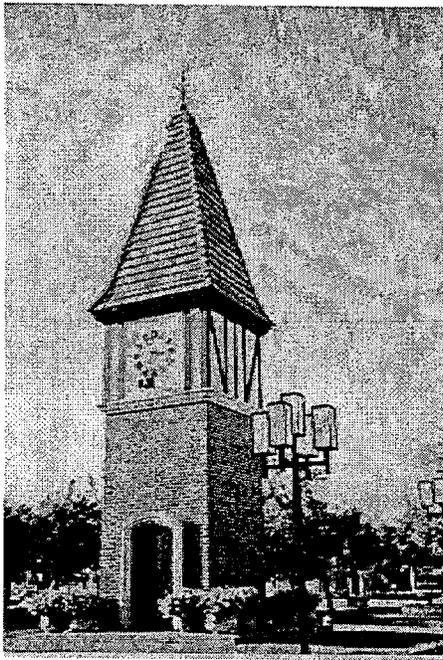


*Original Packet*



**CITY COUNCIL  
REDEVELOPMENT AGENCY  
AGENDA**

City of Westminster  
Regular Meeting  
June 2, 2004

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

8200 Westminster Boulevard  
Westminster, California 92683

**MARGIE L. RICE  
MAYOR**

**ANDY QUACH  
Mayor Pro Tem**

**FRANK G. FRY  
Council Member**

**KERMIT MARSH  
Council Member**

**RUSSELL C. PARIS  
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 Public Hearing 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**

June 2, 2004

**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

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: Adelle Marie Wagner v. City of Westminster; and
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Agency Designated Representatives: Interim City Manager Penny Loomer and Director of Personnel and Risk Management Pat Corcoran; Employee Organizations: Westminster Police Officers' Association (WPOA) and Westminster Municipal Employees' Association (WMEA).

## **RECESS:**

# AGENDA

June 2, 2004

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, QUACH, FRY, MARSH, PARIS

**PRESENT:**

**ABSENT:**

**SALUTE TO FLAG:** Council Member Marsh

**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 Pauline Puglia for being named "Senior of the Year"
- B. Recognition of Ernesto Espinoza, named "Youth of the Year" by the Westminster Boys and Girls Club
- C. Recognition of Cu Tran for his voluntary efforts to clean Freedom Park
- D. Joint recognition with Municipal Water District of Orange County (MWDOC) of Westminster Star View Elementary School students that participated in this year's "Water is Life" Poster/Slogan Contest

# AGENDA

June 2, 2004

## 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 May 5, 2004; Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 10, 2004; and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of May 19, 2004.**  
(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 **Statement of Investment Policy (Sheri Peasley)**

RECOMMENDATION: That the City Council approve the Statement of Investment Policy.

- 1.4 **Award of contract for 2003-2004 City-wide Street Improvement Project (CTB and Cap) (Brad Fowler)**

RECOMMENDATION: That the City Council approve the award of contract to the low qualified bidder in the amount of \$1,199,567.10 to All American Asphalt; that all other bids be rejected; and that the City Manager be authorized to execute the contract.

- 1.5 **Authorization for an increase of \$403.00 to Purchase Order No. 17953 for final payment to Hydrologue, Inc. for FY 2003-04 (Brad Fowler)**

RECOMMENDATION: That the City Council authorize an increase of \$403.00 to Purchase Order No. 17953 for final payment to Hydrologue, Inc., for over-purging and testing of wells at Corporate Yard tank site.

# AGENDA

June 2, 2004

**1. CONSENT CALENDAR (Continued)**

**1.6 Annual Purchase Order Adjustment for Concrete & Related Street Repairs at Various Locations with S. Parker Engineering (Brad Fowler)**

RECOMMENDATION: That the City Council approve an increased annual amount for the purchase order for S. Parker Engineering, Inc. for the Maintenance/Service Agreement for Concrete & Related Street Repairs at Various Locations for \$750,000.00 (P. O. No. 17848 for FY 2003-04)

**1.7 Contract for Animal Shelter Services (Andy Hall)**

RECOMMENDATION: That the City Council approve a one year contract to provide animal shelter services with Samir S. Botros, D. V. M., owner of and doing business as Orange County Humane Society and AAA Animal Hospital, in the amount of \$48,000 for fiscal year 2004-05, with an option to renew upon mutual agreement for two (2) one year intervals, in the proposed amount of \$49,000 for fiscal year 2005-06, and \$50,000 for fiscal year 2006-07.

**ORDINANCES (SECOND READING)/RESOLUTIONS**

**1.8 Resolution No. 3843 - A Resolution of the City Council of the City of Westminster Concerning the Status of the Circulation Element for the City of Westminster (Brad Fowler)**

RECOMMENDATION: That the City Council adopt Resolution No. 3843 and waive further reading.

**ADMINISTRATIVE ITEMS**

**1.9 Special Event Permit application from the Coalition of Vietnamese Veterans to hold Vietnamese Armed Forces Day on Sunday, June 20, 2004 between the hours of 6:00 a.m. and 4:00 p.m. in the Civic Center Parking lot adjacent to the Senior Center (Anticipated attendance is 500 people) (Penny Loomer)**

RECOMMENDATION: That the City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

**WARRANT REGISTER**

**1.10 (City Council/Redevelopment Agency) Warrant Register dated May 15 through 28, 2004 (Sheri Peasley)**

RECOMMENDATION: Approve.

# AGENDA

June 2, 2004

## 1. CONSENT CALENDAR (Continued)

### INFORMATION AND REPORTS

#### 1.11 Minutes of the Planning Commission study session and regular meetings held May 12, 2004 (Don Anderson)

RECOMMENDATION: Receive and file.

#### 1.12 Minutes of the Westminster Youth Committee meeting held March 5, 2004 (Diana Dobbert)

RECOMMENDATION: Receive and file.

#### 1.13 Treasurer's Report – March and April, 2004 (Sheri Peasley)

RECOMMENDATION: Receive and file.

#### 1.14 Minutes of Westminster Traffic Commission meeting held on May 4, 2004 (Brad Fowler)

RECOMMENDATION: Receive and file.

### END OF CONSENT CALENDAR

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## 2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 2.1 The actions of the Planning Commission meeting held on May 26, 2004

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of May 26, 2004.

- 1) 15562 Brookhurst Street (Case No. 2004-23, Conditional Use Permit) for the on-site sale and consumption of beer and wine in conjunction with an existing restaurant.
- 2) 13621 & 13631 Beach Boulevard (Case No. 2004-11, Zone Change/Lot Line Adjustment/Conditional Use Permit/Site Plan/Design Review) for construction of a new two-story commercial building in order to establish a used car dealership.

# AGENDA

June 2, 2004

## 3. 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.

### 3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-16 (CONDITIONAL USE PERMIT); LOCATION: 16494 BEACH BOULEVARD; APPLICANT: DEBORA OSWANDEL

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit to allow massage services in conjunction with a day spa at 16494 Beach Boulevard.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-16; and
- 2) Adopt Resolution No. 3838 entitled "A Resolution of the City Council of the City of Westminster approving Case No. 2004-16 (Conditional Use Permit) to allow massage services in conjunction with a day spa located at 16494 Beach Boulevard" and waive further reading.

# AGENDA

June 2, 2004

## 3. PUBLIC HEARINGS (Continued)

### 3.2 ADOPTION OF BUDGET FOR 2004-06 FISCAL YEARS, AND APPROPRIATING FUNDS FOR FISCAL YEAR 2004-05 ONLY; ADOPTION OF ARTICLE XIII B APPROPRIATION LIMIT; REVISION OF FEES FOR SPECIAL SERVICES (Sheri Peasley)

Time set for a Joint Public Hearing of the Westminster City Council, Redevelopment Agency, and Public Financing Authority on the proposed City of Westminster Operating Budget and the Capital Improvement Programs for the Fiscal Years 2004-2005 and 2005-2006, the proposed Westminster Redevelopment Agency Operating Budget and the Capital Improvement Programs for the Fiscal Years 2004-2005 and 2005-2006, and the proposed Public Financing Authority Operating Budget for Fiscal Years 2004-2005 and 2005-2006. In addition to adopting the Fiscal Years 2004-2005 and 2005-2006 Budgets, the City Council will adopt its appropriation limit.

