

**MARGIE L. RICE**  
Mayor

**ANDY QUACH**  
Mayor Pro Tem

**FRANK G. FRY**  
Council Member

**KERMIT MARSH**  
Council Member

**TRI TA**  
Council Member



# **AGENDA**

## **CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING**

**March 26, 2008**

6:00 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**

March 26, 2008

## **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: Gary Hooper vs. City of Westminster; Nancy Moore vs. City of Westminster; Doug Johnson vs. City of Westminster (Workers' Compensation cases).

### **RECESS:**

# AGENDA

March 26, 2008

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, QUACH, FRY, MARSH 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. Recognition of PTA Reflections Contest Winners
- B. [Proclamation declaring the month of April, 2008 as Donate Life Month](#)
- C. Presentation from OCTA on the West County Connector High Occupancy Vehicle (HOV) Project

### REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

# AGENDA

March 26, 2008

## 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.

### ROUTINE MATTERS

#### 1.1 Claims Against the City (Eddie Manfro)

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

- a) Debra Lopez in the amount of \$500.00.
- b) Maria Castillo in an unknown amount.
- c) Alex Durham in the amount of \$1,176.84.

#### 1.2 Request from the Vietnamese-American Community of Southern California to install the Vietnamese Heritage Flags and American Flags in Westminster. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the group's request to install the flags on Southern California Edison street light poles within the City of Westminster.

#### 1.3 Microsoft Software License Payment (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$90,209.97 to Compucom Systems Inc. for the fifth (5<sup>th</sup>) year payment for Microsoft Software Licenses.

#### 1.4 Request to Apply for Proposition 1B Funds for Street Improvements (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the submittal of an application to secure 2007/2008 Proposition 1B funds for the improvement of Goldenwest Street from Hazard Avenue to Trask Avenue.

# AGENDA

March 26, 2008

## 1. CONSENT CALENDAR (Continued)

### 1.5 **AB-939 Integrated Waste Management Goal Attainment Annual Report CY 2006** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file this report.

#### **ADMINISTRATIVE ITEMS**

### 1.6 **Special Event Permit application from Blessed Sacrament Church to hold their annual procession honoring the Blessed Mother on Sunday, May 4, 2008 between the hours of 1:00 p.m. until 3:00 p.m. The event will take place on Olive Street, from Hazard Avenue to Blessed Sacrament Church, near Westminster Boulevard. Applicant estimates the attendance will be 250 people. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council waive the \$100 Special Event Permit fee and approve the Special Event Permit application subject to the conditions attached to the staff report.

### 1.7 **Special Event Permit application from Blessed Sacrament Church to hold its Annual Festival on May 16, 2007 from 5:00 p.m. until 11:00 p.m., May 17, 2007 from 12:00 noon until 11:00 p.m. and May 18, 2007 from 12:00 noon until 10:00 p.m. The church is located at 14072 Olive Street, Westminster. Applicant estimates the attendance will be 3,000-5,000 participants. The applicant has requested that a special bingo permit in conjunction with their annual Parish Festival be granted, so that bingo can be played during the Festival on Saturday, May 17<sup>th</sup> and Sunday, May 18<sup>th</sup> from 2:00 p.m. until 8:00 p.m. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the mayor and City Council waive the \$100 Special Event Permit fee and approve the Special Event Permit application subject to the conditions attached to the staff report.

#### **WARRANT REGISTER**

### 1.8 **(City Council/Redevelopment Agency) Warrant Register dated March 5 through 18, 2008. (Paul Espinoza)**

RECOMMENDATION: Approve.

#### **INFORMATION AND REPORTS**

### 1.9 **Minutes of the Community Services & Recreation Commission meeting held on January 9, 2008 (Greg Johnson)**

RECOMMENDATION: Receive and file.

# AGENDA

March 26, 2008

## 1. CONSENT CALENDAR (Continued)

### 1.10 Community Development Monthly Activity Report – February 2008 (Don Anderson)

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

### 3.1 The actions of the Planning Commission meeting held on March 19, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of March 19, 2008

- 1) Case 2007-81 (Variance, Design Review and Revocation of a Conditional Use Permit) at 14861 Dillow Street to install a wireless telecommunications facility.
- 2) Case 2007-94 (Variance) at 14311 Locust Street. Request to legalize unauthorized expansion including additional units exceeding allowable density.
- 3) Case 2008-01 (Zoning Text Amendment). City initiated code amendment to establish development standards and procedures for large family day care facilities in the single family residential district.

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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 **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-52 (VARIANCES); LOCATION: 7781 13<sup>TH</sup> STREET; APPLICANT/APPELLANT: GERALD ALSTADTER, PROPERTY OWNER OF RECORD (Continued from the March 12, 2008 meeting) (Art Bashmakian)**

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant

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

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4144 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to deny Case No. 2007-52 pertaining to setback and parking variances for a detached accessory structure located at 7781 13<sup>th</sup> Street".

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## 4. PUBLIC HEARINGS (Continued)

### 4.2 ALLOCATION OF FY 2008-2009 HOME INVESTMENT PARTNERSHIPS (HOME) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PRIOR YEAR CDBG FUNDS FOR CITY PROJECTS (Kathy Johnston)

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) Allocate FY 2008 HOME funds in the amount of \$ 505,936 and FY 2008 CDBG funds in the amount of \$ 1,231,482 as per the attached 2008 Allocation Spreadsheets contingent upon the successful completion of the environmental process; and
- 2) Reallocate prior year CDBG funds as per the attached Reallocation Spreadsheet, contingent upon the successful completion of the environmental process; and
- 3) Authorize the City Manager to execute and submit the application to the U.S. Department of Housing and Urban Development (HUD) before May 15, 2008.

### 4.3 ORDINANCE NO. 2429 - AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE TO REQUIRE APPLICANTS TO POST A PUBLIC HEARING NOTICE AT THE SITE TO WHICH A HEARING PERTAINS. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council continue this item to the regular meeting of April 9, 2008 at 7:00 p.m.

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

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports

# AGENDA

March 26, 2008

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 (Redevelopment Agency) Agency Fund Program Budget (Don Anderson/Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve a budget transfer of 35,349.05 from the Redevelopment Operating Fund Contingency to the Economic Development Fund-Contractual Other for Chamber of Commerce contractual services.

### 6.2 Schedule Joint Meeting with the Westminster School District (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council schedule the date of Thursday, May 1, 2008 at 6:00 p.m. at the Westminster Rose Center for a Joint Meeting requested by the Westminster School District to discuss topics of mutual interest.

### 6.3 New Police Building Design Progress and Review of Water Rate Structure Study Session Meeting Dates (Andy Hall/Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council calendar the three listed dates for Study Session meetings to provide direction to staff regarding the planning, design and budget for the new police building, and review of the current water rate structure.

- a) Monday, April 21, 2008, 5:00 p.m. – New police building Conceptual Design and project budget presentation; review of the current water rate structure.
- b) Monday, July 28, 2008, 5:00 p.m. – New police building Schematic Design and project budget presentation.
- c) Monday, September 22, 2008, 5:00 p.m. – 50% Design Development and project budget presentation.

### 6.4 2009 TET Parade Coordination (Greg Johnson)

RECOMMENDATION: Staff requests direction from the Mayor and City Council on the management and facilitation of the 2009 TET Parade.

# AGENDA

March 26, 2008

## 7. WRITTEN COMMUNICATIONS (Public)

### 7.1 Request from the Rose Center Foundation for funds in the amount of \$75,000 from the City for the Westminster Rose Center.

RECOMMENDATION: If approved:

- 1) Appropriate \$75,000 from the General Fund Contingency to the City Council – Special Department Expenses; and
- 2) Authorize a one-time contribution to the Rose Center Foundation in the amount of \$75,000.

## 8. LEGISLATIVE ITEMS –None.

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Appointment of Member to the Commission on Aging (Council Member Marsh appointee) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a member to serve on the Commission on Aging for a term ending November, 2008.

## 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