

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

October 22, 2008

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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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:

SPECIAL PRESENTATIONS:

- A. 2008 Advocacy Planning Award to the City of Westminster and The Planning Center from the American Planning Association California Chapter
- B. Presentation on Water Rates from Kevin Hunt, Metropolitan Water District of Orange County (MWDOC) and Phil Anthony, Orange County Water District (OCWD).

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

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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 Meeting of the City Council/Redevelopment Agency of September 24, 2008.**
(Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Approval of Lease Agreement for Little Saigon Police Substation** (Andy Hall)

RECOMMENDATION: Staff recommends the Mayor and City Council approve a two-year lease agreement with Charles Manh and Ann Manh for the use of real property located at 15496 Magnolia St., Unit 108 for use by the Westminster Police Department for the Little Saigon Substation and authorize the City Manager to execute the agreement on behalf of the City.

- 1.3 **Purchase of Six Black & White Patrol Cars for Fiscal Year 2008-09.**
(Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Theodore Robbins Ford in the amount of \$138,462.00 for the purchase of six new patrol cars.

- 1.4 **Nullify and Void Covenant and Agreement to Hold Property as One Parcel for two lots located at 14181 Frances Street, approximately 950' south of the intersection of Westminster Boulevard and Rancho Road.**
(Marwan Youssef)

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

AGENDA

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1. CONSENT CALENDAR (Continued)

1.5 Acceptance of Final Parcel Map No. 2007-111 for 7001 Westminster Boulevard (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Parcel Map No. 2007-111 and authorize the City Clerk to sign and seal the map.

1.6 Award of Contract for Street Improvement Project for Coronet Avenue, Bevan Avenue, Calendula Avenue, Dalewood Lane, and Oakcliff Drive – Project No. CDBG 08-09 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to the low qualified and responsive bidder in the amount of \$407,407.00 to All American Asphalt; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

1.7 Computer Replacement Program – Police Dispatch Computers (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a Purchase Order in an amount not to exceed \$16,000 to Hewlett Packard Corporation for the purchase of five computers for Police Department Dispatch.

1.8 Alternative Shopping Cart Retrieval Service Providers. (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file the report or provide direction to staff.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.9 (Second Reading) Ordinance No. 2436 - An Ordinance of the Mayor and City Council of the City of Westminster to approve and adopt the 2008 Amendment to the Redevelopment Plan for the Infrastructure Revitalization Project Area. (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2436 and waive further reading.

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1. CONSENT CALENDAR (Continued)

- 1.10 **Resolution No. 4197 – A Resolution of the Mayor and City Council of the City of Westminster to both establish an identity theft prevention program and to also comply with federal regulations relating to address discrepancies.** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4197.

ADMINISTRATIVE ITEMS

- 1.11 **Special Event Permit application from A Plus Education Center to hold a Lunar New Year Festival on Thursday, January 22, 2009 through Monday, January 26, 2009 between the hours of 10:00 a.m. and 10:00 p.m.(includes set up and clean up days). The event will take place at the Westminster Mall parking lot, located at 1025 Westminster Mall, Westminster. Applicant estimates the attendance will be 4,000 people throughout the event.** (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

- 1.12 **(City Council/Redevelopment Agency) Warrant Register dated October 1 through 14, 2008.** (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.13 **Minutes of the Traffic Commission meeting held on August 26, 2008.** (Marwan Youssef)

RECOMMENDATION: Receive and file.

- 1.14 **Treasurer's Report – August 2008.** (Paul Espinoza)

RECOMMENDATION: Receive and file.

- 1.15 **Minutes of the Special Meeting of the Planning Commission held September 17, 2008.** (Doug Mclsaac)

RECOMMENDATION: Receive and file.

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1. CONSENT CALENDAR (Continued)

1.16 Minutes of the Regular Meeting of the Planning Commission held September 17, 2008. (Doug McIsaac)

RECOMMENDATION: Receive and file.

