

"Approved by the City Council/Redevelopment Agency Board on June 11, 2008"

**CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING**

**WESTMINSTER, CALIFORNIA  
May 28, 2008**

The City Council/Agency Board of the City of Westminster, California convened on May 28, 2008 at 6:35 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**6:30 P.M.  
CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

**PRESENT:** RICE, QUACH, FRY, TA  
**ABSENT:** MARSH

**CLOSED SESSION:**

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

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case). (Dr. Sonny Rubin)

**RECESS:** At 7:05 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, QUACH, FRY, TA  
**ABSENT:** MARSH

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

**INVOCATION:** Council Member Ta

**REPORT OUT OF CLOSED SESSION:**

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

**SPECIAL PRESENTATIONS – None**

Mayor Rice announced the death of Willis Lee Miller, a long time Westminster resident who passed away on May 27, 2008.

**REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

The Assistant City Clerk announced Late Communications regarding agenda items that had been received in the City Clerk’s office following the distribution of the agenda packet.

**Matters from City Manager**

**6.4 Update from Code Enforcement Division on Enforcement Activity at 5201 Cornell Avenue. (209-02)**

Staff Report for the Update from Code Enforcement Division on Enforcement Activity at 5201 Cornell Avenue.

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**1. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

**1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of May 13, 2008.**

ACTION: Approved.

**ROUTINE MATTERS**

**1.2 Final Tract Map No. 17140 and Tract Map Agreement for 7111 Trask Avenue. (201-02) & (201-00)(CN 2007-23)**

ACTION: The Mayor and City Council:

- 1) Accepted the subject Final Tract Map No. 17140 and authorized the City Clerk to sign and seal the map; and
- 2) Approved an agreement with Westminster Housing Group, LLC for Tract No. 17140 and authorized the Mayor to execute the agreement on behalf of the City.

**1.3 West Orange County Water Board’s Operational Budget for FY 2008/09. (610-11)**

ACTION: The Mayor and City Council approved the West Orange County Water Board’s FY 2008/09 budget.

**1.4 Maintenance Service for Automatic Transmission Repairs. (603-02)**

ACTION: The Mayor and City Council rejected all bids submitted, and directed the City Clerk to re-advertise for bids.

**1.5 Maintenance Service for Repair of Vehicle Body Damage. (603-02)**

ACTION: The Mayor and City Council rejected all bids submitted, and directed the City Clerk to re-advertise for bids.

**1.6 Second Option Year Renewal for Professional Auditing Services for FY 2008-09. (502-04)**

ACTION: The Mayor and City Council approved the Second Option Year Renewal of the contract with Diehl, Evans & Company, LLP in the amount of \$42,935 for professional auditing services for the fiscal year 2008-09, and authorized the City Manager to execute the Agreement on behalf of the City.

**ADMINISTRATIVE ITEMS****1.7 Contractual Joint Venture Agreement with the County of Orange to Provide Services for the Family Resource Center. (502-15)**

ACTION: The Mayor and City Council:

- 1) Approved the Contractual Joint Venture Agreement with the County of Orange to provide services at the Family Resource Center in the amount of \$258,500.00 for fiscal year 2008-09 and authorized the City Manager to execute the agreement on behalf of the City;
- 2) Authorized a purchase order for counseling and case management services to Western Youth Services in the amount of \$62,569; and
- 3) Authorized a purchase order for domestic violence, intervention/education and counseling services to Interval House in the amount of \$17,595.

**WARRANT REGISTER****1.8 (City Council/Redevelopment Agency) Warrant Register dated May 7 through 20, 2008. (105-09)(08)**

ACTION: Approved.

**INFORMATION AND REPORTS****1.9 Minutes of the Planning Commission meeting held April 16, 2008. (104-11)**

ACTION: Received and filed.

**1.10 Community Development Monthly Report – April 2008. (216-01)(08)**

ACTION: Received and filed.

**Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Ta to approve the Consent Calendar. The motion carried by a 4-0 vote.**

**END OF CONSENT CALENDAR**

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**2. ORAL COMMUNICATIONS**

Vivian Kirkpatrick-Pilger, Westminster resident spoke in regards to the Hoff's Hut closing and inquired as to whether or not another business will go in.

**3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None**

**Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to move Item 6.1 forward and consider it at this time. The motion carried by a 4-0 vote.**

**6.1 Textual Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Plan (903-06)**

Tami Piscotty, Assistant to the City Manager gave a PowerPoint presentation on the item.

Vivian Kirkpatrick-Pilger, Westminster resident spoke in regards to eminent domain and requested from the City that a specific process be given in writing that explains how residents can remove their names, addresses and parcel numbers off of the lists that place them in a Redevelopment Zone.

The City Attorney stated the process can be reviewed and determine whether or not it is possible to remove that information from the lists and will inform the residents.

**Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Ta to approve the schedule of actions (as outlined in the staff report) and authorize staff to proceed with the necessary action and steps required for a textual amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5) that would permit long term debt to finance the Westminster Police Facility. The motion carried by a 4-0 vote.**

**4. PUBLIC HEARINGS****4.1 REVIEW OF THE JUNE 27, 2007 ISSUED CONDITIONAL USE PERMIT (CASE NO. 2007-14), WHICH ALLOWED THE SALE AND CONSUMPTION OF BEER AND WINE IN CONJUNCTION WITH A NEW RESTAURANT (THE CITRYST RESTAURANT), LOCATED AT 15440 BROOKHURST STREET, WITHIN THE PALM COURT PLAZA RETAIL CENTER (ASSESSOR'S PARCEL NUMBER 108-553-25); PROPERTY OWNER: PALM COURT PLAZA, LLC; APPLICANT: MY-DUNG NGUYEN. (201-00)(CN 2007-14)**

Art Bashmakian, Planning Manager gave a brief history on the item. He informed the Council that there is no indication of any violation of the Conditional Use Permit conditions from the Police Department or Code Enforcement.

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

Bart Kasperowicz, Garden Grove resident spoke in favor of the proposed project. He thanked the Planning Staff and Police Department investigating the matter during the six month period. He informed the Council that Ms. Nguyen has hired a full time security guard for the restaurant. He asked Council to consider extending the operating hours until the original requested closing time which is 1 a.m.

Andrew Nguyen, Westminster resident spoke in favor of Citryst Restaurant. Mr. Nguyen asked Council to reaffirm the Conditional Use Permit and requested that the hours be extended.

Mayor Rice stated that the extension of hours will have to be a separate item and be brought back at a later date.

The City Attorney stated that tonight's objective is just a review of the current conditions of the Conditional Use Permit and the restaurants current operation. He said that if the applicant would like to change or modify the hours they could do so, but another public hearing will have to be held.

Dave Vo, Westminster resident spoke in favor of Citryst and spoke highly of the friendly environment and outstanding service. He stated that he feels safe and comfortable when he dines in the restaurant.

Giovanni Chiarella, Shoreline Ambulance expressed his support of Citryst Restaurant.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM. SINCE THERE WERE NO SPEAKERS IN OPPOSITION ON THIS MATTER, MAYOR RICE CLOSED THE PUBLIC HEARING.

Mayor Pro Tem Quach commended staff for monitoring the Alcohol Conditional Use Permits on a six month basis.

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Fry to adopt Resolution No. 4150 entitled "A Resolution of the Mayor and City Council of the City of Westminster affirming the conditional use permit granted on June 27, 2007 which allowed the sale and consumption of beer and wine within a restaurant (Citryst Restaurant), located at 15440 Brookhurst Street (Assessor's Parcel Number: 108-553-25) (Case No. 2007-14)."

The motion carried by the following vote:

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

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

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

Council Member Ta thanked staff for being organized and prepared at the International Conference of Shopping Centers from May 18 through May 21, 2008. He also commended Westminster Memorial Park's Memorial Day Ceremony that was held on Monday, May 26, 2008. He also encouraged residents to educate themselves on Propositions on the upcoming Election ballot.

Mayor Pro Tem Quach encouraged Westminster residents to vote at the upcoming June 3, 2008 election.

Council Member Fry expressed his sympathy for Mr. Miller's passing. He also spoke in regards to the recent bill H.R. 3121 that was recently passed by the Senate in regards to flood insurance.

Mayor Rice commended the Westminster Memorial Park on their Memorial Day Ceremony. She also reminded residents of the upcoming Mayor's Ball that will be held on Saturday, June 21, 2008.

### **5.2 AB 1234 Reports**

Mayor Rice reported that she and Mayor Pro Tem Quach, Council Member Fry, Council Member Ta and members of staff attended the International Conference of Shopping Centers (ICSC) Conference in Las Vegas, Nevada, from May 18 through May 21, 2009. (103-08)

**5.3 Resolution No. 4151 - A Resolution of the Mayor and City Council of the City of Westminster Opposing the Nation of Vietnam Vietnamese Communist Party (VCP) Politburo Executive Order 36 (103-12)**

Mayor Pro Tem Quach stated that the Resolution is acceptable, but it does contain a few grammatical errors. He informed the Council that Council Member Marsh will give the updated version to the City Clerk's office.

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Ta to adopt the draft of Resolution No. 4151 with the grammatical changes that will be submitted by Council Member Marsh on May 29, 2008.

The motion carried by the following vote:

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

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

**6.2 Increase Vehicle Fuel Purchase Order for FY 2007/08 and Transfer of Funds to Cover Higher Fuel Costs for FY 2007/08 (502-16)**

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

- 1) Approve an increase of \$50,000.00 to Purchase Order No. 4337 to Petro Diamond, Inc. for Gasoline and Diesel Fuel;
- 2) Transfer \$19,095.00 from the "Equipment Replacement Fund 700", Budget Contingency Reserve to Fleet Maintenance Account; and
- 3) Transfer \$30,905.00 from the "Equipment Replacement Fund 700", Emergency Reserve to Fleet Maintenance Account.

The motion carried by a 4-0 vote.

**6.3 (City/Agency) Allocation of Redevelopment Agency Low and Moderate-Income Housing funds on behalf of two non-profits, Abrazar, Inc., and American Family Housing, Inc., for acquisition costs of six affordable housing units and approval of four Agreements. (502-01)**

Vivian Kirkpatrick-Pilger, Westminster resident asked whether or not the City is purchasing the subject housing with the 20 percent pass thru on the IRP. Kathy Johnston, Housing Specialist confirmed that it will be purchased with the 20 percent pass thru.

**Motion was made by Agency Member Ta, and seconded by Agency Member Fry to:**

- 1) Approve an appropriation of \$901,863 from the Redevelopment Housing Rehabilitation Loans CIP budget to the Housing Assistance CIP budget;
- 2) Allocate Redevelopment Low-and Moderate Income Housing funds in the total amount of \$1,307,951 on behalf of Abrazar, Inc (\$1,177,375) for the acquisition of four housing units located at 13871 Manor Drive; 13291 Cherry Street; 13502 Illinois Street and 6942 Humboldt Avenue under the Lease-Purchase Program; and on behalf of American Family Housing, Inc. (\$130,576) for the acquisition of two units located at 6861 Homer Street #56 and 6972 Homer Street #68 for affordable Rental Housing purposes;
- 3) Approve the Affordable Housing Assistance Agreements with Abrazar, Inc. to implement the acquisition of the four housing units
- 4) Approve the Affordable Housing Assistance Agreement with American Family Housing Inc. to implement the acquisition of two housing units;
- 5) Authorize the Executive Director to execute all appropriate documents to implement acquisition and recordation.

The motion carried by a 4-0 vote.

**Motion was made by Council Member Ta, and seconded by Council Member Fry to:**

- 1) Approve the CHDO HOME Program Participation Agreement with Abrazar, Inc. to implement the acquisition of four housing units located at 13871 Manor Drive; 13291 Cherry Street; 13502 Illinois Street and 6942 Humboldt Avenue, under the Lease-Purchase Program utilizing previously allocated HOME funds;
- 2) Approve the CHDO HOME Program Participation Agreement with American Family Housing, Inc. to implement the acquisition of two housing units located at 6861 Homer Street , #56 and 6972 Homer Street, #68 for use as affordable Rental Housing utilizing previously allocated HOME funds; and
- 3) Authorize the City Manager to execute all appropriate documents to implement acquisition and recordation.

The motion carried by a 4-0 vote.

**6.4 Update from Code Enforcement Division on Enforcement Activity at 5201 Cornell Avenue. (209-02)**

Vicki Morgan, Code Enforcement Manager gave a brief history on the property located at 5201 Cornell Avenue.

Paul Feller, Westminster resident thanked City staff for responding to the situation so promptly at 5201 Cornell Avenue.

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Ta to receive and file the update from Code Enforcement Division on Enforcement Activity at 5201 Cornell Avenue. The motion carried by a 4-0 vote.

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

**8. LEGISLATIVE ITEMS**

**8.1 Ordinance No. 2430 – City Initiated Code Amendment Relating to Graffiti. (615-01)**

**Motion was made by Council Member Ta**, and seconded by Council Member Fry to introduce Ordinance No. 2430 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Sections 9.38.010 through 9.38.070 and Section 9.38.090 of Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code, Relating to "Graffiti," and waive further reading.

The motion carried by the following vote:

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

**9. COMMISSION AND COMMITTEE ITEMS - None**

**10. COUNCIL/AGENCY ADJOURNMENT:** At 8:05 p.m., Mayor/Agency Chair Rice adjourned the meeting in honor of Willis Miller to Tuesday, June 10, 2008 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, CA for the purpose of a progress report and review of the Schematic Design for the New City/Chamber of Commerce Building located at the corner of Beach Boulevard and Hazard Avenue.

  
Amanda Jensen, Assistant City Clerk/  
Agency Secretary