

MARGIE L. RICE
Mayor

TRI TA
Mayor Pro Tem

FRANK G. FRY
Council Member

ANDY QUACH
Council Member

TYLER DIEP
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

February 25, 2009

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 and is available on the City's web site at: <http://www.ci.westminster.ca.us>.

ATTENDANCE AND PARTICIPATION BY THE PUBLIC

Except as specifically provided by law for closed sessions, all meetings of the City Council/Redevelopment Agency shall be open and public. Every agenda for regular meetings of the City Council/Redevelopment Agency provides the public an opportunity to directly address the City Council/Agency Board on items of interest to the public that are within the subject matter jurisdiction of the City Council or on any agenda items. NO action may be taken on items not listed on the agenda unless authorized by law. Unless otherwise extended by the City Council/Agency Board, the amount of time for each individual speaker shall not exceed five (5) minutes.

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

February 25, 2009

6:00 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY PRIOR TO 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 Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 202-210 Hospital Circle; City Negotiator: City Manager Ray Silver and Director of Community Development Doug McIsaac; Negotiating Party: Al Marshall (Pacific National Development); Under Negotiation: Price and Terms of Payment.

- 2) Pursuant to Government Code Section 54957: Public Employment: City Manager.

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

February 25, 2009

7:00 P.M.

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 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)).

1. ORAL COMMUNICATIONS

THIS IS THE TIME FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY AGENDA OR NON-AGENDA ITEM THAT IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO FIVE (5) MINUTES PER SPEAKER.

ANY PERSON WISHING TO ADDRESS THE CITY COUNCIL/AGENCY BOARD SHOULD COMPLETE A GREEN SPEAKER SLIP THAT IS PROVIDED AT THE ENTRANCE TO THE COUNCIL CHAMBERS AND SUBMIT THE CARD TO THE CITY CLERK/SECRETARY. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.

SPECIAL PRESENTATIONS:

- A. Presentation of MADD Awards to Westminster Police Officer Matt Edinger (61 arrests), Officer Jose Flores (55 arrests), and Officer Nick Tran (35 arrests).
- B. Acknowledgement of Youth in Government Day Participants.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

February 25, 2009

2. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND MAY BE APPROVED BY A SINGLE MOTION FOLLOWED BY A ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY BOARD OR STAFF REQUEST THAT SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

APPROVAL OF MINUTES

- 2.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of [January 26, 2009](#); Minutes of the Regular Meeting of the City Council/Redevelopment Agency of [January 28, 2009](#); Minutes of the Special Meeting of the City Council/Redevelopment Agency of [February 5, 2009](#); and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of [February 9, 2009](#).** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 2.2 **Computer Replacement Program – Police Department Servers**
(James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$63,476.93 to CDW Government, Inc. for the purchase of a computer system consisting of 9 server computers.

- 2.3 **2010 Federal Legislative Priorities** (Chet Simmons)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the 2010 Federal Legislative Priorities:

- 1) Little Saigon: Asian Criminal Enterprise Initiative
- 2) Civic Center Parking Facility
- 3) Westminster Stormwater Improvements
- 4) Rose Center Technology Equipment

- 2.4 **Award of Bid for Purchase of One Ton Truck Equipped with Sign Body Features – Unit No. 3004.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$40,652.94 to Theodore Robins Ford for the purchase of a One Ton Truck equipped with Sign Body features.

AGENDA

February 25, 2009

2. CONSENT CALENDAR (Continued)

2.5 Purchase of Two Police Department Patrol SUVs. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase of two Police Department Patrol SUVs in the amount of \$63,290.46 from Wondries Fleet Group.

2.6 Notice of Completion for work performed by All American Asphalt, Inc., for Bevan Avenue, Coronet Avenue, Calendula Avenue, Dalewood Lane, and Oakcliff Drive Street Improvements Project – Project No. CDBG 08-09 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

2.7 Authorization to Increase Purchase Order with Koltemp Refrigeration Co., Inc. for HVAC Repairs for Fiscal Year 2008-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase of \$15,000.00 to Purchase Order No. 005610 to Koltemp Refrigeration Co. Inc. for City buildings HVAC repairs.

ORDINANCES (SECOND READING)/RESOLUTIONS

2.8 (Second Reading) Ordinance No. 2440 - An Ordinance of the Mayor and City Council of the City of Westminster Adding Chapter 1.13 to Title 1 of the Westminster Municipal Code, Relating to the Reimbursement of Criminal Justice Administration Fees (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2440 and waive further reading.

ADMINISTRATIVE ITEMS

2.9 Fee Waiver Request from West Orange County Bar Association to hold its annual Christmas party in the East/West Room in the Community Services building on Wednesday, December 2, 2009 from 10:00a.m. to 2:00 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 use of City facilities by Community Groups/Non-Profit Organizations.

AGENDA

February 25, 2009

2. CONSENT CALENDAR (Continued)

- 2.10 Special Event Permit application from the Vietnam War Memorial in Westminster Inc. to hold a Memorial Ceremony on Sunday, April 26, 2009 between the hours of 8:00 a.m. and 8:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 500 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

- 2.11 (City Council/Redevelopment Agency) Warrant Register dated February 4 through 17, 2009. (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 2.12 Minutes of the Community Services & Recreation Commission meeting held on Wednesday November 19, 2008. (Greg Johnson)**

RECOMMENDATION: Receive and file.

- 2.13 Minutes of the Planning Commission meeting held on Wednesday, January 21, 2009. (Doug Mclsaac)**

RECOMMENDATION: Receive and file.

- 2.14 Community Development Monthly Activity Report – January 2009. (Doug Mclsaac)**

RECOMMENDATION: Receive and file.

- 2.15 Minutes of the Youth Committee meeting held on December 1, 2008. (Greg Johnson)**

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

AGENDA

February 25, 2009

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on February 18, 2009.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of February 18, 2009

- 1) Case 2006-82 Six month review of a previously approved Conditional Use Permit at 1025 Westminster Mall (Howie's Game Shack, computer gaming arcade)

Staff Recommendation: That the Planning Commission initiate a public hearing in order to consider Staff's request to amend the Conditional Use Permit to modify the operating hours and to require the business to provide a private security guard.

Planning Commission Action: Public hearing initiated 5-0

- 2) Case 2007-81 Time Extension Request regarding an approved variance and design review for a wireless communications facility at 14861 Dillow Street
Staff Recommendation: That the Planning Commission grant a one year time extension.

Planning Commission Action: One year time extension granted 5-0

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE A GREEN SPEAKER SLIP THAT IS PROVIDED AT THE ENTRANCE TO THE COUNCIL CHAMBERS. PLEASE SUBMIT THE SPEAKER SLIP TO THE CITY CLERK/SECRETARY. 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 THE TIME LIMITS.

AGENDA

February 25, 2009

4. PUBLIC HEARINGS (Continued)

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 PUBLIC HEARING OF THE WESTMINSTER MAYOR AND CITY COUNCIL ON THE (1) PROPOSED SUBSTANTIAL AMENDMENT TO THE 2008-2009 HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN AND FIVE YEAR CONSOLIDATED PLAN; (2) APPLICATION FOR THE NEIGHBORHOOD STABILIZATION PROGRAM. (Tami Piscotty)

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) Approve the Substantial Amendment to the Fiscal Year 2008-09 Action Plan for the City to participate in the Neighborhood Stabilization Program (NSP) under the State of California and to allow the City to partner with the City of Garden Grove for purposes as referenced in Attachment 1 to the staff report; and
- 2) Receive and consider public comments on the application for the Neighborhood Stabilization Program as required by the State of California; and,
- 3) Authorize the City Manager to execute all documents necessary for an application for NSP funding, including a Joint Powers Agreement or Memorandum of Understanding with the City of Garden Grove.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

AGENDA

February 25, 2009

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS (Continued)

5.3 At-Large Member Appointment to the Ad Hoc Water Rate Structure Committee (Mayor Rice)

RECOMMENDATION: That the Mayor and City Council consider:

- 1) Adoption of Resolution No. 4216 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Repealing Resolution No. 4213 and Adding One At-Large Member to Serve on the Ad Hoc Water Rate Structure Committee"; and
- 2) Appointment of one (1) At-Large Member to serve on the Ad Hoc Water Rate Structure Committee.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Schedule date and time for a Joint Meeting of the City Council and Planning Commission relating to Open Meeting Requirements Under the Brown Act, Conflict of Interest Rules and Ethics Laws and Principals. (Ray Silver/Dick Jones)

RECOMMENDATION: Staff recommends that the Mayor and City Council select one of the following dates for a joint meeting with the Planning Commission: Wednesday, March 18, 2009, Wednesday, April 1, 2009, Thursday, April 2, 2009 or Wednesday, April 29, 2009. It is suggested the meeting be held at 6:00 p.m. in the City Hall Administrative Conference Room.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS – None.

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, March 2, 2009 at 6:00 p.m. in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California for the purpose of a closed session, followed by an adjourned regular meeting at 7:00 p.m. in the Council Chambers for the purpose of reviewing and discussing the mid-year budget and to consider other City/Agency business.

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