

"Approved by the City Council/Redevelopment Agency Board on June 28, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA  
May 17, 2006

The City Council/Agency Board of the City of Westminster, California convened on May 17, 2006 at 6:04 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

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

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, FRY, QUACH  
ABSENT: MARSH

**CLOSED SESSION:**

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

- 1) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 6312 California Avenue; City Negotiators: Interim City Manager Andy Hall and Director of Public Works/City Engineer Marwan Youssef; Negotiating Party: Tina Tran; Under Negotiation: Price and Terms of Payment; and
- 2) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

**RECESS:** At 6:40 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting reconvened at 7:10 p.m. in the Council Chambers.

**ROLL CALL:**

PRESENT: RICE, FRY, MARSH, QUACH  
ABSENT: NONE

**SALUTE TO FLAG:** Mayor Pro Tem Fry

**INVOCATION:** Council Member Marsh

**REPORT OUT OF CLOSED SESSION:**

The City Attorney stated that since Council Member Marsh was unable to attend the Closed Session at 6:00 p.m., he requested that the Council return to Closed Session at the end of the agenda to discuss the status of the former City Manager, Vangie Schock.

**SPECIAL PRESENTATIONS:**

- A. Several representatives from Interval House Crisis Shelter and Project Shield presented a grant donation to the City to support the Police Department's work against domestic violence.
- B. A presentation was given by Michael Hearst, Director of Communications, regarding activities of the Orange County Vector Control.

**ADDED SPECIAL PRESENTATION:**

- C. Shirl Stewart from the Rose Center Foundation presented a check in the amount of \$52,500 to the Mayor and the City Council to go toward the construction of the Rose Center.

**1. CONSENT CALENDAR**

Mayor Rice stated that staff recommended that Item 1.6, regarding the West County Regional SWAT Protocol, be removed from the agenda, and brought back at the meeting of June 14, 2006.

**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of April 19, 2006, and Minutes of the Regular Meeting of the City Council/Redevelopment Agency of April 26 and May 10, 2006.**

ACTION: Approved.

**ROUTINE MATTERS**

- 1.2 **(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.

- 1.3 **(ITEM REMOVED AND HEARD SEPARATELY)  
(City Council) Denial of Claims Against the City From:**

1. Mario Soto in the amount of \$500.00.
2. Hans Lamme in the amount of \$7,895.00.

3. Tommy Anderson in the amount of \$350.00.

Council Member Marsh stated he did not want to engage in claims discussion in a "rubber stamp" fashion.

Regarding No. 1.3(2) from Hans Lamme, Council Member Marsh asked the Public Works Director/City Engineer if it was a City tree that caused the man's damage. The Public Works Director/City Engineer said it was hard to tell from the pictures. Council Member Marsh said he would like to extend time to study the claim more thoroughly.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach to deny claim No. 1.3(1) made by Mario Soto; and to continue the claim No. 1.3(2) made by Hans Lamme, to the meeting of May 31, 2006. The motion was carried by a 4-0 vote.

Regarding claim No. 1.3(3), Council Member Marsh stated there was no discussion about the Public Works Department doing due diligence as far as covering a pot hole in a busy intersection. The Public Works Director/City Engineer stated that if he knew about the pot hole problem in a timely manner he would have taken care of it, but he will need to investigate the matter.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach to continue the claim No. 1.3(3) to the meeting of May 31, 2006. The motion was carried by a 4-0 vote.

Council Member Quach recommended that in the future, if the staff recommends denial of a claim, it should be accompanied by a staff report explaining the reason for denial.

Mayor Rice said that if Council wishes to change the claims procedure it should be discussed with staff.

The City Attorney recommended that if the Council wishes to see an analysis on claims they should come to the Council as confidential reports for closed session.

**1.4 Proclamation declaring the week of May 21-27, 2006 as "National Public Works Week" in the City of Westminster (115-00)**

ACTION: Approved.

