



**CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

City of Westminster  
Regular Meeting  
November 8, 2006

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**

November 8, 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.

## **CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

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

**PRESENT:**

**ABSENT:**

**SALUTE TO FLAG:** Council Member Quach

**INVOCATION:**

## **SPECIAL PRESENTATIONS**

- A. Recognition of Joan Katz, Volunteer Instructor of the 55 Alive Class at the Senior Center

# AGENDA

November 8, 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.

### 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 **Professional Services Contract with Hugo Morales, Video/Audio Engineer for Fiscal Year 2006-2007 (Janice Foley)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the contract with Hugo Morales in an amount not to exceed \$25,000, and authorize the Interim City Manager to execute the contract on behalf of the City.

- 1.3 **Second Amendment to Agreement for Interim Economic Development Services (Andrew Hall)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Second Amendment to the Agreement for Interim Economic Development Services with Rosenow-Spevacek Group, Inc., in an amount not to exceed \$65,000, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

- 1.4 **(Agency) Real Estate Market Study (Don Anderson/Ray Silver)**

RECOMMENDATION: Staff recommends that the Chair and Agency Board award a contract to Economics Research Associates in the amount of \$49,000 for a Real Estate Market Study, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

- 1.5 **(Agency) First Amendment to the 1998 Addendum to Loan Agreement Executed December 29, 1993 (Kathy Johnston)**

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the First Amendment to the 1998 Addendum to the Loan Agreement Executed December 29, 1993 for the Rose Gardens Project located at 8190 13<sup>th</sup> Street.

# AGENDA

November 8, 2006

## 1. CONSENT CALENDAR (Continued)

- 1.6 **Second Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center, Between the City and the Friends of the Abbey Center, Inc. dba as the Rose Center Foundation** (Tami Piscotty)

RECOMMENATION: Staff recommends that the Mayor and City Council approve the Second 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 Amended Agreement on behalf of the City.

- 1.7 **Fee Waiver Request from Team of Advocates for Special Kids (TASK) to Host their Annual Holiday Event for Vietnamese Families Who Have a Child with a Disability. The Event is Scheduled to Take Place on Sunday, December 17, 2006 in the East/West Room of the Community Services and Recreation Building from 11:00 a.m. to 3:00 p.m.** (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.

- 1.8 **Fee Waiver Request from Westview to Hold their Fourth Annual Holiday Party in the East/West Room of the Community Services & Recreation Building on Wednesday, December 6, 2006 from 3:00 p.m. to 9:00 p.m.** (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.

- 1.9 **Rejection of Bids for Purchase of a One Ton Water Production Truck** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids received for the purchase of a one ton water production truck.

- 1.10 **Notice of Completion for Work Performed by Koltemp Refrigeration Inc. for the Replacement of the Air Conditioning Condensing Coil Unit at the Police Department** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

# AGENDA

November 8, 2006

## 1. CONSENT CALENDAR (Continued)

- 1.11 Award of Contract for Median Island Improvements for Westminster Boulevard from Beach Boulevard to Bushard Street – Project No. P-2126 – Federal Aid Project No. RPSTPLE-5338(032) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council waive the bid irregularity/clerical error and approve the award of contract to the low qualified bidder in the amount of \$2,157,180.20 to Sequel Contractors, Inc.; that all other bids be rejected; and authorize the Interim City Manager to execute the contract on behalf of the City.

### ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.12 (Second Reading) Ordinance 2406 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Sectional District Map 18-5-10 of Municipal Code Section 17.06.070 to Change the Zoning District Designation for Three Adjoining Parcels Located at the Southeast Corner of Bolsa Avenue and Moran Street from CM (Commercial-Industrial) to C2 (General Business).

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2406 and waive further reading.

### WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated October 18 through 31, 2006. (Paul Espinoza)

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.14 Treasurer's Report – September 2006 (Paul Espinoza)

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

November 8, 2006

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 3.1 The actions of the Planning Commission meeting held on November 1, 2006

RECOMMENDATION: That the City Council determine if they wish to call up the item for review from the Planning Commission meeting of November 1, 2006.

