 1) Ronald Rogers in an unknown amount.
- 2) Elijah Harris in the amount of \$50.00.
- 3) Maricela Miguela in an unknown amount.

1.3 **(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.

1.4 **Amendment to Agreement with Jones & Mayer for legal services provided to the City.** (Dick Jones)

RECOMMENDATION: That the Mayor and City Council approve the agreement amendment.

1.5 **Award of Contract for City-wide Street Improvements at Various Locations – Project No. CTB-04-05-06** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to All American Asphalt, the low qualified bidder, in the amount of \$1,085,169.00; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

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October 11, 2006

1. CONSENT CALENDAR (Continued)

1.6 Right-Of-Way Agreement for Parkway Trees at 15611 Garland Circle (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Right-Of-Way Agreement between the City and Michael Phan for parkway trees at 15611 Garland Circle; authorize the Interim City Manager to execute the agreement on behalf of the City; and authorize the City Clerk to record the Right-of-Way Agreement with the County Recorder's Office.

1.7 Acceptance of Final Parcel Map Number 2003-229 (13872 Cherry Street) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Parcel Map No. 2003-229 to allow the owner (Abrazar, Inc.) to convert a 2-unit apartment into a 2-unit condominium complex on the property located at 13872 Cherry Street (east side of Cherry Street between Wyoming Street and Westminster Boulevard), and authorize the City Clerk to sign and seal the map.

1.8 Acceptance of Final Tract Map Numbers 16700 and 16701 – 15088–15238 Moran Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Tract Map Numbers 16700 and 16701 to allow the developer (Bridgecreek Development Company) to build an 80-unit and a 64-unit senior condominium complex on the properties located at 15088-15238 Moran Street (east side of Moran Street between Bolsa Avenue and Bishop Place), and authorize the City Clerk to sign and seal the maps.

1.9 Change Order to Contract with Robert G. Castongia, Inc., Contractor for the Water Improvements Project at Various Locations, to perform urgent work for storm drain repair along Brooklawn Drive, east of Hoover Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a change order to the contract with Robert G. Castongia, Inc. in the amount of \$20,000.00 for the repair of damaged storm drain pipe along Brooklawn Drive. The work will be performed on a time and material basis.

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1. CONSENT CALENDAR (Continued)

- 1.10 **First Amendment to the Agreement between the City of Westminster and the County of Orange Social Services Agency to provide additional funding for the Westminster Family Resource Center for fiscal year 2006-2007.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve additional budget allocation from the County of Orange Social Services Agency in the amount of \$32,334 to Account Number 71800-43090 to provide additional counseling and child care services, and authorize the Interim City Manager to execute the agreement on behalf of the City; and
- 2) Approve an increase in the purchase order for counseling and case management services to Western Youth Services in the amount of \$24,834, and
- 3) Approve an increase in the amount of \$7,500 to provide additional child care services.

ADMINISTRATIVE ITEMS

- 1.11 **Special Event Permit application from the Garden Grove Church of God to hold a Community Fall Festival on Saturday, October 28, 2006 between the hours of 7:00 a.m. and 6:00 p.m. The event will take place at the Garden Grove Church of God located at 8362 Trask Avenue, Westminster. The facility is located within the Westminster boundaries. The anticipated attendance is 200-400 people.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the request from the Garden Grove Church of God to waive the \$100 Special Event Permit fee; and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.12 **(City Council/Redevelopment Agency) Warrant Register dated September 20 through October 3, 2006.** (Paul Espinoza)

RECOMMENDATION: Approve.

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October 11, 2006

1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

1.13 Minutes of the Planning Commission meetings held August 23, 2006 and September 6, 2006 (Don Anderson)

RECOMMENDATION: Receive and file.

1.14 Treasurer's Report – July and August 2006 (Paul Espinoza)

RECOMMENDATION: Receive and file.

1.15 Minutes of the Commission on Aging meeting held on July 10, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

1.16 Minutes of the Cultural Arts Commission meetings held on March 2, 2006 and June 1, 2006. (Greg Johnson)

RECOMMENDATION: Receive and file.

1.17 Minutes of the Traffic Commission meeting held on September 5, 2006 (Marwan Youssef)

RECOMMENDATION: Receive and file.

1.18. Community Development Monthly Reports – August and September 2006 (Don Anderson)

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.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 4, 2006.

