

**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**

**OCTOBER 24, 2007**

**6:30 p.m. – 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**

October 24, 2007

**6:30 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; Employee Organization: Westminster Municipal Employees Association (WMEA)

## **RECESS:**

# **AGENDA**

October 24, 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 Quach

**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

October 24, 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 September 26, 2007.**  
(Marian Contreras)

RECOMMENDATION: Approve.

### ROUTINE MATTERS

- 1.2 **Selection of Consultant for Design and Construction Management Services for the relocation of the Westminster Police Department Emergency Communication Center.** (Kevin Baker)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a professional engineering services agreement with Heery International, Inc. to perform the subject work in an amount not to exceed \$20,000; and authorize the City Manager to execute the agreement on behalf of the City.

- 1.3 **Purchase of One Caterpillar 420E Backhoe/Loader** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase of one Caterpillar 420E Backhoe/Loader from Quinn Company, in an amount not to exceed \$70,697.00.

- 1.4 **Covenant and Agreement to Hold-Property As One Parcel for Tract Nos. 16700 and 16701 located at the east side of Moran Street between Bolsa Avenue and Bishop Place (15100 and 15200 Moran Street; Property Owners: Moran Property Partnership and Asian Garden LTD. II)**  
(Marwan Youssef)

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

# AGENDA

October 24, 2007

## 1. CONSENT CALENDAR (Continued)

### 1.5 Acceptance of Easement Deed for 7221 – 20th 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 deed with the County Recorder's Office.

### 1.6 Selection of Consultant for Design Services of Raised Landscaping Medians along Bolsa Avenue from Magnolia Street to Beach Boulevard. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the selection of Norris-Repke to perform the subject work in the not-to-exceed amount of \$85,055.00 and authorize the City Manager to execute the agreement on behalf of the City.

### 1.7 Agreement with Community SeniorServ to provide nutrition services to the Westminster Senior Center and also provide meals for the Home Delivered Meal Program. (Greg Johnson)

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

### 1.8 Notice of Completion for work performed by Refrigerated Air Mechanical Systems, Inc. for the HVAC at Westminster Rose Center – Bid Package No. 23. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file the Notice of Completion with the County Recorder's office.

## ORDINANCES (SECOND READING)/RESOLUTIONS

### 1.9 Ordinance 2422 - An Ordinance of the Mayor and City Council of the City of Westminster amending the official City of Westminster Zoning Map to provide for a change of zoning (Case No. 2007-23) for the subject site (7111 Trask Avenue) from R3 (Multiple Units, Thirteen to Fourteen Units Per Acre) District to R-4 PD (Multiple Units, Fifteen to Eighteen Units Per Acre) District, Planned Development Overlay District. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2422 and waive further reading.

# AGENDA

October 24, 2007

## 1. CONSENT CALENDAR (Continued)

### ADMINISTRATIVE ITEMS

- 1.10 Special Event Permit application from Sam Ash Megastore, LLC to hold a Meet and Greet Concert on Friday, November 2, 2007 between the hours of 3:00 p.m. and 10:00 p.m. (includes set up and clean up times) The event will take place at the Sam Ash Store located at 14200 Beach Boulevard, Westminster. Applicant estimates the attendance will be 300 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

- 1.11 Special Event Permit application from Little Saigon Foundation to hold the 15<sup>th</sup> Annual Christmas Wish Program on Saturday, December 22, 2007 between the hours of 6:00 a.m. and 2:00 p.m. (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard; the anticipated attendance is 2,000 people throughout the event. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and the City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

- 1.12 Special Event Permit application from The Vietnamese American Business Network to hold a Vietnamese American Business and Community Expo on Saturday, March 8, 2008 between the hours of 11:00 a.m. and 6:00 p.m. (includes clean up time). Set up will begin Friday, March 7, 2008 at 7:00 p.m. The event will take place at Saigon City Marketplace parking lot located at 15471 Brookhurst Street, Westminster. Applicant estimates the attendance will be 500-1000 participants throughout the day. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council 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 October 3 through 16, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

# AGENDA

October 24, 2007

## 1. CONSENT CALENDAR (Continued)

### INFORMATION AND REPORTS

- 1.14 **Minutes of the Commission on Aging meeting held on July 9, 2007.**  
(Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.15 **Minutes of the Planning Commission meeting held September 19, 2007.**  
(Don Anderson)

RECOMMENDATION: Receive and file.

- 1.16 **Community Development Monthly Activity Report – September 2007.**  
(Don Anderson)

RECOMMENDATION: Receive and file.

- 1.17 **Minutes of the Traffic Commission meeting held September 25, 2007.**  
(Marwan Youssef)

RECOMMENDATION: Receive and file.

