

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
JUNE 9, 2009, 6:30 P.M.**

**As a courtesy to others attending this meeting, please turn off or place in silent mode all cell phones, pagers and other communication devices while in the Council Chamber. Thank you.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
  - Joe Vinatieri, Council Member
  - Cathy Warner, Council Member
  - Owen Newcomer, Council Member
  - J. Greg Nordbak, Mayor Pro Tem
  - Bob Henderson, Mayor
- 3. PLEDGE OF ALLEGIANCE:**
- 4. PRESENTATIONS:**
  - 4.A** Neighborhood Associations Tree Beautification
    - Whittier Historic Neighborhood – Rosie Seelt, Tree Committee
    - Friendly Hills Property Owners Association – Allan Nakken, President
    - International Society of Arboriculture Gold Leaf Award Recipient –  
Mike Montoya, City of Whittier Tree Supervisor
  - 4.B** Blue Star
    - Albert J. Morales
    - Nicolas Ryan Garcia
    - Bernadette Montes
  - 4.C** Commendation - Rotary Youth Leadership Awards
    - Samantha Coelho and Kevin Islas
- 5. ORAL COMMUNICATIONS:** This is the time for the public to address the City Council, Redevelopment Agency or Utility Authority regarding any item of City, Agency or Authority business except for public hearing matters. Public hearing comments will be received during the hearings. Speakers must limit their comments to three minutes.

*(NOTE: Pursuant to State law, the City Council, Redevelopment Agency, and Utility Authority cannot take action or express a consensus of approval or disapproval on any oral communications which do not appear on the printed agenda.)*

- 6. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:** All items on the Consent Calendar may be approved by a single motion followed by a roll call vote. If a Council Member, Agency Member or Utility Director wishes to discuss a Consent Calendar item, the item may be removed from the calendar at the request of any Council/Agency Member or Director.
- 6.A** It is recommended the City Council deny claims filed by Teri Duncan, Liandra Sapien-Perez, Juventino Lepiz, William Valencia, and Keri Odum.
- 6.B** It is recommended the following actions be taken regarding Minutes:
1. City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of May 26, 2009;and
  2. City Council approve the Minutes of the Adjourned Regular Meeting of June 2, 2009.
- 6.C** It is recommended the City Council receive and file the following Planning Commission actions unless review is requested by a Council Member:
1. Approval of Conditional Use Permit No. C09-003 and Development Review No. DR09-020 to operate and expand an existing 1,544 square-foot auto repair facility on an 18,999 square-foot lot located at 10807 Whittier Boulevard; Owner: Sherif Hanna; Applicant: Roy Furuto, Furuto Rubio & Associates.
  2. Approval of Conditional Use Permit No. C09-006 to utilize the first floor of an existing building located within the Uptown Whittier Specific Plan (Uptown Core) for professional offices at 6557 Greenleaf Avenue; Owner/Applicant: Interhealth Corporation (PIH).
- 6.D** It is recommended the Agency Board approve the First Amendment to the Affordable Housing Covenant and Regulatory Agreement with Gables Whittier 96 Partners, LP (HDS Group, LLC) for use of up to \$3,761,000 of Low and Moderate Income Housing Set Aside funds for affordable ownership housing units at The Gables Condominium Project; and authorize the Agency Chair to execute the First Amendment.
- 6.E** It is recommended the Agency Board review and approve the program description and corresponding legal documents for use in implementing the Affordable Home Ownership Program.

- 6.F** It is recommended the City Council and Agency Board approve the First Amendment to the HOME Program Participation Agreement with Whittier Area First Day Coalition to assist in the rehabilitation of housing units located at 7916 - 7920 Newlin Avenue for use as a transitional housing project; authorize the City Manager/Executive Director to execute the Agreement; and adopt Resolution No. 8207 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget for the purpose of increasing a loan amount to the Whittier Area First Day Coalition," in the amount of \$92,300.
- 6.G** It is recommended the City Council declare the following vehicles surplus and be sold at public auction to the highest bidder:
1. 2000 Ford Taurus, Equipment No. 11555
  2. 1998 Oldsmobile Cutlass, Equipment No. 11620
  3. 1984 American LaFrance Refuse Truck, Equipment No. 20224
  4. 1989 Mack Street Sweeper, Equipment No. 29129
  5. 1988 John Deere 5030T Backhoe, Equipment No. 31631
  6. 1989 Dresser A450E Grader, Equipment No. 34246
  7. Five El Dorado Buses; Equipment Nos. 30897, 31803, 31885, 31887 and 31898
- 6.H** It is recommended the City Council approve the first amendment to the Encroachment License Agreement for Omega Chemical PRP Group (OPOG) for the installation of two piezometers in the public right-of-way; and authorize the Mayor to execute the Amendment.
- 6.I** It is recommended the City Council review a progress report on the police facility project budget and schedule.
- 6.J** It is recommended the City Council take actions regarding the Taxi Voucher Program:
1. Receive and file an update report;
  2. Approve a change in the scope of work; and
  3. Authorize the City Manager to make future administrative changes.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution No. 8207 (Item 6.F) be read by title only, further reading be waived, and it be declared adopted.

#### ROLL CALL

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

**8. PUBLIC HEARINGS:**

- 8.A** This is the date and time set and duly noticed for a public hearing to consider prohibiting the establishment and operation of all forms of medical marijuana dispensaries, located in all zoning classifications and specific plans, by adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, to amend Chapter 18.52 (Variance and Conditional Use Permits) and Chapter 18.45 (Medical Marijuana Regulations) of the Whittier Zoning Code, prohibiting the establishment and operation of all forms of medical marijuana dispensaries citywide. (Applicant: City of Whittier, Zoning Code Amendment 09-007)." The Planning Commission recommends the City Council deny Zoning Code Amendment 09-007 and retain the existing medical marijuana ordinance as codified.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Ordinance No. 2927 be read by title only, further reading be waived, and this be declared its first reading.

**OR**

Proposed Motion: I move to uphold the Planning Commission decision to deny approval of Zoning Code Amendment 09-007 and retain the existing medical marijuana ordinance as codified.

- 8.B** This is the date and time set and duly noticed for a public hearing to consider adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Section 8.08.026 (Vacant Lots) of the Whittier Municipal Code under Zoning Code Amendment 09-008 (Applicant: City of Whittier)," by revising the specific regulations for the maintenance of vacant lots in the City.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Ordinance No. 2928 be read by title only, further reading be waived, and this be declared its first reading.

- 8.C** This is 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, March 24, 2009, April 28, 2009 and May 26, 2009. At the applicant's request, it is recommended the hearing be continued to June 23, 2009 at 6:30 p.m.

Proposed Motion: I move that the public hearing be continued to June 23, 2009 at 6:30 p.m.

- 8.D** This is the date and time set and duly noticed for a public hearing to consider the levy and collection of assessments for the Foxley Drive Street Lighting Assessment District No. 01-91, between Santa Fe Springs Road and Villa Drive; acceptance of the Fiscal Year 2009-10 Engineer's Report; and adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming diagram and assessment of FY 2009-10 for Foxley Drive Street Lighting Assessment District No. 01-91."

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move to accept the FY 2009-10 Engineer's Report on Street Lighting Assessment District No. 01-91; and that Resolution No. 8208 be read by title only, further reading be waived, and it be declared adopted.

#### ROLL CALL

- 8.E** This is the date and time set and duly noticed for a public hearing to consider the Parking District No. 1 Budget for Fiscal Year 2009-10 and adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming the City assessment for the Fiscal Year 2009-10 for Whittier Uptown Parking District No. 1 (Multi-Deck)."

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move to approve the Parking District No. 1 Budget for Fiscal Year 2009-10; and that Resolution No. 8209 be read by title only, further reading be waived, and it be declared adopted.

#### ROLL CALL

- 8.F** This is the date and time set and duly noticed for a public hearing to consider the Parking District No. 2 Budget for Fiscal Year 2009-10 and adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, for determining convenience and necessity, adopting annual report and ordering assessments to be levied – Whittier Uptown Parking District No. 2."

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move to approve the Parking District No. 2 Budget for Fiscal Year 2009-10; and that Resolution No. 8210 be read by title only, further reading be waived, and it be declared adopted.

### ROLL CALL

#### 9. STAFF REPORTS:

- 9.A** It is recommended the City Council take a position on the four route alignments considered for Los Angeles County Metropolitan Transportation Authority's Eastside Gold Line extension.

Proposed Motion: I move to \_\_\_\_\_.

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

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

#### 12. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

#### 13. CITY COUNCIL CLOSED SESSION: It is recommended a Closed Session be held pursuant to:

**13.A** City Council - Government Code Section 54956.95 to discuss the claim of Christopher Quast vs. City of Whittier.

**13.B** City Council - Government Code Section 54956.9(a) to discuss two cases of litigation:

1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.

- 13.C City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Federal Receiver Clark Kelso.
  - 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 City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.
- 14. **RECONVENE IN OPEN SESSION:**
  - 15. **CLOSED SESSION REPORT:**
  - 16. **ADJOURN CITY COUNCIL MEETING TO TUESDAY, JUNE 16, 2009 AT 7:00 P.M.**

**Disability-related aids or services are available to enable persons with a disability to participate in this meeting, consistent with the federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the Reception Desk in the downstairs lobby. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk at least 24 hours in advance of the meeting at 562/464-3330.**

**NOTE:** On Saturdays prior to Whittier City Council Meetings, the entire Whittier City Council agenda package is available for review, upon request, at the reference desk in the Central Library (7344 Washington Avenue) and the Whittwood Branch Library (10537 Santa Gertrudes Avenue). The entire agenda package is also available in the City Clerk-Treasurer Department on Mondays prior to Whittier City Council Meetings. Any meeting related writings or documents provided to the majority of the City Council after distribution of the agenda package will be made available in the City Clerk-Treasurer Department, Whittier City Hall, 13230 Penn Street. Any person with questions regarding items on the agenda should contact the City Clerk-Treasurer Department at 562/464-3330.