

"Approved by the City Council/Redevelopment Agency Board on September 24, 2008"

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA
August 13, 2008

The City Council/Agency Board of the City of Westminster, California convened on August 13, 2008 at 6:30 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: 6:30 p.m.

ROLL CALL:

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

CLOSED SESSION:

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

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8
Property: 15061 Moran Street, Westminster
Agency Negotiator: Ray Silver, Executive Director and Chet Simmons, Economic Development Specialist
Under Negotiation: Price and Terms of Payment

RECESS: At 7:00 p.m., Mayor Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Rice reconvened the meeting in the Council Chambers at 7:10 p.m.

ROLL CALL:

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

SALUTE TO FLAG: Council Member Ta

INVOCATION: Mayor Rice

REPORT OUT OF CLOSED SESSION – None**SPECIAL PRESENTATIONS:**

- A. The Mayor and City Council presented a Resolution of Commendation to former Traffic and Cultural Arts Commissioner, Reginald Crozier. (115-00)(08)

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

The 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.

Consent Calendar**Item No. 1.8 – Second Option Year Renewal for Used Sedans, Trucks and Van Purchases for FY 2008-09 (502-18)**

A memo from the Public Works Manager dated August 12, 2008 recommending that this item be pulled.

Commission/Committee Items Subject to Review**Item No. 3.1 – The actions of the Planning Commission meeting held on August 6, 2008.**

A memo from the Planning Manager dated August 13, 2008 stating that some of the actions from the August 6, 2008 Planning Commission meeting were inadvertently not listed on the agenda. Included with your Late Items memo are four additional items for review.

Public Hearings**Item No. 4.2 – Case No. 2008-25 (International Billiards) (201-00)(CN 2008-25)**

A letter dated August 8, 2008 and received in the City Clerk's office on August 13, 2008 from Dave Clark, former owner of Dave's Flowers, opposing the granting of a conditional use permit.

Legislative Items**Item No. 8.1 – Case No. 2008-20 (Hoa Binh Plaza) (201-00)(CN 2008-20)**

- a) A memo from the City Clerk dated August 11, 2008 stating that Resolution No. 4171 was inadvertently assigned to two agenda items. Included with your Late Items is an amended staff report and resolution that reflects Resolution No. 4177 as the reassigned number. Staff's recommendation is to adopt Resolution No. 4177.
- b) An e-mail received on August 13, 2008 from Sue Ellen Crider, representing her father, Bert Dillo, owner of the property located at 9132-9196 Bolsa Avenue.

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 July 9, 2008; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of July 23, 2008; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of July 28, 2008.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 Renewal of license agreements for Geographic Information System (GIS) services. (502-04)**

ACTION: The Mayor and City Council:

- 1) Approved CityGIS Service Subscription and Sublicense Agreement LB080607CG in the amount of \$34,000.00 with Digital Map Products, Inc. (DMP) for a term ending June 30, 2009, and authorized the City Manager to execute the agreement on behalf of the City; and
- 2) Approved Sublicense Agreement LB080607D with Digital Map Products, Inc. (DMP) in the amount of \$14,387.80 renewing GIS Services to June 30, 2009, and authorized the City Manager to execute the agreement on behalf of the City.

- 1.3 (City/Agency) Purchase Order for Property Tax Audit Services for Fiscal Year 2008-09. (502-08)**

ACTION: The Mayor/Chair and the City Council/Agency Board authorized a purchase order with Hinderliter, deLlamas & Associates, Coren & Cone (HdLCC) in the amount of \$22,600 for property tax.

- 1.4 (City/Agency) Purchase Order for Sales Tax Audit Services for Fiscal Year 2008-09. (502-08)**

ACTION: The Mayor/Chair and the City Council/Agency Board authorized a purchase order with Hinderliter, deLlamas & Associates (HdL) in the amount of \$20,000 for sales tax audit services.

