

**CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Adjourned Regular Meeting
January 24, 2007

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

8200 Westminster Boulevard
Westminster, California 92683

MARGIE L. RICE
Mayor

KERMIT MARSH
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRI TA
Council Member

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (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 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth 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.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

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.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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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 Appointment: City Manager;
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Westminster Boys & Girls Club; and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Little Saigon Tet Parade Association.

RECESS:

AGENDA

January 24, 2007

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, MARSH, FRY, QUACH, TA

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. Recognition of Graffiti Reward Recipient, Ken Perlis.
- B. Recognition of Marcia Harris, 3rd Grade Teacher, Westminster School District, recipient of a Five Thousand Dollar Grant from the California State Department of Education.
- C. Recognition of Ken Nguyen, Founder, Little Saigon Foundation, recipient of the Outstanding Community Service Category Award from the Asian Business Association of Orange County.

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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 Meeting of the City Council/Redevelopment Agency of December 20, 2006; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of December 27, 2006; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of January 8, 2007; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 10, 2007.** (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 **Annual Software Maintenance for the City's Financial, Payroll and Utility Billing System.** (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a purchase order in the amount of \$43,375.65 to Tyler Technologies, Inc., Eden Systems Division for annual software maintenance and support services.

- 1.4 **Fee Waivers for Community Groups/Non-Profit Organizations**
(Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a blanket request for fee waivers from community groups/non-profit organizations for use of City facilities for calendar year 2007, as referenced in Exhibit "A" attached to the staff report.

AGENDA

January 24, 2007

1. CONSENT CALENDAR (Continued)

1.5 Contract Change Orders for the Drilling and Equipping of Water Well 107A Project (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with SoCal Pacific Construction Corporation in the amount of \$109,113.69 for Contract Change Orders for the Drilling and Equipping of Water Well 107A project.

1.6 Selection of Consultant for Design Services of Street Improvements on Arizona Street between Westminster Blvd. and Hospital Circle, the Alley from Arizona Street to end, and Old Edwards Street between Edwards Street and Industry Way (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a Professional Engineering Services Agreement with Norris-Repke in an amount not to exceed \$23,040.00 to perform the subject work, and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.7 Award of Bid for Purchase of One Ton Truck with Service Body for the Water Division, Unit #2110 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Fairview Ford Sales, Inc. in the amount of \$34,915.44 to purchase a one ton truck with service body.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Resolution No. 4060 – A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of disabled parking restrictions at 7412 Colby Circle – T.C. 77-142 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4060 and waive further reading.

1.9 Resolution No. 4051 – A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission decision to approve Case No. 2006-24 pertaining to a Variance, Conditional Use Permit, Site Plan and Design Review for the construction and operation of a food market with off-sale of beer and wine in conjunction with an automobile service station to operate 24-hours a day located at 13982 Bolsa Chica Road (Michael Patterson)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4051 and waive further reading.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated January 3 through 16, 2007 (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.11 Community Development Monthly Report – December 2006 (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.12 Minutes of Community Services & Recreation Commission meeting held on November 8, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.13 Minutes of City of Westminster Youth Committee meeting held on October 11, 2006 and November 8, 2006 (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.14 Minutes of Westminster Traffic Commission meeting held on January 2, 2007 (Marwan Youssef)

RECOMMENDATION: Receive and file.

- 1.15 Treasurer's Report – December, 2006 (Paul Espinoza)

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 January 17, 2007.

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of January 17, 2007

- 1) Case No. 2006-06 Variance, Conditional Use Permit, Site Plan, Design Review. Location: Undeveloped site at the N/E corner of Beach Boulevard and Edinger Avenue
- 2) Case No. 2006-49 Tentative Parcel Map, Site Plan, Design Review: Location: 14241 Pacific Avenue
- 3) Case No. 2006-79 Conditional Use Permit for a health club at 6621-6791 Westminster Boulevard (Westminster Center).