1.17 Community Development Monthly Activity Report – September. 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.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on October 15, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of October 15, 2008.

- 1) Case No. 2008-19 Conditional Use Permit, Site Plan, and Design Review involving a new billboard and pole sign for an existing self storage building at 6491 Maple Avenue.
- 2) Case No. 2008-52 Conditional Use Permit to modify the current operating hours of an existing restaurant (Citryst) at 15440 Brookhurst Street in conjunction with an existing CUP for on-sale service of beer and wine.
- 3) Case No. 2008-78 General Plan Amendment – Adoption of the 2008 Housing Element Update - Citywide.
- 4) Case No. 2007-90 Site Plan and Design Review for a two-story 3 unit apartment building at 7161 Wyoming Street.
- 5) Case No. 2008-77 Site Plan Review to consider the establishment of a farmers' market in the lower Target parking lot of The Westminster Mall at 200 Westminster Mall.

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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 **GENERAL PLAN AMENDMENT FOR THE ADOPTION OF THE 2008 HOUSING ELEMENT UPDATE, PERTAINING TO COMMUNITY HOUSING ISSUES, AS REQUIRED BY CALIFORNIA GOVERNMENT CODE, AND ADOPTION OF AN ASSOCIATED NEGATIVE DECLARATION.** (Doug Mclsaac)

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. 4196, entitled: "A Resolution of the Mayor and City Council of the City of Westminster adopting a Negative Declaration Pertaining to the Proposed 2008 Housing Element Update and adopting the 2008 Housing Element Update."

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4. PUBLIC HEARINGS (Continued)

- 4.2 **CASE NO. 2008-27 (CODE AMENDMENT) CITY INITIATED CODE AMENDMENT TO TITLE 16, §16.12.080 (DEDICATION FOR PARK OR RECREATION PURPOSES) OF THE WESTMINSTER MUNICIPAL CODE TO ESTABLISH PROCEDURES TO REQUIRE PARK DEDICATION IN-LIEU FEES TO BE PAID PRIOR TO THE ISSUANCE OF BUILDING PERMIT(S).** (Doug Mclsaac)

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 introduce Ordinance No. 2435 entitled: "An Ordinance of the Mayor and City Council of the City of Westminster Amending Title 16 (Subdivisions) of the Westminster Municipal Code Establishing Requirements for Park Dedication In-Lieu Fees to be Paid Prior to Issuance of a Building Permit", and waive further reading.

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 **Renewal of Orange County Fire Authority Joint Powers Authority Agreement.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the submitted First Amendment to Amended Joint Powers Authority Agreement – Orange County Fire Authority and authorize the City Manager to execute the agreement on behalf of the City.

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

6.2 Acceptance of Traffic Safety Mini-Grant from the State of California Office of Traffic Safety (OTS), “Next Generation Click It or Ticket” Seatbelt Compliance Campaign October 1, 2008 through September 8, 2009 (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Accept the Traffic Safety Mini-Grant (No. CT09461) from the California Office of Traffic Safety (OTS) in the amount of \$15,000, awarded to the Westminster Police Department for FY 2008-09; and
- 2) Authorize an appropriation in the amount of \$15,000 to the Office of Traffic Safety Grant Fund – Overtime Salaries for seatbelt enforcement by officers and for the project’s first line supervision; and
- 3) Authorize the Chief of Police, or his designee, to complete the process for receipt of OTS funding.

7. WRITTEN COMMUNICATIONS (Public)

7.1 A Request to reduce the required \$584,739.13 park in-lieu fee associated with a 38 unit residential development entitled in 2007 (Planning Case No. 2007-23) by \$104,945.87; Location: 7111 Trask Avenue (Tract No. 17140); Applicant: Jim Barisic, Chairman of Brandywine Homes. (Doug McIsaac)

RECOMMENDATION: Staff recommends that the Mayor and City Council reduce the required fee by \$31,203.59 rather than by \$104,945.87 as requested.

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