**1.5 Renewal of Contract with California Insurance Pool Authority (CIPA) (502-03)**

ACTION: The Mayor and City Council approved the contract between the City of Westminster and CIPA, and authorized the Interim City Manager to execute the contract on behalf of the City.

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.6 **Approval of specific terms of the West County Regional SWAT Protocol (502-23)**

Council Member Marsh asked staff to review Paragraph 8 of the contract, whether or not there needs to be broader language additions to deal with potential wage claims. There were no objections to placing this item on the June 14, 2006 agenda.

- 1.7 **Replacement of Police Department Firearms (106-00)**

**ACTION:** The Mayor and City Council authorized a purchase order be issued to Sigarms, Inc., in an amount not to exceed \$21,000.00 for the purchase of 120 handguns.

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.8 **Purchase of One Ton Truck with Service Body for the Parks Division (Unit #1605) (106-00)**

Council Member Marsh asked the Public Works Director/City Engineer why they only received one bid and why the language on the bid notice was so vague. The Public Works Manager stated that every effort was made to solicit bids from the local dealers, however, he noted that the make and model would be different for every dealer, so that is why it is not on the bid notice.

**Motion was made by Council Member Marsh, and seconded by Council Member Quach, to authorize a purchase order to Fairview Ford Sales, Inc. in the amount of \$32,155.97 to purchase a one-ton truck with service body.**

**ORDINANCES (SECOND READING)/RESOLUTIONS**

- 1.9 **(Agency) Resolution No. 179 – 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 (105-13)**

**ACTION:** The Chair and Agency Board adopted Resolution No. 179 and waived further reading.

- 1.10 **Resolution No. 4003 – A Resolution of the Mayor and City Council of the City of Westminster Authorizing Official Signatures on behalf of the City for Safekeeping City Property and Authorizing Facsimile Signatures for Instrument of Payment (105-13)**

**ACTION:** The Mayor and City Council adopted Resolution No. 4003 and waived further reading.

**ADMINISTRATIVE ITEMS**

**(ITEM REMOVED AND HEARD SEPARATELY)**

- 1.11 Special Event Permit application from the Saigon for Saigon Movement to hold a Saigon Commemoration Rally on Sunday, July 2, 2006 between the hours of 8:00 a.m. and 2:00 p.m. (includes set up and clean up times). The event will take place at Freedom Park located at 14180 All American Way; the anticipated attendance is 750 people. (213-02)**

Council Member Marsh said he tried and could not get more information about the group, the Saigon for Saigon Movement, who has applied for a special event permit.

**Motion was made by Council Member Quach, and seconded by Council Member Marsh, to continue this item to the May 31, 2006 meeting in order to get more information about the group. The motion was carried by a 4-0 vote.**

Darrell Nolta, resident of Westminster, inquired concerning the amount of insurance that will be required for the Saigon for Saigon Movement group, and the sanitation requirement.

**WARRANT REGISTER**

- 1.12 (City Council/Redevelopment Agency) Warrant Register dated April 19 through May 9, 2006 (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS**

- 1.13 Minutes of the Planning Commission meetings held on April 5 and April 12, 2006 (104-11)**

ACTION: Received and filed.

- 1.14 Minutes of the Community Services & Recreation Commission Meeting held on January 10, 2006 and March 14, 2006 (104-12)**

ACTION: Received and filed.

- 1.15 Treasurer's Report – March 2006 (105-08)**

ACTION: Received and filed.

- 1.16 Community Development Monthly Activity Report – April 2006 (216-01)**

ACTION: Received and filed.

**1.17 Minutes of the Traffic Commission Meeting held on May 2, 2006 (104-12)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Quach**, and seconded by Mayor Pro Tem/Agency Vice Chair Fry, to approve the Consent Calendar, with the exception of Item Nos. 1.3, 1.6, 1.8 and 1.11, which were removed for separate consideration. The motion was carried by a 4-0 vote.

