

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

1. CALL TO ORDER:

The Whittier City Council met in regular session on January 27, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 6:32 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street.

2. ROLL CALL:

**COUNCIL MEMBERS/AGENCY
MEMBERS/AUTHORITY
DIRECTORS PRESENT:**

J. Greg Nordbak, Council Member/Agency
Member/Authority Director
Cathy Warner, Council Member/Agency
Member/Authority Director
Owen Newcomer, Council Member/Agency
Member/Authority Director
Joe Vinatieri, Mayor/Chair

**COUNCIL MEMBER/AGENCY
MEMBER/AUTHORITY
DIRECTOR ABSENT:**

Bob Henderson, Mayor Pro Tem /Vice
Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney/Authority/
Counsel (6:33 p.m.)
Toni Maiques, Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer (10:00 p.m.)

3. PLEDGE OF ALLEGIANCE:

Council Member Nordbak led the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Vinatieri announced that Channel 6 replays of City Council and Planning Commission meetings would not be available for two weeks because the media room was unavailable; the February 1, 2009 Planning Commission meeting would not be televised however would be audio-taped; and DVDs of the meetings would be available.

4.A BLUE STAR PRESENTATIONS:

Mayor Vinatieri introduced Rear Admiral Mike Shatinsky, to assist with Blue Star presentations.

Mayor Vinatieri presented a Blue Star pin, decal and banner to Anthony Licon, Sr., in recognition of his son Anthony P. Licon, II, a Private in the United State Marine Corps. Anthony is a graduate of California High School and wants to be a Whittier Police officer when his service is completed. Also in attendance were Anthony's brother Travis, sister Madeline, and grandmother Virginia.

Mayor Vinatieri presented a Blue Star pin, decal and banner to Javier and Janett Murrieta in recognition of their son Jason Paul Murrieta, a Lance Corporal in the United States Marine Corps. Jason is a graduate of La Habra High School and is currently stationed in San Diego. He has been on tours of duty in Japan and Burma; and plans to continue his career in the military. Also in attendance were Jason's Uncle Ed and Aunt Virginia.

Mayor Vinatieri presented Blue Star pins, decals and banners to Piedad Ordorica in recognition of her grandsons Jason Weinschenker and Anthony Rubio. Jason is a fireman in the Coast Guard stationed in Long Beach. He is a graduate of La Serna High School and plans to continue his career with the Coast Guard. Anthony is a Corporal in the United States Marine Corps, stationed in Okinawa, Japan. He is a graduate of California High School and plans to pursue a career in law enforcement. Also in attendance were parents, Susie and Jay; and brothers Richard and Joseph.

City Manager Helvey recommended that Items 9.A and 17.F be deferred to a future meeting at the request of Mayor Pro Tem Henderson, who was unable to attend the meeting.

5. ORAL COMMUNICATIONS:

Lisa Hill, Buxton Company; said she was available to answer any questions regarding Item 13.A, the Market Analysis and Retail Recruitment Study.

Judy Gordon, Women's and Children's Crisis Center, said they have been in Whittier since 1977; and announced the ribbon cutting at their new location at 12519"A" Washington Boulevard on January 28, 2009.

Patrick Sunpanich, said he is the new area representative for Assemblyman Tony Mendoza and that he would be attending Council meetings on a monthly basis; he said Assemblyman Mendoza was appointed Chair of the Housing Committee; he provided a budget update and said increased tax revenues and reduced spending are being considered; he said Assemblyman Mendoza is against cuts to education and health care; he is open to ideas and solutions from his constituents; and there may be a special election in the summer changing a majority vote to 55% from a 2/3 majority.

Jonathon Serra, Atomic Bomb Comedy invited the community to a performance on January 30, 2009 at Harmony Chapel.

Art Rock, Whittier; said he believes much can be accomplished by the City this year; he said it is good news that Presbyterian Intercommunity Hospital bought the property on Bailey Avenue; he proposed that the City consider a permanent homeless shelter; he said the City needs local businesses to thrive; and there is no room in the City for racial slurs.

Ralph Marsico, Whittier, said things are getting better for his family; he has forgiven Ken Metzger, Code Enforcement and the City Council for what happened to his family; his family is living in their trolley car; and they need help paying the numerous tickets they have received.

Steve Hernandez, Steve's BBQ, 7007 Greenleaf Avenue, said he has concerns about the negative element that comes Uptown; he has taken new security measures to monitor who comes into his business; he said he is struggling financially and may have to close certain days; he wants to abide by the rules adopted by the City Council and he hopes to have his conditional use permit back for review before May.

