

MARGIE L. RICE
Mayor

KERMIT MARSH
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRI TA
Council Member

Westminster

50th Anniversary
1957 - 2007



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

MAY 9, 2007

6:00 – Council Conference Room

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

May 9, 2007

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: City Manager Ray Silver and Interim Director of Personnel/Risk Management Chris Birch; Employee Organization: Westminster Municipal Employees Association (WMEA)

RECESS:

AGENDA

May 9, 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.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

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

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem 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. Annual Police Department Distinguished Service Awards
- B. Introduction of Youth in Government Day Participants
- C. Proclamation declaring May 20-26, 2007 as National Public Works Week

AGENDA

May 9, 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.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of April 11, 2007 and April 25, 2007, and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of April 26, 2007.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Claims Against The City** (Chris Birch)

RECOMMENDATION: Staff recommends the Mayor and City Council deny claims against the City from:

- a) Ken Hendrick in the amount of \$584,461.61
- b) Robert Poitras, Jr. in the amount of \$8,554.11
- c) Anne Belohovek in the amount of \$25,200.00.

- 1.3 **Second Option Year Renewal of Contract for Police Safety Equipment for FY 2007-2008.** (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Adamson Police Products in the amount of \$40,000 for the second option year renewal of a five year contract for police safety equipment.

AGENDA

May 9, 2007

1. **CONSENT CALENDAR (Continued)**
- 1.4 **First Option Year Renewal for Professional Auditing Services for FY 2007-2008.** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the first option year renewal of the contract with Diehl, Evans & Company, LLP in the amount of \$41,685 for professional auditing services, and authorize the City Manager to execute the Agreement on behalf of the City.

- 1.5 **Notice of Completion for work performed by SoCal Pacific Construction Corporation for Drilling and Equipping of Water Well 107A located at 14582 Hunter Lane in the Midway City area.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept completed work on the subject project and direct the City Clerk to file a Notice of Completion with the County Recorder's Office.

- 1.6 **Acceptance of Easement Deed for 7861 16th Street.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept an Easement Deed for the subject property, and authorize the City Clerk to record the document with the County Recorder's Office.

- 1.7 **Award of Professional Design Services Agreement for Traffic Signal Design Services at Newland Street/Oasis Avenue, Edwards Street/Trask Avenue, and Hoover Street/21st Street; and, Traffic Signal Modifications at Westminster Boulevard/All American Way/Monroe Street, Trask Avenue/Goldenwest Street, and Hazard Avenue/Goldenwest Street.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award an agreement to Transportation and Energy Solutions to perform the subject work in an amount not-to-exceed \$36,905.00, and authorize the City Manager to execute an agreement on behalf of the City.

- 1.8 **Local Government Sharing Program Agreement.** (Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement with the Franchise Tax Board, and authorize the City Manager to execute the agreement on behalf of the City.

AGENDA

May 9, 2007

1. **CONSENT CALENDAR (Continued)**
- 1.9 **Contractual Joint Venture Agreement with the County of Orange to provide services for the Family Resource Center for 2007-2008.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$258,500.00 for fiscal year 2007-08 and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Authorize a purchase order for counseling and case management services to Western Youth Services in the amount of \$62,569; and
- 3) Authorize a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$17,595.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.10 **Ordinance No. 2412 - Authorizing the Execution of an Amendment to the Contract with the California Public Employees' Retirement System to Provide Section 21574 (Fourth Level of 1959 Survivor Benefits) for Local Police Members Only.** (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2412 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster authorizing an amendment to the contract between the City Council of the City of Westminster and the Board of Administration of the California Public Employees' Retirement System".

WARRANT REGISTER

- 1.11 **(City Council/Redevelopment Agency) Warrant Register dated April 18 through May 1, 2007.** (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.12 **Minutes of the Planning Commission meeting held April 18, 2007.** (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.13 **Treasurer's Report – March 2007.** (Paul Espinoza)

RECOMMENDATION: Receive and file.

AGENDA

May 9, 2007

1. CONSENT CALENDAR (Continued)

1.14 Minutes of the Community Services and Recreation Commission meeting held on February 5, 2007. (Greg Johnson)

RECOMMENDATION: Receive and file.

1.15 Minutes of the Cultural Arts Commission meeting held on March 1, 2007. (Greg Johnson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT 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/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on May 2, 2007.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of May 2, 2007.

- 1) Case 2005-62 Variance, Conditional Use Permit, Site Plan, Design Review on Edison Utility Right-of-Way west of Hoover Street and between Trask Avenue and 22 (Garden Grove) Freeway to construct a self storage facility.
- 2) Case 2006-68 Site Plan Review, Design Review, and Variances at 13751 Edwards Street to upgrade an existing multi-family complex
- 3) Case 2006-95 Variance at 15151 Beach Boulevard (Beach City Auto Center) to allow a pole sign.

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4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. 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. 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 **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 (Continued from the April 11, 2007 and April 25, 2007 Meetings). (Art Bashmakian)**

RECOMMENDATION: Staff recommends that the Mayor and City Council continue this item to the City Council meeting of May 30, 2007 as the applicant/appellant is requesting additional time to prepare plans.

AGENDA

May 9, 2007

4. PUBLIC HEARINGS (Continued)

4.2 REVIEW OF THE PLANNING COMMISSION'S ACTION OF CASE NO. 2006-107 (VARIANCE); LOCATION: 14231 ALTA STREET; APPLICANT: MR. MICHAEL DANIEL CARRILLO. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4081 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision in consideration of Case No. 2006-107 approving a variance request to allow a room addition, and denying four requested variances related to the conversion of a hobby/storage room into a dwelling unit".

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 Extension to Agreement for Emergency Transportation Services for the City of Westminster for the period of July 1, 2007 through August 31, 2007. (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize an appropriation of \$100,000 to Ambulance Transportation Services – Contractual Other; and
- 2) Approve a two month extension for the period July 1, 2007 through August 31, 2007 to the Agreement with Shoreline Ambulance for Emergency Transportation Services in the amount of \$100,000 (\$50,000 per month), and authorize the City Manager to execute the Agreement on behalf of the City.

AGENDA

May 9, 2007

6. **MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)**
- 6.2 **Acceptance of State of California CPE 9-1-1 Funds and Establishment of a Capital Improvement Project Account to Accomplish 9-1-1 Upgrades.**
(Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept State of California CPE 9-1-1 funds in the amount of \$395,000;
- 2) Approve a revenue increase to the fiscal year 2006-07 budget for the State of California CPE 9-1-1 funds in the amount of 395,000; and
- 3) Approve the establishment of a Capital improvement Project Account to accomplish upgrades to the 9-1-1 system and emergency communications center.

7. **WRITTEN COMMUNICATIONS (Public) – None**

8. **LEGISLATIVE ITEMS - None**

9. **COMMISSION AND COMMITTEE ITEMS**

- 9.1 **Request for Parking Restrictions for Street Sweeping Purposes on the South Side of 15th Street between All American Way and Newland Street – T.C. 71-328** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4082. entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no stopping or standing at certain locations on the south side of 15th Street between All American Way and Newland Street for street sweeping purposes".

- 9.2 **Appeal of the Traffic Commission's Denial of Request for Partial Street Closure on Northwestern Way at Bolsa Chica Road** (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: That the Mayor and City Council deny the partial street closure on Northwestern Way at Bolsa Chica Road, and reconsider the request upon the completion of the 7-Eleven Market and gas station based on a subsequent study of before and after conditions, for the subject road.

STAFF RECOMMENDS that the Mayor and City Council also consider approving the partial closure, based on previous Council discussion to block ingress from Bolsa Chica Road, with egress only from Northwestern Way.

AGENDA

May 9, 2007

9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Appointments to City Commissions and Committees (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider appointments to the following Committees and Commissions:

Cultural Arts Commission

Council Member Fry Appointee
One (1) Alternate Member

Energy Committee

Mayor Pro Tem Marsh Appointee
One (1) Member

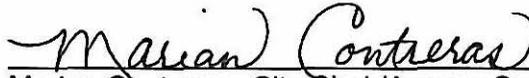
Tree Education Committee

Council Member Fry Appointee
One (1) Member

Council Member Ta Appointee
One (1) Member

10. COUNCIL/AGENCY ADJOURNMENT: To Wednesday, May 16, 2007 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of a budget study session and to conduct 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