

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 ADJOURNED REGULAR MEETING

MAY 30, 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 30, 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 30, 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: Council Member Ta

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 of grad night checks to representatives from Westminster High School, La Quinta High School and Ocean View High School.
- B. Presentation of Employee Service Pins
- C. Presentation of Proclamation declaring May 20-26, 2007 as Emergency Medical Services Week in the City of Westminster

AGENDA

May 30, 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 May 9, 2007 and May 23, 2007**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Notice of Completion for work performed by Meyer, Mohaddes Associates for Installation of Traffic Congestion Video Monitoring Cameras and Equipment at Nine Intersections** (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.

- 1.3 **Award of Contract for City-Wide Cape & Slurry Seal Project at Various Locations** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the qualified bidder, Hardy & Harper, Inc. in the amount of \$993,000, and authorize the City Manager to execute the contract on behalf of the City.

- 1.4 **Lot Line Adjustment No. 2006-79 for 6721 and 6731 Westminster Boulevard, located within the Westminster Center** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Lot Line Adjustment No. 2006-79 and authorize the City Clerk to record it with the County Recorder's Office.

AGENDA

May 30, 2007

1. **CONSENT CALENDAR (Continued)**
- 1.5 **(City/Agency) Amendment No. 2 to Consulting Services Agreement with Comprehensive Housing Services, Inc. to Perform Additional Monitoring and Environmental Services in FY 2006-2007.** (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board Members approve Amendment No. 2 to the Consulting Services Agreement with Comprehensive Housing Services Inc. to provide additional monitoring and environmental services as needed for \$15,000, resulting in a total contract amount not to exceed \$60,000, and authorize the City Manager/Executive Director to execute Amendment No. 2 on behalf of the City and Agency.

- 1.6 **Award of Bid for Purchase of Forensic Evidence Storage Freezer** (Ron Coopman)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in an amount not to exceed \$21,059.25 to Commercial Cooling, Par Engineering Company for a Forensic Evidence Storage Freezer.

- 1.7 **Professional Consultant Services Agreement for Design, Architectural and Engineering Services for the New Police Facility.** (Andrew Hall)

RECOMMENDATION: Staff recommends the Mayor and City Council approve a Professional Consultant Services Agreement with DMJMH&N Design in an amount not to exceed \$3,618,243.35 to provide design, architectural and engineering services for the new police facility, and authorize the City Manager to execute the agreement on behalf of the City.

ADMINISTRATIVE ITEMS

- 1.8 **Amendment No. 1 to Agreement with Orange County Transportation Authority to provide the Senior Mobility Transportation Program to the Westminster Senior Center.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to Agreement No. C-2-0141 with the Orange County Transportation Authority, extending the term of the program through June 30, 2011, and authorize the City Manager to execute the agreement amendment on behalf of the City.

AGENDA

May 30, 2007

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.9 **Resolution No. 4081 – 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 at a Property Located at 14321 Alta Street. (Art Bashmakian)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4081.

- 1.10 **Resolution No. 4084 - A Resolution of the Mayor and City Council of the City of Westminster Concerning the Status of the Circulation Element for the City of Westminster (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4084.

WARRANT REGISTER

- 1.11 **(City Council/Redevelopment Agency) Warrant Register dated May 2 through 22, 2007 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.12 **Minutes of the Planning Commission meeting held May 2, 2007 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.13 **Community Development Monthly Activity Report – April 2007 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.14 **Treasurer's Report - April 2007 (Paul Espinoza)**

RECOMMENDATION: Receive and file.

- 1.15 **Minutes of the Traffic Commission meeting held on April 24, 2007 (Marwan Youssef)**

RECOMMENDATION: Receive and file.

AGENDA

May 30, 2007

1. CONSENT CALENDAR (Continued)

- 1.16 Minutes of the Energy Committee meeting held on May 3, 2007
(Soroosh Rahbari)

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 24, 2007.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of May 24, 2007.

- 1) Case No. 2005-21 Tentative Parcel Map, Site Plan Review, Design Review for a new 14,411 square-foot single story retail drug store. Location: 7001 Westminster Boulevard. (Walgreens).
- 2) Case No. 2006-57 Site Plan Review and Design Review for a new 3,741 Square-foot single story commercial building in an existing retail shopping center. Location: 6491 Westminster Boulevard.
- 3) Case No. 2007-03 Conditional Use Permit to allow for the operation of a billiard center. Location: 9191 Bolsa Avenue, Suite 109-111. (Saigon Billiard Center).
- 4) Case No. 2007-05 Conditional Use Permit for an ABC type 41 license in conjunction with a new 4,320 square-foot restaurant in an established retail center. Location: 15380 Beach Boulevard. (L8 Café & Lounge).
- 5) Case No. 2007-14 Conditional Use Permit for an ABC type 41 license to allow entertainment in conjunction with a proposed 3,136 square-foot restaurant. Location: 15440 & 15442 Brookhurst Street. (Citryst Lounge).