Manual Ortiz, 11253 Hadley Street; Atomic Bomb Comedy; invited the community to the January 30 comedy show; and thanked local shops for their support in the Uptown.

Mario Lobato, 10522 La Mirada Boulevard, said he performs at Steve' BBQ and he takes his family there; he does not understand why Steve's hours have been reduced; and he requested reconsideration of extending the hours for Steve's BBQ.

Jim Matteo, Whittier, spoke on behalf of Steve's BBQ and said Steve supports the musician community as well as the Whittier community; and he has been a musician there for six years and has never seen problems.

Joey Duran, Whittier, said he believes the situation with Steve's BBQ appears to be a misunderstanding; he said the average Whittier resident is low to middle class; and any neighborhood will have problems.

Sergio Bosco, 7033 Whittier Avenue, Whittier, spoke on behalf of Steve's BBQ and said he goes there for good company, food and music; he has taken out of town relatives to Steve's; and he believes there is no need to worry about Steve's.

Peggy Matthews, 6323 Washington Avenue, said produce she purchased at the Farmer's Market was from Mexico, and she thought all produce sold there was from California; she was disappointed about that and planned to return the produce the following Friday.

Bernadette Ramirez, 6736 Greenleaf Avenue, Whittier; Cross Roads Cultural Arts Center; left her business card in hopes of getting a response on how City government works; said she is concerned about Steve's BBQ; inquired if Steve's violation of his CUP is precedent setting; are there standard operating procedures to respond to these types of situations; and she read a letter on behalf of former Montebello Police Chief Garry Cuoso-Vasquez providing a security update since the November 20 incident at Steve's.

Sheryl Delgado, 9444 Armley Avenue, Whittier, submitted Michael Delgado's campaign statement; said he has family support to run for City Council; he will be great for the community and he will work hard.

George Poochigian; Whittier; said the VHS tapes of October and November Council meetings he checked out at the Library were blank; he thinks there should be a sign posted after the Beverly and Magnolia intersection to remind drivers to turn off their turn signals; and he questioned why the City is in dispute with Battel's Hardware.

Joe Marsico, Whittier, said his family has been living in their trolley on Penn Street and he has received numerous citations, which he cannot pay; there is no signage in the industrial area where he is parked; the tickets cite him for an overweight trolley; he has had three cars stolen; and the trolley has been impounded twice.

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

Council Member Warner requested separate consideration of Item 6.D.

Mayor/Chair Vinatieri said he would abstain from voting on Item 6.F.

It was moved by Council/Agency Member/Director Nordbak, seconded by Council/Agency Member/Director Newcomer, and carried by roll call vote with Mayor Pro Tem/Vice Chair Henderson absent; that the Consent Calendar except Item 6.D, be approved as submitted, including awarding a contract to Manhole Adjusting Contractors,

Inc. (Item 6.H); and that Resolution Nos. 8182 and WRA-09-01 (Item 6.F) be read by title only, further reading be waived, and they be declared adopted, with Mayor/Chair Vinatieri abstaining on Item 6.F.

- 6.A** The City Council denied the claim filed by Brett Brezniak.
- 6.B** The City Council, Agency Board, and Board of Directors reviewed and approved the 2009 Statement of Investment Policy.
- 6.C** The City Council approved the Special Event Permit request from the Bell Gardens Lions Club for its annual bike ride scheduled for March 21, 2009 from 11:00 a.m. to 2:00 p.m.
- 6.E** The City Council received and filed the First and Second Quarter Housing Programs Activity Report for Fiscal Year 2008-09.
- 6.F** The City Council and Agency Board took the following actions regarding the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area:
 - 1. Adopted Resolution No. 8182 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONSENTING TO A JOINT PUBLIC HEARING ON THE PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA"; and
 - 2. Adopted Resolution No. WRA-09-01 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY CONSENTING TO A JOINT PUBLIC HEARING ON THE PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA."
- 6.G** The City Council received and filed the following Historic Resources Commission actions:
 - 1. Approval of Certificate of Appropriateness 08-021 to allow construction of a 441 square-foot, detached, two-car garage to an existing single family residence located at 8316 Greenleaf Avenue; (Owner: Carmen Rodriguez; Applicant: Klimba Rihuze).
 - 2. Approval of Certificate of Appropriateness 08-028 to allow construction of a 462-square foot, detached, two-car garage with a 420 square-foot second floor game room; and to add brick veneer to the raised concrete foundation along the front and side elevations of the existing single-family residence located at 6227 Bright Avenue in the Hadley-Greenleaf Historic District; (Owners: Michael and Rose Quiros; Applicant: Damian Arencibia).

