

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

SEPTEMBER 12, 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

September 12, 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(b); Anticipated Litigation (one potential case) re. Prisoner Release Intervention Action.
- 2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 13069-13095 Springdale Street; Agency Negotiator: Executive Director Ray Silver; Negotiating Party: Mellanie Ingle, Giant RV; Under Negotiation: Price and Terms of Payment.
- 3) 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

September 12, 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 Fry

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 - None

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

September 12, 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 August 8, 2007 and August 22, 2007.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Proclamation declaring September, 2007 as “National Save a Life Month” in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.3 **Proclamation declaring September, 2007 as “Childhood Cancer Awareness Month” in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **Award of Contract for Streets Improvements Project for Madison Avenue, Yermo Way, Washington Avenue, Alcester Street, Givens Place, Butte Street, and Sabre Lane. Project Number 16510-071604** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified and responsive bidder All American Asphalt in the amount of \$359,484.56; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

AGENDA

September 12, 2007

1. CONSENT CALENDAR (Continued)

1.5 Award of Contract for Street Improvements Project for Rancho Road from Bolsa Chica to U.S. Navy Railroad, Project Number 55031-001101 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$278,433.50, reject all other bids; and authorize the City Manager to execute the contract on behalf of the City

1.6 Agreement for Cooperative Project between the City of Westminster and the City of Garden Grove for AHRP (2006-2007) Paving Project on Trask Avenue from Beach Blvd to Newland Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Cooperative Project Agreement with the City of Garden Grove, and authorize the City Manager to execute the agreement on behalf of the City.

1.7 Notice of Completion for work performed by All American Asphalt, Inc., for CTB 04-05-06 Street Improvements Project at various locations. (deferred from the August 22, 2007 meeting) (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.

1.8 West Orange County Water Board proposed budget for FY 2007-2008 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the City Council approve the West Orange County Water Board's proposed budget for FY 2007-2008.

1.9 (City/Agency) Special Counsel for Municipal and Redevelopment Legal Services (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board authorize a purchase order in the amount of \$50,000 for Best Best & Krieger to provide legal services to the City and Agency.

WARRANT REGISTER

1.10 (City Council/Redevelopment Agency) Warrant Register dated August 15, 2007 through September 4, 2007 (Paul Espinoza)

RECOMMENDATION: Approve.

AGENDA

September 12, 2007

1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

1.11 Minutes of the Planning Commission meeting held August 1, 2007 (Don Anderson)

RECOMMENDATION: Receive and file.

1.12 Treasurer's Report – July 2007 (Paul Espinoza)

RECOMMENDATION: Receive and file.

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.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on September 5, 2007

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of September 5, 2007

- 1) Case 2007-11 Site Plan Review and Design Review regarding development of an industrial building. Location 14411 Edwards Street
- 2) Case 2007-36 Design Review to construct a wireless communication facility. Location: 8341 Westminster Boulevard.
- 3) Determination by the Planning Commission that the City's Capital Improvement Projects are in compliance with the General Plan.

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.

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- 4.1 REVIEW OF CASE NO. 2005-21 (ALLEY VACATION, TENTATIVE PARCEL MAP, SITE PLAN, AND DESIGN REVIEW), A REQUEST TO VACATE A PUBLIC ALLEY, CONSOLIDATE 11 LOTS INTO A SINGLE PARCEL AND CONSTRUCT A 14,411 SQUARE FOOT SINGLE STORY RETAIL BUILDING LOCATED AT 7001 WESTMINSTER BOULEVARD (ASSESSOR'S PARCEL NUMBERS: 096-081-, 07, 16, 17, 33, 35, 36, 37 & 38); APPLICANTS: MR.TAB JOHNSON AND MR. JIM SHUEMAKER.; PROPERTY OWNERS: MR.DAVID DURNHAN AND MR. YOSHIO MOTONAGA (Art Bashmakian)**

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

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) Adopt Resolution No. 4103 entitled: "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-21 to consolidate 11 lots into a single parcel, and construct a single story 14,411 square foot retail building located at 7001 Westminster Boulevard (Assessor's Parcel Numbers 096-081-, 07, 16, 17, 33, 35, 36, 37 & 38), in the C2-PD (General Business – Planned Development) District."; and
- 2) Adopt Resolution No. 4105 entitled: "A Resolution of the Mayor and City Council of the City of Westminster declaring its intention to vacate right-of-way pertaining to Parcel Map 2007-111."

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5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 **AB 1234 Reports** –Report on Attendance at Annual League of California Cities Conference in Sacramento, September 5-8, 2007.

5.3 **Update on the Status of the Archway on Bolsa Avenue** (Council Member Quach)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **Notice of Completion for work performed by Pouk & Steinle, Inc. for the interconnect installation on Hoover Street from Garden Grove Boulevard to Trask Avenue, Bolsa Avenue from Chestnut Street to Hoover Street, McFadden Avenue from Brookhurst Street to Ward Street, new traffic signal at Brookhurst Street and Bishop Place, and traffic signal modifications at Brookhurst Street and Margo Lane and Goldenwest Street and 21st Street.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve a budget transfer of \$935.14 from CIP project Westminster/Olive Signal Modification to the CIP project Brookhurst/Margo Signal Upgrade;
- 2) Authorize an increase of \$7,944.00 to Purchase Order No. 002069 for final payment; and
- 3) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

6.2 **(City/Agency) Donation for the Westminster Police Officers' Memorial** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board:

- 1) Approve a budget transfer of \$25,000 from the Redevelopment Budget Contingency Account to the Redevelopment Legislative Special Department Expense Account; and
- 2) Authorize a \$25,000 donation to the Westminster Police Officers' Association for the Construction of the Police Officers' Memorial.

AGENDA

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

6.3 Memorandum of Understanding between the City of Westminster and the Westminster Municipal Employees' Association and Appropriation of Funds. (Chris Birch)

Staff recommends that the Mayor and City Council:

- 1) Appropriate \$94,053 for salaries and benefits to the following funds:

<u>Fund No.</u>	<u>Fund Description</u>	<u>Amount</u>
100	General Fund	\$ 21,427
285	Community Development	12,396
210	Gas Tax	5,351
211	Measure M	4,084
216	Traffic Impact	57
220	Municipal Lighting	57
240	CDBG	2,475
275	CS Grant	814
500	Redevelopment Admin	1,980
600	Water Utility	33,580
700	Equipment Replacement	4,008
740	Employee Benefits	238
750	Liability	238
760	Information Systems	1,178
770	Building Maintenance	<u>6,170</u>

Total Budget Adjustment for FY 2007-2008 \$ 94,053

- 2) Adopt Resolution No. 4106 entitled "A Resolution of the Mayor and City Council of the City of Westminster adopting a Memorandum of Understanding between the City of Westminster and the Westminster Municipal Employees' Association" to be effective July 1, 2007 through June 30, 2010.

6.4 Amendment to the Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association and Appropriation of Funds. (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Appropriate \$19,848 for salaries and benefits to the general fund; and
- 2) Adopt Resolution No. 4107 entitled "A Resolution of the City Council of the City of Westminster amending the Memorandum of Understanding between the City of Westminster and the Westminster Police Officers' Association" to be effective September 12, 2007.

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

6.5 Amendment to Contract with the California Public Employees' Retirement System (Chris Birch)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4108 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting the Intention to Approve an Amendment to the Contract between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Westminster".

6.6 The City of Westminster Grading Panel's EMS Emergency Transportation Services Contract Award Recommendation. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the EMS Transportation Services Agreement with CARE Ambulance Services, Inc., in the amount of \$1,465,888.22 for the period of October 1, 2007 though June 30, 2010 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 Study of Vehicular and Pedestrian Conditions at Newland Street and 15th Street. T.C. 96-100. (Deferred from the August 8, 2007 meeting). (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission to install a right-in/right-out channelization on 15th Street at Newland Street, and relocate the crossing guard from Newland/Oasis to Newland/15th, after the Newland/Oasis traffic signal is constructed.

9.2 Appointment of Alternate Members to the City's Energy Committee (Mayor Pro Tem Marsh and Council Members Fry and Quach Appointees) (Marian Contreras)

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

AGENDA

September 12, 2007

9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Resignation of Tony Lam from the Planning Commission (Mayor Rice Appointee) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the resignation of Tony Lam from the Planning Commission effective August 27, 2007 and appoint a member to serve on the Planning Commission for a term to expire in November, 2008, if so desired.

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