

MARGIE L. RICE
Mayor

TRI TA
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TRUONG DIEP
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED REGULAR MEETING

January 26, 2009

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, TA, FRY, QUACH, DIEP

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

SPECIAL PRESENTATIONS:

A. Police Department Presentation of Citizen Above and Beyond Awards

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

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.

AGENDA

January 26, 2009

1. CONSENT CALENDAR (Continued)

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of December 10, 2008. (Marian Contreras)

RECOMMENDATION: Approve.

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.2 (Second Reading) Ordinance No. 2437 - An Ordinance of the Mayor and City Council of the City of Westminster Adding Chapter 12.30 to Title 12 of the Westminster Municipal Code Relating to Solicitation of and by Occupants of Vehicles in Traffic. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2437 and waive further reading.

- 1.3 (Second Reading) Ordinance No. 2438- An Ordinance of the Mayor and City Council of the City of Westminster Amending Section 2.04.040 (Meetings—Discussion—Referral to Departments) of the Westminster Municipal Code relative to Oral Communications at Council Meetings. (Council Member Diep)

RECOMMENDATION: That the Mayor and City Council adopt Ordinance No. 2438 and waive further reading.

- 1.4 Resolution No. 4214 - A Resolution of the Mayor and City Council of the City of Westminster Providing for the Installation of Disabled Parking Restrictions at 16461 Van De Velde Way. (Marwan Youssef)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4212.

ADMINISTRATIVE ITEMS

- 1.5 Special Event Permit application from the American Cancer Society to hold the Westminster American Cancer Society Relay for Life event beginning August 7, 2009 through August 9, 2009 (includes set up and clean up times). The event will take place in the Civic Center Sunken Gardens, 8200 Westminster Boulevard. Applicant estimates the attendance will be 500 people throughout the event. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council 1) waive the \$100 Special Event Permit fee and approve the Special Event Permit application subject to the conditions attached to the staff report.

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1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

- 1.6 (City Council/Redevelopment Agency) Warrant Register dated January 7 through January 20, 2009. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.7 Minutes of the Commission on Aging meetings held on September 8, 2008 and November 10, 2008. (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.8 Community Development Monthly Activity Report – December 2008. (Doug Mclsaac)

RECOMMENDATION: Receive and file.

- 1.9 Treasurer's Report – December 2008. (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.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on January 21, 2009.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of January 21, 2009.

- 1) 2007-54 Conditional Use Permit, Site Plan, and Design Review to establish and operate a recreational vehicle (RV) storage facility within the Southern California Edison Right-of-Way located at 7451 Westminster Boulevard.
- 2) 2008-68 Conditional Use Permit and Design Review to allow the establishment and operation of a wireless communication facility mounted on an existing transmission tower within the Southern California Edison Right-of-Way located on the south side of Edinger Avenue between Ord Way and Quartz Street.
- 3) 2007-05 Review of a previously approved Conditional Use Permit due to a change in ownership (L8 Restaurant) located at 15380 Beach Boulevard.

4. PUBLIC HEARINGS – None.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Discussion Regarding Change of Meeting Dates

RECOMMENDATION: That the Mayor and City Council provide direction to staff.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 **Change Order with All American Asphalt and Notice of Completion for work performed for Street Improvement Project for City-Wide Street Reconstruction at various locations – Project No. CTB 05-06-07** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an increase of \$46,289.29 to Purchase Order No. 5461 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.

6.2 **Cancel or Select Alternative Date for the Regular Council/Agency Meeting of Wednesday, March 11, 2009.** (Marian Contreras/Paul Espinoza)

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

- 1) Consider the cancellation or selection of an alternative date for the March 11, 2009 regularly scheduled meeting; and
- 2) If an alternative date is selected, that the mid-year budget study session precede the rescheduled meeting; or that Monday, March 2, 2009 at 6 p.m. be set as the date and time for the mid-year budget study session.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS –None.

9. COMMISSION AND COMMITTEE ITEMS

9.1 **Energy Committee Appointments** (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint members to serve on the Energy Committee for a two-year term ending November, 2010.

9.2 **Community Advisory Group Appointments (Council Member Fry appointees)** (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint two members to serve on the Community Advisory Group for a term ending November, 2010.

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9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Financial Review Committee Appointments (Mayor Pro Tem Ta and Council Member Quach appointees) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint two members to serve on the Financial Review Committee for a term ending November, 2010.

9.4 Traffic Commission Appointments (Council Member Fry appointee) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint one member to serve on the Traffic Commission for a term ending November, 2010.

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, February 9, 2009 at 6 p.m. in the Council Chambers, 8200 Westminister Boulevard, Westminister, California to hear presentations from nonprofit agencies and City departments applying for FY 2009-10 HOME/CDBG funds and discuss City/Agency matters.

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