

"Approved by the City Council/Redevelopment Agency Board on May 13, 2009"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA
April 1, 2009

The City Council/Agency Board of the City of the Westminster, California convened on April 1, 2009 at 6:10 p.m. in an adjourned regular meeting in the Council Chambers, 8200 Westminister Boulevard, Westminister, California.

**6:00 P.M.
CLOSED SESSION**

CALL TO ORDER: 6:10 p.m.

ROLL CALL

PRESENT: RICE, TA, FRY, QUACH, DIEP
ABSENT: NONE

ROLL CALL

PRESENT: BERTELS, TRAN, TURRO, VO, HO
ABSENT: NONE

1. ORAL COMMUNICATIONS

2. Overview of the Ralph M. Brown Act, Conflict of Interest Rules and Ethic Laws and Principals. (104-22)

Dick Jones, City Attorney and Christian Bettenhausen, Deputy City Attorney gave a PowerPoint presentation on the Ralph M. Brown Act, Conflict of Interest Rules and Ethic Laws and Principals.

RECESS: At 7:11 p.m., Mayor Rice recessed the meeting.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:15 p.m.

ROLL CALL

PRESENT: RICE, TA, FRY, QUACH, DIEP
ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Mayor Rice

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Ta to bring onto the agenda a closed session item to discuss a personnel matter in regards to a Department Head. The motion carried by a 5-0 vote.

Motion was made by Council Member Quach, and seconded by Council Member Fry to recess to a Closed Session in the Council Conference Room. The motion carried by a 5-0 vote.

RECESS: At 7:17 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:21 p.m. in the Council Chambers. All members of the City Council/Agency Board were present.

REPORT OUT OF CLOSED SESSION

The City Attorney stated there was nothing to report out of Closed Session.

1. **ORAL COMMUNICATIONS** - None

SPECIAL PRESENTATIONS - None.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

The City Clerk requested that Item No. 2.2 be pulled from the Agenda for consideration.

2. **CONSENT CALENDAR**

APPROVAL OF MINUTES

2.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of February 11, 2009 and February 25, 2009; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 2, 2009; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of March 11, 2009.**

ACTION: Approved.

ROUTINE MATTERS

(ITEM PULLED AND HEARD SEPARATELY)

2.2 **(Agency) Exclusive Negotiating Agreement with Sequoia Standard for Workforce Housing. (502-19)**

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Exclusive Negotiating Agreement (ENA) with Sequoia Standard for a proposed Workforce Housing development at 202-210 Hospital Circle, and authorize the Chair to execute the Agreement on behalf of the City.

Ray Silver, City Manager gave a brief explanation as to why this Item was being pulled. He explained that ten firms that had responded to the request for qualifications were recently interviewed for the City's Affordable Housing requirements and their suggestions of what should be done in the City, whether acquisition, rehabilitation or new construction. After the interviews were concluded, the City decided to not go forth until staff meets and determines the priorities of the City's affordable housing properties. He informed Council that Sequoia Standard has been informed and understands the City's position.

Council Member Quach requested that no action be taken and directed staff to move forward with the strategy meeting.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to pull the item from the Consent Calendar and take no action. The motion carried by a 5-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 2.3 Ordinance No. 2441 - An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zoning (Case No. 2008-84) from Restricted Commercial District to R5 Multiple Units (Nineteen to Twenty-four Units Per Acre) District for the Property Located at 280 Hospital Circle (APN 096-251-17). Applicant: AMCAL Royal Fund, L.P. (201-00)(CN 2008-84)**

ACTION: The Mayor and City Council adopted Ordinance No. 2441 and waived further reading.

- 2.4 Ordinance No. 2442 - An Ordinance of the Mayor and City Council of the City of Westminster to Amend Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Westminster Municipal Code. (101-09)**

ACTION: The Mayor and City Council adopted Ordinance No. 2442 and waived further reading.

- 2.5 Resolution No. 4225 - A Resolution of the Mayor and City Council of the City of Westminster Authorizing an Application to Fund the Hazard Avenue Storm Drain Project from the Clean Water State Revolving Fund Program. (609-05)**

ACTION: The Mayor and City Council adopted Resolution No. 4225 requesting funds from the Clean Water State Revolving Fund Program (CWSRF).

