

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

November 28, 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.

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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 purpose:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Ray Silver; Employee Organizations: Westminster Municipal Employees Association (WMEA) and Westminster Police Officers' Association (WPOA).

RECESS:

AGENDA

November 28, 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: Finley Elementary School Students

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)).

SELECTION OF A MAYOR PRO TEM

Section 2.04.090 of the Westminster Municipal Code states that at the second meeting in November of each year (or when the vote has been certified), the city council shall select from its members a mayor pro tem to serve for a period of one year.

SPECIAL PRESENTATIONS:

- A. Finley Elementary School Choir.
- B. [Proclamation declaring January 11, 2008 as National Human Trafficking Awareness Day in the City of Westminster.](#)
- C. Report from Tami Bui, Region Manager, Local Public Affairs for Southern California Edison on Energy Use in Westminster.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

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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 October 24, 2007.**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Claims Against The City** (Eddie Manfro)

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

- a) **James L. Curry, Sr. in the amount of \$17,000.00**
- b) **Kathy Flynn in the amount of \$3,062.03**

- 1.3 **(Agency) Third Amendment to the Administration Agreement dated December 1, 2002 for the Brookhurst Royale Project.** (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Third Amendment to the Administration Agreement between the Westminster Redevelopment Agency, Urban Futures, Inc. and Brookhurst Royale, LLC, dated December 1, 2002 for the Brookhurst Royale Senior Assisted Living Facility located at 15302 Brookhurst Street, and authorize the Executive Director to execute the amendment on behalf of the Agency.

- 1.4 **Notice of Completion for work performed by Central Painting Company, Inc. for Arterial Wall Prepping and Painting** (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.

AGENDA

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1. CONSENT CALENDAR (Continued)

1.5 Increase Purchase Order for Legal Services to the City (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the purchase order for Ferguson, Praet and Sherman in the amount of \$50,000.

1.6 Increase Purchase Order for Legal Services to the City (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase in the purchase order to Haight, Brown and Bonesteel in the amount of \$30,000.

1.7 Extension of 2007 Furlough (Marian Contreras)

RECOMMENDATION: That the Mayor and City Council approve the extension of the 2007 furlough one additional day to include Monday, December 24, 2007.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 Resolution No. 4126 – A Resolution of the Mayor and City Council of the City of Westminster amending the Joint Powers Agreement for the California Insurance Pool Authority (CIPA). (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4126.

1.9 2008 Regional Transportation Improvement Program (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4127 entitled: "A Resolution of the Mayor and City Council of the City of Westminster Certifying that the City of Westminster has the Resources to Fund the Projects Submitted for Inclusion in the Fiscal Years 2008-2009 through 2013-2014 Transportation Improvement Program and Affirming Its Commitment to Implement All of the Projects Submitted in the Program".

WARRANT REGISTER

1.10 (City Council/Redevelopment Agency) Warrant Register dated November 7 through 20, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.11 Minutes of the Youth Committee meeting held on September 12, 2007 (Greg Johnson)

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.12 Minutes of the Planning Commission meeting held October 17, 2007. (Don Anderson)

RECOMMENDATION: Receive and file.

1.13 (City/Agency) Annual Financial Reports.(Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board accept the financial reports for the fiscal year ending June 30, 2007.

1.14 Treasurer's Report - October 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.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

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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 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

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4. PUBLIC HEARINGS (Continued)

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.

4.2 (AGENCY) MIDTERM REVIEW REPORT FOR THE THIRD REDEVELOPMENT IMPLEMENTATION PLAN DATED 2005-2009 (Don Anderson)

Staff Report
Chair and Agency Board 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
Chair and Agency Board Comments
Agency Action

RECOMMENDATION: Staff recommends that the Chair and Agency Board receive and file the Midterm Review Report for the Third Redevelopment Implementation Plan dated 2005-2009.

4.3 AMENDMENTS TO THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE, ELECTRICAL CODE, MECHANICAL CODE, PLUMBING CODE AND FIRE CODE. (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 adopt Ordinance No. 2424 entitled, "An Ordinance of the Mayor and City Council of Westminster amending Title 15 by deleting Chapter 15.08, 15.12, 15.16, 15.20, 15.22, 15.32, and 15.36 of the Westminster Municipal Code to repeal previous editions of the model codes and to replace with new Chapters 15.08, 15.12, 15.16, 15.20, 15.22, 15.32, and 15.36 adopting and amending the 2007 Editions of the California Codes and Related Model Codes", and waive further reading.

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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 **Date for Youth in Government Day** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve either Wednesday, March 12, 2008 or Wednesday, April 23, 2008 for the annual Youth in Government Day program.

6.2 **Special Event Permit application from the TET Parade Foundation to hold the Vietnamese TET Parade on Saturday, February 9, 2008 between the hours of 5:00 a.m. and 3:00 p.m. (includes set up and clean up times) The event will take place on Bolsa Avenue and portions of Magnolia Street, Bushard Street and Bishop Street. Applicant estimates the attendance will be 5,000 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.

6.3 **Selection of Consultant to Provide Program and Construction Manager Services at Risk for the New Police Department Building and Related Facility Components** (Andy Hall)

RECOMMENDATION: Staff recommends the Mayor and City Council approve the Agreement for Professional Consulting Services with Griffin Structures, Inc. in an amount not to exceed \$315,000.00 for Phase I of the Program and Construction Management at Risk (PCMR) services, as detailed in the Request for Proposal (RFP) for the new police building, and authorize the City Manager to execute the agreement on behalf of the City.

6.4 **(Agency) Architectural and Engineering Services for the City of Westminster-Westminster Chamber of Commerce Building Located at 14491 Beach Boulevard** (Don Anderson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Authorize a budget transfer of \$110,890 from the Redevelopment Agency's Undesignated Fund Balance to Chamber of Commerce Design Capital Improvement Project; and
- 2) Approve the Architectural and Engineering Services Agreement with Dougherty Dougherty Architects in the amount of \$260,890 for the City-Chamber of Commerce Building and authorize the Executive Director to execute the agreement on behalf of the Agency.

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

6.5 Street Sweeping and Graffiti Removal Services for Midway City (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Agreement between the County of Orange and the Orange County Flood Control District to provide graffiti removal and street sweeping services to Midway City, and authorize the City Manager to execute the agreement on behalf of the City.

6.6 EMS Emergency Transportation Services (Andy Hall, Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Rescind its prior approval (at the September 26, 2007 meeting) of the contract for EMS Emergency Transportation Services;
- 2) Award a contract based upon the Request for Proposals received for the subject service; and
- 3) 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 – None.

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