



**CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
June 14, 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.

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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) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager Andy Hall and Director of Personnel/Risk Management Pat Corcoran; Employee Organization: Westminster Police Officers' Association (WPOA); and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54957(b)(2): Personnel Matter to consider findings and recommendations of the Personnel Board in the administrative appeal of Delores Searle.

RECESS:

AGENDA

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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: Mayor Pro Tem Fry

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. Promotional Ceremony to Police Sergeant
- B. Presentation from Westminster Soroptimist to the City for Project SHUE
- C. Certificates of Recognition to WTV-3's Video Production Assistants

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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 May 18, 2006**
(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 **Proclamation declaring June 26 – July 3, 2006 as Childhood Cancer Awareness Week in the City of Westminster**

RECOMMENDATION: Approve.

- 1.4 **Notice of Completion for work performed by GMC Engineering, Inc. for the Landscaped Median Island Improvements for Westminster Boulevard from Edwards Street to Beach Boulevard** (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.

- 1.5 **Approval of Agreement with Harris & Associates for Street Pavement Management System Upgrade (deferred from the May 31, 2006 meeting)**
(Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the agreement with Harris & Associates in the amount of \$37,520 for Street Pavement Management System Upgrade, and authorize the Interim City Manager to execute the agreement on behalf of the City.

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1. CONSENT CALENDAR (Continued)

1.6 Authorization to Increase/Decrease the Purchase Orders for Various Contracts for the Construction of the Westminster Rose Center (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the increase/decrease to the purchase orders for various contracts for the construction of the Westminster Rose Center.

1.7 Amendment No. 1 to Contractual Services Agreement with MWH Americas, Inc. for the Design of Drilling and Equipping of Well 107 Replacement (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Extend the term of the existing contract until December 31, 2006 or until the construction of Well 107 is completed, whichever occurs first; and
- 2) Approve Amendment No. 1 to the contractual professional services agreement with MWH Americas, Inc., in an amount not to exceed \$32,240 and authorize the Interim City Manager to execute the amendment on behalf of the City.

1.8 Annual Anticipated DBE Participation Level (AADPL) for the Federal Fiscal Year 2006/07 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt the AADPL of 8% for Federally-funded projects for the Federal fiscal year 2006/07; and
- 2) Approve the DBE Race-Neutral Implementation Agreement for the City of Westminster and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.9 Option Year Renewal of Municipal Parking Citation Processing, Payment and Adjudication Services Contract (Mitch Waller)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order be issued to Turbo Data Systems, Inc. in an amount not to exceed \$32,000 for police department parking citation process services, exercising the second option year renewal of the contract.

1.10 Purchase Order for Police Related Services (Mitch Waller)

Staff recommends that the Mayor and City Council authorize a purchase order be issued to California Forensic Phlebotomy, Inc. for police related blood tests in an amount not to exceed \$24,000.

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1. **CONSENT CALENDAR (Continued)**
 - 1.11 **Increase purchase order with Ferguson, Praet & Sherman to provide legal services for the City (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Ferguson, Praet & Sherman in the amount of \$18,000.

- 1.12 **(City/Agency) 2007 Statement of Investment Policy (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the City Council/Agency Board approve the 2007 City of Westminster/Westminster Redevelopment Agency Statement of Investment Policy.

- 1.13 **Notice of Completion for work performed by GMC Engineering, Inc. for the City Hall North Parking Lot Improvements (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project with a final cost of \$322,269.89, and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.14 **Resolutions pertaining to the November 7, 2006 General Municipal Election (Marian Contreras)**

Resolution No. 4013 - A Resolution of the Mayor and City Council of the City of Westminster, California, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 7, 2006, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.

Resolution No. 4014 - A Resolution of the Mayor and City Council of the City of Westminster, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 7, 2006.

Resolution No. 4015 - A Resolution of the Mayor and City Council of the City of Westminster, California, requesting the Board of Supervisors of the County of Orange to consolidate a General Municipal Election to be held on Tuesday, November 7, 2006, with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code.

RECOMMENDATION: That the Mayor and City Council adopt Resolution Nos. 4013, 4014, and 4015 and waive further readings.