WARRANT REGISTER

- 2.6 (City Council/Redevelopment Agency) Warrant Register dated March 18, 2009 through March 24, 2009. (105-09)(09)**

ACTION: Approved.

INFORMATION AND REPORTS

2.7 Minutes of the Planning Commission meeting held on March 4, 2009. (104-11)(09)

ACTION: Received and filed.

2.8 Treasurer's Report - February 2009 (105-08)(09)

ACTION: Received and filed.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to approve the Consent Calendar with the exception of Item No. 2.2 which was removed for separate consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

4. PUBLIC HEARINGS

4.1 CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO DENY CASE NO. 2008-69, A VARIANCE REQUEST TO MAINTAIN AN EXISTING ONE-CAR GARAGE IN-LIEU OF MODIFYING THE GARAGE INTO A TWO-CAR GARAGE WHICH IS REQUIRED DUE TO THE APPLICANT'S PROPOSED 497-SQUARE FOOT BEDROOM ADDITION.

WESTMINSTER MUNICIPAL CODE (WMC) SECTION 17.08.020 (H)(13) REQUIRES A NONCONFORMING GARAGE TO BE MODIFIED TO A TWO-CAR GARAGE WITH MINIMUM INTERIOR DIMENSIONS OF 20 FEET BY 20 FEET WHEN THERE IS AN ADDITION TO A SINGLE-FAMILY RESIDENCE OF 25 PERCENT OR MORE OF THE ORIGINAL GROSS FLOOR AREA. THE SUBJECT RESIDENCE IS LOCATED AT 14162 NANCY LEE DRIVE (ASSESSOR'S PARCEL NUMBER 195-312-09); APPELLANT: MR. DANIEL VALADEZ; APPLICANT: MR. JORGE RIVERA, PROPERTY OWNER'S REPRESENTATIVE; PROPERTY OWNER: MR. MARIO VALADEZ. (201-00)(CN 2008-69)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4223 entitled "A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission's Decision to Deny Case No. 2008-69 Pertaining to a Variance Request to Maintain an Existing One-Car Garage In-Lieu of Modifying the Garage into a Two-Car Garage Located at 14162 Nancy Lee Drive."

Kelvin Parker, Senior Planner gave a brief PowerPoint Presentation on the item.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR TO THE ITEM.

Caesar Valadez, on behalf of his brother, Daniel Valadez, spoke in favor of the proposed addition, because he feels it would help improve the quality of life for the family.

Lee Lieberg, Westminster resident spoke in favor of this item, he feels that the addition is okay as long as there is sufficient off-street parking, the style of the house conforms to the rest of the houses in the neighborhood, and the neighbors are not opposed to the addition.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Doug McIsaac, Community Development Director stated the proposed addition could impact parking on the street. He informed the Council that the applicant did not meet the zoning code requirements nor the required findings for a variance.

Council discussion ensued relative to the proposed addition, parking issues that it may create and the financial hardship on the applicant to build the two car garage.

Council Member Fry stated that he feels there has already been enough expansions and further expansion would be unfair to the neighbors.

Council Member Quach requested that Council approve the applicant's alternate proposal, which consists of a 352 sq. ft. addition instead of 497 sq. ft.

Motion was made by Council Member Quach, and seconded by Mayor Rice to Approve the applicant's proposed alternate plan proposed for a 352 sq ft. addition (24.9% increase from the current gross floor plan) and a condition that states if any additional square footage be added at a later date it would be retroactive back to the 1,417 sq. ft. for calculation and consideration of a second car garage.

The motion carried by the following vote:

AYES: RICE, TA, QUACH, DIEP
NOES: FRY
ABSENT: NONE

Council Member Quach directed staff to come back with a revised Ordinance that pertains to the Single Family Land Use.

