

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MAY 11, 2010**

1. CALL TO ORDER:

The Whittier City Council met in regular session on May 11, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:33 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
Owen Newcomer, Council Member/Agency
Member/Authority Director
Bob Henderson, Council Member/Agency
Member/Authority Director
Cathy Warner, Mayor Pro Tem /Vice
Chair
J. Greg Nordbak, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney/Authority
Counsel
Toni Maiques, Assistant City Clerk-
Treasurer/Assistant Secretary-Treasurer
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer (10:51 p.m.)

3. PLEDGE OF ALLEGIANCE:

Girl Scout Troop #474 led the Pledge of Allegiance.

4.A BLUE STAR PRESENTATIONS

Mayor Nordbak and Mayor Pro Tem Warner presented Blue Star pins, window decal and flag to Yvonne, Benjamin and Michael Llamas in recognition of their son and grandson, Gustavo Llamas, Jr., a Staff Sergeant in the United States Army Reserves, who served a tour in Iraq.

Mayor Nordbak and Mayor Pro Tem Warner presented Blue Star pins, window decal and flag to Audry and Amy Longstreth; and Ashly Aguilar in recognition of their son, brother and fiancé Eric Ray Longstreth, a Private 1st Class in the United States Marine Corp, currently stationed at Twenty-Nine Palms, California.

Mayor Nordbak said Blue Star banners will be placed on Whittier Boulevard in honor of Gustavo and Eric.

4.B PRESENTATION – MADD RECOGNITION

Katherine Roby of Mothers Against Drunk Drivers (MADD), recognized Whittier Police Officers Matt Balzano, James Wright, Anthony Clay, Anthony Gonzales and Devon McClure for the impact they have had on public safety by taking impaired drivers off the road.

4.C PRESENTATION – PUBLIC WORKS WEEK PROCLAMATION

Mayor Nordbak presented Proclamations to Gil Butler, Water Pumping Plant; Chris Knudsen and Andres Mota, City Yard; Dennis Lanyz, Savage Canyon Landfill; and Alfredo Hernandez, City Hall; in recognition of Public Works Week, paying tribute to public works employees for their public service.

4.D PRESENTATION – GREENWAY TRAIL AWARD

Erik Justesen, President, RRM Design Group, presented Mayor Nordbak and the City with the Merit Award from the California Trails and Greenway Conference, recognizing the years of planning and developing the Trail and the positive impact it has on the community; and he said the citizens of Whittier should be proud of this accomplishment.

5. ORAL COMMUNICATIONS:

Sue Dean, Notary Signing Network and Whittier Area Chamber of Commerce; announced the Kaleidoscope Mixer on May 13 from 4:00 pm -7:00 p.m.; and the Wake-Up-Whittier networking breakfast on May 12 at 9:00 a.m.

Ginny Ball, said the Daughters of the American Revolution will be collecting American flags at the City libraries, and Whittwood and Michigan post offices, for proper disposal.

Robert Canales, Whittier, said the state is stealing money from local government; and he is organizing the first annual 4th of July Marathon on the Greenway Trail.

George Poochigian, Whittier; spoke regarding sending people to war; fighting for freedom; and low election turnouts.

Leslie Howard, Bright Avenue, Whittier; spoke in support of the Wednesday Night Festival; said it provides an opportunity to experience each other as a community; it is affordable; the Uptown is developing as a restaurant destination; and suggested changing the day of the festival if necessary to find a way to work with the merchants.

Mike Tacconi, Fix Uptown Now (FUN) Steering Committee and Whittier Conservancy Executive Committee member; said FUN is a resident group whose purpose is to bring focus to issues, involve the Whittier historic community and bring positive change; the Wednesday Night Family Festival is an issue for the Uptown Association and merchants; a FUN straw poll of residents shows they want an event more Farmers Market driven with better merchandise; and providing more support to the merchants.

Rischa Shottlebauer, Painter Avenue, Whittier; FUN Steering Committee and Whittier Historic Neighborhood Association President; said residents closest to the Uptown want an event that enhances the character and history of Whittier, provides a friendly and secure environment, supports local merchants, and includes non-profit organizations; she does not believe the Wednesday Festival meets that criteria; she has concerns about traffic, parking and graffiti; and would like consideration to delay issuing the festival permit.