**END OF CONSENT CALENDAR****2. ORAL COMMUNICATIONS**

Darrell Nolta, resident of Westminster, commented regarding water rates, OCTA's Measure M, extending to the synchronization of traffic signals, and Avian Flu.

Dave Eusantos, Agricultural teacher at Westminster High School, described their agricultural program, and said he would like his students to tell the Council how the program has helped them.

The following persons also spoke in favor of the agricultural program at Westminster High School:

Linh Dong  
Melissa Martinez  
John Jeffreys  
Megan Hooper  
Frank Christiano  
Samantha Cahill  
Justin Browning  
Gary Jeffreys  
Grace Roberts  
Eric Wilson  
Don Brown  
Ms. Kennedy  
Donny Browning  
Arlene Repke  
Hobie Heggstrom  
Reginald Crozier  
Lori Hernandez

Norman Nakanishi, Agricultural teacher at Westminster High School, informed the Council that the Huntington Beach Union High School District is considering selling five acres of their farm area for an RV lot. He said if the Council does not grant an access road, the District cannot do this.

Council Member Marsh noted that the school district Board of Trustees cannot do whatever it wants to, but they are constrained by laws when they step out of the confines of the business of education and become landlords, thereby subjecting themselves to the City's jurisdiction.

Mayor Pro Tem Fry said there are so many things that the agricultural students learn on the farm.

Council Member Quach said he was so impressed with the students who spoke about the program and he will do his best to make sure the program is preserved.

Mayor Rice said that many of these students are also members of her church and she has been involved with the farm program over the years and sees that many from the program will be the future leaders of the City.

### **RECESS AND RECONVENE:**

At 8:40 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 8:53 p.m.

### **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

#### **3.1 The actions of the Planning Commission meeting held on May 3 and May 10, 2006.**

The Community Development Director reviewed the actions of the Planning Commission meetings of May 3 and May 10, 2006:

- 1) Case 2005-69: construction of four, two-story townhouse-condominium units at 14101 Pacific Avenue
- 2) Case 2006-12: Construction of a wireless communications facility mounted to a 50-foot-tall flagpole at 9429 Edinger Avenue
- 3) Case 2006-19: Construction of a wireless communications facility on an existing Southern California Edison transmission tower at 8600 Palos Verdes Avenue
- 4) Case 2006-31: Construction of a wireless communications facility on an existing Southern California Edison transmission tower at Hoover Street and 21<sup>st</sup> Street.

Council Member Marsh called up Item Nos. 2, 3 and 4 for review, Case Nos. 2006-12, 2006-19 and 2006-31.

**Motion was made by Council Member Quach, and seconded by Council Member Marsh, to receive and file Item No. 1, Case 2005-69. The motion was carried by a 4-0 vote.**

**4. PUBLIC HEARINGS****4.1 CASE NO. 2006-09 – AMENDMENTS TO TITLES 16 AND 17 OF THE WESTMINSTER MUNICIPAL CODE AND THE ADOPTION OF A NEGATIVE DECLARATION RELATING TO THE ESTABLISHMENT OF A NEW FORMULA FOR CALCULATING THE AMOUNT OF ON-SITE OPEN SPACE AND RECREATIONAL AMENITIES THAT MAY BE CREDITED AGAINST THE DEDICATION REQUIREMENT FOR PARK AND RECREATIONAL PURPOSES OR IN-LIEU FEES ASSOCIATED WITH RESIDENTIAL SUBDIVISIONS AND ESTABLISHING MINIMUM ON-SITE OPEN SPACE REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS. (Continued from the February 22, 2006, March 22, 2006 and April 19, 2006 meetings) (201-00)**

Time set for a public hearing to review the Planning Commission's recommendation to approve the proposed ordinance.

The Planning Manager reviewed the changes that were made to the draft ordinance as directed at previous Council meetings.