- 1.5 Purchase Order for Trustee Services for Fiscal Year 2008-09. (502-21)**

ACTION: The Mayor and City Council authorized a purchase order for trustee services from Union Bank of California – Corporate Trust Division in an amount not to exceed \$30,000.

1.6 (City/Agency) Consulting Services Agreement for Affordable Housing Implementation with Rosenow Spevacek Group, Inc. (RSG). (502-18)

ACTION: The Mayor and City Council/Agency Board approved the renewal of Consulting Services Agreement with Rosenow Spevacek Group, Inc. for FY 2008-09; and authorized the City Manager/Executive Director to execute the Agreement on behalf of the City and Agency.

1.7 Award of a Renewable Contract/Agreement for Incident Response Services. (502-15)

ACTION: The Mayor and City Council approved a contract/agreement in the amount of \$40,000.00 to Ocean Blue Environmental Services, Inc. to perform incident response services, and authorized the City Manager to execute the agreement on behalf of the City.

(REMOVED FROM CONSIDERATION)

1.8 Second Option Year Renewal for Used Sedans, Trucks and Van Purchases for FY 2008-09. (502-18)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for used sedans, trucks and van purchases in the amount of \$300,000.00 to Ray's Auto Sales Inc.

The City Attorney confirmed that when the motion was made to move the Consent Calendar, the motion included that Item No. 1.8 be removed from consideration and brought back at a future date.

1.9 Purchase Order for Legal Services for Fiscal Year 2008-09. (502-06)

ACTION: The Mayor and City Council authorized a purchase order to the law firm of Ferguson, Praet & Sherman in an amount not to exceed \$50,000 for legal services related to liability claims against the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.10 Resolution No. 4172 – Conflict of Interest Code Amendments. (304-01)

ACTION: The Mayor and City Council adopted Resolution No. 4172 entitled, "A Resolution of the Mayor and City Council of the City of Westminster amending the Conflict of Interest Code for the City of Westminster for Designated Employees and Officials".

WARRANT REGISTER

1.11 (City Council/Redevelopment Agency) Warrant Register dated July 16 through August 5, 2008. (105-09)(08)

ACTION: Approved.

INFORMATION AND REPORTS**1.12 Minutes of the Traffic Commission meeting held on May 27, 2008. (104-12)**

ACTION: Received and filed.

1.13 Treasurer's Report – June 2008. (105-08)(09)

ACTION: Received and filed.

1.14 Minutes of the Planning Commission meeting held July 2, 2008. (104-11)

ACTION: Received and filed.

Motion was made by Council/Agency Member Fry, and seconded by Council/Agency Member Ta to approve the Consent Calendar with the exception of Item No. 1.8 which was pulled from consideration. The motion carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Phil Hodgetts, Westminster resident informed the Council and residents that he and his wife were victims of a fraudulent scam in their own home. He gave the name and phone number of the police officer to contact if there is anyone that has additional information in regards to this matter.

Darrell Nolta, Westminster resident spoke in regards to the relationship with the County of Orange and the City of Westminster and the jail facilities within. He also spoke in regards to Assembly Bill AB 811, which was passed by the State of California to approve Green Energy Financing which will allow cities to offer low interest loans for solar panels and other upgrades.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**3.1 The actions of the Planning Commission meeting held on August 6, 2008.**

The Planning Manager reviewed the actions of the Planning Commission meeting of August 6, 2008.

- 1) Case No. 2008-02, Amendment to a Conditional Use Permit changing the operating hours of a banquet facility and a parking Variance at 9741 and 9743 Bolsa Avenue.

Council Member Marsh pulled the operating hours portion of Case No. 2008-02.

- 2) Case No. 2008-32, Conditional Use Permit to allow entertainment on weekdays at 15583-15589 Brookhurst Street.

Mayor Pro Tem Quach pulled this item up for review.

- 3) Case No. 2008-37, Design Review to allow a pole sign at 8850 Bolsa Avenue (Bank of America)
- 4) Case No. 2008-57, a determination that Orange County Flood Control District's (OCFCD) request regarding the proposed Edinger Channel (CO5SO5) improvements conform to the City's General Plan. Location: Along the 405 San Diego Freeway from about Worthy Drive to Newland Street.
- 5) Case No. 2008-58, The Planning Commission determined that a temporary tent could remain in place from August 19 to September 8, 2008 associated with a parking lot sale at 10511 Beach Boulevard (Linder's Furniture).

Mayor Rice requested that Council review this item at the August 27, 2008 meeting to see if there have been any parking issues due to the tent placement during the first part of the sale.

- 6) Case No. 2008-41, Administrative Adjustment regarding a 300 square foot master bedroom expansion into the required 20-foot rear yard setback at 10130 Gretchen Lane.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry, to receive and file Item No. 3, 4 and 6 of the oral report of the Planning Commission meeting of August 6, 2008. The motion carried by a 5-0 vote.

4. PUBLIC HEARINGS

- 4.1 **CASE NO. 2008-03 - APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A MASSAGE ESTABLISHMENT AND A REQUEST FOR A WAIVER FROM WESTMINSTER MUNICIPAL CODE SECTION 5.32.350 REQUIRING A MASSAGE ESTABLISHMENT TO BE LOCATED A MINIMUM DISTANCE OF 250' FROM RESIDENTIALLY ZONED PROPERTY AT 14600 GOLDENWEST STREET, #102; APPLICANT: ANNIE NGUYEN; PROPERTY OWNER: RECO CONSTRUCTION INC. (201-00)(CN 2008-03)**

Art Bashmakian, Planning Manager gave a brief overview and PowerPoint presentation on this item.

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

Annie Nguyen, applicant spoke in favor of the Conditional Use Permit. She informed the Council that she has been practicing massage therapy and cosmetology for twelve years and has a business license and police permit to do business in the City of Westminster.

Ms. Nguyen explained that she would like to be allowed to provide massage in her establishment because she helps her customers feel better, and also passed a very difficult test to become a massage therapist.

James Gibbs, personal friend of Ms. Nguyen spoke in support of Ms. Nguyen's business, as Ms. Nguyen helped his daughter-in-law with massage therapy.

Myke Gibbs, personal friend of Ms. Nguyen feels that Ms. Nguyen is an outstanding example of an American citizen. He said that Ms. Nguyen has always been licensed and has never had any violations. Mr. Gibbs stated that she has helped his wife with massage treatments.

Terrance Shannon, Attorney for Ms. Nguyen informed the Council that Ms. Nguyen has been operating her business since 2001 at which time it only required a police permit to do business. In 2004 the Municipal Code was amended and required the applicant to obtain a conditional use permit. He stated that there would only be one room in the establishment where massage would be provided.

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Darrell Nolta, Westminster resident spoke in opposition to any variance and to the item. He stated that the police documentation included with the staff report is enough not to approve the item.

SPEAKING IN REBUTTAL:

Terrance Shannon, attorney for Ms. Nguyen stated that he confirmed with the police that there were no convictions against Annie Nguyen.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Ta expressed his concern for public safety if the establishment was allowed to continue operating within 250' of a residentially zoned property.

Motion was made by Council Member Fry to allow the business to continue to operating if Ms. Nguyen would move the business to a different location in the building. The motion was seconded by Mayor Pro Tem Quach for purposes of discussion.

Mayor Pro Tem Quach suggested that the Council take no action on the item at this time to allow the Police Department to come up with conditions of approval and come back to the Council. He feels that the Council should work with the applicant since she is already practicing business in the City.

Council Member Marsh stated that none of the five requirements are being met to allow this variance to be approved. He stated that Ms. Nguyen admitted to

telling an unlicensed massage therapist to perform massage on a customer. He stated that the applicant only has a license to do business in the City, but does not have a police permit to allow massage.

Art Bashmakian, Planning Manager informed the Council that the Planning staff met with the Police Department to discuss the definitions of both massage and massage establishment. He said that Ms. Nguyen's establishment falls under the massage establishment criteria, because it involves other massage activity including permanent makeup, which is why it is subject to a Conditional Use Permit process and the 250' criteria.

Ray Silver, City Manager clarified that at this time Ms. Nguyen is practicing skincare with limited massage and she would like to expand her services with full body massage.

A substitute motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry to grant the application to allow full body massage and waive the 250' requirement and allow the application as it currently stands to be approved subject to conditions as developed and approved by the Police Department.

Council Member Marsh stated that he feels that there is nothing that illustrates that this business should be allowed to continue doing business within 250' from residential zoned area.

The motion failed by the following vote:

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

Motion was made by Council Member Marsh, and seconded to adopt Resolution No. 4159 entitled: "A Resolution of the Mayor and City Council of the City of Westminster denying a Conditional Use Permit for a massage establishment and a request to allow the massage establishment to be located within 250' of residentially zoned property, located at 14600 Goldenwest Street, #102 (Assessor's Parcel Numbers: 096-182-03) (Case No. 2008-03)." The findings provided by staff are to include a specific finding that there has been no evidence provided to distinguish why this property should be treated differently than other properties located within 250' of a residence.

The motion carried by the following vote:

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

4.2 CASE 2008-25 (CONDITIONAL USE PERMIT) - AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY CASE NO. 2008-25, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A BILLIARD CENTER IN THE C-1 LOCAL BUSINESS DISTRICTZONE AT 6328 WESTMINSTER BOULEVARD; APPLICANT/APPELLANT:JOE AND JANICE NGUYEN/INTERNATIONAL BILLIARDS; PROPERTY OWNER: HANG TAM NGUYEN. (201-00)(CN 2008-25)

Art Bashmakian, Planning Manager gave a brief overview of this item.

The City Attorney informed the Council that staff supports the appeal and encourages the adoption of the Conditional Use Permit on the basis that the long term perspective use of the property is better controlled through the conditional use permit process instead of the ongoing use of a police permit.

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

Ronald Talmo, attorney for the applicant/appellant, stated that during the last eight months of closure the applicant's have made substantial changes to the business and have worked with the Police Department to come up with conditions. He informed the Council that they have put into place an ID Visor which will generate a client list and will also be fed to the Police Department. They have also placed cameras in the facility. Mr. Talmo stated that there are a total of 35 conditions that have been explained to the applicants, which they have agreed to.

Council Member Marsh asked Mr. Talmo if the conditions will have an impact on the clientele of the facility, to which Mr. Talmo responded that it definitely would, especially since the closing time will be 10:00 p.m...

MAYOR RICE ASKED IF ANY PERSONS WISHED TO SPEAK IN OPPOSITION TO THE ITEM.

Dave Clark, Founder of Dave's Flowers and owner of 6330 and 6332 Westminster Boulevard spoke in opposition to this item. Mr. Clark referred to his letter that he submitted to Mayor Rice dated August 8, 2008 (filed in City Clerk's office). He urged Council to deny the conditional use permit and look for a way to close the business down for good.

Darrell Nolta, Westminster resident, stated that the reason for the closure was due to the high volume of calls to the business along with the serving of alcohol to minors. He urged the City Council to oppose the item.

SPEAKING IN REBUTTAL:

Ronald Talmo, stated that the closing hours are early and if the hours are to be extended they would have to be granted by the Police Department. He also said that would comply with the City's request to ensure no entrance through the door at the rear of the facility.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

In response to Council Member Marsh, Police Chief Hall explained that if the Nguyens were to sell that business, the new owner could come in and would only need a police permit issued to them to run the business. From a long term public safety perspective, the strict conditions of a Conditional Use Permit that is tied to the business forever is a better option for the Council.

Mayor Rice stated that the outside security of the establishment needs to be taken care of as well.

City Manager Silver asked Police Chief Hall to reassure residents that the 35 conditions will be enforced. Police Chief said that the department will be doing frequent patrol checks.

Motion was made by Mayor Pro Tem Quach, and seconded by Council Member Fry to adopt Resolution No. 4171 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding an appeal of the Planning Commission's denial of Case No. 2008-25 thereby approving a conditional use permit for a billiard center, located at 6328 Westminster Boulevard and add a Condition No. 36 that states that the rear door of the facility be converted to an exit only door that shall remain locked to prevent entrance of anyone who doesn't have a key from coming in.

The motion carried by the following vote:

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

RECESS AND RECONVENE:

At 9:52 p.m., Mayor/Chair Rice recessed the City Council/Redevelopment Agency Meeting, and reconvened the meeting at 10:04 p.m. All members were present.

4.3 TIME SET FOR A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY OR WELFARE REQUIRES THE RE-ESTABLISHMENT OF LIMITS OF THE UNDERGROUND UTILITY DISTRICT NO. 6 WITHIN THE BOLSA CORRIDOR AND RESCINDING RESOLUTION NO. 3818 PURSUANT TO THE MUNICIPAL CODE. (611-01)

Mayor Pro Tem Quach and Council Member Ta announced a potential conflict of interest because they reside within 500' of the proposed project. Mayor Pro Tem Quach and Council Member Ta then left the dais and the Council Chambers.

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

Darrell Nolta, Westminster resident stated that he supports the underground utilities, but expressed disappointment that the boundaries don't extend to Ward Street.

THERE BEING NO FURTHER SPEAKERS, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh requested that the City Attorney clarify for the record that reconfiguring the boundaries does not preclude the City to underground the facilities between Brookhurst Street and Ward Street in the future should the money become available. The City Attorney agreed that it is an economic decision.

Motion was made by Council Member Fry, and seconded by Council Member Marsh to adopt Resolution No. 4160 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing the limits of the Underground Utility District No. 6 within the Bolsa Corridor and rescinding Resolution No. 3818".

The motion carried by the following vote:

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

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Mayor Rice informed everyone that she and her sister were victims of an attempted fraudulent telephone scam where they were asked to confirm their social security numbers. She warned residents not to give their personal information out to anyone.

5.2 AB 1234 Reports – None

5.3 Facility Use Fee Waiver Request from Tony Cao on behalf of the Doan Thi Diem Student Association and the Can Tho Association for use of the East/West Room of the Community Services Building on Sunday, August 24, 2008 from 11:00 a.m. to 5:00 p.m. for a special meeting. (702-06)

In response to Council Member Marsh, Mayor Pro Tem Quach said that the Student Association is not a non-profit and does not meet the criteria, which is why he brought it on to the agenda. The Can Tho Association is a 501c(3) organization and does meet the criteria. He explained that the Student Association wants to display their work for the past six years.

Assistant Director of Community Services Diana Dobbert explained that staff is required to follow the policy. Since the Doan Thi Diem Student Association does not meet the criteria, Mayor Pro Tem Quach asked that the matter be agendaized. In response to Council Member Marsh, she said that if Tony Cao were the applicant on the request, that it would have been approved.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach to approve the Facility Use Fee Waiver Request that reflects that Tony Cao is the applicant (not the Doan Thi Diem Student Association). The motion carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for City-Wide Street Improvements Project No. Overlay 08-09. (502-01)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to award a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$1,380,674.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City. The motion carried by a 5-0 vote.

6.2 (City/Agency) Increase to Purchase Order for Special Counsel for Municipal and Redevelopment Legal Services. (502-02)(105-12)(08)

Motion was made by Council/Agency Member Ta, and seconded by Council/Agency Member Marsh to:

- 1) Approve a budget transfer in the amount of \$11,930.48 from the fiscal year 2007-08 Redevelopment Operating Fund Contingency Account to the Redevelopment Administration Account; and
- 2) Authorize an increase to the purchase order with Best Best & Krieger in the amount of \$11,930.48 for legal services provided to the City and Agency.

The motion carried by a 5-0 vote.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Case No. 2008-20 - Review of a Resolution Memorializing the City Council's Decision to Overturn the Planning Commission's Approval of a Variance from the Minimum Number of Required Parking Spaces for a New Eating Establishment with Patron Seating in an Existing Retail Shopping Center and Approve an Alternative Variance from the Minimum Required Dimensions for a Standard-Size Parking Space. Location: 9060-9122 Bolsa Avenue (Assessor's Parcel No. 143-601-05); Applicant: Hoa Binh Plaza, LLC, property owner of record. (201-00)(CN 2008-20)

Phil Tran, Hoa Binh Plaza tenant, spoke in regards to landscaping and the parking of compact cars at the Plaza. He expressed his concern that the parking of compact cars is not in the Municipal Code.

Mayor Pro Tem Quach informed Mr. Tran that the landscaping issue is not being discussed at this time.

Art Bashmakian, Planning Manager explained that at a previous meeting a variance was granted to allow compact parking spaces at the rear of the property. He said the code does not permit compact spaces unless a variance is granted.

Darrell Nolta, Westminster resident, stated that he went to the location and viewed the diagonal parking. He expressed concern that the Orange County Fire Authority (OCFA) is under the impression that the request is for a conditional use permit and not a variance.

Discussion ensued regarding parking spaces and the number of spaces associated with the different type uses of the Plaza. Planning Manager Bashmakian stated that the Plaza's minimum parking requirement is 97 spaces. He also informed the Council that the Orange County Fire Authority has officially signed off on the parking.

Council Member Marsh expressed concern that the landscaping requirement is not being met at the Plaza and expressed opposition to allowing compact parking spaces. He feels that the construction that went through needs to be brought as close to conformance with the City's code as possible.

Mayor Pro Tem Quach suggested that changes be made to Condition No. 7 of the proposed Resolution No. 4177. He would like for the exterior of the trash enclosure have a smooth finish which is painted with a hard coat that is compatible with the rest of the building, rather than the stucco finish.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Quach to adopt Resolution No. 4177 entitled "A Resolution of the Mayor and City Council of the City of Westminster overturning the Planning Commission's decision to approve Case No. 2008-20 pertaining to a variance from the minimum number of required parking spaces for a new eating establishment with patron seating in an existing retail shopping center located at 9060-9122 Bolsa Avenue and approving a variance from the minimum required dimensions for a standard-size parking space", as amended with Condition No. 7 to reflect that the exterior finish of the trash enclosure be a concrete block wall with a smooth finish that is painted a color that is compatible with the rest of the building.

The motion carried by the following vote:

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

9. COMMISSION AND COMMITTEE ITEMS

9.1 Youth Committee Appointments. (104-17)

Motion was made by Mayor Rice, and seconded by Mayor Pro Tem Quach to:

- 1) Nominate Council Member Fry and Council Member Ta to participate in an interview process of the seven (7) new applicants (listed on page 2 of the staff report); and
- 2) Appoint the following six (6) current Youth Committee Members to serve as regular members for a term to expire on June 30, 2009.

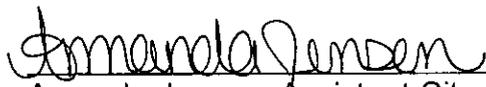
John Chu	Fountain Valley High School
Andrew Duong	Westminster High School
Kevin Lam	Westminster High School
Candice Nguyen	Westminster High School
Duc Nguyen	Westminster High School
Katherine Duong	Warner Middle School

The motion carried by a 5-0 vote.

9.2 Appointment to the Advisory Committee for the Disabled. (104-13)

Motion was made by Council Member Ta, and seconded by Mayor Pro Tem Quach to appoint Khahn Nguyen as a member to serve on the Advisory Committee for the Disabled for a term ending November, 2008. The motion carried by a 5-0 vote.

10. COUNCIL/AGENCY ADJOURNMENT: at 10:45 p.m., Mayor/Agency Chair Rice adjourned the meeting.


 Amanda Jensen, Assistant City Clerk/
 Acting Agency Secretary