- 6.H** The City Council awarded the construction contract to Manhole Adjusting Contractors, Inc., for the Community Development Block Grant Target Area Surface Treatment Program at Various Locations in the City of Whittier Fiscal Year 2008-09 project and rejected all other bids; and authorized the City Manager to sign the contract.
- 6.I** The City Council took the following actions regarding RRM Design Group Contract Amendments:
1. Approved an amendment in the amount of \$79,860 for supplemental aerial topographic mapping and boundary service work;
 2. Approved an amendment crediting back to the City the amount of \$31,520.85 for unused consultant fees;
 3. Approved an amendment in the amount of \$109,190 to prepare 100%-level Design Guidelines, Specifications, and Plans, Standards and Engineering; and
 4. Authorized the City Manager to execute the Amendments.
- 6.J** The City Council accepted the work performed by Roy Allan Slurry Seal, Inc., for the Pavement Surface Treatment on Philadelphia Street et al. project; and authorized the City Clerk to record the Notice of Completion.
- 6.K** The Board of Directors received and filed the report to set the basis for the lease rent rate to the Central Basin Municipal Water District for property located at Pumping Plant No. 2, 4128 San Gabriel River Parkway, Pico Rivera, until November 2013.
- 6.L** The City Council approved the reclassification of one vacant Senior Engineering Technician position to a Civil Engineer Assistant/Associate position in the Public Works Department as part of a larger reorganization plan.

6.D ECONOMIC DEVELOPMENT QUARTERLY UPDATE REPORT

Following discussion, in which the City Council said they would like to see more information in the quarterly report regarding the dates and purpose of the visits to local merchants, and feed back received by staff, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Mayor Pro Tem Henderson absent, to receive and file the October through December 2008 Economic Development Quarterly Report.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Vinatieri recessed the Redevelopment Agency and Utility Authority meetings at 7:49 p.m.

8.A DE NOVO PUBLIC HEARING – REVIEW OF VARIANCE V08-004, 14856 MAR VISTA STREET

City Manager Helvey announced it was the date and time set and duly noticed for a de novo public hearing to consider Variance V08-004, to allow an over height (up to 15 feet in certain locations) and view obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street; Applicant: Hugo Gutierrez). At the applicant's request, it was recommended the hearing be continued to Tuesday, February 24, 2009 at 6:30 p.m.

It was moved by Council Member Nordbak, seconded by Council Member Newcomer and carried, with Mayor Pro Tem Henderson absent, to continue the public hearing to Tuesday, February 24, 2009 at 6:30 p.m.

Mayor Vinatieri recessed the City Council meeting at 7:50 p.m. He reconvened the meeting at 8:06 p.m. with all Council Members present, except Mayor Pro Tem Henderson.

8.B PUBLIC HEARING – ZONING CODE AMENDMENT ZCA 08-003, ADD CHAPTER 18.47

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-003 and adopt Ordinance No. 2918 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AMENDING TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE WITH THE ADDITION OF CHAPTER 18.47 (WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY) AND AMENDING TITLE 12 (STREETS SIDEWALKS AND PUBLIC PLACES) BY ADDING CHAPTER 12.56 (WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY, RELATING TO THE DEVELOPMENT AND REGULATION OF WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY IN ADDITION TO THE MANAGEMENT OF THE PUBLIC RIGHT-OF-WAY." It was recommended the City Council authorize summary publication of the ordinance.

City Attorney Jones stated the ordinance establishes standards for wireless telecommunications facilities; and clarifies areas of concern.

Community Development Director Collier presented a staff report and stated that the proposed ordinance would create a comprehensive wireless telecommunications ordinance to apply throughout the City; in the past each application has been considered on a case-by-case basis, resulting in inconsistencies; the ordinance will create clear specifications of what the expectations are from a wireless telecommunications provider for development of sites; it will provide clear specific guidelines for types of facilities, design quality standards and desirable locations for wireless telecommunications sites; and long term maintenance requirements. He said the issue was reviewed by the

Planning Commission and recommended for approval; the ordinance addresses permitted and prohibited locations for facilities; and most of the prohibited areas are single-family residential zones, properties designated for wildlife habitat conservation, and scenic corridors. Director Collier stated there was a correction needed to Section 18.47.040.(C) replacing "property designated for wildlife habitat conservation" with "property within or abutting a scenic corridor." He showed a map that indicated corridor areas along Turnbull Canyon, La Cuarta and Colima Road where facilities would be prohibited; and said the ordinance outlines specific application requirements such as a site plan, landscaping standards, height requirements, propagation maps, radio frequency (RF) studies, and color material sample boards. He said the proposed ordinance will exempt some providers from the conditional use permit (CUP) process, however there would still be a Development Review application. A CUP would not be required if the application was for a full stealth facility, any facility located on City property, a co-location facility, or a facility to be located on a historic structure that complies with the requirements for a Certificate of Appropriateness.