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 **APPEAL OF PLANNING COMMISSION'S ACTION OF NOVEMBER 15, 2006 APPROVING CASE NO. 2006-59 (VARIANCE, CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 9741 & 9743 BOLSA AVENUE; APPLICANT: JERRY YATES FOR THUY NGUYEN; APPELLANT: LYNN ZACHMEYER (Michael Patterson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4059 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission decision to approve Case No. 2006-59 pertaining to a Variance and Conditional Use Permit, to allow the on-sale of beer and wine and entertainment in conjunction with a proposed restaurant, to allow a portion of the subject site's parking area to vary from the minimum driveway aisle width and minimum vehicular back-up space requirements and to allow five fewer parking spaces than required by the Westminster Municipal Code when only 1/3rd of Building B functions as a restaurant, at 9741 and 9743," and waive further reading.

- 4.2 **REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-82 (CONDITIONAL USE PERMIT, DESIGN REVIEW); LOCATION: 1025 WESTMINSTER MALL; APPLICANT: HOWARD MAKLER AND PAUL YANKEY OF HOWIE'S GAME SHACK; PROPERTY OWNER: SIMON PROPERTY GROUP (Michael Patterson)**

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4061 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2006-82 pertaining to a Conditional Use Permit and Design Review for the establishment and operation of a computer gaming arcade with live disc jockey and to make minor exterior architectural modifications to the existing commercial building located at 1025 Westminster Mall," and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

- 5.2 **AB 1234 Reports** – Report on 2007 League of California Cities, Mayors and Council Members Academy Leadership Institute, Sacramento, January 10-12, 2007

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Reappropriation for the City's Comprehensive Planning and Zoning Code Update (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the new CIP Project (Project No. 60002-076000) titled City's Comprehensive Zoning Code Update; and
- 2) Reappropriate \$77,066.00 from the Community Development Unrestricted Fund Balance (Account No. 00285-71030) to the Comprehensive Zoning Code Update Project (Project No. 60002-076000).

6.2 Request from Rose Center Foundation to waive the business license processing fee and annual renewal fee for operating the Rose Center Theater (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council provide direction for waiving the business license processing fee and annual renewal fees for the Rose Center Foundation to operate the Rose Center Theater.

6.3 (City/Agency) Selection of a date and time for a Study Session to discuss City/Agency goals and objectives (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board select a date and time for a Study Session to discuss goals and objectives.

6.4 Date for Youth in Government Day (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve either Wednesday, March 28, 2007 or Wednesday, May 9, 2007 for the annual Youth in Government Day program.

6.5 Fabrication of 50th Anniversary Banners (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a purchase order be issued to Banner Farms in an amount not to exceed \$7,000 for the fabrication of 50th Anniversary banners to be hung on street light poles throughout the City and in the Civic Center.

6.6 Agreement for City Manager Services (Dick Jones)

RECOMMENDATION: That the Mayor and City Council approve the Agreement for City Manager Services and authorize the Mayor to execute the Agreement on behalf of the City.

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7. WRITTEN COMMUNICATIONS (Public)

7.1 Use of City parking lot for shuttle services to Tet Festival (Greg Johnson)

RECOMMENDATION: Staff recommends that the City Council take under consideration a request from The Union of Vietnamese Student Associations of Southern California for permission to use the Westminster City Hall parking lot as a shuttle pick-up/drop-off point and for patrons to park their vehicles, on Saturday and Sunday, February 17 and 18, 2007 for the Annual Tet Festival to be held at Garden Grove Park in the City of Garden Grove.

7.2 Consideration of a Request from Doug DeCinces, DeCinces Properties to Waive All or a Portion of the Required Park In-Lieu Fees for the Previously Approved Tentative Tract Map No. 16669 (Case No. 2004-50), Located at 7172 Park Street (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council subject the development to the new formula derived from the Council's revisions to the Subdivision Ordinance for determining the required park-in-lieu fee, which reduces the fee by approximately 18%.

8. LEGISLATIVE ITEMS – None

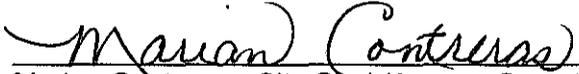
9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to Commissions and Committees (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider appointments to Commissions and Committees for a two-year term ending November, 2008.

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, February 5, 2007 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California to hear presentations from nonprofit agencies and City departments applying for FY 2006-07 HOME/CDBG funds and discuss City/Agency matters.

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