

MARGIE L. RICE
Mayor

KERMIT MARSH
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

APRIL 11, 2007

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

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.

AGENDA

April 11, 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.

CONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, MARSH, FRY, QUACH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

OATH OF OFFICE:

Senator Tom Harman will administer the Oath of Office to the new City Manager, Ramon (Ray) Silver.

SPECIAL PRESENTATIONS:

- A. Recognition of Westminster High School's Academic Decathlon Team – 1st Place Title at the Academic Decathlon Competition
- B. Presentation of Citizen Above and Beyond Awards by the Police Department
- C. Recognition of Police Chaplains

AGENDA

April 11, 2007

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 Meetings of the City Council/Redevelopment Agency of March 14, 2007 and March 28, 2007.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Proclamation declaring April 28, 2007 as "National Arbor Day" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.3 **Proclamation declaring April 15-22, 2007 as "Days of Remembrance" of the Victims of the Holocaust in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **Proclamation declaring April 23-29, 2007 as "West Nile Virus and Mosquito and Vector Control Awareness Week" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.5 **Proclamation declaring April 22-28, 2007 as "National Crime Victims' Rights Week" in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.6 **Increase in Purchase Order for Police Related Blood Tests.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council increase the purchase order with California Forensic Phlebotomy, Inc. in the amount of \$10,000 for police related blood tests in fiscal year 2006-2007.

AGENDA

April 11, 2007

1. CONSENT CALENDAR (Continued)

1.7 Increase to Purchase Order for Parking Citation Processing (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an \$8,000 increase to the purchase order with TurboData Systems, Inc. for the processing of police department parking citations.

1.8 Sphere of Influence - Beach/McFadden Island (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a Letter of Support be sent to the Local Agency Formation Commission supporting the change of the Beach/McFadden Island to the City of Westminster's Sphere of Influence.

1.9 Increase in Purchase Order for Arterial Wall Prepping and Painting Project (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order with Central Painting Company in the amount of \$15,000.

1.10 Amendment No. 10 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded Work (Marwan Youssef)

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

1.11 (Agency) Economic Development and Redevelopment Consultant Services (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve an Agreement with Rosenow Spevacek Group, Inc., in the amount of \$75,000 per fiscal year through April 11, 2009, and authorize the Chair to execute the Agreement on behalf of the Agency.

AGENDA

April 11, 2007

1. CONSENT CALENDAR (Continued)

ADMINISTRATIVE ITEMS

- 1.12 Special Event Permit application from Calvary Chapel WestGrove to hold a Cinco de Mayo Festival on Saturday, May 5, 2007 between the hours of 8:00 a.m. and 5:00 p.m. (includes set up and clean up times). The event will take place at Sigler Park, 7200 Plaza Street. Applicant estimates the attendance will be 1500 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Waive the \$100 Special Event Permit fee; and
- 2) Approve the Special Event Permit application subject to the conditions attached to the staff report.

WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated March 21 through April 3, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.14 Community Development Monthly Activity Report – March 2007 (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.

AGENDA

April 11, 2007

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on April 4, 2007

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of April 4, 2007.

- 1) Case No. 2006-87 Conditional Use Permit for an ABC type 41 license in conjunction with an existing restaurant. Location: 14541 Brookhurst Street, Suites B5 and B6. (Café Luc Huyen Cam).
- 2) Case No. 2006-102 Conditional Use Permit, Site Plan, Design Review for a 7,190 square foot addition to an existing 9,710 square foot building. Location: 8952 Hazard Avenue. (California Zoroastrian Center).
- 3) Case No. 2006-107 Variances (5) for a secondary dwelling unit and an addition to main house. Location: 14231 Alta Place. (Single Family Residence owned by Daniel Carrillo).
- 4) Case No. 2007-06 Design Review to waive the requirement to place utilities underground for a remediation system. Location: 15502 Beach Boulevard. (Camino Real GMC).

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.

AGENDA

April 11, 2007

4. PUBLIC HEARINGS (Continued)

4.1 ALLOCATION OF FY 2007-2008 HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS TO ABRAZAR, INC. (Continued from the March 28, 2007 meeting) (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Allocate FY 2007 HOME funds in the amount of \$470,053 to Abrazar, Inc. for acquisition of three condominium units on Homer Street, contingent upon the successful completion of the environmental process; and
- 2) Authorize the City Manager to submit the application for FY 2007 HOME funds in the amount of \$522,281 and CDBG funds in the amount of \$1,278,889 to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2007.

4.2 (AGENCY) AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) DATED NOVEMBER 5, 2003 BY AND BETWEEN THE WESTMINSTER REDEVELOPMENT AGENCY AND ABRAZAR, INC. FOR DEVELOPMENT OF ONE SINGLE FAMILY RESIDENCE AT THE NORTHWEST CORNER OF OLIVE AND TEXAS STREETS FOR A FIRST TIME HOME BUYER. (Don Anderson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the First Amendment to the DDA between the Westminster Redevelopment Agency and Abrazar, Inc. that will allow Abrazar, Inc. to develop two condominiums for first time home buyers, and authorize the Executive Director to execute the Amendment on behalf of the Agency.