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of October 4, 2006

- 1) Case 2006-56 (Conditional Use Permit, Site Plan Review, Design Review) to allow the construction of a new, 2,500-square foot, single story building for the establishment of a single-tenant automobile repair facility; . Location: Between 7185 – 7195 Westminster Avenue.
- 2) Case 2006-73 (Conditional Use Permit.) to allow the sale of individual containers of beer at an existing 7-Eleven Market/ CITGO Gasoline Station, thereby amending the conditions of approval of the Conditional Use Permit C-1017-A, approved by the City of Westminster Planning Commission on October 10, 2001; Location: 15991 Magnolia Street.

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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4.1 Weed Abatement – Fall 2006 (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. 4041 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 Interim 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 AB 1234 Reports – None

5.3 Reconsideration of Council direction relative to the structure of the 3rd Assault Amphibian Battalion Advisory Committee.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Establishment of Monthly Parking Passes for the Civic Center Pay Parking Lots (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council establish a monthly parking pass for the Civic Center pay parking lots at \$45 per month.

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

6.2 Agreement with The Monterey Group Corporation for the management and rental of the City-owned property located at 6312 California Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Property Management Agreement with The Monterey Group Corporation, and authorize the interim City Manager to execute the agreement and future lease renewals on behalf of the City; and
- 2) Amend the fiscal year 2006-07 adopted budget by increasing estimated Revenues, Rental Income (Account No. 55500-33500) in the amount of \$15,000, and amend the fiscal year 2006-07 adopted budget to increase budgeted expenditures for Water Administration Program, Contractual – Other (Account No. 55500-43090) for property management services in the amount of \$6,000.

6.3 Clarification of the Mayor and City Council's interpretation of Chapter 17.48.070 of the Westminster Municipal Code, pertaining to the City's requirement for subtracting common driveways from apartment and condominium developments, for the purpose of determining allowed density. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the two non-condominium projects already in the planning review process be exempt from Chapter 17.48.070.

6.4 Fifth 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 \$36,000 from the Community Development Fund – 285 Undesignated Balance (Account No. 285-00285-71030) to Planning and Zoning Contractual (Account No. 285-61050-43090); and
- 2) Approve the Fifth Amendment to the Consulting Services Agreement with Willdan for an increase of \$36,000 and a total amount not to exceed \$151,480, and authorize the Interim City Manager to execute the amendment on behalf of the City.

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

6.5 **Reclassification from Administrative Aide/Rehabilitation Specialist to Administrative Analyst in the Community Development Department – Housing Division. (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the reclassification from Administrative Aide/Rehabilitation Specialist to Administrative Analyst in the Community Development Department – Housing Division; and
- 2) Authorize a budget appropriation of \$5,000 from the Housing/Community Development Block Grant (CDBG) Fund – 240, Fund Balance (Account No. 240-16010-71030) to HOME Housing Salaries/Benefits Fund (Account No. 242-17403-40000) to pay for additional salary and benefits.

6.6 **Public Information Clerk (Full-Time Position) (Marian Contreras)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve One (1) Full-Time Public Information Clerk Position (formerly two part-time positions) and Revised Classification Specification; and
- 2) Appropriate \$13,886 from the Undesignated Unreserved General Fund Balance (Account No. 00100-71030) to City Clerk's Permanent Salaries (Account No. 12000-40000).

6.7 **(City/Agency) Consideration of alternative date(s) or cancellation of the regular meetings of November 22, 2006 (the day before Thanksgiving) and December 27, 2005 (City Hall furlough closure). (Marian Contreras)**

RECOMMENDATION: Staff recommends that the City Council/Agency Board consider alternative meeting date(s) or cancellation of the regular meetings of November 22, 2006 and December 27, 2006.

7. WRITTEN COMMUNICATIONS (Public) – None

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8. LEGISLATIVE ITEMS

- 8.1 **Resolution No. 4043 - Establish Policies and Procedures Giving Priority Water Services to Proposed Developments That Include Housing Units Affordable to Lower Income Households** (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4043 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopted in accordance with Government Code § 65589.7(B) to establish policies and procedures giving priority water services to proposed development that include housing units affordable to lower income households", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

- 9.1 **Request for parking restrictions in front of 7221 Trask Avenue – T.C. 81-107** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4042 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the extension of parking restrictions on the north side of Trask Avenue in front of 7221 Trask Avenue", and waive further reading.

- 9.2 **Proposed joint study session with the Planning Commission, regarding concerns related to large single family homes.** (Art Bashmakian)

RECOMMENDATION: The Planning Commission requests that the Mayor and City Council agree to a joint study session to address large single family homes.

- 9.3 **Resignation of Robert Ault from the Commission on Aging.** (Marian Contreras)

RECOMMENDATION: That the Mayor and City Council accept the resignation of Robert Ault from the Commission on Aging, with regrets.

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