

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
AUGUST 25, 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** Blue Star Presentations
    - Brian Avalos
    - Scott Bauknecht
  - 4.B** Los Angeles Fire Department Chief Richardson
- 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. 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 Carlos A. Sermeno; and Mercury Insurance for insured Larry Yslas.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of July 28, 2009, as amended; and August 11, 2009.
- 6.C** It is recommended the City Council approve the specifications for maintenance of landscape and irrigation systems within various areas of the City; and authorize the City Clerk to advertise for bids.
- 6.D** It is recommended the City Council conduct second reading and adopt 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)," to establish a smoking lounge ordinance.
- 6.E** It is recommended the City Council receive and file the following Historic Resources Commission actions unless review is requested by a Council Member:
1. Approval of Certificate of Appropriateness 08-029 to replace an existing exterior staircase and construct a storage area beneath the staircase; construct a second story deck with a storage area beneath the deck at the rear of the property; and replace the garage door on an existing detached garage and remove the interior partition walls for a single family residence located at 12025 Broadway Avenue; Owners: Jose and Emilia Cuevas.
  2. Approval of Certificate of Appropriateness 09-008 to construct a 116 square-foot utility and bathroom addition in conjunction with remodeling and expanding an existing detached garage, for a single family residence located at 6036 Haviland Avenue; Owners: Michael and Yolanda O'Sullivan.
  3. Approval of Certificate of Appropriateness 09-013 to construct an 828 square-foot addition at the rear of an existing single-family residence located at 11107 Dorland Street; Owner: Melinda Martinez.
- 6.F** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for August 2009.
- 6.G** It is recommended the City Council approve a candidate forum policy for the municipal access channel.

- 6.H** The Park and Recreation Commission recommends the City Council approve Special Event Permits:
1. Assistance League of Whittier First Annual Greenway Trail-A-Thon on Saturday, October 10, 2009 beginning and ending at Palm Park; and
  2. Hispanic Outreach Task Force (HOT) Back to School BBQ and Back Pack Give-Away on Saturday, August 29, 2009 at Lee Owens Park.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Ordinance No. 2937 (Item 6.D) 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. ORDINANCE:**

- 8.A** It is recommended the City Council conduct second reading and adopt 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)."

Proposed Motion: I move that Ordinance No. 2927 be read by title only and further reading be waived.

Proposed Motion: I move that Ordinance No. 2927 be declared adopted.

**ROLL CALL**

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

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

**11. ADJOURN UTILITY AUTHORITY MEETING:**

- 12. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
- 12.A** City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Hitt vs. City of Whittier.
  - 12.B** City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, Whittier Police Officers Association, and unrepresented employees.
  - 12.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;
    - 6. NWM Corporation – APN 8170-028-013; and
    - 7. Palm View Assembly of God – APN 8170-012-023
  - 12.D** City Council – Government Code Section 54945.9(b)(1) to discuss one case of potential litigation which may ensue against the City due to a dispute with Los Angeles County over entitlement to the revenues to be generated from a mineral extraction lease with Matrix Oil Corporation; over a period of months the County has not accepted the City's view of entitlement to funds and many conversations have occurred with County representatives constituting a threat of litigation.
  - 12.E** City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
  - 12.F** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 16249 Citrustree Road.

13. **RECONVENE IN OPEN SESSION:**
14. **CLOSED SESSION REPORT:**
15. **ADJOURN REDEVELOPMENT AGENCY MEETING:**
16. **ADJOURN CITY COUNCIL MEETING TO TUESDAY, SEPTEMBER 8, 2009 AT 5:30 P.M:** In memory of Hilmi Ibrahim.

**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.