4.3 APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-49 (TENTATIVE PARCEL MAP, SITE PLAN REVIEW, AND DESIGN REVIEW); LOCATION: 14241 PACIFIC AVENUE; APPLICANT: BON HOANG, AUTHORIZED AGENT FOR ALAN LEE, PROPERTY OWNER OF RECORD; APPELLANT: ALAN LEE, PROPERTY OWNER OF RECORD (Chris Wong)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4078 entitled, "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to approve Case No. 2006-49 pertaining to a Tentative Parcel Map, Site Plan Review, and Design Review for a new condominium development consisting of three units located at 14241 Pacific Avenue", and waive further reading.

AGENDA

April 11, 2007

4. PUBLIC HEARINGS

- 4.4 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE NO. 2006-94 (CONDITIONAL USE PERMIT); LOCATION – 14541 BROOKHURST STREET, SUITE #A-3; APPLICANT – VINCENT FANG, AUTHORIZED AGENT FOR MTT FAMILY LP/JOHN VIET VO, BUSINESS OWNER OF CARAVAN SEAFOOD RESTAURANT (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4077 entitled, "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's Decision to approve Case No. 2006-94 pertaining to a request for a General (Type 47) Alcohol License (for the on-sale and consumption of alcoholic beverages) and to allow entertainment in conjunction with an existing remodeled restaurant (Caravan Seafood) at 14541 Brookhurst Street, Suite A-3", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports - None

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 Membership in Southern California Association of Governments (SCAG) (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an appropriation and expenditure of \$1,970 for Fiscal Year 2006-07 and \$7,893 for Fiscal Year 2007-08; and
- 2) Approve the Joint Powers Agreement with SCAG effective April 11, 2007 and authorize the City Manager to execute the Agreement on behalf of the City; and
- 3) Select a Delegate and Alternate Member.

AGENDA

April 11, 2007

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

6.2 (Agency) Westminster Economic Development Strategy (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Agency Board :

- 1) Approve a budget transfer of \$64,590 from the Redevelopment Operating Fund Contingency Account to the Redevelopment Operating Fund – Economic Development Account; and
- 2) Approve an agreement with Rosenow Spevacek Group, Inc., in the amount of \$64,590 and authorize the Chair to execute the Agreement on behalf of the Agency.

6.3 City of Westminster PERS Side Fund Liability (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize a transfer in the amount of \$5,548,876 from the General Fund Undesignated Unreserved Fund Balance to the General Benefits Fund, and
- 2) Approve the payment of the PERS Side Fund Liability in the amount of \$5,548,876.

6.4 (City/Agency) Selection of Consultant to Provide Design, Architectural and Engineering Services for the New Police Facility (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an appropriation in the amount of \$2,500,000 from the General Fund Restricted Fund Balance Account to the Capital Improvement Fund – Police Facility Construction (CIP Project); and
- 2) Authorize the City Manager or his designee to enter into contract negotiations with DMJM H&N Design based on the original proposal submitted, and return to the Council for approval in May, 2007.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve an appropriation in the amount of \$2,206,163 from the Redevelopment Restricted Fund Balance to the Capital Improvement Fund – Police Facility Construction (CIP Project)

7. WRITTEN COMMUNICATIONS (Public) – None

AGENDA

April 11, 2007

8. LEGISLATIVE ITEMS

8.1 (Second Reading) Ordinance No. 2411 - Establishing Fees for State Franchised Video Service Providers. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and the City Council adopt Ordinance No. 2411 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster establishing fees for State franchised video service providers", and waive further reading.

8.2 (Second Reading) Ordinance No. 2410 - Amending the Westminster Municipal Code to Extend the Tree Education Committee For An Additional Five Years (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2410 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to Amend Section 12.12.170 of Title 12 (Streets, Sidewalks and Public Places) of the Westminster Municipal Code", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Appointments to the Tree Education Committee (Chris Otto)

RECOMMENDATION: Staff recommends that the City Council each nominate a member to serve on the City's Tree Education Committee.

9.2 Appointments to the Energy Committee (Chris Otto)

RECOMMENDATION: Staff recommends that the City Council each nominate a member to serve on the City's Energy Committee.

9.3 Appointments to City Commissions and Committees (Chris Otto)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider appointments to the following Committees and Commissions for a two-year term ending November, 2008: (Mayor Pro Tem Marsh/Council Member Fry appointees)

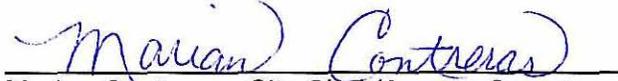
Cultural Arts Commission	Mayor Pro Tem Marsh (1) Reg. (1) Alt. Council Member Fry (1) Alt.
Financial Review Committee	Council Member Fry (1)
Mobile Home Commission	Mobile Home Resident Category (2)

AGENDA

April 11, 2007

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