

**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**

**September 10, 2008**

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**

September 10, 2008

**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 Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case). The City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case re. 15192 Goldenwest Street).

**RECESS:**

# **AGENDA**

September 10, 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:** City Attorney

**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. County Presentation on Westminster Channel (C04)

### **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

September 10, 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 **Proclamation declaring October 24, 2008 as Developmental Disabilities Day in the City of Westminster.**

RECOMMENDATION: Approve.

#### 1.2 **Proclamation recognizing Legal Aid Society of Orange County on their 50<sup>th</sup> Anniversary – November 6, 2008.**

RECOMMENDATION: Approve.

#### 1.3 **First Option Year Renewal for Police Global Positioning Systems (GPS) Monitoring Services for FY 2008-09.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in an amount not to exceed \$20,000 with S & L Services, Inc. for GPS monitoring services.

#### 1.4 **First Amendment to Agreement for Workers' Compensation Claims Administration Services for Fiscal Year 2008-09.** (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the first amendment to the agreement with CorVel (formerly known as Hazelrigg Risk Management Services) for the period July 1, 2008 through June 30, 2009, at an annual cost of \$58,500, and authorize the City Manager to execute the agreement amendment on behalf of the City.

# AGENDA

September 10, 2008

## 1. CONSENT CALENDAR (Continued)

### 1.5 **Keri Access Control System for City Buildings.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase and installation of a Keri Access Control System from Access Security Controls International, Inc. (ASCI), in the amount of \$49,300.00.

### 1.6 **Covenant and Agreement to Hold Property as One Parcel for 6612 Walt Street.** (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 Recorder's Office.

### 1.7 **Covenant and Agreement to Hold Property as One Parcel for 14452 Goldenwest Street.** (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 Recorder's Office.

### 1.8 **Acceptance of Final Parcel Map Number 2007-178 for 7901 13<sup>th</sup> Street.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Parcel Map Number 2007-178 and authorize the City Clerk to sign, seal and record the map with the County Recorder's Office.

## **ORDINANCES (SECOND READING)/RESOLUTIONS**

### 1.9 **Resolution No. 4184 – A Resolution of the Mayor and City Council of the City of Westminster Overturning the Planning Commission's Denial of a Design Review Application for Property Located at 9251 Bolsa Avenue (Assessor's Parcel Number 098-563-05) (Case No. 2008-24). Applicant: Lee's Sandwiches –Cheuk Yau; Property Owner: Chieu Van Le.** (Doug Mclsaac)

RECOMMENDATION: The Mayor and City Council adopt Resolution No. 4184.

# AGENDA

September 10, 2008

## 1. CONSENT CALENDAR (Continued)

### ADMINISTRATIVE ITEMS

- 1.10 **Special Event Permit Application from the South Vietnamese Marines Association to hold a Memorial on Friday, October 31, 2008 between the hours of 3:00 p.m. and 9:30 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way, Westminster. Applicant estimates the attendance will be 400 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.

### WARRANT REGISTER

- 1.11 **(City Council/Redevelopment Agency) Warrant Register dated August 20 through September 2, 2008.** (Paul Espinoza)

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.12 **Minutes of the Planning Commission meeting held August 6, 2008.**  
(Doug McIsaac)

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.

# AGENDA

September 10, 2008

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 3.1 The actions of the Planning Commission meeting held on September 3, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of September 3, 2008.

- 1) Case 2008-47 Conditional Use Permit request to expand the dining area of an existing bar (Michael's Sports Pub & Grill) at 15192 Goldenwest Street.
- 2) Case 2008-45 Design Review for a proposed police station and adjoining parking facility at the Northwest corner of All American Way and 13<sup>th</sup> Street.
- 3) Case 2008-65 General Plan Conformity determination regarding the 2008 amendment to the redevelopment plan for the Westminster Infrastructure Revitalization Project.

## 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

September 10, 2008

## 4. PUBLIC HEARINGS (Continued)

- 4.1 Case No. 2008-32 (Conditional Use Permit) - Review of the Planning Commission's Action on August 6, 2008, an Application for a Conditional Use Permit to Request Live Entertainment on Weekdays from 7:00 pm to 10:00 pm in Conjunction with an Established Restaurant (Parcel Seafood), Located at 15583-15589 Brookhurst Street (Assessor's Parcel Number 143-143-07); Applicant: Ly Thi Hoang; Property Owner: Edward Wong (Doug McIsaac)**

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

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution 4183 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's approval to allow live entertainment on Fridays, Saturdays, and Sundays from 7:00 PM to 10:00 PM in conjunction with Parcel Seafood Restaurant located at 15583-15589 Brookhurst Street (Assessors Parcel Number 143-142-07) (Case No. 2008-32)."

- 4.2 Case No. 2008-02 – (Conditional Use Permit and Variance) - Review of the Planning Commission's Approval of an Amendment to the Conditions of a Conditional Use Permit to Change the Hours of Operation for Live Entertainment from 9:30 pm to 11 pm and closing time to midnight from 10 pm at an existing banquet facility/restaurant; and appeal of the Planning Commission's denial of a variance to allow 13 fewer parking spaces than required by the Westminster Municipal Code (WMC) at 9741 and 9743 Bolsa Avenue (Assessor's Parcel Number 098-453-13); Applicant: Jerry Yates; Appellant: Catinat Plaza LP (Doug McIsaac)**

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

September 10, 2008

## 4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4183 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's approval to amend the conditions of a Conditional Use Permit (CUP) to extend the hours for live entertainment to 11 pm and closing to 12 am at an existing banquet facility/restaurant and denial of a variance to allow 13 fewer parking spaces than required by the Westminster Municipal Code located at 9741 and 9743 Bolsa Avenue (Assessor's Parcel Number 098-453-13) (Case No. 2008-02)."

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

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 (City/Agency) Purchase Orders for Legal Services for FY 2008-09. (Tami Piscotty)

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

- 1) Authorize a budget transfer in the amount of \$140,000 from the Redevelopment Operating Fund Contingency to the Redevelopment Administration Operating Fund in the amount of \$40,000 and to the Low/Moderate Income Housing Fund in the amount of \$100,000; and
- 2) Authorize two purchase orders for a total amount of \$140,000 with Best, Best and Krieger for legal services.

### 6.2 Consideration of Alternative Date(s) or Cancellation of the Regular Meetings of November 26, 2008 and December 24, 2008 and Extension of the 2008 Furlough. (Amanda Jensen)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Consider alternative meeting date(s) or cancellation of the regular meetings of November 26, 2008 and December 24, 2008; and
- 2) Consider the extension of the 2008 furlough one additional day to include Friday, January 2, 2009.

# AGENDA

September 10, 2008

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

8. **LEGISLATIVE ITEMS – None.**

9. **COMMISSION AND COMMITTEE ITEMS**

9.1 **Youth Committee Appointments.** (Amanda Jensen)

RECOMMENDATION: Based upon applicant interviews conducted by Council Members Fry and Ta, it is recommended that the Mayor and City Council appoint three (3) regular members and four (4) alternate members (selecting in the order of 1<sup>st</sup> through 4<sup>th</sup> alternate), as listed on Page to serve on the City's Youth Committee, for terms to expire on June 30, 2009.

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