

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
SEPTEMBER 8, 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** Elks – Summer Reading Program
 - 4.B** Whittier Little League All Stars – District 56 Champions
 - 4.C** Proclamation – YMCA, America on the Move
- 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 except for public hearing matters. Public hearing comments will be received during the hearings. 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 C.T.U. Inc.; AAA for insured Monte Thomas; and Jesse Freeman De La Mora.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of August 25, 2009.
- 6.C** It is recommended the City Council take actions regarding various class specifications:
1. Approve Street Maintenance Worker I/II class specification to be modified to require the possession of a valid Class C California driver's license prior to appointment and a Class B California driver's license as a pre-requisite to advancement to Street Maintenance Worker II; and
 2. Approve all class specifications requiring a Class A or B California driver's license to be modified to indicate the need to maintain the DL 51A health certification and possession of California endorsements required to operate applicable City vehicles and/or equipment.
- 6.D** It is recommended the City Council receive and file the following Planning Commission actions unless review is requested by a Council Member by the review deadline:
1. Approval of Conditional Use Permit No. C09-002 to operate a new medical marijuana dispensary located at 8116 Byron Road, Suite D; Owner: RLJ Investment Properties, LLC; Applicant: Dolores Enriquez D.B.A Seventh and Hope LLC.
 2. Approval of Conditional Use Permit No. C09-005 and Development Review No. DR09-019 to construct and operate a new 6,446 square-foot church facility; and the addition of a 441 square-foot garage to an existing residence for properties located at 5609 and 5621 Pioneer Boulevard; Owners: DiAnne Harrington and Joseph and Marilyn Digenova; Applicant: Daniel Prohoroff D.B.A New United Molokan Church.
- 6.E** It is recommended the City Council award the construction contract in the amount of \$167,000 for the Byron/Rivera Road Overlay from Washington Boulevard to the West City Limit Project; reject all other bids; and authorize the City Manager to sign the contract.
- 6.F** It is recommended the City Council introduce amended 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 Park and Recreation Commission recommends the City Council approve usage of the Palm Park and Leffingwell tennis facilities by Whittier College for its Women's Tennis Conference on April 16 and 17, 2010, from 9:00 a.m. to 4:00 p.m.
- 6.H** It is recommended the City Council accept a donation of six paintings from local artist Barbara Ward.
- 6.I** It is recommended the City council receive and file the Fiscal Year 2008-09 Housing Programs Activity Report.
- 6.J** It is recommended the City Council take actions regarding interim landscape and irrigation maintenance:
1. Approve an emergency agreement in the amount of \$232,500 for medians and parkways, effective September 13, 2009 through June 30, 2010; and
 2. Adopt Resolution No. 8232, entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-10 Budget for additional funds for the maintenance of the City's street medians," in the amount of \$48,210.
- 6.K** It is recommended the City Council take actions regarding the Bus Stop Improvement Plan:
1. Approve the conceptual designs, to include bus cut-outs, solar lighting, larger shelters, additional seating and landscaping, for four Priority "one Plus" bus stops located at Whittier Boulevard/Santa Gertrudes Avenue; Whittier Boulevard/Colima Road; Whittier Boulevard/Norwalk Boulevard; and Beverly Boulevard/Norwalk Boulevard; and forty-one standard Priority "one" bus stops at various locations;
 2. Authorize the City Manager to proceed with negotiations with Montebello Bus Lines and the City of Montebello to secure a capital improvement grant and enter into an agreement to spend these funds; and
 3. Adopt Resolution No. 8233 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009 – 2010 Budget to fund the civil design work at two bus stop locations within the City limits," in the amount of \$22,000.

Proposed Motion: I move that the Consent Calendar be approved as submitted, including awarding contracts to All American Asphalt (Item 6.E) and Azteca Landscape (Item 6.J); that Ordinance No. 2936 (Item 6.F) be read by title only, further reading be waived, and this be declared its first reading; and that Resolution Nos. 8232 (Item 6.J) and 8233 (Item 6.K) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

8. PUBLIC HEARINGS:

8.A This is the date and time set and duly noticed for a public hearing to consider the recommendation of the Historic Resources Commission to adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Certificate of Appropriateness 08-027 for a Mills Act Agreement between the City of Whittier and the property owners at 7758 College Avenue (Applicants/Owners: Victor and Carol Dennis)"; and to authorize the Mayor to execute the Mills Act Agreement.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Resolution No. 8234 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

8.B This is the date and time set and duly noticed for a de novo public hearing to review the Planning Commission's approval of Conditional Use Permit No. 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 6518-22 Greenleaf Avenue, Suites 17 and 18; (Applicant: Carlos Fernandez; Owner: KMS Investment Inc.). It is recommended the City Council direct staff to return with an implementing resolution reflecting the City Council consensus.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move to direct staff to return with an implementing resolution reflecting the City Council consensus.

- 8.C** This is 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 09-013 and to adopt an ordinance 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)."

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Ordinance No. 2938 be read by title only, further reading be waived, and this be declared its first reading.

9. STAFF REPORTS:

- 9.A** It is recommended the City Council indicate whether the Council should review the use of artificial turf at City facilities.

Proposed Motion: I move to _____.

- 9.B** It is recommended the City Council indicate whether the Council should review the Historic Resources Ordinance.

Proposed Motion: I move to _____.

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

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

12. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

13. **CITY COUNCIL CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
 - 13.A City Council - Government Code Section 54956.9(a) to discuss the claim of the Natural Resources Defense Council, Inc. et al. vs. the County of Los Angeles.
 - 13.B 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.
14. **RECONVENE IN OPEN SESSION:**
15. **CLOSED SESSION REPORT:**
16. **ADJOURN CITY COUNCIL MEETING TO TUESDAY, SEPTEMBER 15, 2009 AT 7:00 P.M**

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.