Under definitions on page 6, Council Member Marsh noted that there was some language that was not in the previous draft: "open space common", "open space private", and "open space total". He said that on page 3, the term "private open space" was changed to "on site open space", which is an undefined term. The Planning Manager responded that private open space relates to the enjoyment of one unit; common open space is for all units, but he said he could give a definition for on site open space also.

The City Attorney suggested that a definition for "on site open space" could be added to the ordinance for the second reading.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM. SEEING THERE WERE NO PERSONS WISHING TO SPEAK IN FAVOR, SHE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, resident of Westminster, stated his opposition to the proposed ordinance, citing that it originated with a developer, Frank Jao, and his development on Moran Street. He said he would define "public" as a park where everyone can go, rather than private property.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh said he favored the ordinance because in the past 25 years developers have been paying in-lieu fees for park space instead of providing open space. This ordinance will also place the funds into the correct account instead of into the General Fund.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to approve the recommendation of the Planning Commission to introduce Ordinance No. 2400 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 16 and 17 of the Westminster Municipal Code establishing a new formula for calculating the amount of on-site open space and recreational amenities that may be credited against the dedication requirement for park and recreational purposes or in-lieu fees associated with residential subdivisions and establishing minimum on-site open space requirements for residential developments" subject to definitional revision to provide a definition of "on site open space", and waive further reading. The motion was carried by the following vote:

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

**4.2 CASE 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); 7601 23<sup>RD</sup> STREET; APPLICANT: TIM HARRIS (201-00)**

Time set for a public hearing to consider the construction of three residential condominiums on a 12,774 square foot lot. The required entitlements include a Zone Change, Tentative Parcel Map for condominium purposes, Site Plan review to assess the proposed site layout, and design review to assess the design and overall appearance of the development.

The Community Development Director said that when this project was presented to the Council before, there were easement issues, now, that has been resolved. The owners have agreed to eliminate the easements, put a block wall on the property line, and will each take access off their properties.

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

Tim Harris, designer and applicant, spoke in favor of approving the project.

Council Member Marsh asked Mr. Harris if he agreed to the proposed conditions in the resolution, to which Mr. Harris said he agreed.

Andrew Tran stated he was in favor of the project. However, he was not addressing the public hearing that was before Council.

SEEING THERE WERE NO PERSONS WISHING TO SPEAK IN OPPOSITION TO THE PROJECT, THE MAYOR CLOSED THE PUBLIC HEARING.

Council Member Marsh asked the Planning Manager if the right-of-way space was incorporated into the calculation. The Planning Manager said he would have to get the answer to that question and report back, since the project went before the Planning Commission before he was hired by the City.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to continue the balance of this agenda item to the end of the agenda in order to give time for the Planning Manager to make the requested calculation and report back to the Council. The motion was carried by a 4-0 vote.

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

### **5.1 Council/Agency Member Items/AB 1234 Reports**

Mayor Pro Tem Fry thanked Mr. Hearst from the Orange County Vector Control District for making his presentation; and thanked Mr. Nakanishi and his students from the agricultural department at Westminster High School for speaking to the Council. Mayor Pro Tem Fry stated that no one knows when the Bird Flu will become a pandemic and it may take many years before it mutates to a virus. He did not like to see the press stir up the public regarding the Bird Flu.

Mayor Rice and Council Member Marsh reported on the trip they took to Washington, D.C. with certain staff, with their annual request for federal funding. They met with California senators and members of congress and their staffs. In particular, Congressman Dana Rohrabacher put in for all of Westminster's requests.

### **5.2 Request to rename Palos Verdes Park to Russell C. Paris Park (Mayor Rice) (703-15)**

Mayor Rice stated that former Council Member Paris walked at Palos Verdes Park nearly every day. He was involved in so many civic organizations including his membership on the Planning Commission and then the City Council. She recommended that Palos Verdes Park be renamed as Russell C. Paris Park.

Darrell Nolta, resident of Westminster, suggested that some sort of memorial be placed in the Sid Goldstein Memorial Park in Russell Paris' honor.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to rename Palos Verdes Park as Russell C. Paris Park. The motion was carried by a 4-0 vote.