City Manager Helvey left the Council Chamber at 8:17 p.m.

Director Collier said for facilities located on City property, the City encourages, in order of preference, full-stealth facilities, mono-tree facilities, and mono-pole facilities; the preferred order of equipment location is an underground vault, inside buildings, or on the ground behind a wall or fence; and locations in preferred order are City property, a co-location site, industrial, commercial and multi-family zones. He said the ordinance addresses hours of maintenance and removal of abandoned sites; emergency situations; and the required findings for a CUP as outlined on Page 23, which are different than requirements for a variance. The ordinance also amends Chapter 12 of the Municipal Code regarding facilities located in the public-right-of-way, which require an encroachment license or permit processed jointly between Public Works and Community Development, requiring that there could be no conflict with emergency communications systems, no impact on vehicular or pedestrian traffic, and equipment be located underground; he said the wireless provider would need to re-locate the facilities if the street needs to be widened; the design criteria go beyond federal regulations; a recent court decision in San Diego allows this latitude; and he recommended adoption of the ordinance as amended and summary publication.

City Manager Helvey resumed his seat at the dais at 8:23 p.m.

In response to Council Member questions, Director Collier said a CUP would be required for a mono-tree facility; most cities try to avoid facilities in single-family areas; providers do not like locations near tall trees because it negatively impacts the service; and maintenance will be monitored on a complaint basis.

City Manager Helvey recommended introducing the ordinance for adoption and return at a later date for discussion of possible location in residential areas.

Mayor Vinatieri said he has concerns about facilities potentially located on City property in residential areas. City Manager Helvey responded that as the property owner, the City could decline installation of a facility in these areas.

City Attorney Jones said local standards need to establish a local nexus for the need for the requirement; there cannot be narrow standards that could ban the facilities; and staff is proposing to establish progressive locations and progressive levels of approval to encourage development of facilities.

Mayor Vinatieri opened the public hearing at 8:35 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Nordbak, seconded by Council Member Newcomer, and carried, with Mayor Pro Tem Henderson absent, to close the public hearing at 8:35 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Nordbak, and carried, with Mayor Pro Tem Henderson absent, that Ordinance No. 2918 be read by title only, further reading be waived, this be declared its first reading, as amended to correct Section 18.47.040.(C) by replacing "property designated for wildlife habitat conservation" with "property within or abutting a scenic corridor."; and to authorize summary publication of the ordinance.

8.C PUBLIC HEARING – ZONING CODE AMENDMENT ZCA 08-007, MODIFY CHAPTER 18.44

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-007; and adopt Ordinance No. 2919 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO AMEND CHAPTER 18.44 (ADULT ENTERTAINMENT ESTABLISHMENTS) (CASE: ZONING CODE AMENDMENT 08-007)," to update adult entertainment business regulations. It was recommended the City Council authorize summary publication of the ordinance.

Community Development Director Collier presented a staff report and said that based on recent review by the City Attorney's office, it was recommended the City Adult Entertainment ordinance be amended for clarification and consistency with case law; and to ensure that the ordinance is current and legally defensible. He introduced "Attachment D" into the record, which is a compact disc containing support documentation of a listing of court opinion documents, all documenting the secondary effects of adult entertainment.

The amendment was recommended for approval by the Planning Commission.

He said there are changes to definitions to clarify and streamline the regulations; the regulations have been revised to add prohibitions; video surveillance requirements are being updated to account for digital recording equipment which is tracked by the Police

Department; the hours of operation are proposed to be shortened by changing opening hours from 6:00 a.m. to 10:00 a.m.; an enhanced provision which will allow the City Council or Planning Commission to impose additional conditions is included; and operating requirements have been proposed to be modified to clarify requirements regarding newly defined adult cabaret dancers and distance requirements. He said that Section 18.44.075 (G) needed to be amended from "four (4) feet" to "two (2) feet"; and other minor corrections have been proposed to the application process, appeal procedures, and judicial review provisions; minor modifications to the permit revocation provisions, providing the authority to revoke permits based upon unlawful conduct by either employees or independent contractors have been added; revocation authority expanded to allow City Council to act without Planning Commission review is included; and he recommended adoption of the ordinance as amended, and authorization of summary publication.