A revision of fees and charges for special services provided by the City of Westminster in compliance with Chapter 3.50 of the Westminster Municipal Code will also be considered. (Sheri Peasley)

RECOMMENDATION: That the City Council adopt:

- 1) RESOLUTION NO. 3840 entitled, "A Resolution of the City Council of the City of Westminster adopting the budget for the 2004-06 fiscal years, and appropriating funds for fiscal year 2004-05 only" and waive further reading;
- 2) RESOLUTION NO. 3841 entitled, "A Resolution of the City Council of the City of Westminster establishing the Article XIII B Appropriation limit for the 2004-05 fiscal year: and waive further reading;
- 3) RESOLUTION NO. 3842 entitled, "A Resolution of the City Council of the City of Westminster establishing fees and charges for special services provided by the City of Westminster" and waive further reading.

RECOMMENDATION: That the Public Financing Authority adopt:

- 1) RESOLUTION NO. 22 entitled, "A Resolution of the Westminster Public Financing Authority adopting the City of Westminster budget for the 2004-06 fiscal years, and appropriating funds for fiscal year 2004-05 only" and waive further reading.

RECOMMENDATION: That the Westminster Redevelopment Agency adopt:

- 1) RESOLUTION NO. 163 entitled, "A Resolution of the Westminster Redevelopment Agency adopting the budget for the 2004-06 fiscal years, and appropriating funds for fiscal year 2004-05 only" and waive further reading.

# AGENDA

June 2, 2004

## **3.3 RESOLUTION NO. 3836 - WATER RATES & CHARGES FOR WATER SERVICES (Brad Fowler)**

Time set for a public hearing to consider a proposal to revise the water rates for the City of Westminster in compliance with Chapter 13.08 of the Westminster Municipal Code.

FINANCIAL REVIEW COMMITTEE RECOMMENDATION: That the City Council adopt Resolution No. 3836 entitled, "A Resolution of the City Council of the City of Westminster rescinding Resolution Nos. 3643 and 3740, and adopting Administrative Rules and Regulations for the City Water System pursuant to the Municipal Code", and waiver further reading.

## **3.4 PUBLIC HEALTH GOALS REPORT FOR DRINKING WATER 2004 (Brad Fowler)**

Time set for a public hearing to consider a report on City of Westminster Water Division Public Health Goals for Drinking Water.

RECOMMENDATION: That the City Council approve the report prepared by staff comparing the City of Westminster water quality with Public Health Goals (PHGs) adopted by California EPA's Office of Environmental Health Hazard Assessment (OEHHA) and maximum contaminant level Goals (MCLG's) adopted by the USEPA.

## **4. 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.

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

### **5.1 Council/Agency Member Items**

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 Authorization to Increase Vehicle Fuel Purchase Order No. 17843 to Petro Diamond, Inc. and Transfer of \$55,000.00 to cover higher fuel costs for FY 2003-04 (Brad Fowler)**

RECOMMENDATION: That the City Council:

- 1) Transfer \$15,294.00 from Equipment Replacement Fund 700 (Budget Contingency Reserve) and \$39,706.00 from Equipment Replacement Fund 700 (Emergency Reserve) to Fleet Maintenance Account No. 58000-44000; and
- 2) Approve an increase of \$55,000.00 to Purchase Order No. 17843 to Petro Diamond, Inc. for Gasoline and Diesel Fuel.

# AGENDA

June 2, 2004

## 7. WRITTEN COMMUNICATIONS (Public)

### 7.1 Request from Orange County Transportation Authority (OCTA) (Diana Dobbert)

RECOMMENDATION: That the City Council consider the request from OCTA to use the remaining balance of federal funds in the amount of \$59,734.69 to purchase a Para transit van for their ACCESS Program.

## 8. LEGISLATIVE ITEMS – None

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Parking Restrictions on west side of Edwards Street, north of Kiowa Road

TRAFFIC COMMISSION RECOMMENDATION: That the City Council:

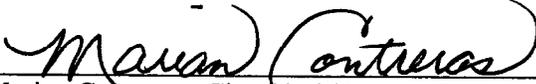
- 1) Adopt Resolution No. 3837 entitled, "A Resolution of the City Council of the City of Westminster providing for No Parking or Stopping on the west side of Edwards Street, north of Kiowa Road", and waive further reading; which provides for the parking restrictions; and
- 2) Approve the construction of a concrete pad behind the sidewalk for relocating the existing bus shelter.

### 9.2 Resignation of Kelly Le from the Tree Education Committee (Mayor Pro Tem Quach Appointee)

RECOMMENDATION: That the City Council accept the resignation of Kelly Le from the Tree Education Committee.

## 10. COUNCIL/AGENCY ADJOURNMENT: To Monday, June 7, 2004 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding a study session to discuss City/Agency business.

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