

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

JULY 11, 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

July 11, 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 Legal Counsel pursuant to Government Code Section 54956.9(a): Existing Litigation: Tenna Chon vs. City of Westminster; Case No. 06CC10580 and Richard Pacheco vs. City of Westminster; Case No. 07CC00655; and
- 2) 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 Organizations: Westminster Municipal Employees Association (WMEA); Westminster Police Officers' Association (WPOA); and Management/Administrative/Confidential Employees.

RECESS:

AGENDA

July 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.

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. Presentation of a plaque from 3rd Assault Amphibian Battalion to the City
- B. Recognition of Mayor's Ball Sponsors

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

July 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.

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 June 13, 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) **Dung Le** in an unknown amount.
- b) **Michael Dinh** in an unknown amount.

- 1.3 **Agreement for Use of Range/Live Fire House for Westminster Police Officer Firearms Training.** (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with the County of San Bernardino for the period August 1, 2007 to June 30, 2007, that authorizes the Westminster Police Officers' assigned to the West County SWAT Team to conduct training and use the live fire house range facilities operated by the San Bernardino Sheriff's Department.

AGENDA

July 11, 2007

1. CONSENT CALENDAR (Continued)

1.4 Amendment to the West County SWAT Memorandum of Understanding. (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the First Amendment to the West County SWAT Protocol to add the West Cities Communications Center Joint Powers Authority as a party, and authorize the Police Chief to execute the amendment on behalf of the City.

1.5 Option Year Renewal for Ambulance Billing Services for FY-2007-08. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the additional year option renewal of the contract with Chupan Medical Computer Services (CMCS) in an amount not to exceed \$135,000.

1.6 (Agency) Purchase Order for Annual Remarketing Services for Fiscal Year 2007-08. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Chair and Agency Board Members approve a purchase order to Stone and Youngberg LLC in an amount not to exceed \$40,000 for Annual Remarketing Services on the Westminster Commercial Redevelopment Project No. 1, 1997 Tax Allocation Revenue Refunding Bond.

1.7 Purchase Order for Trustee Services for Fiscal Year 2007-08. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for trustee services from Union Bank of California-Corporate Trust Division in an amount not to exceed \$30,000.

1.8 (City/Agency) Purchase Order for Property Tax Audit Services for the Fiscal Year 2007-08. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and the City Council/Agency Board authorize a purchase order to HdL Coren & Cone in the amount of \$22,600 for property tax audit services.

1.9 (City/Agency) Purchase Order for Sales Tax Audit Services for the Fiscal Year 2007-08. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board authorize a purchase order with HdL in the amount of \$20,000 for sales tax audit services.

AGENDA

July 11, 2007

1. CONSENT CALENDAR (Continued)

1.10 Second Option Year Renewal for Vehicle Tire Purchases for FY 2007-08 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the second option year renewal of the contract with Parkhouse Tire, Inc., in an amount not to exceed \$25,000 for vehicle tire purchases.

1.11 First Option Year Renewal for Procurement of Wet Barrel Hydrant Heads and Accessories for FY 2007-08 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the first option year renewal of the contract with C. Wells Pipeline Materials Inc. in an amount not to exceed \$195,762 for wet barrel hydrant heads and accessories.

1.12 Second Option Year Renewal for Vehicle Fuel Purchase for FY 2007-08 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the second option year renewal of the contract with Petro-Diamond, Inc., in an amount not to exceed \$475,000 for vehicle fuel purchase.

1.13 First Option Year Renewal for Used Sedans, Trucks and Vans Purchases for FY 2007-08 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the first option year renewal of the contract with Ray's Auto Sales, Inc. in an amount not to exceed \$200,000 for used sedans, trucks and vans purchases.

1.14 Professional Services Agreement for Video/Audio Engineer for Fiscal Year 2007-08 (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the agreement with Hugo Morales in an amount not to exceed \$25,000 and authorize the City Manager to execute the contract on behalf of the City.

1.15 Request for Fee Waiver for Use of the Community Center_(Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the request from the Vietnamese Parents of Disabled Children to waive fees for use of the Community Center for a workshop on September 22, 2007.

AGENDA

July 11, 2007

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.16 Ordinance No. 2418 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) and Amending Section 2.32.010 (Department And Organizations) of the Westminster Municipal Code, related to the Creation of the Department Of Human Resources & Risk Management, the Office of the Director of Human Resources & Risk Management, and excepting the Director of Human Resources & Risk Management from the Classified Service. (Chris Birch)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2418 and waive further reading.

- 1.17 Resolution No. 4098 – A Resolution of the Mayor and City Council of the City of Westminster Granting an Appeal and Overturning the Planning Commission’s Denial of a Request to Amend a Condition of Approval that required the installation of decorative stamped concrete or pavers at the entry driveway of the Lexus vehicle dealership at 13590 Beach Boulevard. (Art Bashmakian)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4098.

- 1.18 Resolution No. 4096 – Implementation of Salary Increases Contained in the Memorandum of Understanding with the Westminster Police Officers’ Association (WPOA). (Chris Birch)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4096 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for a compensation plan for employees represented by the Westminster Police Officers’ Association”.