AGENDA

May 30, 2007

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 DENIAL OF CASE NO. 2005-62 (VARIANCE, CONDITIONAL USE PERMIT, SITE PLAN, DESIGN REVIEW), A REQUEST TO CONSTRUCT A 74,297 SQUARE FOOT SELF STORAGE FACILITY ON TWO SOUTHERN CALIFORNIA EDISON OWNED PARCELS LOCATED WEST OF HOOVER STREET AND NORTH OF TRASK AVENUE); APPLICANT/APPELLANT: JENNIFER LAURO, PACIFIC PLANNING GROUP, INC.; PROPERTY OWNER: SOUTHERN CALIFORNIA EDISON. (Art Bashmakian)**

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant Speaking in Favor of the Appeal

Others Speaking in Favor of the Appeal

Speaking in Opposition to the Appeal

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

Close Public Hearing

Mayor and Council Member Comments

Council Action

AGENDA

May 30, 2007

4.1 PUBLIC HEARING (Continued)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt the Mitigated Negative Declaration pertaining to Case No. 2005-62; and
- 2) Adopt Resolution No. 4083 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-62 to construct a single story self storage facility on a six acre site subject to redesign and granting a variance to allow a seven foot high wall, located west of Hoover Street and between Trask Avenue and the Garden Grove Freeway (Assessor's Parcel Numbers 096-455-02 & 096-465-24), in the PF (Public Facilities) District".

4.2 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, APPELLANT AND PROPERTY OWNER OF RECORD (Continued from the April 11, 2007, April 25, 2007 and May 9, 2007 Meetings). (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant Speaking in Favor of the Appeal

Others Speaking in Favor of the Appeal

Speaking in Opposition to the Appeal

Speaking in Rebuttal (*only those who spoke in favor of the appeal 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. 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".

AGENDA

May 30, 2007

4. PUBLIC HEARINGS (Continued)

- 4.3 ORDINANCE NO. 2413 - AN AMENDMENT TO EXTEND THE DURATION OF THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE WESTMINSTER COMMERCIAL REDEVELOPMENT PROJECT AREA BY ONE YEAR, IF THE AGENCY MAKES A FINDING THAT THE PAYMENTS REMITTED TO THE EDUCATIONAL REVENUE AUGMENTATION FUND (ERAF) IN FISCAL YEAR 2003-2004 IMPAIRS ITS ABILITY TO FUND PROJECTS IN THE FUTURE.

ORDINANCE NO. 2414 - AN AMENDMENT TO EXTEND THE DURATION OF THE AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE WESTMINSTER COMMERCIAL REDEVELOPMENT PROJECT AREA BY TWO YEARS, IF THE AGENCY MAKES A FINDING THAT THE PAYMENTS REMITTED TO THE EDUCATIONAL REVENUE AUGMENTATION FUND (ERAF) IN FISCAL YEARS 2004-2005 AND 2005-2006 IMPAIRS ITS ABILITY TO FUND PROJECTS IN THE FUTURE. (Don Anderson)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

 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

- 1) Introduce Ordinance No. 2413 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and Amendment No. 5, pursuant to the provisions of Health and Safety Code Sections 33333.2(c) and 33333.6 (e)(2)(C)", and waive further reading; and
- 2) Introduce Ordinance No. 2414 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending certain time limitations with respect to the Westminster Commercial Redevelopment Project No. 1, for the Original Plan Area and Amendment No. 1, pursuant to the provisions of Health and Safety Code Section 33333.6(e)(2)(D)", and waive further reading.

AGENDA

May 30, 2007

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

- 5.2 **AB 1234 Reports** – Report on Attendance at the International Conference of Shopping Center (ICSC) Conference in Las Vegas, Nevada, May 20-23, 2007.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **Transfer of Funds for 9-1-1 System and Communication Upgrades.** (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the transfer of \$375,000 from the General Police Services Account to the Police Capital Improvement Project Account to accomplish upgrades to the 9-1-1 System and Emergency Communications Center.

6.2 **Authorization to Increase Vehicle Fuel Purchase Order to Cover Higher Fuel Costs for FY 2006-07** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

1. Transfer \$18,050 from the Equipment Replacement Fund Budget Contingency Reserve to the Equipment Replacement Fund; and;
2. Transfer \$31,950 from the Equipment Replacement Fund Emergency Reserve to the Equipment Replacement Fund; and
3. Authorize an increase of \$50,000 to Purchase Order No. 3170 with Petro Diamond, Inc. for Gasoline and Diesel Fuel for Fiscal Year 2006-07.

6.3 **Review of Proposed Reflexology Ordinance** (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council review the draft reflexology ordinance proposal and provide further direction to staff and the Planning Commission as to whether it accurately reflects the Mayor and City Council's desire to license reflexology establishments via police permit.

7. WRITTEN COMMUNICATIONS (Public) – None

AGENDA

May 30, 2007

8. LEGISLATIVE ITEMS –

- 8.1 **Ordinance No. 2416 - An Ordinance of the Mayor and City Council of the City of Westminster Establishing Policies Regarding the Use of Eminent Domain for the Westminster Commercial Redevelopment Project No. 1 as Amended by Amendments One, Two, Three and Four and the Westminster Infrastructure Revitalization Project (Amendment Five) and Authorizing Recording of a Revised Statement of Proceedings for Each Redevelopment Project Area (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2416 and waive further reading.

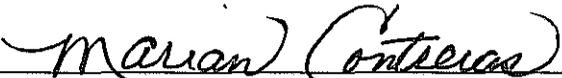
9. COMMISSION AND COMMITTEE ITEMS

- 9.1 **Appointment to the City's Energy Committee (Mayor Pro Tem Marsh appointee) (Marian Contreras)**

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a member to serve on the City's Energy Committee.

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