

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 ADJOURNED REGULAR MEETING

October 8, 2008

5:30 p.m. – Council Conference Room

6:00 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 8, 2008

5:30 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 54957:
Public Employment: City Manager

RECESS:

AGENDA

October 8, 2008

6:00 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

CALL TO ORDER:

ROLL CALL:

PRESENT:

ABSENT:

ORAL COMMUNICATIONS

At this time 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. 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.

1. **Update on Progress of New Police Facility and Civic Center Parking Structure** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive staff's presentation and provide direction regarding Design Development and project budget for the new police facility and Civic Center parking structure.

RECESS:

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

October 8, 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: Mayor Pro Tem 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:

- A. Resolution of Commendation to Dr. Thanh Duc Nguyen, owner of Knowlwood Enterprises, Inc. for being recognized by the U. S. Small Business Administration as the California Small Business Person of the Year.
- B. Resolution of Commendation to Westminster Toastmaster Club #4232.
- C. Recognition of Westminster Soroptimist and the Senior Center Foundation for their contribution to the Project SHUE Program.
- D. Resolution of Commendation to Nguyen Hung.
- E. Presentation of Community Emergency Response Training (CERT) Certificates of Completion.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

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October 8, 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.

APPROVAL OF MINUTES

1.1 **City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of August 27, 2008.** (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) Cuc Thi Tran in the amount of \$500,000.00.
- b) Nancy Sparks-Gunnell in the amount of \$6,208.99.
- c) Brian Perez in an unknown amount.
- d) Thomas Liodas in the amount of \$3,000,000.00.
- e) Wayne Welch in the amount of \$1,000.00.

1.3 **Proclamation declaring October, 2008 as Arts and Humanities Month in the City of Westminster.**

RECOMMENDATION: Approve.

1.4 **Acceptance of Easement Deed for 8111 18th 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.

1.5 **Fuel Island Dispensers, Phase I and Phase II EVR Upgrade at the Corporation Yard.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council reject all bids.

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October 8, 2008

1. CONSENT CALENDAR (Continued)

1.6 Traffic Signal Maintenance Agreement with the City of Fountain Valley. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Traffic Signal Maintenance Agreement with the City of Fountain Valley for the shared jurisdictions of traffic signals at Edinger Avenue/Bushard Street, Edinger Avenue/Magnolia Street, Magnolia Street/Foxglove, and Magnolia Street/Heil Avenue; and authorize the City Manager to execute the agreement on behalf of the City.

1.7 Change Order with All American Asphalt and Notice of Completion for work performed for Street Improvement Project for Fiscal Year 2008-2009 at various locations – Project No. PROP 42 08-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an increase of \$13,216.91 to Purchase Order No. 5269 to All American Asphalt; and
- 2) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.8 (Agency) Resolution No. 198 – A Resolution of the Westminster Redevelopment Agency Authorizing Official Signatures on Behalf of the Agency for Safekeeping Agency Property and Authorizing Facsimile Signatures for Instrument of Payment. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Chair and Agency Board adopt Resolution No. 198.

ADMINISTRATIVE ITEMS

1.9 Fee Waiver request from the Asians for Miracle Marrow Matches to conduct a Blood and Bone Marrow Registration Drive in the East/West room of the Community Services Building on December 7, 2008 from 9:00 a.m. to 4:00 p.m. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.10 (City Council/Redevelopment Agency) Warrant Register dated September 17-30, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.11 Minutes of the Planning Commission meeting held September 3, 2008 (Doug Mclsaac)

RECOMMENDATION: Receive and file.

- 1.12 Minutes of the Energy Committee meeting held July 3, 2008. (Doug Mclsaac)

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 2008-47 – CONDITIONAL USE PERMIT – REVIEW OF THE PLANNING COMMISSION’S DENIAL OF CASE NO. 2008-47, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO EXPAND THE DINING AREA OF MICHAEL’S SPORTS PUB & GRILL LOCATED AT 15192 GOLDENWEST STREET (ASSESSOR’S PARCEL NUMBER: 143-383-13); APPLICANT: YURI OSIPOV; BUSINESS OWNER: MICHAEL STRICKLEN; PROPERTY OWNER: GOLDENWEST SPECIALTY CENTER AND LUKO MANAGEMENT. (Doug McLssac)**

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 No. 4192 entitled: “A Resolution of the Mayor and City Council of the City of Westminster Upholding the Planning Commission’s Action to Deny the Expansion of Michael’s sports Pub & Grill Located at 15192 Goldenwest Street (Assessors Parcel Number 143-383-13) (Case No 2008-47).”