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1. CONSENT CALENDAR (Continued)

- 1.15 **Resolution No. 4008 – A Resolution of the Mayor and the City Council of the City of Westminster extending the wage and benefits continuation for City employees who are members of the Military Reserve called to active duty as set forth in Resolution Nos. 3669 and 3680. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4008 and waive further reading.

WARRANT REGISTER

- 1.16 **(City Council/Redevelopment Agency) Warrant Register dated May 24 through June 6, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.17 **Minutes of the Planning Commission meetings held May 3 and May 10, 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.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 **The actions of the Planning Commission meeting held on June 7, 2006.**

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review June 7, 2006

- 1) Case 2005-66, construction of eight (8), three-story residential apartment units at 13816 Pine Street.
- 2) Case No. 2006-25, construction and operation of a wireless communications facility on the rooftop of an existing 6-story office building at 5455 Garden Grove Boulevard
- 3) Case No. 2006-46, temporary display of non-helium inflatable (including cold-air balloons) advertising devices in conjunction with a temporary used car sales event in the parking area of the Westminster Mall.

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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.

4.1 (Council/Authority/Agency) Adoption of Budget for the 2006-08 Fiscal Years and Appropriation of Funds for Fiscal Year 2006-07 Only and Establishing Fees and Charges for Special Services Provided by the City for Fiscal Year 2006-07. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt:

- 1) Resolution No. 4010 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the budget for the 2006-08 fiscal years and appropriating funds for fiscal year 2006-07 only", and waive further reading.
- 2) Resolution No. 4011 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing the Article XIII B Appropriation limit for the 2006-07 fiscal year", and waive further reading.
- 3) Resolution No. 4012 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 for the 2006-07 fiscal year" and waive further reading.

Continued

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4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: Staff recommends that the Public Financing Board adopt:

- 1) Resolution No. 26 entitled, "A Resolution of the Westminster Public Financing Authority adopting the budget for the 2006-08 fiscal years and appropriating funds for fiscal year 2006-07 only", and waive further reading.

RECOMMENDATION: Staff recommends that the Agency Board adopt:

- 1) Resolution No. 180 entitled, "A Resolution of the Westminster Redevelopment Agency adopting the budget for the 2006-08 fiscal years and appropriating funds for fiscal year 2006-07 only", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Establishment of an Ad Hoc Committee to review current development standards for single-family dwellings in the R-1 (Single-Family Residence) District (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council establish an Ad Hoc Committee.

6.2 Fourth Amendment to Consulting Services Agreement with Willdan to provide temporary Planning staff services (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Fourth 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)

6.3 (City/Agency) Financing Plan for the Proposed New Police Facility (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve one of the Financing Plans for the Proposed New Police Facility;
and
- 2) Authorize an allocation from fiscal year 2005-06 General Fund Undesignated Unreserved Fund Balance in an amount determined by the Mayor and City Council

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve one of the Financing Plans for the Proposed New Police Facility;
and
- 2) Authorize an allocation from fiscal year 2005-06 Redevelopment Agency Infrastructure Revitalization Plan (IRP) Undesignated Unreserved Fund Balance in an amount determined by the Chair and Agency Board.

6.4 Rose Center Building Fund Donation (Paul Espinoza)

RECOMMENDATION: That the Mayor and City Council approve the transfer from the Cable TV Fund Reimbursements Other (Account No. 11200-39069) to the Community Theater Capital Improvement Project (Account No. 11202-964001) in the amount of \$158,522.

6.5 First Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center (deferred from the May 31, 2006 meeting) (Paul Espinoza/Christian Bettenhausen)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the First 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 Agreement on behalf of the City.

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

6.6 City's Handling of Utilities for the Rose Center Banquet Facility and Performing Arts Center; Approval of Utility Agreement between City, Rose Center Foundation and Crystal Rose Catering (deferred from the May 31, 2006 meeting)

RECOMMENDATION: That the Mayor and City Council:

- 1) Determine whether utilities should be placed in the City's name for the Rose Center Banquet Facility and Performing Arts Center.
- 2) Authorize the execution of a Utility Agreement between the City, the Rose Center Foundation and Crystal Rose Catering.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Consideration of request from B. J. Savage and Chuck Smith that the Mayor and City Council adopt a Resolution that would formally adopt the 3rd Assault Amphibian Vehicle Battalion, 1st Marine Division based at Camp Pendleton.

8. LEGISLATIVE ITEMS - None

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