

*"Approved by the City Council/Redevelopment Agency Board on October 19, 2004."*

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA  
October 6, 2004

The City Council/Redevelopment Agency of the City of Westminster, California convened on October 6, 2004 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.  
CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, QUACH, MARSH, PARIS  
ABSENT: FRY

**CLOSED SESSION:**

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Vangie Schock and Labor Negotiator Dave Larsen; Employee Organization: Westminster Municipal Employees' Association (WMEA);
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager; and
- 3) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case).

**RECESS:** At 6:55 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting was reconvened at 7:00 p.m. in the Council Chambers.

**ROLL CALL:**

PRESENT: RICE, QUACH, MARSH, PARIS  
ABSENT: FRY

**SALUTE TO FLAG:** Council Member Marsh

**INVOCATION:** Mayor Rice

**REPORT OUT OF CLOSED SESSION:**

The City Attorney stated that there was nothing to report out of the Closed Session.

**SPECIAL PRESENTATIONS:**

- A. Jan Grotewold, Advocate Program Manager from Child Abuse Services Team (C.A.S.T.), and District Attorney Matt Glover presented a letter of commendation and a plaque to Chief Andy Hall and the Westminster Police (Family Protection Unit). (116-02)
- B. Mayor Rice and the Council Members presented a Resolution of Commendation from the City to The Yarn Spinners. Adelaide Balcom and members of the Yarn Spinners accepted the commendation. (115-00)
- C. Mayor Rice and the Council Members presented Certificates of Appreciation to Leo and Linda Lopez and Lupe Fisher for their contribution to the Dia de la Familia event. (115-00)
- D. William Goren, Assets Protection Team Leader from TARGET, presented a donation of a police communications antenna to the City. Chief Hall thanked Target for their donation.

**1. CONSENT CALENDAR****APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of September 8, 2004 and September 22, 2004.**

ACTION: Approved.

**ROUTINE MATTERS****1.2 (ITEM 1.2(2) REMOVED AND HEARD SEPARATELY)  
(City Council) Denial of Claims(s) Against the City from:**

1. Jessica Chaidez in an unknown amount.
2. Ronald Galletti in the amount of \$1,813.04.
3. David Ginger in an unknown amount.

**ACTION:** Claim Item Nos. 1 and 3 filed against the City were denied.

Council Member Marsh stated he is convinced that Mr. Galletti could not have avoided the damage to his motor home. Mr. Galletti was unable to attend tonight's meeting so Council Member Marsh requested that the item be deferred to the October 19, 2004 Council meeting.

**Motion was made by Council Member Marsh, and seconded by Council Member Paris, to defer Item No. 1.2(2) to the October 19, 2004 Council meeting. The motion was carried by a 4-0 vote.**

**1.3 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

**ACTION:** Approved.

**1.4 Proclamation declaring October, 2004 as "Lupus Awareness Month" in the City of Westminster (115-00)**

**ACTION:** Approved.

**1.5 Accept Donation from TARGET for Police Department Technology (103-11)**

**ACTION:** The City Council accepted the donation from TARGET in the amount of \$7,000.00, and allocated \$7,000.00 to Capital Project Account No. 31002-042800.

**1.6 Amended Classification Specification - Parking Control Supervisor (110-04)**

**ACTION:** The City Council approved the amended classification specification for Parking Control Supervisor.

- 1.7 Amendment No. 7 to Cooperative Agreement No. C-95-995 with the Orange County Transportation Authority for Measure "M" Funded work (502-15/617-00)**

ACTION: The City Council approved the subject amendment and authorized its execution by the City Manager and Interim Public Works Director/City Engineer.

- 1.8 Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services (502-26)**

ACTION: The City Council approved a contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$52,800.00 to provide temporary engineering services for six months, and authorized the City Manager to execute the agreement on behalf of the City.

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

- 1.9 Ordinance No. 2374 - An Ordinance of the City Council of the City of Westminster amending Chapters 17.04 (Definitions), 17.05 (General Procedures), 17.48 (General Provisions and Exceptions), and adding Chapter 17.60 (Home Businesses) to the Westminster Municipal Code related to home business permits. (202-01)**

ACTION: The City Council adopted Ordinance No. 2374 and waived further reading.

- 1.10 Ordinance No. 2375 - An Ordinance of the City Council of the City of Westminster amending Chapters 17.04 (Definitions), 17.22 (C1 Local Business District), and 17.50 (Conditional Use Permit) to the Westminster Municipal Code related to requirements for the conversion of hotels and motels to apartments. (202-01)**

ACTION: The City Council adopted Ordinance No. 2375 and waived further reading.

### **ADMINISTRATIVE ITEMS**

- 1.11 Special Event Permit application from KROQ Radio Station for a calendar signing and concert on Saturday, November 13, 2004 in the Best Buy parking lot, 500 Westminster Mall Road, between the hours of 6:00 a.m. – 8:00 p.m. (event noon – 5 p.m.) (213-03)**

ACTION: The City Council denied the Special Event application submitted by KROQ.

**WARRANT REGISTER**

- 1.12 (City Council/Redevelopment Agency) Warrant Register dated September 15 through 28, 2004. (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.13 Minutes of the City of Westminster Youth Committee meeting held on September 8, 2004. (104-17)**

ACTION: Received and filed.

- 1.14 Minutes of the Cultural Arts Commission meetings held on June 3, 2004, July 1, 2004 and August 5, 2004. (104-06)**

ACTION: Received and filed.

- 1.15 Minutes of the Community Services & Recreation Commission meetings held on June 8, 2004, July 13, 2004 and August 10, 2004. (104-05)**

ACTION: Received and filed.

- 1.16 Minutes of the Commission on Aging meeting held on Monday, August 9, 2004. (104-03)**

ACTION: Received and filed.

- 1.17 Minutes of Traffic Commission meeting held on September 7, 2004. (104-12)**

ACTION: Received and filed.

- 1.18 Minutes of the Planning Commission meeting held September 1, 2004. (104-11)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Paris, and seconded by Mayor Pro Tem/Agency Vice Chair Quach, to approve the Consent Calendar with the exception of Item No. 1.2(2) which was removed for separate consideration. The motion was carried by a 4-0 vote, with Council Member Fry absent.**

**END OF CONSENT CALENDAR**

- 2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None**

**3. PUBLIC HEARINGS****3.1 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-42 (CONDITIONAL USE PERMIT); LOCATION: 6452 WESTMINSTER BOULEVARD; APPLICANT: CARLOS RODRIGUEZ (201-00)**

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit allowing for the sale of beer and wine for on-premises consumption incidental to "Carne Asada Mexican Grill Restaurant," a new restaurant.

The Community Development Director noted that the beer and wine license requested by the applicant would be incidental to the food on the menu.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Larry Luera, resident of Westminster, spoke in support of the applicant's request.

Jack Ghazarian, owner of the center recommended approval.

THE MAYOR ASKED IF THERE WAS ANYONE WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, spoke in opposition, citing alcohol as problematic.

REBUTTAL:

Jack Ghazarian, owner of the center, stated that alcohol is complimentary to the food served, so he did not foresee a problem.

Mr. Luera stated that this establishment is not a bar, it is a restaurant.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh questioned the applicant, Carlos Rodriguez, if he has ever had an alcohol violation at this restaurant or any previous location, to which Mr. Rodriguez answered, no.

**Motion was made by Council Member Marsh, and seconded by Council Member Paris, to:**

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-42; and

- 2) Adopt Resolution No. 3868 entitled, "A Resolution of the City Council of the City of Westminster approving Case 2004-42 (Conditional Use Permit) pertaining to the sale of beer and wine for on-site consumption incidental to a new restaurant located at 6452 Westminster Boulevard," and waive further reading.

The motion was carried by the following vote:

AYES: RICE, QUACH, MARSH, PARIS  
NOES: NONE  
ABSENT: FRY

**3.2 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-46 (CONDITIONAL USE PERMIT); LOCATION: 2008A – 2009 WESTMINSTER MALL; APPLICANT: ART RODRIGUEZ & ASSOCIATES (201-00)**

Time set for a public hearing to review the Planning Commission's decision to approve a Conditional Use Permit allowing for the sale of beer and wine for on-premises consumption incidental to "Today", a new restaurant.

The Community Development Director noted that the beer and wine license requested by the applicant would be incidental to the food on the menu.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Peter Impala, representing the applicant, Art Rodriguez & Associates, spoke in favor of permit, stating that the applicant has never had an alcohol violation. He also noted that it is a buffet, all-you-can-eat establishment.

Dale Washington, resident of Fountain Valley, spoke in favor of the applicant's request to sell beer and wine.

THE MAYOR ASKED IF THERE WAS ANYONE WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, spoke in opposition, and stated that the area of the restaurant is in a high crime neighborhood.

SEEING THERE WAS NO ONE WISHING TO SPEAK IN REBUTTAL, THE MAYOR CLOSED THE PUBLIC HEARING.

Council Member Marsh thanked the applicant's representative for answering his concerns. He stated that he sincerely doubts that any alcohol violations would happen in a buffet, all-you-can-eat restaurant.

**Motion was made by Council Member Marsh,** and seconded by Council Member Paris, to:

- 1) Uphold the Planning Commission's decision to approve Case No. 2004-46; and
- 2) Adopt Resolution No. 3869 entitled, "A Resolution of the City Council of the City of Westminster approving Case 2004-46 (CUP) pertaining to the sale of beer and wine for on-site consumption incidental to a new restaurant located at 2008A-2009 Westminster Mall," and waive further reading.

The motion was carried by the following vote:

AYES: RICE, QUACH, MARSH, PARIS  
NOES: NONE  
ABSENT: FRY

#### 4. ORAL COMMUNICATIONS

Tony Lam, resident of Westminster, stated he was concerned about a statement made to the Vietnamese press by a Council member regarding his reputation.

**Motion was made by Mayor Pro Tem Quach,** and seconded by Council Member Marsh, to give Mr. Lam extra time for his comments. The motion was carried by a 4-0 vote.

Edelgard Crozier, resident of Westminster, spoke to an article in the Orange County News, regarding quotes made by a Council member she said were not true. Mayor Rice cautioned the speaker not to make any political statements.

Council Member Marsh asked for the City Attorney's opinion.

The City Attorney stated that a comment made regarding the performance of a Council member is appropriate, however, he said it was inappropriate to engage in pure political speech.

Phil Hodgetts, resident of Westminster, addressed the Council regarding volunteerism.

The following persons requested that the City Council review their contract with the Orange County Humane Society due to alleged poor conditions:

Shelly Hunter  
Linda Francis  
Cindy Woods  
Lisa Wagner  
Judy Wheeler

Patricia Ashcraft, resident of Huntington Beach, spoke regarding Mayor Rice's endorsements.

Dale Washington, 9550 Warner #250, Fountain Valley, spoke regarding campaign material and endorsements.

Darrell Nolta, resident of Westminster, stated that it is his opinion that the conduct of a sitting Council member is within the jurisdiction of the City to discuss under Oral Communications. He also encouraged voters to vote a paper ballot.

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

### **5.1 Council/Agency Member Items**

Council Member Marsh responded to comments made by Dale Washington. He is also concerned about electronic voting which does not maintain a permanent record that can be relied upon in the case of an audit.

Council Member Paris stated that the Council has always worked together well and whichever way the election turns out he believes the Council will continue to work well together. He announced that on October 9<sup>th</sup> from 9 a.m. to 2 p.m. is Open House for Fire Prevention Week at Fire Station No. 64.

Mayor Pro Tem Quach agreed that this Council has always worked well together. He stated that members of the City Council and members of the Planning Commission are not coached on how to vote.

Mayor Rice spoke regarding an error that was made in her campaign literature.

### **5.2 Resolution No. 3870 – Opposition to Proposition No. 70 – Tribal Gaming Compacts and Exclusive Gaming Rights (103-12)**

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Paris, to adopt Resolution No. 3870 entitled, "A Resolution of the City Council of the City of Westminster opposing Proposition No. 70 – Tribal Gaming Compacts and Exclusive Gaming Rights", and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, MARSH, PARIS  
NOES: NONE  
ABSENT: FRY

Mayor Rice noted that the Council should have received a copy of a letter from the Governor asking Council members to oppose Proposition 70 as individuals.

**5.3 Resolution No. 3872 – Support of Proposition 1A – Protection of Local Government Revenues (103-12)**

**Motion was made by Council Member Paris**, and seconded by Mayor Pro Tem Quach, to adopt Resolution No. 3872 entitled, “A Resolution of the City Council of the City of Westminster supporting Proposition 1A – Protection of Local Government Revenues”, and waive further reading. The motion was carried by the following vote:

AYES: RICE, QUACH, MARSH, PARIS  
NOES: NONE  
ABSENT: FRY

**5.4 Selection of date and time for the unveiling of the Little Saigon entrance sign.**

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Paris, to tentatively schedule the unveiling of the Little Saigon entrance sign for October 30, 2004 at 9:00 a.m. The motion was carried by a 4-0 vote.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

**6.1 Professional Services Agreement with The Mills Group for Executive Recruitment for Finance Director (502-20)**

**Motion was made by Council Member Paris**, and seconded by Mayor Pro Tem Quach, to:

- 1) Approve the appropriation of \$17,500.00 from General Fund Contingency balance to Personnel Contractual (14200-43090); and
- 2) Approve the agreement with The Mills Group in an amount not to exceed \$17,500.00 without prior City approval and authorize the City Manager to execute the agreement on behalf of the City.

The motion was carried by a 4-0 vote.

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

**8. LEGISLATIVE ITEMS - None**

**9. COMMISSION AND COMMITTEE ITEMS**

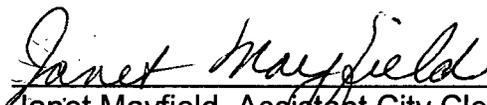
**9.1 Review of Red Curb Consistency on Westminster Boulevard between Hoover Street and Olive Street – TC. 73-118 (608-02)**

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Paris, to approve the recommendation of the Traffic Commission and adopt Resolution No. 3867 entitled, "A Resolution of the City Council of the City of Westminster rescinding a portion of Resolution No. 1116 which provides for parking restrictions at certain locations on the south side of Westminster Boulevard and providing parking restrictions at certain locations on Westminster Boulevard east of Olive Street", and waive further reading.

The motion was carried by the following vote:

AYES: RICE, QUACH, MARSH, PARIS  
NOES: NONE  
ABSENT: FRY

**10. COUNCIL/AGENCY ADJOURNMENT:** At 9:03 p.m., Mayor/Chair Rice adjourned the meeting to Tuesday, October 19, 2004 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of conducting an adjourned regular meeting.

  
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Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary