

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
AUGUST 11, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on August 11, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:31 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
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Nordbak led the Pledge of Allegiance.

4.A PRESENTATION – ASSISTANCE LEAGUE OF WHITTIER

Virginia Boles, Assistance League of Whittier President, and Maryjo Wing, and Dottie Gale of the Assistance League, presented Mayor Henderson with a check to the City for \$10,500 for Library programs and thanked the City for using the funds in a great way.

Mayor Henderson thanked the Assistance League for their support of Library programs and presented Ms. Boles with a Certificate of Commendation for the Assistance League of Whittier.

4.B BLUE STAR PRESENTATIONS

Mayor Henderson presented Melody Snuffer, Shawna Navarro, and Neil Steiner with Blue Star pins and a banner and decal in honor of Cassandra Snuffer serving in the Army and thanked Ms. Snuffer for her service to our country.

Mayor Henderson presented George and Deborah Lopez with Blue Star pins, a banner and decal in honor of the service of their son, Michael Paul Lopez, in the United States Army.

5. ORAL COMMUNICATIONS:

Jose Ramos, Welcome Home Viet Nam Veterans, representing Army Unit 155, based in South El Monte, asked the City to provide a facility for their Christmas Party in December and said a formal request will be submitted.

Mary Ann Bakotich, Whittier Area Chamber of Commerce, announced the upcoming Wake-Up Whittier, Chamber Mixer, and Hathaway Golf Tournament events.

Doupee McDonald sang a song about Whittier.

Alfred Dorantes, President of Whittier Area Youth Soccer (WAYS), 8930 Painter Avenue, Unit 213, Whittier, invited the City Council and public to the WAYS Opening Ceremonies September 12, 2009, to celebrate 30 years of soccer in Whittier.

Al Rodriguez, President of Pony (Protecting our Nations Youth) Baseball, and Vice President, Tony Chiaza, spoke regarding the Pony Baseball Tournaments they have been hosting, and the World Series is underway in northern California; and advised Whittier has been awarded the fourteen year-old tournament for next year. They thanked City staff for being at the Zone Tournament and Mayor Henderson for throwing the first pitch; presented Mayor Henderson with a photograph of the first pitch and a Pony cup; and provided lapel pins for each Council Member.

Paul Brenier, Whittier Uptown Association President, and Martin Camaro, announced that beginning August 12, 2009, the Association will be employing Platinum Protection Group to provide four unarmed security guards at the Weekly Family Festival as well as other times to provide an enhanced sense of security in the Uptown area. They responded to Council questions regarding the roll of the security personnel; then announced they would be hosting a four-session workshop on business development for their members and presented copies of the program information to the City Council.

Arthur Rock, Whittier, said Norwalk Transit Route No. 6 will be terminated in September and requested it be maintained through the holidays. He spoke regarding possible candidates for the April 2010 City Council election.

George Poochigian, Whittier, said the State of the City presentation, which is available on Charter Cable or by attending the event at the Country Club, should be available for free. He referenced the Blue Star Program which honors citizens active in military service and asked that the City consider doing something for disabled veterans, such as the Utility Users' Tax Exemption Program, or reduced recreation class fees.

Rafael Marsico, Whittier, said he needs a place to sleep; advised the trolley he had been living in was impounded due to an outdated suspended note on his driver's license; and asked for assistance in resolving the matter.

Joe Marsico, Whittier, said the trolley was taken from him due to a problem with the Department of Motor Vehicles report on his son's license; it was taken in error because a Class A or B license is not required and asked that the trolley be returned to him.

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

Mayor Pro Tem Nordbak requested separate consideration of Item 6.F because the Council had a split vote on that item when it was last before them.

Mayor Henderson asked for review of Item 6.H.

Mayor Pro Tem Nordbak asked for separate consideration of Item 6.A.

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Nordbak, and carried unanimously, by roll call vote, to approve the Consent Calendar with the exception of Items 6.A, 6.F, and 6.H, and that Resolution Nos. 8229, 8230, 8231, WRA-09-09, and WRA-09-10, and Ordinance Nos. 2931 be read by title only, further reading be waived, and they be declared adopted.

6.B The City Council, Agency Board and Authority Directors approved the Minutes of the Regular Meeting of July 28, 2009.

6.C The City Council adopted Resolution No. 8229 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AMENDING THE FISCAL YEAR 2009-2010 BUDGET TO ACCEPT A DONATION FROM THE ASSISTANCE LEAGUE OF WHITTIER," in the amount of \$10,500 for library materials and programs.

- 6.D** The Board of Directors appointed Ross Financial as Financial Advisor, Stone & Youngberg as Underwriter, and Quint & Thimmig as Bond Counsel, at an estimated cost of \$200,000-\$250,000, to serve as the financing team to analyze the potential issuance of water bonds; and authorized the Executive Director to approve and execute the agreements.
- 6.E** The City Council conducted second reading and adopted Ordinance No. 2931 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING WHITTIER MUNICIPAL CODE SECTION 5.04.125 AUTHORIZING THE CITY CLERK-TREASURER TO ESTABLISH AND IMPLEMENT TAX APPORTIONMENT PROCEDURES RELATING TO LICENSING FLAT-RATE TAX BUSINESSES."
- 6.G** The City Council accepted a Section 5317 Federal Transit Administration (FTA) grant to fund additional door-to-door transportation services; and authorized the City Manager to sign the 2008 Section 5317 Memorandum of Understanding (MOU) for Paratransit Services for the disbursement of grant funds.
- 6.I** The City Council took the following actions relating to the SKILLS (Supporting Kids in Living and Learning Successfully) Foundation:
1. Approved an agreement with the SKILLS Foundation for the City's participation in the SKILLS Foundation programs;
 2. Accepted a grant in the amount of \$38,000 from the SKILLS Foundation for Orchard Dale After School Program and Friday Forum Dance Program;
 3. Authorized the City Manager to execute the Agreement; and
 4. Adopted Resolution No. 8230 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR AN ADDITIONAL \$38,000 FOR THE SKILLS FOUNDATION PROGRAMS".
- 6.J** The Agency Board and City Council took the following actions relating to Underground Utility District No. 12 (UUD No. 12) Streetlights – Whittier Boulevard from Santa Gertrudes Avenue to Valley Home Avenue:
1. Approved the streetlight design within UUD No. 12;
 2. Approved the Street Lights Agreement, in substantially the form provided, with Southern California Edison and authorized the City Manager to sign the agreement;

3. Adopted Resolution No. 8231 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONSENTING TO WHITTIER REDEVELOPMENT AGENCY FUNDING THE PURCHASE AND INSTALLATION OF STREET LIGHTING AND MAKING FINDINGS RELATED THERETO";
4. Adopted Resolution No. WRA-09-09 "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING THAT AGENCY'S FUNDING OF THE PURCHASE AND INSTALLATION OF STREET LIGHTING AND MAKING FINDINGS RELATED THERETO";
5. Adopted Resolution No. WRA-09-10 "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR THE PURPOSE OF FUNDING PURCHASE AND INSTALLATION OF STREET LIGHTS ON WHITTIER BOULEVARD"; and
6. Approved payment of \$516,098.75 to Southern California Edison from Whittier Commercial Corridor Redevelopment Project Area account number 991-18-184-000-804035.

6.K The City Council received and filed an update on Whittier Police Department additional security staffing for the Uptown Family Festival on July 29 and August 5, 2009.

6.A CLAIMS AGAINST THE CITY

City Manager Helvey responded to an inquiry from Mayor Pro Tem Nordbak as to why the City had to act on claims outside its jurisdiction and advised the City Council takes action denying claims to preserve the City's legal rights even when a claim was inappropriately filed. City Attorney Jones stated the City Council takes the denial action to preserve the statute of limitations on the claim.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried unanimously, to deny claims filed by Larry Gneiting and Mark R. Heatherton

6.F DISSOLUTION OF THE DESIGN REVIEW BOARD

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak, and carried unanimously, that Ordinance Nos. 2932 and 2933 be read by title only and further reading be waived.

- Ordinance No. 2932 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO MODIFY VARIOUS SECTIONS OF THE WHITTIER MUNICIPAL CODE TO ELIMINATE ALL REFERENCES TO THE “DESIGN REVIEW BOARD” FOR THE PURPOSE OF DISSOLVING THE BOARD AND ESTABLISHING ALTERNATIVE MANAGEMENT PROCESSES FOR ADMINISTERING DEVELOPMENT REVIEW APPLICATIONS AND OTHER EXISTING DESIGN REVIEW BOARD FUNCTIONS. (ZONING CODE AMENDMENT 09-004 – CITY OF WHITTIER)”;
- Ordinance No. 2933 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO MODIFY VARIOUS SECTIONS OF THE WHITTWOOD TOWN CENTER SPECIFIC PLAN TO ELIMINATE ALL REFERENCES TO THE “DESIGN REVIEW BOARD” FOR THE PURPOSE OF DISSOLVING THE BOARD AND ESTABLISHING ALTERNATIVE MANAGEMENT PROCESSES FOR ADMINISTERING DEVELOPMENT REVIEW APPLICATIONS AND OTHER EXISTING DESIGN REVIEW BOARD FUNCTIONS. (SPECIFIC PLAN AMENDMENT 09-002 – CITY OF WHITTIER).”

It was moved by Council Member Warner, seconded by Council Member Vinatieri, and carried by roll call vote, with Council Member Newcomer and Mayor Pro Tem Nordbak dissenting, that Ordinance Nos. 2932 and 2933 be adopted.

6.H CONDITIONAL USE PERMIT NO. CUP09-007, 6512-22 GREENLEAF AVENUE

City Manager Helvey said staff schedule a public hearing for the City Council's review of the Planning Commission's approval of Conditional Use Permit C09-007 to allow the on-site sale of alcoholic beverages under a Type 41 license (beer and wine); extended hours of operation until 2:00 a.m. daily; and live entertainment for a proposed restaurant d.b.a. “Bambooze”, located at 6518-6522 Greenleaf Avenue, Suite 7; Applicant: Carlos Fernandez; Owner: KMS Investment, Inc.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:25 p.m.

8.A PUBLIC HEARING – ZONING CODE AMENDMENT 09-012, MINOR MODIFICATIONS TO APPROVED PROJECTS

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-012 to amend Section 18.04.120 of the Whittier

Municipal Code by adding a provision giving the Director of Community Development authority to administratively approve minor modifications to approved plans from higher approval authorities.

Director of Community Development Collier stated there are times after an applicant obtains City approval for a project that requests for minor modifications to approve plans are received due to unforeseen circumstances such as availability of specific styles or colors of building materials, previously unknown site constraints of the property, additional design or site adjustments to comply with the California Building and Fire Code requirements or the need to implement cost saving measures to stay on budget for a project; therefore, because the Zoning Code does not contain language giving staff the authority to approve minor modifications to plans approved by higher approval authorities, the Zoning Code Amendment had been brought forward to give staff authority to approve minor changes not relating to conditions of approval. He responded to questions from Council Members and said the City has a past practice of staff administratively approving minor modifications because of the cumbersome hearing process that would have been involved to undertake formal approval of the minor project amendment; the proposed code amendment would allow some discretion on the part of the Community Development Director, but would not permit him to alter the nature of the project, change project findings, or circumvent adopted conditions of approval designed to mitigate project impacts; and the administrative process will include documentation of any deviations, all of which will be approved by the Director. He explained that, at times, color or product changes are needed because the manufacturer discontinues a product and said the budget-related changes have been permitted if they did not change the character or appearance of the project.

Mayor Henderson opened the public hearing at 7:35 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 unanimously to close the public hearing.

Mayor Pro Tem Nordbak said he is concerned with the timing of this zoning modification, referenced a letter from the Whittier Conservancy and inquired if the matter would be the subject of a Closed Session; and said since the City no longer has a Design Review Board, it is important to close this loop-hole.

Council Member Newcomer said he supports the concept of the amendment but found the authority given to staff too broad, such as color and building material changes and budget-related changes.

Council Member Vinatieri supported the amendment and giving staff the formal authority to do what they have been doing in approving minor project modifications.

Council Member Warner expressed support for the amendment.

Mayor Henderson said it puts responsibility in the Director's hands and provides a better way to track the changes than has been in place without authorization or documentation.

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Ordinance No. 2927 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO AMEND CHAPTER 18.04.120 (MODIFICATION OF CONDITIONS— PERMITS AND OTHER APPROVALS) OF THE WHITTIER MUNICIPAL CODE BY ADDING TEXT THAT GIVES THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO ADMINISTRATIVELY APPROVE MINOR MODIFICATION(S) TO APPROVED PLANS FROM HIGHER APPROVAL AUTHORITIES. (ZONING CODE AMENDMENT 09-012 - CITY OF WHITTIER)," 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 dissenting, that Ordinance No. 2927 be read by title only, further reading be waived, and this be declared its first reading.

8.B PUBLIC HEARING – ZONING CODE AMENDMENT 08-006, MASSAGE ORDINANCE REVISIONS

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 08-006 to replace Whittier Municipal Code Chapter 5.40 relating to Massage Parlors in the Business Taxes, Licenses and Regulations Code, with Zoning Code Chapter 18.41, Massage Establishment, regarding massage operators, establishments, technicians and employees; and that it was further recommended the City Council authorize summary publication of the enacting ordinance.

Director of Community Development Collier said the need for the City to establish a massage technician permit process arose during update of the Uptown Specific Plan and while the amendment was in process, the State adopted SB731 providing for state-wide certification standards for massage technicians which, if complied with, allow the technician to operate anywhere throughout the state without complying with local regulations; the state law will go into effect September 1, 2009, and it has a sunset clause, therefore, staff worked with the City Attorney's office to prepare an ordinance which encompasses state law, but also provides for local requirements for a person who wants to provide massage services, but does not go through the State process as well as regulations which will be in place if the State does not extend its regulations. He advised the Planning Commission conducted study sessions on the ordinance in April and July and last month adopted a resolution recommending approval of the ordinance by the City Council. He responded to a

question from Council Member Newcomer regarding massage technicians in the City participating in review of the ordinance and advised there are no legal massage businesses in the City, there are some technicians working for chiropractors but in providing notice under state law they were not specifically noticed of the review.

Elena Gerli, Deputy City Attorney, stated SB 731 was adopted to make it easier for legitimate massage technicians to operate throughout the State, if they have a State license they can work anywhere without a city permit; the new State statute has educational requirements, background check provisions including nation-wide FBI review, and suspension and revocation provisions; under the new State law, massage therapists and practitioners also known as "body workers" cannot be required to obtain a city permit; businesses comprised of only State-certified body workers cannot be zoned more restrictively than chiropractors, however, the City can regulate massage businesses which are not comprised of only State-certified workers; State law provisions about the City's regulatory authority are not fully clear, but the City can adopt reasonable health and safety regulations and require that businesses obtain a business license; State regulations sunset in 2016 and stipulate that the State certification will be issued by a non-profit board established under that law, the California Massage Therapy Council. She responded to questions from Council Members and explained the State certification is optional so that body workers who do not obtain State certification are subject to local regulation; State law was intended to make it easier for legitimate massage businesses to open, presumably they will be legitimate if they are State certified; the California Massage Therapy Council will confirm whether individuals are certified and the City can require certified body workers to register with the City; the City can require a business license from massage businesses and of individual practitioners if they are operating as an independent contractor rather than an employee of a licensed business.

City Attorney Jones responded to a question regarding insurance and advised workers compensation insurance should be added to the ordinance as a requirement if it is not statutorily precluded.

Mayor Henderson opened the public hearing at 8:04 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.

Mayor Pro Tem Nordbak suggested the ordinance be sent back to staff to be tightened up.

Council Member Newcomer suggested the ordinance be acted on with staff clarifying issues relating to independent contractor status, the need for an operating permit or a business license, and the insurance question.

City Attorney Jones said the timing is critical, because the State law goes into effect September 1, 2009; the insurance question is specific and can be addressed; however, on the other issues he was uncertain how much tighter staff could make the ordinance because state law is unclear; with the business license the City could take the traditional view that it is a tax and non-regulatory which addresses the other pending questions unless the City wants to extend the ordinance and make the license regulatory; State law does not allow taxation of an individual therapist if they are an employee, but if they are operating a business, they are subject to a license tax; the ordinance should be amended to add the workers' compensation language with an exemption for an independent operator.

Deputy City Attorney Gerli responded to questions from Council Members and said the Police Department provided input on the ordinance, requested the clearest possible language, and supported regulating the industry as much as possible.

Council Member Vinatieri said he wanted to be sure the Police Department, which enforces the regulations, have reviewed the ordinance; noted the proposed ordinance contains a three-month period or the expiration of a business license as the timeframe in which to comply; and he was concerned the City did not do enough outreach to notify those businesses to address the compliance time period.

City Attorney Jones responded the massage businesses are very aware of the state laws, they have a professional association which was involved in drafting the legislation; and advised that legitimate businesses will have more latitude in operating under the new State law. He suggested staff make contact with legitimate massage businesses in the City as soon as possible to notify them of the pending ordinance.

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously that Ordinance No. 2936 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA REPEALING AND REPLACING CHAPTER 5.40 (MASSAGE PARLORS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) WITH CHAPTER 18.41 (MASSAGE ESTABLISHMENT) OF TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE REGARDING MASSAGE OPERATORS, ESTABLISHMENTS, TECHNICIANS AND EMPLOYEES," be read by title only, further reading be waived and this be declared its first reading; and authorize summary publication of the ordinance.

Mayor Henderson declared a recess at 8:18 p.m. At 8:33 p.m., Mayor Henderson reconvened the meeting with all Council Members present.

8.C PUBLIC HEARING – ZONING CODE AMENDMENT 09-011, SMOKING LOUNGES ORDINANCE

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to

approve Zoning Code Amendment 09-011 to add Chapter 18.49 entitled "Smoking Lounges" to the Whittier Zoning Code and amend Municipal Code Section 18.52.030(H) to establish a Smoking Lounge Ordinance.

Council Member Vinatieri left the Council Chamber at 8:34 p.m. and returned at 8:35 p.m.

Director of Community Development Collier said the proposed amendment provides clear regulations for smoking lounges to protect the public health and safety when tobacco is used on site and protects adjoining businesses and their customers; the Planning Commission reviewed the draft ordinance at a study session and public hearing, received input from a business owner resulting in modifications to the ordinance, then approved forwarding the ordinance to the City Council; the ordinance contains a conditional use permit (CUP) requirement, prohibits smoking lounges within 500 feet of another smoking lounge facility, requires 250 foot distance from a medical marijuana dispensary, park, pre-school, arcade, or day-care center; prohibits outdoor patio areas for smoking; prohibits onsite smoking of illegal or prescription drugs; cannot be operated as a medical marijuana dispensary; must be owner-occupied; no one under 18 can be served; arcades are prohibited; full-height walls are required to separate the business from adjoining uses; a separate intake and exhaust system must be established to protect adjoining businesses; and it must meet fire sprinkler system requirements. He responded to questions from Council Members and advised there is a State law exemption from a smoke-free workplace for a business which is owner-operated and has five or fewer employees; food can be served but not prepared on-site; alcohol could be served if a separate CUP were approved, subject to tobacco sales exceeding alcohol sales; live entertainment or extended hours of operation would also be subject to separate CUP regulations; and confirmed the full-height wall requirement means to the structural ceiling to separate the business completely from adjoining businesses.

City Attorney Jones responded to a question from the City Council and advised the Health Department would regulate the prepared food brought in.

Mayor Henderson opened the public hearing at 8:42 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.

Mayor Henderson determined from Community Development Director Collier that the proposed three-year abatement period for existing businesses to come into compliance was extended to fifteen years as a compromise between an existing business, Havana House, and the Planning Commission; and said while it seemed unfair to him that one business would not have to comply until 2024, he did not want to create a hardship for them.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak and carried unanimously that Ordinance No. 2937 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-011 TO ADD CHAPTER 18.49 (SMOKING LOUNGES) TO THE WHITTIER ZONING CODE AND AMEND SECTION 18.52.030(H) (USES CONDITIONALLY PERMITTED IN THE C-1 ZONE) OF THE WHITTIER ZONING CODE (APPLICANT: CITY OF WHITTIER), be read by title only, further reading be waived, and this be declared its first reading, as amended to omit references to summary publication of the ordinance.

9.A PLANNING COMMISSION APPOINTMENT

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried unanimously to direct staff to schedule interviews for Planning Commission applicants Ralph Tillman, Robby Hernandez, and Mike Aceves.

The City Council agreed the interviews would be conducted on September 8, 2009, beginning at 5:30 p.m.

10.A LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE DELEGATE AND RESOLUTIONS

Following discussion, it was moved by Mayor Henderson, seconded by Council Member Vinatieri, and carried unanimously, to appoint Council Member Newcomer as the City's Delegate to the League of California Cities Annual Business Meeting and authorize him to oppose League Resolutions 1 and 2.

10.B CITY COUNCIL SUBCOMMITTEE FOR PIO PICO STATE PARK

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously, to appoint Mayor Pro Tem Nordbak and Council Member Warner as the City Council Pio Pico State Historic Park Subcommittee with a sunset date of August 2010.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with City Council at 9:05 p.m.

12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:

Council Member Warner requested the Police Department communicate with the High School District on the parties taking place in the City. She requested the City Council consider whether it wants to discuss the Historic Resource Commission ordinance without any staff work being done.

13. ADJOURN UTILITY AUTHORITY MEETING:

14. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey advised that four Closed Sessions had been scheduled; however, staff was removing Item 14.A because the issue was resolved. He noted that he, Mayor Pro Tem Nordbak, and Council Member Warner had a conflict of interest on Item 14.D and would not participate in the discussion.

14.A City Council – Government Code Section 54956.9(c), one case of potential litigation, City of Whittier vs. Platinum Security.

14.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group, LLC regarding price and terms of payment for properties located at 12813 Bailey Street, 12802 Hadley Street, and 6541 to 6557 Comstock Avenue; City/Agency negotiator: Stephen Helvey.

14.C City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:

1. L and P Property Management Company – Assessor Parcel Nos. (APN) 8170-026-009; 8170-026-010; 8170-026-011; and 8170-026-012;
2. Paul Weil Whittier Properties – APN 8170-026-004
3. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – APN 8170-026-006;
4. State of California – APN 8170-013-904;
5. Southern Pacific Transportation Co. SBE 872 19 254E PAR – APN 8170-013-815 and 8170-013-816; and
6. NWM Corporation – APN 8170-028-013.

14.D City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:

1. RGH Holdings - 12423 and 12425 Whittier Boulevard and AIN 8141-018-004; and
2. Raul Garcia - 12421 Whittier Boulevard.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:15 p.m.

At 9:32 p.m., Mayor Pro Tem Nordbak, Council Member Warner, and City Manager Helvey left the meeting.

15. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the meeting in Open Session at 9:50 p.m.

16. CLOSED SESSION REPORT:

None.

17. ADJOURNMENT:

Mayor Henderson adjourned the joint meeting at 9:50 p.m. in memory of Sergeant Blue Rowe.

Respectfully submitted,

Kathryn A. Marshall
City Clerk-Treasurer/
Secretary-Treasurer