- 4.2 REVIEW OF CASE NO. 2009-05, AN APPLICATION FOR A ZONE CHANGE, TENTATIVE PARCEL MAP, VARIANCES, SITE PLAN, AND DESIGN REVIEW AT 13931 CEDAR STREET (APN 096-083-17). A ZONE CHANGE FROM C-2, COMMERCIAL-GENERAL TO R-5, RESIDENTIAL MULTIPLE UNITS (19 TO 24 UNITS PER ACRE) LAND USE CLASSIFICATION IS REQUIRED FOR THE DEVELOPMENT OF TWO ATTACHED RESIDENTIAL DWELLING UNITS. BOTH UNITS WILL BE TWO STORIES, 23 FEET HIGH. A VARIANCE IS REQUIRED FOR TWO-STORY SIDE YARD SETBACK OF FIVE (5) FEET WHEREAS CODE REQUIRES TEN (10) FEET, TO CONSTRUCT UNIT SIZES BELOW THE CITY'S MINIMUM OF 1,225 SQUARE FOOT AND 1,400 SQUARE FOOT FOR THREE AND FOUR BEDROOM UNITS RESPECTIVELY, AND TO PROPOSE A SIX-FOOT HIGH SOLID FENCE IN THE FRONT YARD SETBACK. APPLICANT/OWNER: HABITAT FOR HUMANITY OF ORANGE COUNTY, INC. (201-00)(CN 2009-05)

Doug McIsaac, Community Development Director gave a brief PowerPoint presentation on the item.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR TO THE ITEM.

Mike Korando, Habitat with Humanity spoke in favor to the item. He informed the Mayor and City Council that they have met all of the conditions of approval and are willing to answer any questions.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO PERSONS WHO WISHED TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Fry expressed his opposition to changing the zoning from commercial to multiple residential, because it will hinder the City's opportunity for the surrounding area to develop.

Council Member Diep expressed his concerns about changing the zoning from commercial to multiple residential, because Westminster Boulevard serves as a transportation corridor that possibly generates more sales tax revenue.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to:

- 1) Introduce Ordinance No. 2444 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster Amending the Official City of Westminster Zoning Map Implementing a Change of Zoning (Case No. 2009-05) from C-2, Commercial From C-2, Commercial General-Business to R-5, Residential Multiple-Units (19 to 24 units per acre) District for the property located at 13931 Cedar Street (Assessor's Parcel Number 096-083-17)", and waive further reading; and

- 2) Adopt Resolution No. 4224 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Approving Tentative Parcel Map, Variances, Site Plan, and Design Review (Case No. 2009-05) to Develop Two Affordable Condominium Units Located at 13931 Cedar Street (Assessor's Parcel Number 096-083-17)."

The motion carried by the following vote:

AYES: RICE, TA, QUACH
NOES: FRY, DIEP
ABSENT: NONE

4.3 WEED ABATEMENT - SPRING 2009 (618-01)(09)

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM.

SEEING THERE WERE NO PERSONS WHO WISHED TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Council Member Fry to:

- 1) Overrule any objections received for the abatement of the weeds; and
- 2) Adopt Resolution No. 4222 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 City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law."

The motion carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Fry thanked the Mayor and City Council for renaming Hoover Park after him.

Mayor Pro Tem Ta announced Breakfast with the Easter Bunny, which will be held on April 4th and the State of the City Luncheon that will be held on April 21st.

5.2 AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for Street Improvements on Goldenwest Street from Hazard Avenue to Garden Grove Boulevard and Bushard Street from Westminster Boulevard to Hazard Avenue - Project No. Proposition 1B (502-01)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to:

- 1) Transfer \$1,380,637 from Street Improvement Program to Capital Project "Goldenwest Street Improvement from Hazard Avenue to Trask Avenue"; and
- 2) Award a contract to the low qualified bidder, All American Asphalt, in the amount of \$2,552,841.69; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

The motion carried by a 5-0 vote.

6.2 Approval of 2009 Justice Assistance Grant (JAG) Fund Distribution Agreement and Expenditure Plan. (502-15)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Ta to:

- 1) Authorize the City Manager to execute the Edward Byrne Memorial Memorandum of Understanding for 2009; and
- 2) Approve an appropriation of \$145,489 for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to the Local Law Enforcement Block Grant (LLEBG), Grant Revenue for the Fiscal Year 2009-10 budget; and
- 3) Approve an appropriation of \$145,489 to the LLEBG Fund expenditure budget for Fiscal Year 2009-10 to the following line items:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
258-39910-43090	Contractual Services	\$107,645.80
258-39910-40020	Part-Time Wages	\$ <u>37,843.20</u>
		\$145,489.00

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) - None.

8. LEGISLATIVE ITEMS - None.

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

10. **COUNCIL/AGENCY ADJOURNMENT:** At 8:35 p.m., Mayor/Agency Chair Rice adjourned the meeting.


Amanda Jensen, Assistant City Clerk/
Acting Agency Secretary