- 1) Case 2006-80 – Conditional Use Permit to allow the sale of beer and wine for off-site consumption (Alcoholic Beverage Control Type 20 license) at a proposed, yet to be constructed mini-market (Jack's Mini-Mart), at 14502 Beach Boulevard.

## 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

November 8, 2006

## 4, PUBLIC HEARINGS (Continued)

### 4.1 CASE 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); 7601 23<sup>RD</sup> STREET; APPLICANT: LAM NGUYEN (Steve Ratkay)

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:

- 1) Adopt Resolution No. 4049 entitled "A Resolution of the Mayor and City Council of the City of Westminster adopting Mitigated Negative Declaration (MND) 05-02 and approving Case No. 2005-16 (Zone Change, Tentative Parcel Map, Site Plan Review, Design Review) to allow the construction of three residential condominiums on a 12,774-square-foot lot located at 7601 23<sup>rd</sup> Street, and waive further reading; and
- 2) Introduce Ordinance No. 2409 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Sectional District Map 2-5-11 of Municipal Code Section 17.06.070 to change the zoning district designation for property located at 7601 23<sup>rd</sup> Street from M1 (Light Industrial) to R2 (Multiple Units, 08-12 units/acre)," and waive further reading.

### 4.2 CASE 2006-73 (CONDITIONAL USE PERMIT); 15991 MAGNOLIA STREET; APPLICANT: MOHINDERPAL S. GHUMAN (Michael Patterson)

Time set for a public hearing to consider an appeal of the Planning Commission denial of Case No. 2006-73 (Conditional Use Permit); involving a request to amend a Planning Commission condition of approval restricting the sale of individual containers of beer for off-site consumption.

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4048 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to deny Case No. 2006-73 (Conditional Use Permit) involving a request to amend a Planning Commission condition of approval restricting the sale of individual containers of beer for off-site consumption at 15991 Magnolia Street", and waive further reading.

# AGENDA

November 8, 2006

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

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports - None

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 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 Fifteenth Annual Holiday Decorating Contest scheduled for Thursday, December 7, 2006 at 5:45 p.m

### 6.2 Award of Contract for Street Improvements for Hazard Avenue from Magnolia Street to Beach Boulevard – Federal Project No. STPL-5338(034), Hoover Street from Hazard Avenue to Trask Avenue – Federal Project No. STPL-5338(035), and Bolsa Chica Road from Rancho Road to Westminster Boulevard – Federal Project No. STPL-5338(036) – Project No. AHRP 05-06 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate the following leftover funds to Account No. 55036-063602 (Hazard, Hoover, Bolsa Chica street improvements):

51502-011013	Pvt Rehab-Haz/Brk to E City Limits	\$ 1,889.00
51502-031021	Bushard St Pvmt Bolsa-Hazard	\$120,329.00
51502-031022	Edinger St Pvmt Magnolia-Bushard	\$153,273.00
51502-031023	Newland St Pvmt Edinger-Heil	\$ 56,217.00

- 2) Approve cancellation of the following two AHRP projects for next fiscal year 2006-07 and transfer their budgeted funds to Account No. 55036-063602 (Hazard, Hoover, Bolsa Chica street improvements):

55036-073603	Springdale St Improv, SR-22 to Iroquois	\$270,000.00
55036-073604	Hoover St Improv Trask to Garden Grove	\$200,000.00

- 3) Approve the award of contract to the low qualified bidder in the amount of \$2,957,096.38 to All American Asphalt and that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

# AGENDA

November 8, 2006

6. **MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)**
- 6.3 **Consideration of Alternative Council/Agency Meeting Dates for November and December, 2006.** (Marian Contreras)

RECOMMENDATION: Staff recommends that the City Council/Agency Board consider alternative meeting dates for the Adjourned Regular Meeting of November 29, 2006 and Regular Meeting of Wednesday, December 13, 2006.

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

8. **LEGISLATIVE ITEMS**

- 8.1 **Resolution No. 4047 - Establishing Fees and Charges Relating to Shopping Cart Containment and Retrieval Plan, Amendment to the Plan, and an Appeals Hearing.** (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4047 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing fees and charges for Chapter 8.78 of the Westminster Municipal Code relating to shopping cart containment or retrieval plan, amendment to the plan, and an appeals hearing," and waive further reading.

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

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