- 1.19 Resolution No. 4099 - Establishing a Salary Range for the Position of Business Services Inspector and Approval of Classification Specification. (Chris Birch)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the classification specification for Business License Inspector; and
- 2) Adopt Resolution No. 4099 entitled, “A Resolution of the Mayor and City Council of the City of Westminster amending Resolution No. 4028 providing for a compensation plan for the Westminster Municipal Employee’s Association”.

AGENDA

July 11, 2007

1. CONSENT CALENDAR (Continued)

- 1.20 **Resolution No. 4092 – A Resolution of the Mayor and City Council of the City of Westminster Affirming Its Objection to the Orange County Water District’s Annexation.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4092.

WARRANT REGISTER

- 1.21 **(City Council/Redevelopment Agency) Warrant Register dated June 20 through July 3, 2007.** (Paul Espinoza)

RECOMMENDATION: Approve.

END OF CONSENT CALENDAR

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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 – None.

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.

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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 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2007-01 (CONDITIONAL USE PERMIT), A REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION (ALCOHOLIC BEVERAGE CONTROL TYPE 21 LICENSE) AT AN EXISTING MINI-MARKET (J & K MARKET), WHICH IS CURRENTLY LICENSED AND PERMITTED TO SELL BEER AND WINE, LOCATED AT 7701 WESTMINSTER BOULEVARD (ASSESSOR'S PARCEL NUMBERS: 096-230-67); APPLICANT: DICK EVITT; PROPERTY OWNER OF RECORD: JITENDARA PATEL. (Art Bashmakian)

RECOMMENDATION: Adopt Resolution No. 4094 entitled: "A Resolution of the Mayor and City Council of the City of Westminster approving a request to modify an existing conditional use permit to allow for the sale of distilled spirits for off-site consumption (Alcoholic Beverage Control Type 21 license) at an existing mini-market (J & K Market), located at 7701 Westminster Boulevard (Assessor's Parcel Number: 096-230-67) (Case No. 2007-01)."

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

AGENDA

July 11, 2007

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None.

5.3 Consider Display of the National Motto of the United States, “In God We Trust” in the Council Chambers (Mayor Rice)

5.4 Discuss the Enforcement of State Law Regarding 72 Hour Public Street Parking (Council Member Quach)

5.5 Discussion of IRP Funds to finance the installation of solar panels at the Westminster Rose Center (Mayor Rice)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Redevelopment Agency) Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc. for the Development of Affordable Workforce Housing and Purchase of a 1.18 acre Site Located at 280 Hospital Circle (APN 096-252-017). (Don Anderson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Adopt Resolution No. 184 entitled, “A Resolution of the Westminster Redevelopment Agency approving the terms and conditions set forth in the Exclusive Negotiation Agreement with AMCAL Multi-Housing, Inc.” (attached as Exhibit A to the Resolution.); and
- 2) Authorize the Executive Director to execute and implement the Exclusive Negotiation Agreement with AMCAL Multi-Housing Inc. as the developer, providing direction to prepare a Disposition and Development Agreement with AMCAL Multi-Housing, Inc. that will provide for the development of up to forty (40) multi-family affordable workforce housing units; and
- 3) Adopt Resolution No. 185 entitled, “A Resolution of the Westminster Redevelopment Agency authorizing the Executive Director to execute an Assignment and Assumption Agreement and any other related documents necessary to complete purchase of the property located at 280 Hospital Circle, Westminster, California (APN 096-251-017) with Redevelopment Low and Moderate Income Housing Funds; and **declaring** that the project is of benefit to the Project Area; and **authorizing** the Executive Director to accept the Grant Deed for the property.”

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

6.2 Request from the League of California Cities for the Mayor and City Council to Designate a Voting Delegate and Alternate for the 2007 League Annual Conference, September 5-8, 2007 in Sacramento. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a voting delegate and alternate, and direct the City Clerk to forward the Voting Delegate/Alternate Form to the League of California Cities.

6.3 Consider the Cancellation of the Regular Council/Agency Meeting of Wednesday, July 25, 2007. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board consider cancelling the July 25, 2007 regularly scheduled meeting.

6.4 Agreement with Caltrans for Installation of Waterline under I-405 Freeway Overcrossing at Beach Boulevard. (Marwan Youssef)

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

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS –None

9. COMMISSION AND COMMITTEE ITEMS

9.1 Use of Surplus City Land for Open Space Parkland. (Greg Johnson)

COMMUNITY SERVICES & RECREATION COMMISSION
RECOMMENDATION: The Community Services & Recreation Commission recommends that the Mayor and City Council direct staff to develop a policy for preserving surplus City land, without remuneration to the Water Fund, for open space and park purposes for the enjoyment of residents in the City of Westminster.

9.2 Request for Parking Restrictions on the West Side of Jackson Street South of Bishop Avenue – T.C. 85-101. (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 4097 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no stopping or parking on the west side of Jackson Street south of Bishop Avenue".

AGENDA

July 11, 2007

9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Addition of an Alternate Member to the Energy Committee and Consideration of Appointment. (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 4095 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adding an alternate member to the Energy Committee"; and
- 2) Consider appointment of an alternate member to serve on the Energy Committee.

9.4 Resignation of Phu Do Nguyen from the Cultural Arts Commission – Alternate Member (Council Member Ta's Appointee). (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the resignation of Phu Do Nguyen from the Cultural Arts Commission (Alternate Member) and direct the City Clerk to post the required Notice of Vacancy.

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

Marian Contreras, City Clerk/Agency Secretary