Shauna Bryan, Whittier; FUN Steering Committee; said loitering, panhandling, and dirty streets and sidewalks give the perception that Uptown is unsafe; said the Uptown could create a unique dining destination; fights and Police service have increased with the Wednesday festival; and she suggested moving the festival to Sunday with an expanded farmer's market.

Donna Hollander, Honolulu Terrace, Whittier; FUN Steering Committee, said changing the day and time of the weekly festival may benefit merchants and the community; street traffic ends at 3:00 p.m. which hurts local merchants; and out of town merchants sell the same products as local merchants.

Matt Burkelhammer, 7515 Van Port Avenue, Whittier; said he is in favor of keeping the farmers market; he is opposed to the oil drilling in the Whittier Hills; and the City needs a diverse well-rounded economic development program.

Francisco Chabran, 13422 Mar Vista Street, Whittier; spoke in support of the Uptown Family Fair; said it is a good place to get together as community; he thinks there should be more focus on the farmer's market aspect; the children's area should be expanded; there should be stricter restrictions on the vendors and the items sold; the festival should stay at its current location; and should be open to everyone.

Molly Burger, 13422 Mar Vista, Whittier; said she supports the Wednesday Night Family Festival; she likes the small town atmosphere of the City; and she supports compromises needed for the Festival.

Stephanie Benevides, Whittier; Uptown business owner; said the Wednesday Night Family Festival boosted sales for her business; she would not benefit from a Sunday festival; and her business is located on Greenleaf between Bailey and Philadelphia.

Monica Penaranda, Village Sweets, 6743 Greenleaf Avenue, Whittier; spoke in support of the Wednesday Night Family Festival; said she wants to see a better, cleaner Uptown; and she sells her products on the street on Wednesday nights.

Salvador Sanchez, Village Sweets, Whittier; said he has out-of-town customers on a weekly basis because of the Wednesday Night Family Festival; and not having the Festival would be catastrophic to his business.

Paul Bariantos, Pasadena Street, Whittier; spoke in support of the Wednesday night festival; said it is a fun event for his family; and the positives outweigh the negatives.

Andrea Gordon, Hacienda Heights; said she works and shops in Whittier; she supports the availability of the farmer's market; and she is concerned about the oil drilling project.

Elizabeth Ramos, Whittier; said she believes the family festival is needed in the middle of the week; local businesses are getting business from the festival; and she spends Sunday with her family.

Thomas Gonzales, Whittier; said he owns a small business outside the City; he is a farmer's market vendor; he developed a product to sell at various farmer's markets to avoid layoffs; he is a registered vendor in the City of Whittier; and the City receives sales tax from his vendor sales.

Rod Mojarro, Whittier Uptown Association Board Member; said he was in charge of organizing the Wednesday Night Festival survey; the data shows that the majority of the businesses want the festival; he is concerned about the loss of revenues; and there is no data to support an increase in crime.

Lee Carr, Greenleaf Avenue, Whittier; said she has found new restaurants in Uptown walking to the Wednesday Night Family Festival; she cannot come to the Friday Farmer's Market; and parents enjoy the festival during the week with their children.

Mario Borrallia, Zi Theresa, 6717 Greenleaf Avenue, Whittier; supports the Wednesday Night Festival as restaurateur; said his patrons come on Wednesdays; and he supports oil drilling in the hills if it will bring revenues for the City.

Chiffon Baruman, 6546 Greenleaf Avenue, Whittier; asked for support to purchase teacher supplies from her store; said she supports the Wednesday Night Festival; she would like to see it moved to Sundays; she would like a daytime event; and suggested the contract be limited to one to two years.

Orlando Terrazas, Friends Avenue, Whittier; thanked Public Works employees for their work and acknowledged the recognition they received; thanked the City for the Greenway Trail; supported continuing the Wednesday Night Family Festival; and said he opposed oil drilling in the Whittier Hills.

Terry Esquibel, Whittier; supports the Wednesday Night Family Festival and said a Sunday festival would not work for her family.

Nehemiah, 5228 Glennon Drive, Whittier; said he opposes oil drilling in the hills; he supports the Wednesday night festival; and he has college friends from out of the City and state that attend the festival.

Teresa Gunther, 7911 Calmada Avenue, Whittier; supported keeping the Uptown Festival on Wednesday nights as opposed to a Sunday festival.

