

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
OCTOBER 27, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on October 27, 2009, in conjunction with the 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/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 L. Adams II, Deputy City
Attorney/Deputy Authority Counsel
Toni Maiques, Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Vinatieri led the Pledge of Allegiance.

4.A BLUE STAR PRESENTATIONS:

Mayor Henderson presented Adriana Najera and her family a Blue Star pin, decal and flag in recognition of her son, Jorge E. Zelaya, Jr. a United States Army Weapons Specialist stationed in Afghanistan since December 2008.

Mayor Henderson presented Frances Brook and her family a Blue Star pin, decal and flag in recognition of her son Nicholas Ryan Garcia, a United States Marine Corps Private who enlisted on September 11, 2009; is currently stationed at Camp Pendleton; and soon to be stationed in North Carolina.

City Manager Helvey left the Council Chamber at 6:36 p.m. and resumed his seat at the dais at 6:39 p.m.

5. ORAL COMMUNICATIONS:

Tom Gottbrecht, Whittier Fun Center, 14043 Whittier Boulevard, Whittier; said since 1974 his business has brought the City over \$1million in sales tax, plus Business License and property taxes; said he has concerns about temporary on-premise sign and barbed wire requirements in the Whittier Municipal Code; he addressed the Planning Commission on October 5, 2009 regarding barbed wire fencing; he has received two violations regarding temporary on-premise signs; changes to the on-premise temporary sign code affect his business operation; he wants a change to the Code references of 75,000 square feet to 40,000 square feet; he believes it is offensive that the City enforces a code that hurts business and reduces tax revenue to the City; and he cannot renew his business license next year if he has outstanding citations.

Dean Carlton, 10339 Maybrook Avenue, Whittier; said he had been to the City Council meeting two weeks before regarding the ficus trees on Maybrook; the trees had damaged his sidewalks, sewer, and garage; he believes there is a danger of his tree falling into his neighbor's house; and ficus trees have fallen twice on the street.

Richard Krieger, said because of cutbacks in bus service the last five years, the City does not have service after 10:00 p.m.; he would like to see the Montebello buses stop in Uptown and at the Whittwood; he wants bus service restored until 1:00 a.m.; and he wants a Bob's Big Boy in the City.

Javier Murrieta, 16535 Shady Valley Lane, Whittier; said he was at the City Council meeting two weeks ago to discuss the ficus trees on Maybrook; the trees are getting taller; the tree canopies are getting taller and more dangerous; there are surface roots from the trees; he has requested repairs to his sidewalk; he was told there are no funds to repair the sidewalk and he believes that leaves him liable; and he invited the City Council to visit the street on Thursday, October 29.

Harward Stearns, 9546 El Venado Avenue, Whittier; said he is a member of the Accessibility Committee; he supports the recommendations of the Social Services Commission and Accessibility Committee to revise the guidelines for the Committee; the Committee has been unsuccessful in recruiting residents with handicaps to serve; he requested that non-residents with handicaps that have a local business in the City and are non-profit organizations be allowed to serve on the Committee; people with various handicaps will benefit the City; and non-residents are limited to three members.

Victor Flores, 10326 Maybrook Avenue; said a Whittier Daily News reporter had interviewed residents on Maybrook; the main water pipe on the west parkway has been shut down twice; the east side has a main gas line; and damage to the gas line could cause a problem.

Brenda Wiewel, Whittier Area Recovery Network (WARN); said the goal of the organization is to share resources with the City Council and community to get the word out about recovery, as well as residential, out-patient, and community based programs; she asked WARN Members in the audience to stand in recognition; she said WARN has thirty-two members; WARN can provide information on issues such as affordable housing, zoning code changes, and ordinances regarding at-risk populations, homelessness, and recovery centers.

David Littlehales, Executive Director Rio Hondo Temporary Home, WARN Member; said WARN developed a Declaration of Professional Integrity based on core values; he said each member has the responsibility to demonstrate high personal and professional conduct and to foster that conduct in other members; the ethical guidelines are standards of conduct that members consider in their professional decision making; each client should be treated with respect, dignity and confidentiality; agencies are encouraged to have written policies to prevent exploitation of clients; and the focus is on recovery issues.

Robert Canales, 6333 Milton Avenue, Whittier; spoke about leadership; said it is a great honor to be elected to public office; people expect a lot from those elected; he is proposing that a medical marijuana initiative be on placed on the April 2010 ballot; he wants to see more qualified women run for City Council; and there should be more concern for the Uptown business that has been vandalized twice.

Arthur Rock, Whittier; said people must stay open to possibilities, potentials and changes and respect each other's views; and he said there are opportunities all around.

Unidentified female speaker, said she has been homeless for 25 years; she asked for help with parking tickets; said she has lived in her van five years; her van needs transmission and brake fluid; and she is looking for work.

Rafael Rubalcava, 10302 Maybrook Avenue, Whittier; urged the City Council to walk the Maybrook block to get first hand knowledge of problems they are having with ficus trees; he requested the Council put the issue on the agenda; and said it is a health and safety issue.

James Sass, 6252 Washington Avenue, Whittier; said the Council information on the website allows residents to be more aware of issues and brings the process into the public; the Nelles report and alcohol/entertainment report on the website were helpful; it is important to be consistent; and the community support is appreciated.

Irene Prochisan, 10310 Maybrook Avenue, Whittier; requested the Council put the issue of the ficus trees on Maybrook on the agenda; she said she has no grass due to the roots; and the residents need help in removing the trees.

Mark Jacobson, Whittier Youth Sports Council; said the new CIF rules allowing year round high school sports with negatively impact youth sports in the City; recreational leagues will be harmed as high school programs expand; local sports organizations depend on local schools for the use of athletic fields; he would like to see the Fred C. Nelles property utilized for a youth sports complex while maintaining the historical importance of the property; and he wants the City to acquire substantial portions of the Nelles property for future recreational uses of City residents.

George Poochigian, Whittier; said the Greenway Trail is a trail of frustration because there are no lights, restrooms, or benches; the Trail needs more maintenance; the Trail signs do not tell what streets are being crossed; there is no privacy for homes along the Trail; he said the City does nothing for disabled veterans; he believes fines and fees should be waived for disabled veterans; and the City needs a civilian Police Commission formed by Whittier citizens.

Ralph Marsico, Whittier; said there are mental health seminars at the Radisson for police and social workers; everyone has mental problems; his brother is hospitalized because he cannot deal with the issues faced by his family; his father is going through a mental evaluation; and his family has only tried to do good.

Tom Garcia, 10319 Maybrook Avenue, Whittier; submitted a petition to the City Council, which had previously been submitted to Parks Director Kurkowski, regarding removal of the ficus trees on Maybrook; and said he hopes to get City Council support.

Joe Marsico, Whittier; said he has studied the history of drugs and alcohol; said Michael Chacon was prevented from speaking at the medical marijuana hearing; he learned all surrounding cities' elections are in November however the City of Whittier has its election in April; and he said millions of dollars were lost in 1980 with the Mar Vista and Colima decision.

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

Mayor Pro Tem Nordbak requested separate consideration of Item 6.O.

It was moved by Council/Agency Member/Director Newcomer, seconded by Vice Chair/Mayor Pro Tem Nordbak, and carried, by roll call vote, to approve the Consent Calendar, except Item 6.O, including awarding a construction contract to Pavement Coating Co.; and that Ordinance Nos. 2936 and 2938, and Resolution Nos. 8239 and 8240 be read by title only, further reading be waived, and they be declared adopted.

- 6.A** The City Council denied claims filed by Betty Jean Fenton, Robert M. Montoya, Vartan John Pamoukian, John Rabatin, and Daniel Paul Anderson.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of October 13, 2009.
- 6.C** The City Council received and filed the Economic Development Quarterly Update for July through September 2009.
- 6.D** The City Council received and filed the Gateway Cities Council of Governments' updates for September and October 2009.
- 6.E** The City Council approved revising the operations guidelines for the Accessibility Committee.
- 6.F** The City Council conducted second reading and adopted 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."
- 6.G** The Agency Board approved \$238,533 in tax increment and sales tax reimbursement to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.H** The Agency Board accepted a loan from the City for \$169,249 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the first half of Fiscal Year 2008-09; and approved the reimbursement to TRC MM, LLC of the 2008-09 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$315,626.
- 6.I** The Agency Board accepted a loan from the City for \$49,069 representing 50% of the sales tax generated by the Whittier Marketplace project during January to June 2009; and approved the reimbursement to Whittier Marketplace, Inc. of the April 2009 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$190,371.

- 6.J** The Agency Board approved the Second Amendment to the Affordable Housing and Regulatory Agreement with Gables Whittier 96 Partners, LP (HDS Group, LLC) for use of up to \$3,500,000 of the Agency's Low and Moderate Income Housing Set Aside funds to provide 24 affordable ownership housing units at The Gables Condominium Project; and authorized the Agency Chair to execute the Amendment.
- 6.K** The City Council adopted Resolution No. 8239 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, GRANTING CRIMSON CALIFORNIA PIPELINE, L.P., TRANSFER OF PIPELINE ORDINANCE NO. 2871," regarding a pipeline in Leffingwell Road, from Scott Avenue to Valley Home Avenue.
- 6.L** The Board of Directors awarded the construction contract to Pavement Coating Company for the Alley Pavement Rehabilitation in Areas 2, 3, 4 & 5 Project; rejected all other bids; and authorized the Executive Director to sign the contract.
- 6.M** The City Council adopted Resolution No. 8240 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET RELATED TO SUPPLEMENTAL APPROPRIATIONS FOR THE 2008 STATE HOMELAND SECURITY GRANT," in the amount of \$25,012.
- 6.N** The City Council approved an amendment to the soils and construction materials testing contract with Southwest Inspection and Testing for the police facility project; and authorized the City Manager to execute the amendment.
- 6.P** The City Council received and filed the 2008-09 General Plan Annual Progress Report; and directed staff to forward a copy to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.
- 6.Q** The City Council conducted second reading and adopted Ordinance No. 2938 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-013 TO AMEND SECTION 18.10.020(I) (SECOND DWELLING UNITS), SECTION 18.16.030(A)(2) (DEVELOPMENT STANDARDS [FOR THE R-1 ZONE]) AND AMENDING SECTION 18.48.020 (SCHEDULE OF PARKING REQUIREMENTS [FOR SECOND DWELLING UNITS]) OF THE WHITTIER ZONING CODE. (APPLICANT: CITY OF WHITTIER)."

6.0 PURCHASE AND SALE AGREEMENT – PROPOSITION 1A RECEIVABLE

Mayor Pro Tem Nordbak said the program had been in existence for three months, and he believes the Council should have seen this item previously for discussion; he does not have problems with the program, but he has problems with the process to get the item agendaized; and he believes the program is explained incorrectly in the report.

In response, City Controller Hill stated the deadline to show interest in the program had passed; in order to participate the documents needed to be executed and returned by November 6, 2009; and the funds take the place of regular property tax revenues into the General Fund and may be used as the City designates.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote, with Mayor Pro Tem Nordbak dissenting that Resolution No. 8241 entitled, "CITY COUNCIL OF THE CITY OF WHITTIER, A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH," be read by title only, further reading be waived, and it be declared adopted.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:35 p.m.

8.A PUBLIC HEARINGS – ZONING CODE AMENDMENT ZCA 08-005, SPECIFIC PLAN AMENDMENT SPA 09-004, AND SPECIFIC PLAN AMENDMENT SPA 09-005, ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT

City Manager Helvey announced it was the date and time set and duly noticed for a continued public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment (ZCA) 08-005, Specific Plan Amendment (SPA) 09-004, and Specific Plan Amendment (SPA) 09-005 regarding new regulations for businesses offering alcoholic beverages in conjunction with live entertainment or similar uses. The public hearing was continued from July 28, 2009. It was recommended the public hearing be continued to a date uncertain.

Mayor Henderson continued the public hearing to a date uncertain, by order of the Chair.

8.B PUBLIC HEARING – UPTOWN ASSOCIATION ASSESSMENTS FOR 2010

Mayor Henderson declared a conflict of interest because he owns property and his business is located within the Uptown Whittier Business Improvement Area; and he left the Council Chamber at 7:38 p.m.

Council Member Vinatieri declared a conflict of interest because his law firm is located within the Uptown Whittier Business Improvement Area, and he left the Council Chamber at 7:38 p.m.

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the Uptown Business Improvement Area levy for calendar year 2010, confirm the Annual Report as submitted by the Uptown Association, and to adopt a resolution confirming the Annual Report and levy of assessments for the Uptown Whittier Business Improvement Area for Calendar Year 2010. It was also recommended the City Council approve the agreement with the Whittier Uptown Association for Calendar Year 2010; and authorize the City Manager to execute the Agreement.

Mayor Pro Tem Nordbak opened the public hearing at 7:38 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Mayor Henderson and Council Member Vinatieri absent, to close the public hearing at 7:38 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote, with Mayor Henderson and Council Member Vinatieri absent, to confirm the Uptown Association Annual Report; that Resolution No. 8242 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONFIRMING THE ANNUAL REPORT AND LEVY OF ASSESSMENTS FOR THE UPTOWN WHITTIER BUSINESS IMPROVEMENT AREA FOR CALENDAR YEAR 2010," be read by title only, further reading be waived and it be declared adopted; to approve the 2010 Agreement with the Uptown Association; and to authorize the City Manager to execute the Agreement.

Mayor Pro Tem Nordbak declared a recess at 7:39 p.m.

At 7:48 p.m. Mayor Henderson reconvened the City Council meeting with all Council Members present.

8.C PUBLIC HEARING – GENERAL PLAN AMENDMENT 09-001 AND NEGATIVE DECLARATION FOR THE HOUSING ELEMENT UPDATE

City Manager Helvey announced this was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve General Plan Amendment 09-001 and the Negative Declaration prepared therefor; and adopt a resolution adopting a Negative Declaration for the City of Whittier Housing Element Update and approving General Plan Amendment 09-001 for the City of Whittier's Housing Element Update for the planning period 2006-2014.

Community Development Director Collier presented a staff report and stated that the Housing Element Update is required in the General Plan to be updated every five years; with passage of some new laws a new cycle starts; this is the first update in the new cycle for the planning period 2006-2014; the update includes analysis of the City's demographic, housing characteristics and trends, a summary of existing and future housing needs, a review of marketing, governmental and environmental constraints; an evaluation of resources available to meet the housing needs, a statement of the housing plan for 2006-2014 including housing goals, policies and programs; the Housing Element has been reviewed and accepted by the State Department of Housing and Community Development (HCD) and will certify the element once adopted by the City; said the Planning Commission reviewed the Housing Element document and unanimously recommended approval; and he introduced consultant Joann Lombardo.

Joann Lombardo reviewed the mandates of the Housing Element, and said it is a state law; the attainment of suitable housing is of very high importance; the Element is one of the seven mandated elements of the General Plan; as part of the Housing Element, a plan needs to be provided for three segments: income groups, special needs groups and housing types. She said the income groups go from extremely low, which is approximately 30% of the median income, to above moderate, approximately 120% of the median income; the current Los Angeles County median income is approximately \$61,000 per year; and special needs groups include the elderly, disabled, female heads of households, large families, farm workers and the homeless. She said the City's Housing Element addresses specific policies for each income level and special needs group; the process started approximately two years ago; community meetings were held; there were numerous iterations with the HCD; concurrence of the HCD was obtained in September 2009; and with action by the City Council, the City will have a Certified Housing Element with HCD.

Ms. Lombardo said the major component is the Regional Housing Needs Allocation (RHNA); the state issues a mandate to each City and County within the state to provide an opportunity for new housing units, including zoning or other mechanisms to facilitate the development of this housing; for the planning period 2006-2014 the City's allocation is 892 dwelling units consisting of 42% at lower income levels, 17% moderate and 42% above moderate; the state has established a default density of thirty dwelling units per acre; and both the Whittier Uptown Specific Plan and the Whittier

Boulevard Specific Plan meet this requirement. She said other issues addressed are housing production activities including use of redevelopment funds to provide moderate income housing; the City's proposal to adopt an emergency shelter ordinance; to adopt a density bonus ordinance and continue with HOME and redevelopment programs to support homeless shelters and other programs providing home repair for low and moderate income households.

In response to Council Member questions, Ms. Lombardo said the Housing Plan Element will take the City through 2014 including anticipated changes regarding energy efficiency, and mixed use plan areas; the City has one year to enact SB2; income levels are based on a statewide model from the Department of Finance; the City has agreements for twenty-four units in the Gables project at the moderate level and seven units have been constructed; and the City has met the commitment is to provide the opportunity for new housing units.

In response to Council Member questions, Community Development Director Collier said the Housing Element does not have a provision to allow cities to cooperate in an exchange or sale of units; the City has taken credit for prior projects in prior planning periods; the City will not be penalized if the allocated 892 units are not built during the plan period because the City has zoned to allow for the development; and the RHNA and Regional Transportation Plan will use the same forecast for both processes.

Mayor Henderson opened the public hearing at 8:08 p.m.

Joe Marsico spoke on the issue and said he has yet to see low cost housing in Whittier; since 1984 homeless and drug issues have gotten larger; homeless people live in trees and hide in bushes; he wants to see the Nelles property become a park for rehabilitation; he believes the Nelles property can be used for low income housing; and homeless people need a place to live and be treated like human beings.

There being no other speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried to close the public hearing at 8:10 p.m.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried unanimously, by roll vote, that Resolution No. 8243 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR THE CITY OF WHITTIER HOUSING ELEMENT UPDATE AND APPROVING GENERAL PLAN AMENDMENT 09-001 FOR THE CITY OF WHITTIER'S HOUSING ELEMENT UPDATE FOR THE PLANNING PERIOD 2006-2014 (CITY INITIATIVE)", be read by title only, further reading be waived, and it be declared adopted.

8.D PUBLIC HEARING – ZONING CODE AMENDMENT 09-014, TRANSPORTATION DEMAND MANAGEMENT

City Manager Helvey announced it was the date and time set and duly noticed for a continued public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-014 and adopt an ordinance adding regulations to the Whittier Municipal Code for improving traffic congestion and air quality in the City of Whittier as required under the Los Angeles County Congestion Management Plan. The public hearing was continued from October 13, 2009.

Community Development Director Collier said the ordinance title needed to be amended from Traffic Demand Management to Transportation Demand Management, which would be done prior to second reading and adoption.

Mayor Henderson opened the public hearing at 8:12 p.m.

Joe Marsico spoke on the matter and said he has a plan for traffic congestion; he has had a neighborhood trolley plan for 30 years; a trolley car could be used as a patrol car with a trained security guard, eliminating the need for a police patrol car; in 1977 it was his idea to make buses look like trolleys; one trolley would have \$100,000 in advertising inside and outside; years ago the City hired corrupt contractors; the City's transit system went bankrupt four years ago; and there are various ways for people to pay on trolleys.

There being no other speakers wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Vintieri, and carried, to close the public hearing at 8:18 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried unanimously, that Ordinance No. 2939 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO ADD CHAPTER 18.67 (TRAFFIC DEMAND MANAGEMENT) TO THE WHITTIER MUNICIPAL CODE WHICH INCLUDES REGULATIONS FOR IMPROVING TRAFFIC CONGESTION AND AIR QUALITY IN THE CITY OF WHITTIER AS REQUIRED UNDER THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PLAN. (ZONING CODE AMENDMENT 09-014 – CITY OF WHITTIER), "be read by title only as amended, further reading be waived, and this be declared its first reading.

9.A EARLHAM HISTORIC DISTRICT

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Members Vintieri and Warner dissenting, to direct staff to return with a report for discussion of the waiver or collection of a fee to process a petition for a potential Earlham Historic District. Mayor Henderson further stated discussion would be to determine if the City Council was ready to initiate

a process to study a historic neighborhood based on a petition submitted. If the City Council determines not to initiate the process, the applicant will be required to pay the fee; and if the City Council approves putting it on the City's Work Plan as a City initiative, there is no fee.

9.B EASTSIDE GOLD LINE PHASE II EXTENSION PROPOSAL

Following discussion, there was City Council consensus for staff to return with a report on November 10, 2009 for the appointment of an Eastside Gold Line subcommittee.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously to receive and file the report for the Eastside Gold Line Phase II Extension proposal.

9.C AMERICAN RECOVERY AND REINVESTMENT ACT PROJECTS

Public Works Director Pelser did a Power Point presentation and stated the City was successful in securing American Recovery and Reinvestment Act (ARRA) Program funds for various improvements on seven projects. He said the improvements included asphalt overlay, traffic signals, street lighting, and concrete pavement repair. He said staff was ready to proceed; this action was to formally accept the funds from CalTrans and amend the budget.

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Warner, and carried unanimously, by roll call vote that Resolution No. 8244 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTS TO THE LOCAL AGENCY-STATE AGREEMENT FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDED PROJECTS"; and Resolution No. 8245 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING A SUPPLEMENTAL APPROPRIATION TO THE FISCAL YEAR 2009-10 BUDGET FOR THE ALLOCATION OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS TO VARIOUS PROJECTS," in the amount of \$2,599,000, be read by title only, further reading be waived, and they be declared adopted; and to authorize the City Manager to execute the Program Supplement Agreements.

9.D FRED C. NELLES REDEVELOPMENT

Community Development Director Collier said the intent of the market analysis performed by CB Richard Ellis (CBRE) was to assist the Council in determining land use goals and reasonable residual value; staff is seeking feedback from the Council regarding development of the Fred C. Nelles site; and there are over thirty bidders on the project.

Tom Jarovsky, Senior Managing Consultant, CBRE; said his company examined supportable redevelopment options considering historical buildings to be preserved; internal roads; fiscal impact; and economic and demographic factors. He said his company had developed three scenarios for commercial, industrial and residential development; and that fifteen acres needed to be set aside to preserve roads and historic buildings.

Consultant Javorsky identified the three development scenarios as:

1. Fifteen acres residential and forty-three acres commercial/industrial use;
2. Forty-five acres residential and twelve acres commercial/retail/medical office use; and
3. Balanced use, which was the highest use of land values, of thirty-three acres residential/sixteen acres commercial/six acres medical office use.

Consultant Javorsky said CBRE's recommendation would be a 50/50 split of residential and commercial use, which is market supportable and provides the best opportunity for the state to maximize revenues.

In response to Council Member questions, he said CBRE's residential proposal includes high density multi-family condominiums; potential senior housing; thirty or more units per acre; it is common to see 50 to 100 units per acre in a transit oriented area, which may adversely affect land values; and athletic fields along Sorensen Avenue with parking underneath could be a consideration and would need to be studied.

Council Member Newcomer said the three principals he believes to be important are projects that follow the state's green building codes; are transit oriented; and are taxable projects to generate property and sales taxes. He said he likes the balance use option presented; the residential plan presented; and believes anything in between that works for the developer is acceptable.

Council Member Vinatieri said he likes the balanced option presented; he wants to see retail businesses generate \$1million to \$1.5million annually; he wants to see office building use such as medical offices; residential use for senior housing facilities; he is not inclined towards condominiums; and he does not want light industrial use.

Council Member Warner said she likes the balanced use option presented; she believes transportation will be an important element; she wants green areas and open spaces; she is interested in senior housing, assisted living facilities, and office buildings with historic building re-use; she does not want industrial development; she said her ideal for the entire site would be a sports park; and she would like consideration of a sports park with underground parking.

Mayor Pro Tem Nordbak said he does not support the residential or commercial development entirely; he supports the balanced use option which provides the best sales value for the state; he wants to see creativity in developing athletic fields and parking; and he does not want light industrial.

Mayor Henderson said he prefers the mixed use option; the goal is to generate \$1million to \$1.5million annually in tax revenues to the General Fund; and he believes the City is prepared to negotiate with the developers as the project proceeds.

Following City Council discussion, City Manager Helvey confirmed staff had sufficient direction to provide target information to potential developers.

10. CONDITIONAL USE PERMIT NO CUP09-002, MEDICAL MARIJUANA DISPENSARY, 8116 BYRON ROAD

Community Development Director Collier stated there were two changes to the conditional use permit required prior to City Council action. He said Condition No. 4 had been amended to require the applicant to certify compliance, as recommended by the City Attorney, with all applicable City, County, State and Federal laws; and the word "no" needed to be struck from the first line of Condition No. 11.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, that Resolution No. 8246 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER APPROVING CONDITIONAL USE PERMIT NO. CUP09-002 TO OPERATE A NEW MEDICAL MARIJUANA DISPENSARY LOCATED AT 8116 BYRON ROAD, SUITE D (APPLICANT: DOLORES ENRIQUEZ (D.B.A. SEVENTH AND HOPE, LLC); OWNER: RLJ INVESTMENT PROPERTIES, LLC)," be read by title only and further reading be waived, as amended.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, by roll call vote, with Council Members Vinatieri and Warner dissenting, that Resolution No. 8246 be declared adopted.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 9:44 p.m.

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

Council Member Vinatieri requested staff agendize items for discussion regarding the ficus trees on Maybrook Avenue and temporary signage for Kentucky Fried Chicken and similar businesses.

Mayor Pro Tem Nordbak said he will meet with Patty Flack to discuss the ficus tree issues on Maybrook Avenue and provide a report to staff prior to agendizing a discussion; he requested agendizing a discussion about business signage and lot sizes; and he requested an email from Valerie Rodriguez regarding sidewalks and staff's response be forwarded to all Council Members.

City Manager Helvey stated in the interim there would not be code enforcement for lot sizes between 40,000 to 75,000 square feet.

Mayor Henderson reported he had met with the Counsel General of the Republic of Macedonia and they would like to establish a Sister City relationship with the City of Whittier.

13. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

14. CITY COUNCIL CLOSED SESSION:

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

14.A City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Hitt vs. City of Whittier.

14.B City Council - Government Code Section 54956.9(a) to discuss the claim of Rowe vs. City of Whittier.

14.C City Council – Government Code Section 54956.9(b),(c) to discuss one case of potential litigation based on a California Environmental Quality Act (CEQA) claim made by the Habitat Authority Board of Directors against the City of La Habra Heights.

Mayor Henderson adjourned the meeting to Closed Session at 10:12 p.m.

15. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the meeting in Open Session at 10:34 p.m.

16. CLOSED SESSION REPORT:

None

17. ADJOURNMENT:

Mayor Henderson adjourned the meeting at 10:34 p.m.

Respectfully submitted:

Toni Maiques
Assistant City Clerk-Treasurer/
Assistant Secretary Treasurer