The City Attorney stated that he spoke to the Community Services Director who suggested that the Community Services & Recreation Commission could possibly recommend a process of naming public facilities in the future. The Council had no objection.

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

### **6.1 Ratification of Interim City Manager Appointment and Salary Adjustments for Interim City Manager and Acting Police Chief (110-04)**

**Motion was made by Mayor Pro Tem Fry**, and seconded by Council Member Marsh, to:

- 1) Ratify the appointment of Andrew Hall as Interim City Manager; and
- 2) Authorize funding for salary adjustments for the Interim City Manager and Acting Police Chief for the remainder of fiscal year 2005-06 as follows:
  - a) Budget transfer in the amount of \$4,222 from the General Fund Contingency (Account No. 20000-60904) to City Manager's Permanent Salaries (Account No. 11500-40000); and
  - b) Budget transfer in the amount of \$2,558 from the General Fund Contingency (Account No. 20000-60904) to the Police Permanent Salaries (Account No. 31000-40000).

The motion was carried by a 4-0 vote.

**6.2 Authorization to Increase Vehicle Fuel Purchase Order for FY 2005-06 and Transfer of Funds to Cover Higher Fuel Cost for FY 2005-06 (106-00)**

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

- 1) Transfer \$15,159 from the "Equipment Replacement Fund 700", Budget Contingency Reserve, to Fleet Maintenance Account 58000-44000;
- 2) Transfer \$64,841 from the "Equipment Replacement Fund 700", Emergency Reserve, to Fleet Maintenance Account 58000-44000; and
- 3) Approve an increase of \$80,000 to Purchase Order No. 2081 to Petro Diamond, Inc. for Gasoline and Diesel Fuel.

Darrell Nolta, resident of Westminster, suggested that the City needs to consider the future of where gasoline prices are going and make contingency plans.

Mayor Rice said Mr. Hodgetts spoke to the Midway City Sanitary District Board regarding the subject of saving fuel for the fleet and she would like him to make the same presentation before the Council.

Mayor Pro Tem Fry said there are already hybrid vehicles on the market.

The Interim City Manager stated that he will continue to speak with staff regarding this matter.

The motion was carried by a 4-0 vote.

**6.3 Recommended Improvements for the City-Wide Graffiti Program (615-01)**

The Public Works Director/City Engineer gave a brief presentation regarding the graffiti problem. He said that different colors are required to hide the graffiti. The award program will be reinstated to report taggers and police will increase their surveillance. The goal is to cover graffiti within 24-48 hours.

Darrell Nolta, resident of Westminster, commended the Public Works department for their efforts to hide the graffiti, but he noted that the graffiti can be seen under the paint used to cover it. He also inquired concerning police monitoring.

The Interim City Manager said that most of the graffiti is from taggers and when they are caught they are punished, but it is difficult to catch them.

C. M. Bernardeau, resident of Westminster, commented regarding graffiti and he asked if the penalty include reparation to the City for the cost of the program.

**Motion was made by Council Member Quach**, and seconded by Mayor Pro Tem Fry, to receive and file the report on graffiti removal. The motion was carried by a 4-0 vote.

**6.4 Contractual Joint Venture Agreement with the County of Orange to provide services for the Family Resource Center for fiscal year 2006-07 (502-15)**

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

- 1) Approve the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$225,000 for fiscal year 2006-07, and authorize the Interim City Manager to execute the agreement on behalf of the City;
- 2) Authorize a purchase order for counseling and case management services to Western Youth Services in the amount of \$36,569; and
- 3) Authorize a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$17,595.

Council Member Marsh asked Betsy Cundall from the Family Resource Center if the amounts of \$36,569 and \$17,595 are reimbursed by the County. Ms. Cundall stated that these amounts come out of the total grant money from the County.

The motion was carried by a 4-0 vote.