- 1.18 **Treasurer's Report – September 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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October 24, 2007

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 3.1 The actions of the Planning Commission meeting held on October 17, 2007.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of October 17, 2007

- 1) Case 2007-43 Site Plan Review, Design Review, and Sign Program involving façade modifications to an existing commercial building. Location: 15601 Beach Boulevard.
- 2) Case 2007-71 Conditional Use Permit. Request for an on-sale beer and wine (Type 41) license at an existing restaurant (Taco Grill). Location: 8481 Heil Avenue, Suite H.
- 3) Case 2007-63 Conditional Use Permit. Approval of Resolution approving the sale of beer and wine within an existing restaurant (Green Wasabi). Location: 9066 Bolsa Avenue

## 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.

# AGENDA

October 24, 2007

## 4. PUBLIC HEARINGS (Continued)

### 4.1 WEED ABATEMENT – FALL 2007 (Marwan Youssef)

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 overrule any objections received for the abatement of the weeds and adopt Resolution No. 4118 entitled, "A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways, and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law".

### 4.2 INTENTION TO ADOPT A NEGATIVE DECLARATION FOR THE CITY OF WESTMINSTER WATER QUALITY IMPROVEMENT PILOT PROJECT FOR STORM WATER CLEANUP (Marwan Youssef)

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 adopt Resolution No. 4121 entitled, "A Resolution of the Mayor and City Council of the City of Westminster approving the Initial Study (IS) and Environmental Assessment (EA), and the Finding of No Significant Impact (FONSI), and approving a Negative Declaration (ND), and approving a Determination of Negative Declaration (ND) for the City of Westminster Water Quality Improvement Pilot Project for Storm Water Cleanup.

# AGENDA

October 24, 2007

## 4. PUBLIC HEARINGS (Continued)

### 4.3 CASE NO. 2007-53 (ZONE TEXT AMENDMENT) CITY INITIATED CODE AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR DETACHED, NON-HABITABLE ACCESSORY STRUCTURES (Art Bashmakian)

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: The Planning Commission recommends that the Mayor and City Council introduce Ordinance 2423 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster to amend Title 17 (Land Use Ordinance) of the Westminster Municipal Code relating to Development Standards for Detached non-Habitable Accessory Structures", and waive further reading.

## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports – None

### 5.3 Resolution 4119 - A Resolution of the Mayor and City Council of the City of Westminster opposing development plans at Gothard Street and McFadden Avenue that are initiated by other agencies without input from the City of Westminster. (Mayor Pro Tem Marsh)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the adoption of Resolution. 4119.

### 5.4 Discussion on The California Property Owner & Farmland Protection Act (Mayor Pro Tem Marsh)

# AGENDA

October 24, 2007

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- 6.1 Review of Case No. 2007-77 (Design Review), an appeal of the Planning Commission's decision determining that a proposed 25-foot high pylon sign is inappropriate and inconsistent with the City's adopted Design Standards Manual. Location: 15054 Moran Street (Assessor's Parcel Number 143-621-04) Applicant: Mr. Tom Pham; Property Owner: Mr. Hai Dinh (Steve Ratkay)**

RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council adopt Resolution No. 4120 entitled: "A Resolution of the Mayor and City Council of the City of Westminster pertaining to Case 2007-77 upholding the Planning Commission's determination that a pylon sign is inappropriate and inconsistent with the City's adopted Design Standards Manual for the property located at 15054 Moran Street (Assessor's Parcel Number 143-621-04), in the C2 (General Business) District."

## 6.2 Purchase of Two Dump Trucks (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$27,999.56 from Fund Balance, Account No. 00700-72050, to the Equipment Replacement Fund, Account No. 58002-075800; and
- 2) Approve the purchase of two dump trucks from Los Angeles Freightliner, the lowest responsive bidder in the amount of \$157,999.56, and reject all other bids.

## 6.3 Holiday Decorating Contest – Judge (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council designate an appointee to serve as a judge for the Sixteenth Annual Holiday Decorating Contest scheduled for Thursday, December 6, 2007.

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

## 8. LEGISLATIVE ITEMS – None

## 9. COMMISSION AND COMMITTEE ITEMS

- 9.1 Parking restrictions on the west side of Magnolia Street between Westminster Boulevard and Hazard Street for a third southbound travel lane – T.C. 92-105 (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4117 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the west side of Magnolia Street, south of Westminster Boulevard."

# AGENDA

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**9. COMMISSION AND COMMITTEE ITEMS (Continued)**

**9.2 Parking restrictions near 13751 Edwards Street (Pointe Pacific Apartments) – T.C. 73-100** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4115 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the west side of Edwards Street, north of Rochelle Avenue.”

**9.3 Parking restrictions on the south side of Santee Avenue at Ralph Lane – T.C. 75-127** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4116 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for no parking or stopping at a certain location on the south side of Santee Avenue, east and west of Ralph Lane.”

**10. COUNCIL/AGENCY ADJOURNMENT:** To Wednesday, November 14, 2007 at 5:00 p.m. for the purpose of a Closed Session, to reconvene in open session at 5:30 p.m. for the purpose of a presentation from the Urban Land Institute on the study of Little Saigon.

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