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4.2 WEED ABATEMENT – FALL 2008 (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:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 4191 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".

4.3 (CITY/AGENCY) JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE WESTMINSTER REDEVELOPMENT AGENCY TO CONSIDER THE ADOPTION OF RESOLUTIONS APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED AT 13931 CEDAR STREET AND THE APPROVAL OF THE DISPOSITION AND DEVELOPMENT AGREEMENT FOR HABITAT FOR HUMANITY OF ORANGE COUNTY, INC. AFFORDABLE HOUSING PROJECT. (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 adopt Resolution No. 4194, entitled: "A Resolution of the City Council of the City of Westminster approving the conveyance of certain real property (Assessor's Parcel No. 096-083-017) from the Westminster Redevelopment Agency to Habitat for Humanity of Orange County, Inc. pursuant to that certain Disposition and Development Agreement by and between the Westminster Redevelopment Agency and Habitat for Humanity of Orange County, Inc. and making certain findings required by law"; and

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4. PUBLIC HEARINGS (Continued)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Adopt Resolution No. 197, entitled: “ A Resolution of the Westminster Redevelopment Agency approving the conveyance of certain real property (Assessor’s Parcel No. 096-083-017) from the Westminster Redevelopment Agency to Habitat for Humanity of Orange County, Inc. pursuant to that certain Disposition and Development Agreement by and between the Westminster Redevelopment Agency to Habitat for Humanity of Orange County, Inc. and making certain findings required by law”; and
- 2) Approve the allocation and provision of \$166,050 of Redevelopment Low-Mod Housing Funds from the Capital Improvement Project Account No. 18602-034011 to Habitat for Humanity of Orange County, Inc. for the project to be located at 13931 Cedar Street; and
- 3) Authorize the Executive Director and Agency Secretary to execute the Disposition and Development Agreement with Habitat for Humanity of Orange County, Inc. and all documents necessary to implement the Disposition and Development Agreement for the development of an affordable workforce housing project.

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 **Acceptance of Federal Grant for Orange County Human Trafficking Task Force.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the Federal Grant for the Orange County Human Trafficking Task Force (OCHTTF) in the amount of \$650,000 awarded to the Westminster Police Department.
- 2) Amend the FY 2008-09 adopted budget by designating Fund 252 Orange County Human Trafficking Task Force (OCHTTF) Grant for anticipated grant revenues (Account No. 39110.34098) in the amount of \$650,000.
- 3) Amend the FY 2008-09 adopted budget to increase budgeted expenditures for Fund 252.

7. WRITTEN COMMUNICATIONS (Public) – None.

AGENDA

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8. LEGISLATIVE ITEMS

8.1 (City/Agency) Proposed 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (IRP). (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Chair and Redevelopment Agency Board:

- 1) Adopt Resolution No. 195 entitled, "A Resolution of the Westminster Redevelopment Agency approving and adopting the Report to the City Council on the 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5)."

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 4190 entitled, "A Resolution of the Mayor and City Council of the City of Westminster acknowledging receipt from the Redevelopment Agency of the City of Westminster of the Proposed 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5) and the Report to the City Council Concerning the Amendment."
- 2) Adopt Resolution No. 4195, "A Resolution of the Mayor and City Council of the City of Westminster adopting the written responses to the written objections pursuant to Health and Safety Code Section 33363."
- 3) Introduce Ordinance No. 2436 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to approve and adopt Amendment No. 2 to the Redevelopment Plan for the Infrastructure Revitalization Project Area," and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Traffic Commission Request to Install Parking Restrictions on the West Side of Brookhurst Street, South of Bishop Place – T.C. 76-154. (Continued from the September 24, 2008 meeting) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the recommendation of the Traffic Commission and adopt Resolution No. 4186 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 Brookhurst Street, South of Bishop Place"; and
- 2) Direct staff to develop an enforcement strategy intended to reduce city-wide illegal truck parking.

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9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.2 Request to Accept the County's Proposal for the Bolsa Avenue Traffic Abatement Project --T.C. 08-101 – (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the recommendation of the Traffic Commission to accept the County's proposal for the Bolsa Avenue Traffic Abatement Project (a pedestrian bridge over Bolsa Avenue between Magnolia Avenue and Bushard Street).

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