**6.5 Select a date and time for the Moran Corridor Workshop (103-08)**

It was the consensus to schedule a study session on July 24, 2006 at 6:00 p.m., at a location to be determined.

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh, to schedule a workshop meeting regarding the Moran Corridor on July 24, 2006 at 6:00 p.m., at a location to be determined. 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 Initiation of a Possible Zone Text Amendment to Limit the Size of New Single-Family Houses and Remodels (202-01)**

Laverna Murphy, resident of Westminster, complained about the large house built in her neighborhood, which looks like a hotel and is being used as an apartment.

Mayor Rice said she met with 15 people who are concerned about this same situation happening throughout the city.

Council Member Marsh read Zak Memon's statement in its entirety into the record, regarding his neighbor's property on Cornwall Avenue (letter on file in the City Clerk's office).

C. M. Bernardeau also complained about the house on Cornwall which he said is too large for the neighborhood.

Darrell Nolta, resident of Westminster, said he agreed with Laverna Murphy regarding the size of the house in her neighborhood and complained to the Code Enforcement Manager. He noted that the construction crews use the public street for large vans that invade the neighborhoods, and block the sidewalks with building materials.

Mayor Rice said she has a mansion-size house being built in her neighborhood too, with the same kind of problems.

Council Member Marsh said that when this matter came before the Council in January, he did not want to prohibit two story houses, but said he would consider lot coverage issues. So, it is not the fault of staff that they were following what is written in the code. He suggested forming an ad hoc committee with the Planning Manager as the chair.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, directing staff to come back at the next meeting of May 31, 2006, with a proposed structure for an ad hoc committee with the Planning Manager as the chair. The motion was carried by a 4-0 vote.

**9.2 Request for parking restrictions at 23<sup>rd</sup> Street and Pacific Avenue – T.C. 92-100 (608-02)**

Mayor Pro Tem Fry recused himself from the discussion of this item due to the proximity of his residence. He left the dais.

The Public Works Director/City Engineer said that the Traffic Commission received one letter of opposition which was left out of the staff report.

**Motion was made by Council Member Quach**, and seconded by Council Member Marsh, to continue this item to the meeting of May 31, 2006. The motion was carried by a 3-0-1 vote with Mayor Pro Tem Fry absent.

Mayor Pro Tem Fry returned to the dais.

**4.2 CASE 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); 7601 23<sup>RD</sup> STREET; APPLICANT: TIM HARRIS (201-00)**

Item 4.2, a public hearing, was moved to the end of the agenda for action.

**Motion was made by Council Member Marsh**, and seconded by Council Member Quach, to continue this Item 4.2, Case No. 2005-16 to the meeting of May 31, 2006. The motion was carried by a 4-0 vote.

Before returning to closed session, Mayor Rice made the announcement that Evelyn Gillespie, wife of former mayor, Elden Gillespie, passed away, and that she will recess the next regular meeting of May 31, 2006 in her memory.

**RECESS AND RECONVENE:**

At 10:45 p.m. Mayor Rice recessed back to Closed Session for the following purpose:

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager.

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting reconvened at 10:59 p.m. in open session in the Council Chambers.

**REPORT OUT OF CLOSED SESSION:**

The City Attorney stated that it was a unanimous (4-0) agreement of the Council to do as follows: 1) Adopt an agreement with Vangie Schock regarding her employment status with the City of Westminster; 2) Adopt an agreement regarding any and all worker compensation claims that Vangie Schock may be willing to assert; and 3) Authorize those agreement documents to be executed by the Interim City Manager, on behalf of the City of Westminster.

10. **COUNCIL/AGENCY ADJOURNMENT:** At 11:00 p.m., Mayor/Agency Chair Rice adjourned the meeting to Thursday, May 18, 2006 at 6 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of reviewing the preliminary budget for fiscal years 2006-07 and 2007-08 and fees and charges for fiscal year 2006-07, and to discuss City/Agency business.

  
Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary