

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER HOUSING AUTHORITY
WHITTIER PUBLIC FINANCING AUTHORITY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JUNE 23, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on June 23, 2009, in conjunction with the Whittier Housing Authority, Whittier Public Financing Authority, Whittier Redevelopment Agency, and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:30 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/HOUSING AUTHORITY BOARD MEMBERS/ PUBLIC FINANCING AUTHORITY DIRECTORS/AGENCY BOARD MEMBERS/UTILITY 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 J. Greg Nordbak, Mayor Pro Tem /Vice Chair Bob Henderson, Mayor/Chair
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OTHER OFFICIALS PRESENT:	Stephen W. Helvey, City Manager/ Executive Director Richard D. Jones, City Attorney/Authority Counsel Kathryn A. Marshall, City Clerk-Treasurer/ Secretary-Treasurer
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3. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Nordbak led the Pledge of Allegiance.

4. PRESENTATIONS

Mayor Henderson announced the City Council was soliciting applications for an opening on the Planning Commission.

4.A JOINT MILITARY FORCES PRESENTATION:

See below.

5. ORAL COMMUNICATIONS:

Sally Schacht, Hillcrest Congregational Church, invited the City Council and public to a pancake breakfast fundraiser and food gathering for the Whittier Food Bank and advised police and fire personnel eat for free.

Richard Kreger, Whittier, asked that the City improve its bus service by extending the service hours to 1:00 a.m. and said he would like the City to pursue getting a Bob's Big Boy restaurant in the City.

Wayne Wedin, 417 Associated Road, Brea, representing Jerry King who owns property at Whittier Boulevard and Sorensen Avenue, addressing Agenda Item 6.H and the Whittier Boulevard Specific Plan, said they had submitted a letter because they were not aware of the previous discussions on the vacant lot ordinance. He requested the opportunity to work with staff on a good-looking vacant lot design for small parcels to improve the property in a way that meets the City's objectives and is affordable, noting he is not aware of any complaints about the appearance of his client's property.

Michael Rubin, Rutan and Tucker, Attorney at Law, representing Jerry King, said he submitted a letter because they did not have the opportunity to appear before the City Council when the vacant lot ordinance was discussed. He said Mr. King's lot is not unsightly or a nuisance; spoke regarding his client's income interest in an adjoining property, reduced incoming producing options for the subject property under the Whittier Boulevard Specific Plan; and said the proposed vacant lot landscaping ordinance terminates the seasonal use. He requested the City Council delay adoption of the vacant lot ordinance, authorize staff to work with them on a solution for his client's lot, and suspend prosecution of the existing ordinance during that period since the lot is not a nuisance.

(Continued on Page 3.)

4.A JOINT MILITARY FORCES PRESENTATION:

Brigadier General Combs spoke regarding the treatment of Viet Nam veterans; praised the City of Whittier for its support of those veterans and for being the first city to formally recognize Viet Nam veterans; and presented the City Council with a plaque in recognition of its efforts to promote the well-being of those who have served our country. He expressed appreciation of Jose Ramos for his initiative in starting the Welcome Home Viet Nam Veterans' Program and presented him with the Commanding General's Award of Excellence.

Mr. Ramos introduced Frank Gonzales, who had just received medals he earned due to efforts of General Combs and Congresswoman Sanchez, and presented a plaque to Mr. Gonzales in recognition of his service in Viet Nam.

Mr. Gonzales said he waited almost forty years to receive his medals, including a Purple Heart, and appreciated the recognition.

Council Member Vinatieri left the Council Chamber at 6:52 p.m.

ORAL COMMUNICATIONS - CONTINUED

(Continued from Page 2.)

Ben Greer, 12300 Washington Boulevard, Whittier, representing the Whittier Chamber of Commerce, thanked the City Council in advance for approval of the new contract with the Chamber; said the Chamber supports storefront glass replacement, temporary signage, and temporary fee programs the City Council authorized to improve the business climate in the City; and said they hope the City Council has the spirit of maximizing the use of property when considering changes to the Whittier Boulevard Specific Plan.

Gus Arriaza, 11743 Whittier Boulevard, said he represents the Chamber of Commerce and thanked the City Council for the City's efforts to help small businesses.

Council Member Vinatieri returned to the meeting at 6:56 p.m.

Arthur Rock, Whittier, spoke regarding showing respect and his military service; suggested since the City will not fund a community picnic to celebrate the 4th of July, that the churches might band together and host an event; and encouraged people to support the United States military and be proud to be an American.

Robert Canales, 6333 Milton Avenue, Whittier, said he believed the City took the wrong action on the medical marijuana ordinance; reviewed related state, federal and international laws; said the Council Members' Oath of Office requires them to uphold the Constitution of the United States, therefore granting permits for medical marijuana facilities, is a violation of the Federal Constitution and international law, and may constitute a violation of Council Members' Oath of Office.

Ralph Marsico thanked Council Members Vinatieri and Warner for standing firm against medical marijuana facilities in the City and requested legal advice from the City Council with regard to the trial he is going through relating to Code Enforcement violations at his former home.

George Poochigian, Whittier, inquired how the City Council is recognizing military veterans; suggested the City reduce fees for disabled veterans; and opposed the City holding the State of the City Address at the Friendly Hills Country Club which requires the public to pay a fee to hear the presentation.

Luis Vega, 7033 Milton Avenue, Whittier, announced an upcoming show at the Atomic Bomb Comedy Club.

Joe Marsico, Whittier, opposed the sale of marijuana for medical purposes and said he has not received a response to his inquiry about who authorized destruction of Council meeting video tapes.

6. CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY/PUBLIC FINANCING AUTHORITY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:

Mayor Henderson announced he would recuse himself from voting on Item 6.K because he owns property within Uptown Parking District No. 2.

Mayor Pro Tem Nordbak asked that Item 6.R be pulled from the Consent Calendar.

Council Member Newcomer requested Item 6.W be removed from the Consent Calendar.

It was moved by Council/Agency Member/Director Newcomer, and seconded by Mayor Pro Tem/Vice Chair Nordbak to approve the Consent Calendar with the exception of Items 6.R and 6.W and that Resolution Nos. 8211; 8212, WRA-09-07; WUA-09-02; 8213; and 8214; and Ordinance No. 2928 be read by title only, further reading be waived, and they be declared adopted. The motion carried by unanimous roll call vote with the exception of Item 6.K which passed with Mayor Henderson abstaining.

6.A The City Council denied claims filed by Robert M. Gockel, Francisco Medrano, and Gabriel Herrera.

6.B The City Council, Agency Board and Authority Boards of Directors took the following actions regarding minutes:

1. Public Financing Authority and Housing Authority Boards of Directors approved the Minutes of the Regular Meeting of June 24, 2008 and the Adjourned Regular Meeting of May 9, 2009;
2. City Council, Agency Board and Utility Authority Board of Directors approved the Minutes of the Regular Meeting of June 9, 2009; and

3. City Council and Agency Board approved the Minutes of the Adjourned Regular Meeting of June 16, 2009.
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- 6.C** The City Council approved an amendment to revise the payment schedule for the agreement with Tom Askman for the Rocket Robin Art in Public Places Project.
 - 6.D** The City Council approved the Dial-A-Ride Agreement with the City of La Habra Heights continuing the operations, maintenance and administration of the coordinated paratransit service effective July 1, 2009; and authorized the City Manager to execute the Agreement.
 - 6.E** The City Council adopted Resolution No. 8211 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS."
 - 6.F** The City Council received and filed the Fiscal Year 2008-09 Work Plan.
 - 6.G** The City Council designated the *Whittier Daily News* as the official newspaper for the publication of legal notices or other matters for Fiscal Year 2009-10.
 - 6.H** The City Council conducted second reading and adopted Ordinance No. 2928 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.
 - 6.I** The City Council, Agency Board, and Utility Authority Board of Directors adopted resolutions establishing administrative purchasing authority up to \$50,000:
 1. Resolution No. 8212 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN CONTRACTUAL ARRANGEMENTS PERTAINING TO THE ACQUISITION OF MATERIALS AND SERVICES AND REPEALING RESOLUTION NO. 3741";
 2. Resolution No. WRA-09-07 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY

AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CERTAIN CONTRACTUAL ARRANGEMENTS PERTAINING TO THE ACQUISITION OF MATERIALS AND SERVICES”; and

3. Resolution No. WUA-09-02 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO CERTAIN CONTRACTUAL ARRANGEMENTS PERTAINING TO THE ACQUISITION OF MATERIALS AND SERVICES.”

- 6.J** The City Council received and filed the Police Department’s illegal fireworks enforcement plan.
- 6.K** The City Council adopted Resolution No. 8213 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING TAXATION DISTRICTS AND LEVYING AN AD VALOREM ASSESSMENT ON ALL LAND AND IMPROVEMENTS WITHIN WHITTIER UPTOWN PARKING DISTRICT NO. 2 FOR THE FISCAL YEAR 2009-10.”
- 6.L** The City Council:
 1. Committed 2007-08 and 2008-09 Community Housing Development Organization (CHDO) set aside funds to LINC Community Development Corporation for their use in developing or rehabilitating an affordable apartment community;
 2. Replaced and superseded the previous funding agreement with LINC approved March 13, 2007, with a new agreement that includes the funding commitments from prior years; and
 3. Authorized the City Manager to execute the Agreement.
- 6.M** The City Council received and filed the following Historic Resources Commission action: approval of Certificate of Appropriateness 09-007 to complete a comprehensive window and garage door change-out to two existing multiple-family buildings located at 6339 and 6341 Milton Avenue; Applicant: California Replacement Windows, Inc.; Owner: Guy Kato.
- 6.N** The City Council approved the special event permit request for the Whittier Uptown Association to hold its 9th Annual Uptown Whittier Car Show on Saturday, August 15, 2009 from 9:00 am to 4:00 pm.
- 6.O** The Board of Directors of the Whittier Housing Authority and Whittier Public Financing Authority reviewed and approved the 2009 Statement of Investment Policy.

- 6.P** The Utility Authority Board of Directors received and filed the revised appraisal report from Lidgard & Associates superseding the previously submitted report on January 27, 2009, to set the basis for the lease rent rate for property located at Pumping Plant No. 2 site, 4308 San Gabriel River Parkway, Pico Rivera, until November 2013.
- 6.Q** The City Council accepted the work performed by Roy Allan Slurry Seal, Inc. for the Pavement Surface Treatment at Various Locations project; and authorized the City Clerk to record the Notice of Completion.
- 6.S** The City Council declared the following vehicles surplus; and directed staff to contact non-profit service organizations in the City to donate the vehicles or sell the vehicles at public auction to the highest bidder:
1. 1989 Ford Bronco II, Equipment No. 16614
 2. 1991 Bounder Motorhome, Equipment No. 23349
 3. 1998 El Dorado Bus, Equipment No. 30897
- 6.T** The City Council adopted Resolution No. 8214 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2008–2009 BUDGET TO FUND THE CITY HALL BOILER REPLACEMENT PROJECT," in the amount of \$70,460 to reimburse the Air Quality Improvement Trust Fund.
- 6.U** The City Council approved Final Parcel Map No. 68352 for property located at 9187 Altura Lane; Property Owner: William Cannata.
- 6.V** The City Council authorized staff to proceed with the Professional Services Contract with Marine Research Specialists for the Whittier Main Oilfield Environmental Impact Report (EIR); and authorized the City Manager to sign the Agreement after an additional deposit by Matrix Oil.
- 6.X** The City Council accepted the Offers of Right-of-Way Dedication along Whittier Boulevard and Painter Avenue for Fresh & Easy; and authorized the City Clerk to execute the Offers of Right-of-Way Dedication.

6.R BUSINESS LICENSE TAX APPORTIONMENT

Following discussion, the City Council concurred to continue consideration of a Business License Tax Apportionment ordinance to the next meeting when discussion could also be scheduled regarding the Business License tax on real estate salesmen.

6.W ARCHITECTURAL GUIDELINES FOR THE UPTOWN WHITTIER SPECIFIC PLAN

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried, with Council Member Newcomer dissenting, to receive the Architectural Guidelines for California contemporary style for the Uptown Whittier Specific Plan.

7. RECESS HOUSING AUTHORITY MEETING:

Mayor Henderson recessed the Housing Authority meeting at 7:20 p.m.

8.A JOINT PUBLIC HEARING – CITY OF WHITTIER, PUBLIC FINANCING AUTHORITY, REDEVELOPMENT AGENCY, AND UTILITY AUTHORITY FISCAL YEAR 2009-10 BUDGET

City Manager Helvey announced it was the date and time set and duly noticed for a joint public hearing of the City Council, Public Financing Authority, Redevelopment Agency, and Utility Authority to consider adoption of Fiscal Year 2009-10 Budgets.

Mayor Henderson opened the public hearing at 7:21 p.m.

There being no one wishing to testify before the agencies, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously to close the public hearing.

Council Member Newcomer proposed modifying the draft budget by eliminating the Non-Departmental and Parks Administration budget amendments equating to a \$76,000 reduction in expenditures and funding those items by reducing the proposed revenue impact of the Utility Users' Tax Exemption Program from \$150,000 to \$50,000, which would restore the proposed cut items and leave some additional funds available.

Other Council Members stated while they did not like all of the proposed budget cuts, in light of the State of California proposal to take local funds and the fact that all other City departments had made the reductions requested, they would leave the proposed budget cuts in place.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried unanimously that Resolution No. 8215 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009 AND ENDING JUNE 30, 2010"; and Resolution No. 8216 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING AND ADOPTING

THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10” be read by title only and further reading be waived.

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak and carried, by roll call vote with Council Member Newcomer opposed, to adopt Resolution Nos. 8215 and 8216.

It was moved by Agency Member Vinatieri, seconded by Agency Member Newcomer, and carried unanimously, by roll call vote, that Resolution No. WRA-09-08 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER REDEVELOPMENT AGENCY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, AND ENDING JUNE 30, 2010” be read by title only, further reading be waived, and it be declared adopted.

It was moved by Director Vinatieri, seconded by Director Warner, and carried unanimously, by roll call vote, that Resolution No. WPFA-09-01 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER PUBLIC FINANCING AUTHORITY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, AND ENDING JUNE 30, 2010,” be read by title only, further reading be waived, and it be declared adopted.

It was moved by Director Warner, seconded by Vice Chair Nordbak, and carried unanimously, by roll call vote, that Resolution No. WUA-09-03 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2009, AND ENDING JUNE 30, 2010,” be read by title only, further reading be waived, and it be declared adopted.

It was moved by Vice Chair Nordbak, seconded by Director Vinatieri, and carried unanimously, by roll call vote, that Resolution No. WUA-09-04 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY ESTABLISHING A FEE SCHEDULE OF THE SEWER USER FEE PROGRAM FOR THE FISCAL YEAR 2009-2010,” and Resolution No. WUA-09-05 entitled, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY FIXING RATES AND CHARGES FOR WATER SERVICE FURNISHED BY THE WHITTIER UTILITY AUTHORITY be read by title only, further reading be waived, and it be declared adopted.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, that Ordinance No. 2929 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING WHITTIER MUNICIPAL CODE CHAPTER 3.24 TO INCREASE THE UTILITY USERS TAX EXEMPTION FOR RESIDENTIAL SERVICE

USERS," be read by title only, further reading be waived, and this be declared its first reading.

It was moved by Council Member Warner, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Resolution No. 8217 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO RESCIND RESOLUTION NO. 8142 AND ESTABLISH THE 2009-2010 SALARY RESOLUTION," be read by title only, further reading be waived, and it be declared adopted.

It was moved by Council Member Warner, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote that the City Council renew an agreement with the Whittier Area Chamber of Commerce for the period July 1, 2009, to June 30, 2010, and authorize the City Manager to execute the Agreement.

9. RECESS PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Public Financing Authority and Utility Authority meetings at 7:43 p.m.

10.A JOINT PUBLIC HEARING – ECONOMIC STIMULUS TEMPORARY BANNER FEE REDUCTIONS

City Manager Helvey recommended the City Council conduct a public hearing to consider proposed reductions to specified planning, building and temporary sign fees. He further recommended that the Redevelopment Agency Board consider approving a Local Economic Stimulus and Business Assistance Fee Subsidy for Zoning Entitlements and Building Permits effective July 1, 2009, through June 30, 2010.

Business Development Manager Frausto explained the purpose of the public hearing was to consider implementation of a reduced temporary banner fee from the current \$152.00 to \$25.00 for the period July 1, 2009, through June 30, 2010, as part of the Local Economic Stimulus and Business Assistance Plan previously considered by the City Council. She advised the projected revenue loss for the fiscal year would be \$9,500.00 and recommended the implementing resolution be adopted with an amendment to reflect the July 1, 2009, effective date in Section 2. She said the Redevelopment Agency Board would then consider approving a component of the Local Economic Stimulus and Business Assistance Plan relating to 50% fee subsidies for zoning entitlements and building permits for the next fiscal year for commercial projects with a minimum evaluation of \$10,000 located in one of the four redevelopment project areas; reductions in fees would be capped at \$20,000 per project with a maximum Agency assistance of \$200,000 funding from the Commercial Corridor Project Area, Earthquake Recovery Project Area, and Greenleaf Avenue Project Areas;

noting the Whittier Boulevard Project Area did not have funding available for this program.

Mayor Pro Tem Nordbak noted that Item 10.8.2, the Agency Fee Subsidy report included a statement that Presbyterian Intercommunity Hospital would probably benefit from the stimulus; therefore, said he may have a conflict of interest on that item.

City Attorney Jones advised that the way the item was listed on the agenda was widespread so an official could not anticipate what would happen and would be permitted to act; however, since Mayor Pro Tem Nordbak has a client called out for foreseeable benefit, he should declare a conflict of interest.

Mayor Pro Tem Nordbak said he would not participate in the discussion of Item 10.8.2, Council Member Vinatieri said he would also recuse himself due to a conflict of interest with Presbyterian Intercommunity Hospital.

Business Development Manager Frausto responded to questions from Council Members, advised the subsidy of the zoning and building fees from the Agency will not affect the City budget; the City may experience revenue loss associated with the banner fee reduction, but the banner regulations will not be affected.

Mayor Henderson opened the public hearing at 7:52 p.m.

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

It was moved by Council Member Warner, seconded by Council Member Newcomer, that Resolution No. 8218 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING TEMPORARY FEE REDUCTIONS FOR TEMPORARY SIGN PERMITS TO EXPIRE ON JUNE 30, 2010," be read by title only, further reading be waived, and it be declared adopted, as amended; and to approve the Local Economic Stimulus and Business Assistance Fee subsidies for Zoning Entitlements and Building Permits, effective July 1, 2009, through June 30, 2010. The motion carried by roll call vote with all five Council Members approving the resolution; and with Agency Members approving the fee subsidies except Agency Member Vinatieri and Vice Chair Nordbak who abstained from voting on the fee subsidy.

11. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Henderson recessed the Redevelopment Agency meeting at 7:53 p.m.

12.A 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. He said the hearing was continued from January 27, 2009, February 24, 2009, March 24, 2009, April 28, 2009, May 26, 2009, and June 9, 2009; and that based on the settlement agreement reached between the applicant and the City, it was recommended the City Council accept a request by Mr. Gutierrez to withdraw Variance V08-004. He noted that Mayor Pro Tem Nordbak had requested review of this matter.

Mayor Pro Tem Nordbak said he agreed with staff's recommendation and in as much as the matter has been resolved, withdrew his request for review of the Variance.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously to accept Mr. Gutierrez request for withdrawal of his Variance application.

Council Member Vinatieri confirmed with City Attorney Jones that there was no need to open the public hearing.

12.B PUBLIC HEARING – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

City Manager Helvey recommended the City Council conduct a public hearing to consider the Police Department's proposal for the expenditure of the Federal "2009 Justice Assistance Grant" funds, accept the Grant in the amount of \$37,013 to purchase computer equipment and pay the fiscal agent administrative costs.

Mayor Henderson opened the public hearing at 7:56 p.m.

There being no one wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously to close the public hearing.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously to accept the 2009 Edward Byrne Memorial Justice Assistance Grant.

12.C PUBLIC HEARING – ECONOMIC STIMULUS ZONING CODE AMENDMENTS 09-009 AND 09-010

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approval of Zoning Code Amendments 09-009 and 09-010 relating to the time limitations temporary signs may be displayed and the expiration and period of validity of various land use and development entitlements.

Mayor Henderson opened the public hearing at 7:58 p.m.

There being no one wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously to close the public hearing.

It was moved by Council Member Vinatieri, seconded by Council Member Warner, and carried unanimously that Ordinance No. 2930, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TEMPORARILY AMENDING ZONING CODES OF THE WHITTIER MUNICIPAL CODE CHAPTER 18.76.080 (TEMPORARY ON-PREMISES SIGNS) PERTAINING TO THE TIME LIMITATIONS FOR DISPLAYING TEMPORARY SIGNS AND CHAPTER 18.04.110 AS IT PERTAINS TO THE PERIOD OF VALIDITY-EXTENSIONS-PERMITS AND OTHER APPROVALS (APPLICANT: CITY OF WHITTIER, ZONING CODE AMENDMENTS NO, 09-009 AND 09-010),” be read by title only, further reading be waived, and this be declared its first reading.

Mayor Pro Tem Nordbak requested staff work with the Chamber of Commerce in dissemination of the Stimulus Program information.

13.A BLOCK PARTY AND STREET CLOSURE APPLICATION FEE

Following discussion of whether to retain the block party and street closure application fee for the Public Works Department at 100% of full cost recovery at \$430, reduce it to the previous \$89 or establish a fee at another level, the City Council concurred to direct staff to bring the item back to a future meeting to set the fee at \$100 with Mayor Pro Tem Nordbak dissenting in favor of retaining the \$89 fee.

13.B LOCAL ECONOMIC STIMULUS AND BUSINESS ASSISTANCE PLAN STOREFRONT GLASS REPLACEMENT PROGRAM

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, to instruct staff to bring the proposed Storefront Glass Replacement Program back for approval with the clarification that large businesses could be assisted through the Façade Improvement Program to ensure all damaged windows are replaced at one time.

Mayor Henderson declared a recess at 8:19 p.m. He reconvened the Council meeting with all Council Members present at 8:33 p.m.

13.C WHITTIER BOULEVARD SPECIFIC PLAN AMENDMENTS

Following brief discussion of the need to determine the scope of revisions to be made to the Whittier Boulevard Specific Plan, the City Council reached consensus to ask staff to bring the report of possible Whittier Boulevard Specific Plan amendments back to a Study Session with an indication on each item as to whether it is subject to an environmental impact report.

14. RECONVENE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Henderson reconvened the Redevelopment Agency, Housing Authority, Public Financing Authority and Utility Authority meetings in joint session with the City Council at 8:53 p.m.

15. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:

Mayor Henderson asked the City Manager to have someone from staff meet with Mr. Wedin regarding his issues.

Council Member Vinatieri requested the City Council Greenway Trail Subcommittee consider meeting on establishing trail etiquette due to the number of people using the trail.

16. ADJOURN HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson adjourned the Housing Authority, Public Financing Authority and Utility Authority meetings at 9:02 p.m.

17. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended the City Council and Redevelopment Agency Board conduct the following Closed Sessions, noting that Mayor Pro Tem Nordbak and Council Member Vinatieri would not participate in the discussion of Item 17.F due to conflicts of interest.

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

- 17.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.
- 17.C** City Council - Government Code Section 54956.95 to discuss the claim of Christopher Quast vs. City of Whittier.
- 17.D** 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.
- 17.E** City Council – Government Code Section 54956.8 to discuss real property negotiations with the State of California, Department of Parks and Recreation, regarding price and terms of payment for the lease of properties described as Assessor's Parcel No. 8174-015-901, Pio Pico State Park; City negotiator: Stephen Helvey.
- 17.F** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Centerfire LLC regarding price and terms of payment for properties located at 15733 and 15801 Whittier Blvd; City/Agency negotiator: Stephen Helvey.
- 17.G** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Fountainhead Pacific, LP, regarding price and terms of payment for properties located at 12540 Whittier Boulevard and 12549 Washington Boulevard; City/Agency negotiator: Stephen Helvey.
- 17.H** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 15225 Jupiter.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:02 p.m.

Mayor Pro Tem Nordbak and Council Member Vinatieri left the meeting at 9:38 p.m., due to conflicts of interest with Closed Session Item 17.F.

18. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the joint meeting in Open Session at 9:55 p.m.

19. CLOSED SESSION REPORT:

None.

20. ADJOURNMENT:

Mayor Henderson adjourned the joint meeting at 9:55 p.m.

Respectfully submitted,

Kathryn A. Marshall
City Clerk-Treasurer/
Secretary Treasurer