Charles Claver, 6202 Friends Avenue, Whittier; said he wanted to clarify that there is a separate Farmer's Market on Fridays; everyone supports some type of event; he has concerns about out-of-town vendors; he believes approving the permit should be postponed until details regarding types of vendors, out-of-town of vendors, length of the festival, and safety and other issues are outlined.

Kyle Koestner, Bright Avenue, Whittier; read an article regarding the festival in Montrose run by Family Festival; said 65-70% of businesses say the festival does not bring in more business; he supports a weekly event; and believes it should be on Sunday.

Carmen Rodriguez, Beverly Boulevard, Whittier; said she supports the Wednesday Family festival; and does not see any problems with the Festival.

Kenya Davalos; said she came back to Whittier because of the weekly festival; the festival generates some small business activity revenue; and Whittier is a model city to communicate this is a family city.

Mayor Nordbak recessed the meeting at 8:03 p.m. At 8:20 p.m. he reconvened the meeting with all Council Members present.

Sandra Hahn, 6554 Greenleaf Avenue, Whittier; Whittier Uptown Association Board and FUN Steering Committee member; said an event is good for the community after planning and understanding the economics; said there are parking issues on Wednesday nights; she thinks moving the festival to Sundays is a good idea; and it's necessary to do what's best for the City.

Stephanie, spoke against the oil drilling in the hills; said she is in favor of the Wednesday Night Festival; making the City more bike friendly will help with traffic issues; and she rides the Greenway Trail every day.

Rick Elias, Whittier; FUN Steering Committee; said the Wednesday Night Festival started out good but problems have started; he does not want to participate in the festival; the majority of Uptown businesses do not want the Wednesday festival because of problems; he suggested moving the festival to Sundays providing an extra day of business and a healthy environment to focus on a farmer's market.

James Sass, 6252 Washington Avenue, Whittier; said he has never felt unsafe in the Uptown area; the 15 to 20% response rate of the survey is not worth considering; he suggested limiting the festival contract to one year if approved; said the decision should be between the Uptown Association members and stakeholders.

Kim Wicker, Monte's Camera Shop, Whittier; said his Wednesday business has dropped off since the inception of the Wednesday Night Festival; and he suggested moving the festival to Sundays focusing on the farmer's market aspect.

Renee Hader, Whittier; said she works in the health and wellness industry; she supports a Sunday event focusing on a farmer's market; and healthy eating should be a lifestyle.

Charles Morrison, Whittier; said the Wednesday night festival kills his business; he recommended the City talk to Montrose about changing to a Sunday festival; submitted a diagram of the Uptown area; and said Comstock and Bright lose parking.

Martin Camera, HLC Mortgage, Inc. and Whittier Uptown Association Treasurer; said the Wednesday Night Festival does not help him as a merchant; he believes it is a good event; the Festival brings in revenues; and assistance is needed with private security.

Joe Marsico, Whittier; said the festival could have been changed; he was torn out of the election; he provided 1985 data regarding public transportation; and he believes street sweeping is unfair.

Ralph Marsico, Whittier; congratulated the Whittier Police officers that were recognized by MADD; said he went to the Whittier Prayer meeting; he got a ticket on Penn Street while attending the prayer meeting; and the Radisson Hotel bus does not get ticketed for parking on the street.

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

City Manager Helvey stated the three resolutions included in Item 6.N needed to be amended to delete the following verbiage:

- Resolution No. 8286; SECTION 1.E-“That a duly noticed public hearing was held on said Development Review DR06-697 by the City Council on May 11, 2010”;
- Resolution No. 8287; SECTION 1.E – “That a duly noticed de novo public hearing was held on said Variance request by the City Council on May 11, 2010”;
- and
- Resolution No. 8288; SECTION 1.C – “That a duly noticed de novo public hearing was held on said Conditional Use Permit No. CUP10-003 by the City Council on May 11, 2010.”

Council Member Henderson declared a conflict of interest on Items 6.H and 6.I because his business is located within Parking Districts Nos. 1 and 2; and recused himself from acting on these items.

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Warner and carried, by roll call vote, to approve the Consent Calendar including awarding construction contracts to Nobest, Inc, (Item 6.E) and Arc Accucon (Item 6.F); that Resolution Nos. 8282 (Item 6.G); 8283 (Item 6.J); 8284 (Item 6.K); 8285 (Item 6.L); be read by title only, further reading be waived, and they be declared adopted; and that Resolution Nos. 8286 through 8288 (Item 6.N) be read by title only as amended, further reading be waived, and they be declared adopted, with Council/Agency Member/Director Henderson recusing on Items 6.H and 6.I.

- 6.A** The City Council denied claims filed by Daniel Santos, Jeanette A. Uddin, Les Tom Palacio, Allstate Insurance for insured Gloria Garcia, Nichole Saldivar, Rosalba Alcala, Jennifer Ann Mears, and Arnold Efrain Majano.
- 6.B** The City Council approved the Minutes of the Adjourned Regular Meeting of April 20, 2010.
- 6.C** The City Council approved the allocation of Whittier Cultural Arts Foundation funding of \$14,360 in support of local cultural arts programs for Fiscal Year 2010-11.

- 6.D** The City Council reviewed and approved agreements with Hadley Tow and Bob & Dave's Tow for vehicle tow and impound services; and authorized City Manager to execute agreements.
- 6.E** The City Council awarded the construction contract to Nobest, Inc., for the Laurel Avenue Reconstruction from Whittier Boulevard to Lambert Road (Federal Project No. ESPL-5111[053]), and Laurel Avenue Overlay from Lambert Road to the South City Limits projects, utilizing American Recovery and Reinvestment Act and Traffic Congestion Relief funding, respectively; rejected all other bids; and authorized the City Manager to sign the contract.
- 6.F** The City Council waived the informality in the bid documentation submitted by Arc Accucon Construction, Inc.; awarded the construction contract for the Construction of Access Ramps at Various Locations Project; rejected all other bids; and authorized the City Manager to sign the contract.
- 6.G** The City Council approved the Engineer's Report for Fiscal Year 2010-11 for Street Lighting Assessment District No. 01-91; and adopted Resolution No. 8282 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT FISCAL YEAR 2010-11 FOXLEY DRIVE STREET LIGHTING ASSESSMENT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON," for June 8, 2010 at 6:30 p.m.
- 6.H** The City Council approved the proposed preliminary budget for Fiscal Year 2010-11 for Parking District No. 1; and will hold a public hearing at 6:30 p.m. on June 8, 2010, to approve the budget and confirm the assessments.
- 6.I** The City Council approved the proposed preliminary budget for Fiscal Year 2010-11 for Parking District No. 2; and will hold a Public Hearing at 6:30 p.m. on June 8, 2010, to approve the budget and confirm the assessments.
- 6.J** The City Council adopted Resolution No. 8283 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, RE-DESIGNATING THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR THE CITY OF WHITTIER SAVAGE CANYON LANDFILL."

- 6.K** The City Council adopted Resolution No. 8284 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE SUBMITTAL OF A REGIONAL GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY FOR THE USED OIL PAYMENT PROGRAM."
- 6.L** The City Council and Utility Authority Board of Directors took the following actions regarding the Main San Gabriel Basin:
1. City Council adopted Resolution No. 8285 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AUTHORIZING THE LEASE OF WATER PRODUCTION RIGHTS"; finding that for Fiscal Year 2009-10, the City has 1,500 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers and is available for lease;
 2. City Council approved and authorized the City Manager to sign water rights lease agreements with California Domestic Water Company, La Puente Valley County Water District and the City of Industry Waterworks System, in substantially the form of the Watermaster approved standard form water rights lease agreements; and
 3. Board of Directors concurred with the above City Council actions.
- 6.M** The City Council received and filed the following Planning Commission action: Approval of Minor Conditional Use Permit Modification MC96-08(M1) to extend the business hours until 2:00 a.m. in conjunction with the on-site sale and consumption of beer and wine for an existing business d.b.a. Havana House Cigars and Lounge located at 7020 Greenleaf Avenue; Applicant: Alfred Campano; Owner: Daniel Pepper.
- 6.N** The City Council adopted the following resolutions as amended regarding the Sprouts Farmers Market:
1. Resolution No. 8286 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING DEVELOPMENT REVIEW NO. DR06-697 TO CONSTRUCT A NEW GROCERY STORE (SPROUTS FARMERS MARKET) LOCATED AT 15801 WHITTIER BOULEVARD (APPLICANT: PICKARD ARCHITECTS; OWNER: BRIGHT PROPERTIES AND CENTERFIRE, LLC)";
 2. Resolution No. 8287 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING VARIANCE NO. VAR10-002 TO REDUCE THE USABLE OPEN SPACE REQUIREMENT AND OMIT THE REQUIREMENT TO PROVIDE A MAIN BUILDING ENTRANCE ON WHITTIER BOULEVARD OR RUSSELL STREET (D.B.A. SPROUTS FARMERS MARKET) LOCATED AT 15801 WHITTIER BOULEVARD

(APPLICANT: PICKARD ARCHITECTS; OWNER: BRIGHT PROPERTIES AND CENTERFIRE, LLC)”; and

3. Resolution No. 8288 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP10-003 TO ALLOW THE ON-SITE SALE OF BEER AND WINE UNDER A TYPE 20 ALCOHOL LICENSE FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A NEW GROCERY STORE (D.B.A. SPROUTS FARMERS MARKET) LOCATED AT 15801 WHITTIER BOULEVARD (APPLICANT: PICKARD ARCHITECTS; OWNER: BRIGHT PROPERTIES AND CENTERFIRE, LLC).”

- 6.O** The City Council approved the permit applications for painting curb and alley addresses submitted by Canning Hunger, Care for the Children, and California Numbering Service, subject to the standard procedures and policies.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 8:35 p.m.

It was moved by Council Member Newcomer, seconded by Mayor Nordbak, and carried unanimously, to move up consideration of Item 9.A, Whittier Uptown Association Weekly Wednesday Night Family Fair.

Council Members Henderson and Vinatieri declared conflicts of interest on Item 9.A because their businesses are located within the Uptown Whittier Business Improvement Area; they pay assessments to the Whittier Uptown Association; and they left the Council Chamber at 8:55 p.m.

9.A WHITTIER UPTOWN ASSOCIATION – WEEKLY WEDNESDAY NIGHT FAMILY FAIR

City Attorney Jones stated a majority vote is required; and with three Council Members participating, it would require two votes for an action.

Mayor Nordbak clarified that the issue before the Council is for a Wednesday Night Festival; the City Council cannot dictate or change the event; it is not a City event; the City is in charge of permitting the event and ensuring public safety.

In response to Council Member Warner's questions, City Attorney Jones stated the issue before the City Council was to grant a special event permit for a weekly Wednesday night fair; considering the health, safety and welfare of the community; and whether any positive or negative impacts on the community warrant the permit.

In response to Council Member Warner's questions, City Manager Helvey stated the written request from the Uptown Association was not included in the agenda packet; the request was summarized in the staff report; and the request and staff reaction to the request is in the report; the Council was considering the street closures, traffic control and parking restrictions associated with an event that the Uptown Association has not yet defined; and there was no operator for the event at this time.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Council Members Henderson and Vinatieri absent, to approve the street closure and special event permit; and authorize the City Manager to negotiate with the Uptown Association the following conditions: 5:30-9:30 p.m. hours of operation; use of sidewalks for display/sale of merchandise, potentially including dining; individuals outside defined area able to set up booths inside the defined area; the Uptown Association is responsible for cleaning the area; storm water runoff rules; and other conditions outlined in the staff report.

8.A PUBLIC HEARING – TENTATIVE PARCEL MAP NO. 71246, 5609 AND 5621 PIONEER BOULEVARD

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the Planning Commission's decision and recommendation to adopt a resolution approving Tentative Parcel Map No. 71246, for a lot merger of four individual parcels into a single lot at 5609 and 5621 Pioneer Boulevard.

Mayor Nordbak opened the public hearing at 10:19 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously to close the public hearing at 10:19 p.m.

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, that Resolution No. 8289 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 71246, FOR A LOT MERGER OF FOUR INDIVIDUAL PARCELS INTO A SINGLE LOT AT 5609 AND 5621 PIONEER BOULEVARD. (APPLICANT AND PROPERTY OWNER: NEW UNITED MOLOKAN CHURCH)," be read by title only, further reading be waived, and it be declared adopted.

8.B PUBLIC HEARING - DEVELOPMENT IMPACT FEES

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the adoption of a development fee program to be assessed on all new residential construction to finance library expansion; purchase of library books and collections; renovation, improvement and expansion of public use facilities (community centers); improvements to aquatics center facilities; and, park land acquisition and facilities improvements.

City Manager Helvey said the City went through an extensive fee study to establish fees per law; and did a market study to ensure the fees could be legally supported and reasonably marketed.

In response to Council Member Vinatieri's questions, Deputy City Attorney Adams said the purpose of the development impact fees is to ensure the City can obtain fees for developments other than subdivisions for use to augment City parks; City Attorney Jones stated the process requires City Council approval; a finding by the Council to make a legal nexus must be made to use the funds for a non-City park area; and City Manager Helvey said a determination needs to be made of how much open space is accessible to the public; how much additional green space would be required to allow for a reasonable recreational environment within the City limits; and how much open space is available and what a developer should pay to maintain this open space for additional residents.

In response to Council Member questions about the fees becoming a disincentive for new development, Community Development Director Collier said that the City could justify much higher fees than what is recommended; the recommended fees are approximately 25% of what the current Quimby fee formula provides for; and the proposed fees are similar to what was recently negotiated with developers.

Mayor Nordbak opened the public hearing at 10:31 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously to close the public hearing at 10:31 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously, by roll call vote, that Ordinance No. 2953 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING A DEVELOPMENT IMPACT FEE REPORT AND MASTER FACILITIES PLAN, AND AMENDING TITLE 3 (REVENUE AND FINANCE) WITH THE ADDITION OF CHAPTER 3.48 TO THE WHITTIER MUNICIPAL CODE TO ESTABLISH A DEVELOPMENT IMPACT FEE PROGRAM AND ADOPTING NECESSARY FINDINGS FOR THE ESTABLISHMENT OF DEVELOPMENT IMPACT FEES TO FINANCE PUBLIC IMPROVEMENTS, FACILITIES AND PARK LAND

ACQUISITION”; and Ordinance No. 2954 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SECTION 17.17.070 (AMOUNT OF FEE IN LIEU OF LAND DEDICATION) APPROVING AND ADDING SECTION 17.17.075 (APPEAL OF IN LIEU FEE CALCULATION) TO CHAPTER 17.16 (PARK AND LAND FEES DEDICATION) OF TITLE 17 (SUBDIVISIONS) OF THE WHITTIER MUNICIPAL CODE TO PROVIDE AN ALTERNATIVE FEE CALCULATION AND AN APPEALS PROCESS FOR PARK LAND FEES,” be read by title only, further reading be waived, and this be declared their first reading; that Resolution No. 8290 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA APPROVING DEVELOPMENT IMPACT FEES TO FINANCE PUBLIC IMPROVEMENTS AND FACILITIES,” be read by title only, further reading be waived, and it be declared adopted; and to authorize summary publication of Ordinance No. 2953.

10. RECESS CITY COUNCIL MEETING AND RECONVENE REDEVELOPMENT AGENCY:

Mayor Nordbak recessed the City Council meeting and reconvened the Redevelopment Agency meeting at 10:31 p.m.

11.A COMMERCIAL FAÇADE LOAN PROGRAM GUIDELINES

Following brief discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously, to approve the twelve conditions proposed as modifications to the Commercial Façade Loan Program Guidelines.

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

Mayor Nordbak reconvened the City Council and Utility Authority meetings in joint session with the Redevelopment Agency meeting at 10:40 p.m.

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

Council Member Warner reported she attended the Southern California Association of Governments meeting last week; and guidelines are being developed for implementation of SB375.

14. ADJOURN UTILITY AUTHORITY MEETING:

15. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION:

City Manager Helvey recommended the City Council and Redevelopment Agency conduct a Closed Session pursuant to:

15.A 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.

15.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the State of California relating to AIN 8170-013-904; City/Agency negotiator Stephen Helvey.

15.C 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.

Mayor Nordbak adjourned the joint meeting to Closed Session at 10:50 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

16. RECONVENE IN OPEN SESSION:

Mayor Nordbak reconvened the joint meeting in Open Session at 11:13 p.m.

17. CLOSED SESSION REPORT:

None

18. ADJOURN REDEVELOPMENT AGENCY MEETING:

Mayor Nordbak adjourned the Redevelopment Agency meeting at 11:13 p.m.

19. ADJOURN CITY COUNCIL MEETING TO MONDAY, MAY 24, 2010 AT 6:30 P.M.

Mayor Nordbak adjourned the City Council meeting at 11:13 p.m. to Monday, May 24, 2010, at 6:30 p.m.

Respectfully submitted,

Toni Maiques
Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer