

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
APRIL 28, 2009**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on April 28, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:32 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

**2. ROLL CALL:**

**COUNCIL MEMBERS/AGENCY  
MEMBERS/AUTHORITY  
DIRECTORS PRESENT:**

Joe Vinatieri, Council Member/Agency  
Member/Authority Director  
Cathy Warner, Council Member/Agency  
Member/Authority Director  
Owen Newcomer, Council Member/Agency  
Member/Authority Director  
Greg Nordbak, Mayor Pro Tem /Vice  
Chair  
Bob Henderson, Mayor/Chair

**OTHER OFFICIALS PRESENT:**

Stephen W. Helvey, City Manager/  
Executive Director  
Richard D. Jones, City Attorney/Authority  
Counsel  
Toni Maiques, Assistant City Clerk-Treasurer/  
Assistant Secretary-Treasurer  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer (9:44 p.m.)

**3. PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Nordbak led the Pledge of Allegiance.

**4.A PRESENTATIONS – BROADOAKS MONTH OF THE FAMILY**

Mayor Henderson presented a Proclamation to Kathleen Pompay and Broadoaks Student Government President Pedro Fuentes in recognition of the Broadoaks Month of the Family. Pedro thanked the City for the Proclamation; and invited the City Council to a breakfast at Parnell Park on Saturday, May 2.

## 5. ORAL COMMUNICATIONS:

Marianne Bakotich, Whittier Area Chamber of Commerce, announced the Kaleidoscope Mixer on April 30 at the Radisson Hotel; and the Wake-Up-Whittier Networking Breakfast on May 13 in the Whittier Hospital parking lot.

Pastor Dwight Sullivan, Whittier Evangelical United Methodist Church, Whittier, announced the National Day of Prayer on May 7 and invited the community to the Whittier Historic Depot from 5:00 p.m. to 6:30 p.m. to celebrate; and he prayed for the community and the City Council.

Carole Kudenoff, Whittier Uptown Association, thanked the Council for approving the Special Event Permit for the Spring Antique Faire; and she said the faire was successful with good attendance. She also thanked the Council for moving the Friday Farmer's Market to Philadelphia and Bright; and she said food stamps and WIC (Women, Infants and Children) coupons are accepted.

Ralph Marsico, Whittier, commented on the story in the Whittier Daily News about his father Joe and towing his trolley; he said they avoided having the trolley towed; they are working out arrangements with their prior landlord; and they hope to move back into their prior residence.

George Poochigian, Whittier, said he believes the City Yard should be open until 5:00 p.m. like City Hall; and he said he opposes the proposed rate increases for water and sewer services.

Robert Canales, Whittier, urged everyone to vote against all of the measures on the May 19 Special Election; he said allowing medical marijuana dispensaries violates federal law; he urged the City to deny the current dispensary applications on file; and said he will sue the Obama administration to enforce the federal law.

Yahaida Ortiz, representing Assemblyman Tony Mendoza's office, announced the Child Safety Seat event on Saturday, May 2, from 8:00 a.m. to 1:00 p.m. at the Target Store in Norwalk.

Fred Hawthorne, Whittier, introduced himself to the community and announced his candidacy for City Council in the 2010 Election; he announced a launch party on Saturday, May 2 at Il Bella Café; he provided his website [www.Fredhawthorne.com](http://www.Fredhawthorne.com) for people to contact him; and said he believes he can be an asset on the Council and help with graffiti problems in the City.

Mike Vacchio 13006 Philadelphia Street, submitted a written request to repeal the vacant lot ordinance; he said the ordinance puts a financial hardship on owners to clean up their lots; he believes the current ordinance is unworkable and the proposed refinements do not work; and he commented about the current drought conditions.

Ken Metzger, Whittier, said he disagrees with the ordinance requiring a Business License for income properties; he purchased his income property to provide income for his retirement; and he requested a public hearing to adjudicate the issue.

Joe Marsico, Whittier, said he never received a response to his request for a transportation public hearing; he had a calling for a neighborhood trolley and for pay at the gas pump auto insurance; he wants a public hearing on transportation; and that free speech is important.

**6. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:**

City Manager Helvey recommended Item 6.N be removed from the Consent Calendar, at the request of staff, for further explanation on the documentation.

Council Member Warner requested separate consideration of Item 6.D.

It was moved by Mayor Pro Tem/Vice Chair Nordbak, seconded by Council/Agency Member/Director Vinatieri, and carried, by roll call vote, to approve the Consent Calendar with the exception of Items 6.D and 6.N, and that Resolution Nos. 8193 through 8197, WRA-09-05, and WRA-09-06 be read by title only, further reading be waived, and they be declared adopted.

**6.A** The City Council denied claims filed by State Farm Insurance for Maria I. De Jesus, Gerard Granade, Wendy Sendziak, Michael Baker, Kelly H. Wilson, Xavier Michael Fresquez, Jeanne M. Beyer, Patti Jean Chapin, Eric Fresquez, and Mary Theresa Fresquez.

**6.B** The following actions were taken regarding minutes:  
1. City Council approved the Minutes of the Special Meeting of April 14, 2009; and  
2. City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of April 14, 2009.

**6.C** The City Council received and filed the Gateway Cities Council of Governments' updates for March and April 2009.

**6.E** The City Council:  
1. Approved funding for the final phase of the Wind Sculpture Project to include lighting the sculptures at Lambert Road and Mills Avenue; and  
2. Adopted Resolution No. 8193 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-09 BUDGET FOR THE WIND SCULPTURES ART IN PUBLIC PLACES PROJECT," in the amount of \$10,000 for installation of the lighting.

- 6.F** The City Council adopted Resolution No. 8194 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-09 BUDGET TO FUND ADDITIONAL GENERAL LIABILITY EXPENDITURES."
- 6.G** The City Council adopted Resolution No. 8195 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-09 BUDGET TO ALLOCATE FUNDS FOR THE GATEWAY CITIES COUNCIL OF GOVERNMENTS SB 375 ASSESSMENT FOR CONSULTANT WORK," in the amount of \$5,000.
- 6.H** The City Council adopted Resolution No. 8196 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING AN IDENTITY THEFT POLICY AND PREVENTION PROGRAM TO COMPLY WITH FEDERAL REGULATIONS REGARDING IDENTITY THEFT PREVENTION RULES," as required by the 2003 Fair and Accurate Credit Transactions Act (FACTA).
- 6.I** The City Council adopted Resolution No. 8197 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CERTIFYING THE AVAILABILITY OF MATCHING FUNDS FOR THE 2009 CALL FOR PROJECTS FROM LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY."
- 6.J** The Agency Board took the following actions regarding the Whittier Marketplace reimbursement:
1. Adopted Resolution No. WRA-09-05 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2008-09 BUDGET FOR THE PURPOSE OF ADDITIONAL REIMBURSEMENT UNDER THE WHITTIER MARKETPLACE DISPOSITION AND DEVELOPMENT AGREEMENT," allocating an additional \$57,000 for reimbursement to Whittier Marketplace, Inc.;
  2. Accepted a loan from the City of Whittier for \$53,538 representing 50% of the sales tax generated by the Whittier Marketplace project during July to December 2008, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Urbatec (now Whittier Marketplace, Inc.); and
  3. Approved reimbursement to Urbatec (50%) and Whittier Marketplace, Inc. (50%) of the November 2008 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$194,840, pursuant to the Urbatec DDA.

- 6.K** The Agency Board took the following actions regarding the Whittwood Town Center reimbursement:
1. Adopted Resolution No. WRA-09-06 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2008-09 BUDGET FOR THE PURPOSE OF ADDITIONAL REIMBURSEMENT UNDER THE WHITTWOOD TOWN CENTER OWNER PARTICIPATION AGREEMENT", allocating an additional \$39,000 for reimbursement to the property owner; and
  2. Approved \$233,894 in tax increment and sales tax reimbursement to Morgan Stanley pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.L** The Agency Board took the following actions regarding the Whittier Quad reimbursement:
1. Accepted a loan from the City of Whittier for \$185,804 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the second half of Fiscal Year 2007-08, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Terramar Retail Centers (TRC MM, LLC, formerly GMS Realty, LLC); and
  2. Approved reimbursement to TRC MM, LLC of the 2007-08 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$331,081, pursuant to the Quad at Whittier DDA.
- 6.M** The City Council approved renewal of the lease agreement with the Girl Scouts of Greater Los Angeles for the Broadway Park Girl Scout House; and acknowledged the name change from Girl Scouts – Spanish Trails Council to Girl Scouts of Greater Los Angeles.
- 6.O** The City Council accepted the work performed by Charles E. Thomas Company for the Enhanced Vapor Recovery (EVR) Phase II System upgrade of the City's vehicle fuel island; and authorized the City Clerk to record the Notice of Completion.
- 6.P** The City Council considered the League of Women Voters' request for a fee waiver in the amount of \$200 to televise a ballot measure forum.
- 6.Q** The Agency Board approved an amendment to the Agreement to Negotiate Exclusively with HDS Group, LLC regarding property located at 12802 Hadley Street, 12813 Bailey Street, and 6541 to 6557 Comstock Avenue (Alpha Beta site).

**6.D ECONOMIC DEVELOPMENT QUARTERLY UPDATE - JANUARY THROUGH MARCH 2009.**

Council Member Warner said she was concerned there had not been a meeting with local auto dealerships and emphasized the need for staff to meet with them; requested future Quarterly Economic Development reports identify how many businesses are contacted, by business district; and inquired about the Community Development Department's plan to address comments received from the merchants.

Following discussion, it was moved by Council Member Warner, seconded by Council Member Newcomer, and carried unanimously, to receive and file the January through March 2009 Economic Development Quarterly Update.

**6.N ULTRA GOOP, INC. THE GENERAL PARTNER OF PHILIPSON BUSINESS PROPERTIES, LTD**

Council Member Warner declared a conflict of interest because her rental property is located within 500 feet of the subject property and left the Council Chamber at 7:10 p.m.

Public Works Director Pelsler requested that Attachment B, the "Deed of Right-of-Way" be approved as amended to "Irrevocable Offer of Deed of Right-of-Way" to match the language within the text of the document and the text of the staff report; and to avoid any misunderstanding when the document is sent to the County Recorder.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, to approve the Master Covenant and Agreement for property located at 14706 Whittier Boulevard; accept the Irrevocable Offer of Right-of-Way Dedication for Assessor Parcel Number 8150-004-019 as amended; and authorize the City Clerk to execute the Irrevocable Offer of Right-of-Way Dedication.

Council Member Warner resumed her seat at the dais at 7:12 p.m.

**7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:12 p.m.

**8.A PUBLIC HEARING – AUTOMATED PHOTO RED LIGHT ENFORCEMENT SYSTEM**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider entering into a contract with Nestor Traffic Systems to

provide an Automated Photo Red Light Enforcement System and associated processing services at the current locations of Painter Avenue/Lambert Road and Mulberry Drive/Greenleaf Avenue; and to authorize the City Manager to execute the contract after City Attorney review.

Mayor Henderson opened the public hearing at 7:14 p.m.

There being no one wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, to close the public hearing at 7:14 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to approve Nestor Traffic Systems to provide the Automated Photo Red Light Enhancement System and services; and authorize the City Manager to execute the contract after City Attorney review.

## **8.B PUBLIC HEARING – INCREASES TO CITYWIDE USER FEES**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider adopting a resolution regarding proposed increases to citywide user fees in the City Clerk-Treasurer, Information Technology, Building and Safety, Planning, Library, Parks, Public Works (Engineering) and Police Departments, covering costs associated with performing certain public services.

City Controller Hill said this was first comprehensive fee study conducted since 2003, all of the departments had reviewed the study; and it was now being presented to Council for consideration.

Jeff Wakefield, MGT of America, Inc. (MGT) explained that state law allows municipalities to charge the estimated reasonable cost for providing a service; and they had reviewed staff time and materials, on an average, to produce the costs for the services analyzed. In response to Council Member Vinatieri, he stated that user fees, which are discretionary and elective, are governed by Proposition 13; and the industry standard is for individuals choosing special services pay accordingly so the citizens do not subsidize these services.

City Manager Helvey explained the purpose of the fee study was to ensure that general fund tax payers receive general fund services, to the extent possible, such as Police, Library and Park services; and citizens requiring special services do not burden the City with their special needs, which are self-funded.

Mayor Henderson opened the public hearing at 7:32 p.m.

Julia Emerson, Southern California Gas Company, 12460 Mar Vista Street, Whittier, said the Gas Company does repairs in the City and applies for the required permits however she had concerns that some of the fees are not clear and require clarification. She said on major jobs the Gas Company would prefer to pull one or two specific permits, and then process additional inspection time on a billable basis, to save both the Gas Company and the City time and paperwork. She said they want to ensure they pay the appropriate costs, however ensure they are not overcharged by possibly duplicating fees; she suggested the Council consider directing staff to continue working with the Gas Company to ensure these objectives are met; and she was very complimentary about the City staff she has worked with.

There being no one else wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, to close the public hearing at 7:36 p.m.

City Manager Helvey said the City would negotiate cost reimbursement on a major job for any large company; he suggested implementing the new fees immediately in order for all fees to catch up to current standards; and he said the fees could be increased with City Council approval for labor costs and inflation, without another fee study.

Council Member Warner noted that the fees from the 2003 fee study were implemented incrementally; and said she is concerned about the current economic situation; she wants full cost recovery; however she does not want it to be unbearable for the citizens.

In response, Mayor Henderson said that in 2003 the fees were implemented incrementally because it had been ten years since a fee study had been completed; he believes the City needs to get on a cycle; he noted that some of the fees were being reduced; and he acknowledged the staff and consultant time put into the study.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Resolution No. 8198 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING FEES TO BE CHARGED FOR VARIOUS DEPARTMENT RELATED SERVICES," be read by title only, further reading be waived, and it be declared adopted, with the new fees effective July 1, 2009.

### **8.C PUBLIC HEARING – 2009 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider accepting the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant.

Mayor Henderson opened the public hearing at 7:50 p.m.

There being no one wishing to testify before the City Council, it was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak, and carried to close the public hearing at 7:50 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried unanimously, to accept the 2009 Justice Assistance Grant.

#### **8.D CONTINUED PUBLIC HEARING – REVIEW OF VARIANCE V08-004, 14856 MAR VISTA STREET**

City Manager Helvey announced it was the date and time set and duly noticed for a continued de novo public hearing to review the decision of the Planning Commission to deny Variance V08-004, to allow an over height (up to 15 feet in certain locations) and view obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street; Applicant: Hugo Gutierrez. The hearing was continued from January 27, 2009, February 24, 2009, and March 24, 2009. At the applicant's request, it was recommended the hearing be continued to May 26, 2009 at 6:30 p.m.

It was moved by Council Member Vinatieri, seconded by Council Member Newcomer, and carried unanimously, to continue the public hearing to May 26, 2009 at 6:30 p.m.

#### **9.A HISTORIC RESOURCES ORDINANCE**

Following discussion, the City Council concurred to defer discussion about reviewing the Historic Resources Ordinance; and directed staff to return with a report after completing a historic resources inventory and implementation of the historic resources tiering program.

#### **9.B FOURTH OF JULY COMMUNITY EVENT IN 2009**

Following discussion, the City Council concurred on a Fourth of July flag raising ceremony to be held at Palm Park, at a cost not to exceed \$2,000.

#### **9.C MEDICAL MARIJUANA DISPENSARIES**

Following discussion, it was moved by Council Member Warner, seconded by Council Member Vinatieri, and carried, with Council Member Newcomer and Mayor Henderson dissenting, to direct staff to draft an ordinance prohibiting medical marijuana dispensaries in the City to be vetted through the Planning Commission process; and present to Council the Planning Commission's recommendation on the ordinance.

## 9.D VACANT LOT ORDINANCE

Community Development Director Collier presented a staff report and stated the existing vacant lot ordinance was adopted in January 2008, and addressed various aspects of vacant properties based on size, and whether the properties are improved or unimproved. He said staff is presenting options for Council consideration, including modifying provisions of the current ordinance; retaining the current ordinance; or preparing an amendment to delete the vacant lot ordinance; and has provided various ideas for consideration. He said staff has administratively implemented the vacant lot ordinance by utilizing the City's Water Efficient Landscape ordinance, but could include more specific requirements regarding drought tolerant landscaping.

The City Council came to the following consensus regarding modifying the existing vacant lot ordinance:

- Drought Tolerant Materials – Require property owners to landscape with drought tolerant or xeriscape material; and to allow professional artificial grade materials. The landscape material shall require review and approval by the Director of Parks.
- Water Conservation in Landscaping – Owner of the vacant lot to ensure that the approved vacant lot and irrigation plan conserves water to the greatest extent possible, while preserving the health of the landscaping.
- Vacant Lots not fronting Public Streets – Vacant lots that do not immediately front onto a public street shall be exempt from meeting the proposed vacant lot ordinance.
- Landscape Planters – Permitting property owners with lots over one-half acre to install a chain link fence with windscreen around the property with a five-foot wide landscape planter in front of the fencing.
- Provisions for lots one-half acre or less – Allow current provisions for lots one-acre or more be applied to lots one-half acre or less, as deemed appropriate by the Director of Community Development.
- Inspection of property by Owner – Leave ordinance as currently written to require each property owner of a vacant lot to be responsible for inspecting their property at a “reasonable interval.”
- Ten-foot wide Landscape Planter – Delete existing provisions within the Municipal Code that require a minimum 10-foot wide landscape planter be installed where a vacant lot abuts a public alley.

- Existing Landscaping and Irrigation – Requires all existing landscaping and/or irrigation be required to comply with any conditions of approval applied to the site.
- Vacant Lot Landscape and Irrigation Plans – Amend provision that the Plans must be reviewed and approved by the Director of Parks, rather than the Director of Community Development.
- Appeal Process - Add notations to the existing vacant lot ordinance stating the decision of the Director of Parks to approve, conditionally approve, or deny a Vacant Lot Landscape and Irrigation Plan may be appealed in writing to the City Manager within fifteen calendar days. The decision of the City Manager shall be final, unless appealed in writing, to the City Council within fifteen calendar days of the City Manager's decision. Each appeal request will be considered based on the totality and facts of the situation.
- Easements – Amend Vacant Lot ordinance requiring and/or permitting property owners with a recorded easement use an appropriate groundcover over the easement (i.e. gravel, turf block, paving).

The City Council directed staff to return to the Planning Commission for review and recommendation to the Council for a Zoning Code Amendment; and to hold in abeyance all enforcement efforts for vacant lot violations until adoption of a new Vacant Lot ordinance.

#### **9.E LOCAL ECONOMIC STIMULUS AND BUSINESS ASSISTANCE ACTION PLAN**

The City Council provided direction to staff regarding a proposed Local Economic Stimulus and Business Assistance Action Plan:

- Business License Tax Reduction – No reduction of Business License taxes for Fiscal Year 2009-10.
- Zoning Entitlement Application & Building Permit Fees – Reduce City zoning entitlement application and building permit fees up to 50%, with a \$20,000 cap, for business and property owners located within the Redevelopment Project Area; effective through the end of Fiscal Year 2009-10.
- Banner Permit Processing & Review Fees Reduction – Reduce banner permit processing fees for business from \$115.25 to \$25 through the end of Fiscal Year 2009-10.

- Revise Terms for Display of Temporary Banners – Modify the code to allow businesses to display banners for up to 12 days a month rather than 30 days at a time, four times a year, effective through the end of Fiscal Year 2009-10.
- Relief of Other Signage Enforcement – Maintain current signage enforcement policy.
- Relief of Barbed Wire Removal for 12 Months – Maintain current barbed wire removal policy.
- Facilitate and Fund Business Assistance Seminars – Coordinate and fund business assistance seminars, working in conjunction with the Whittier Area Chamber of Commerce, the Southeast Area Social Services Funding Authority (SASSFA); and the Small Business Development Center (SBDC).
- Partner with Local Universities and Colleges – Coordinate with Whittier College, Rio Hondo Community College, Biola University, Presbyterian Intercommunity Hospital, and the Regional Occupation Program (ROP) to utilize classes for workshops/seminars for local small businesses.
- Establish an Economic Development Team and Revise the Business Visitation Program – Form a Whittier “Economic Development Team” comprised of City Council Members, the Business Development Manager, Director of Community Development and Assistant City Manager to conduct visits to targeted existing businesses that provide significant sales tax dollars, have invested in the City, and have the potential to grow and thrive.
- Launch Revised Commercial Façade Improvement Program – Reconsider the Façade Improvement Program and reassign the proposed funding to the Storefront Glass Replacement Program.
- Storefront Glass Replacement Program – Work closely with the Whittier Uptown Association to develop a glass replacement program for businesses in the Uptown Core and Uptown Center of the Uptown Specific Plan (Earthquake Recovery Redevelopment Project Area) to replace storefront windows damaged by etching and/or acid.
- Revamp City Website – To be included in budget discussions as a business improvement consideration.
- Increase the Buy Whittier Policy Margin to 2% - Increase the preferential treatment margin for bids from Whittier businesses from 1% to 2%; and to market the program on the City website, Channel 6 and water bill inserts.

- Extension of Development Entitlements – Allow an automatic 18-month extension for all existing development entitlements.

**9.F ZONING CODE AMENDMENT TO PROCESS DEVELOPMENT REVIEW APPLICATIONS**

Following brief discussion, the City Council concurred to continue discussion on a potential Zoning Code Amendment to process Development Review applications if the Design Review Board is dissolved to May 12, 2009.

**9.G ARCHITECTURAL GUIDELINES FOR THE UPTOWN WHITTIER SPECIFIC PLAN**

The City Council concurred to continue discussion on the Architectural Guidelines for the Uptown Whittier Specific Plan to May 12, 2009.

**10. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:**

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority in joint session with City Council at 9:30 p.m.

**11. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**

Mayor Henderson provided an update on the mineral extraction project; advised Matrix Oil had submitted a conditional use permit application; and the next phase of the project would be preparation of an environmental impact report.

**12. ADJOURN UTILITY AUTHORITY MEETING TO SATURDAY, MAY 9, 2009 FOR A BUDGET STUDY SESSION**

**13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:**

City Manager Helvey recommended a Closed Session be held pursuant to:

**13.A** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Federal Receiver Clark Kelso.

**13.B** City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.

- 13.C** City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation; McCracken vs. City of Whittier, based on a conversation between Mrs. McCracken and Jim Kurkowski on March 24, 2009 relating to trees at 11027 Lindesmith.
- 13.D** City Council – Government Code Section 54956.9(a) to discuss one case of litigation, Grobaty & Petit LLC vs. City of Whittier.
- 13.E** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Leggett & Platt regarding price and terms of payment for properties located at 12100 – 12352 Whittier Boulevard; Agency negotiator: Stephen Helvey.
- 13.F** City Council – Government Section 54956.8 to discuss real property negotiations with Murphy Ranch Little League, Inc. regarding price and terms of payment for portions of property identified as Assessor Parcel Number 8291-005-900; and with Whittier Area Community Church regarding price and terms of payment for portions of property identified as Assessor Parcel Numbers 8291-005-005 and 8291-005-900; City negotiator: Stephen Helvey.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:42 p.m. with City Clerk-Treasurer/Secretary-Treasurer Marshall replacing Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques.

**14. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the joint meeting in Open Session at 10:30 p.m.

**15. CLOSED SESSION REPORT:**

None.

**16. ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY JOINT MEETING IN MEMORY OF PHIL WINTNER TO SATURDAY, MAY 9, 2009 FOR A BUDGET STUDY SESSION.**

At 10:30 p.m., Mayor Henderson adjourned the joint meeting, in memory of Phil Wintner, to Saturday, May 9, 2009 at 7:00 a.m., for a Budget Study Session.

Respectfully submitted:

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Toni Maiques  
Assistant City Clerk-Treasurer/  
Assistant Secretary-Treasurer