

CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Regular Meeting
September 13, 2006**

**6:30 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.

AGENDA

September 13, 2006

6:30 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 Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. HVAC at Westminster Rose Center (14140 All American Way)

RECESS:

AGENDA

September 13, 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.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, FRY, MARSH, QUACH

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. Presentation by Phil Hodgetts on Alternative Energy

AGENDA

September 13, 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.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of August 16, 2006 and August 30, 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 October 2-6, 2006 as Lawsuit Abuse Awareness Week in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **(Agency) Fourth Amendment to Declaration of Establishment of Protective Covenants, Conditions and Restrictions and Grants of Easements for the shopping center known as the Westminster Center, located at the northwest corner of Goldenwest Boulevard and Westminster Boulevard.** (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Chair and Agency Board Members approve the Fourth Amendment to Declaration of Establishment of Protective Covenants, Conditions and Restrictions and Grants of Easements, and authorize the Interim Executive Director to execute the Fourth Amendment on behalf of the Westminster Redevelopment Agency.

- 1.5 **New Classification Specification – Systems Administrator.** (Pat Corcoran)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the new class specification of Systems Administrator.

AGENDA

September 13, 2006

1. CONSENT CALENDAR (Continued)

1.6 Agreement with the Garden Grove Sanitary District for Construction, Operation, and Maintenance of a Sanitary Sewer Line along Trask Avenue from Coast Street to Beach Boulevard. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.7 Selection of Consultant to Provide an Advanced Transportation Management System (ATMS), Traffic Congestion Monitoring at 12 Intersections, New Traffic Signal Controllers, and Traffic Signal Coordination Plans City-wide. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the selection of Iteris, Inc., to perform the subject work in the amount of \$1,257,187.54, and authorize the Interim City Manager to execute the agreement on behalf of the City.

1.8 Notice of Completion for work performed by American Seating for the Purchase and Installation of Theater Seating for the Westminster Rose Center. (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.

1.9 Purchase of Resilient Wedge Water Valves and Grip Rings for FY 2006-07. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to C. Wells Pipeline Materials Company in the amount of \$19,518.92 to purchase resilient wedge water valves and grip rings for FY 2006-07, and reject all other bids.

1.10 Purchase of Used Sedans and Vans. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Ray's Auto Sales, Inc. in the amount of \$150,000 to purchase used sedans and vans for FY 2006-07, and reject all other bids.

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1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.11 **Resolution No. 4039 - A Resolution of the Mayor and the City Council of the City of Westminster rescinding Resolution No. 4030 and providing for a compensation plan for the Management/ Administrative/ Confidential employees of the City of Westminster. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4039, and waive further reading.

- 1.12 **Resolution No. 4040 – A Resolution of the Mayor and City Council of the City of Westminster fixing the employer’s contribution under the Public Employees’ Medical and Hospital Care Act. (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4040, and waive further reading.

ADMINISTRATIVE ITEMS

- 1.13 **Special Event Permit application from the National Vietnamese Overseas Mutual Association to hold a Commemoration Ceremony on Sunday, October 22, 2006 between the hours of 1:00 p.m. and 8:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way; the anticipated attendance is 200 people. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.14 **(City Council/Redevelopment Agency) Warrant Register dated August 23 through September 5, 2006. (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.15 **Minutes of the Planning Commission meeting held August 2, 2006 (Don Anderson)**

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

AGENDA

September 13, 2006

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 September 6, 2006

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of September 6, 2006

- 1) Case 2006-47, Conditional Use Permit to allow the off-sale of beer and wine at My Thuan Supermarket (8900 Westminster Boulevard).
- 2) Case 2006 64, Design Review to allow an 18-foot high pylon sign and a second wall sign for Harley Davidson of Westminster (13031 Goldenwest Street).
- 3) Case 2006-03, Substantial Conformance Review of revised plans for Hoa Binh Plaza (9062 Bolsa Avenue)

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 Fiscal Year 2005-2006 Consolidated Annual Performance and Evaluation Report (CAPER) (Kathy Johnston)

RECOMMENDATION: Staff recommends that the City Council hold a Public Hearing to hear comments on and approve the FY 2005-2006 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Act Grant Program (HOME) and authorize the City Manager to transmit this report to the U.S. Department of Housing and Urban Development (HUD) before September 28, 2006.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – Attendance at League of California Cities Annual Conference in San Diego, September 6-8, 2006.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Redevelopment Agency) Proposed Real Estate Market Analysis (Don Anderson/Ray Silver)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Authorize the issuance of a Request for Proposals for a Real Estate Market Analysis; and
- 2) Approve an appropriation of \$49,000 for this work from Account No. 18008-44030.

6.2 Ambulance Billing Services for the City (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for ambulance billing services to Chupan Medical Computer Services (CMCS) in an amount not to exceed \$135,000 for the fiscal year 2006-07.

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

6.3 Notice of Completion for work performed by Maxwell Industries, Inc., for the Civic Center Pay Parking System Project (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$1,838.80 from General Fund Contingency, (Account No. 20000-60904) to the Parking Equipment CIP Project, (Project No. 50002-065001); and
- 2) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from the Westminster Chamber of Commerce to Co-Host the 7th Annual Taste & Tour of Little Saigon Event by Allowing WTV-3 to Videotape the Reception and Dinner.

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from the Westminster Chamber of Commerce to co-host the Westminster Chamber of Commerce 7th Annual Taste and Tour of Little Saigon to be held on Thursday, September 21, 2006 by allowing WTV-3 to videotape the reception and dinner.

8. LEGISLATIVE ITEMS - None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Area Variance Committee Appointment (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a Westminster resident (that is not currently serving on a city commission or committee, preferably with experience in building construction or land use planning), to fill the current vacancy on the Area Variance Committee, for a term to expire in November, 2006, or provide direction to staff.

9.2 Appointments to the 3rd Assault Amphibian Battalion Advisory Committee.

RECOMMENDATION: That Mayor Rice, Mayor Pro Tem Fry, and Council Member Quach each nominate one (1) member for appointment to the subject Advisory Committee.

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9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Ad Hoc Residential Standards Committee Appointments

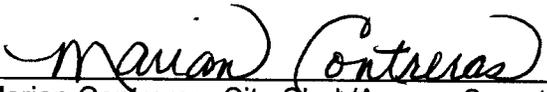
RECOMMENDATION: That the Mayor and City Council appoint one (1) Mobile Home Park Owner to serve on the Ad Hoc Residential Standards Committee.

9.4 Resignation of Charlie Wilkins from the Personnel Board (Religious Category). (Marian Contreras)

RECOMMENDATION: Staff recommends that the City Council accept the resignation of Charlie Wilkins from the Personnel Board, with regrets, and direct the City Clerk to post a Notice of Vacancy, pursuant to Government Code Section 54974.

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