In response to Mayor Vinatieri's questions, Director Collier said the City has limited ability to regulate many of the adult entertainment activities, however, there is more latitude to add regulations based on secondary effects.

City Attorney Jones stated that nude or topless dancing activities are protected by the First Amendment and the City cannot impose laws to prevent those activities; however, the City can regulate secondary effects, and there has been subjective analysis identifying those issues.

Mayor Vinatieri opened the public hearing at 8:48 p.m.

Council Member Nordbak entered into the record an email the City Council had received from Richard McCleary, Professor of Criminology at the University of California, Irvine, providing a website, www.secondaryeffectsresearch.com, where governments can download information regarding the secondary effects of adult businesses.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Nordbak, and carried, with Mayor Pro Tem Henderson absent, to close the public hearing at 8:48 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Mayor Pro Tem Henderson absent, that Ordinance No. 2919 be read by title only, further reading be waived, this be declared its first reading, as amended that Section 18.44.075 (G) be amended from "four (4) feet" to "two (2) feet"; and to authorize summary publication of the ordinance.

8.D PUBLIC HEARING – ZONING CODE AMENDMENT ZCA 08-008, ADD CHAPTER 18.99

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-008 and adopt

Ordinance No. 2920 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AMENDING TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE BY ADDING CHAPTER 18.99 ENTITLED, "PARKING STRUCTURE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES" UNDER ZONING CODE AMENDMENT 08-008."

Community Development Director Collier presented a staff report and stated that the proposed ordinance would establish parking structure design and development guidelines in response to the recently adopted Whittier Uptown Specific Plan; and the Planning Commission recommended approval of the ordinance. The proposed ordinance addresses interior design requirements, as well as general architectural designs for the exterior. He said one of the conditions is that all development and design standards comply with the underlying zoning requirements to cover height and setback requirements; a Design Review application is required; it modifies parking stall and parking drive aisle standards, proposing a 9' X 18' stall and a 25' drive aisle width; it provides separately designed areas for commercial and residential parking designed for mixed-use parking, a minimum illumination level of five feet, security cameras and security gates, public amenities at entrances to structures; it encourages design level uses of shops and offices; and it includes master directional signage programs, and technological designs for larger structures to assist with managing flow of traffic in the structure.

Director Collier said the proposed ordinance had been developed and reviewed with the Police and Public Works Departments; and he recommended approval of the amendment by introduction of the ordinance for adoption.

In response to Council Member Nordbak, Director Collier said the proposed amendment would include Whittier College, if they should decide to put a parking structure on their campus; and City Attorney Jones stated this is a City-wide ordinance, and because there is no specific project up for consideration at this time, there is no conflict of interest at this time regarding possible future development of a structure by Presbyterian Intercommunity Hospital.

In response to Mayor Vinatieri, Director Collier said the length of parking stalls is being recommended for modification to 18' rather than 19'; and the 9' width of parking stalls, which is sufficient for large vehicles, is not being recommended for modification.

Mayor Vinatieri opened the public hearing at 9:01 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Warner, seconded by Council Member Nordbak, and carried, with Mayor Pro Tem Henderson absent, to close the public hearing at 9:01 p.m.

It was moved by Council Member Nordbak, seconded by Council Member Newcomer, and carried, with Mayor Pro Tem Henderson absent, that Ordinance No. 2920 be read by title only, further reading be waived, and this be declared its first reading.

9.A BOARDS AND COMMISSIONS CONSOLIDATION

This item was continued to February 10, 2009, as previously recommended by City Manager Helvey at the request of Mayor Pro Tem Henderson (see Page 2).

10.A CITY COUNCIL LIBRARY SUBCOMMITTEE

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Nordbak, and carried, with Mayor Pro Tem Henderson absent, to appoint Mayor Vinatieri and Council Member Warner to a City Council Library Subcommittee.

11.A AMEND TRANSIENT OCCUPANCY TAX ADMINISTRATION, CHAPTER 3.20

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Mayor Pro Tem Henderson absent that Ordinance No. 2917 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SECTIONS OF CHAPTER 3.20 OF THE WHITTIER MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAX ADMINISTRATION," be read by title only and further reading be waived.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote, with Mayor Pro Tem Henderson absent and Mayor Vinatieri dissenting, that Ordinance No. 2917 be declared adopted.

12. RECESS CITY COUNCIL MEETING AND RECONVENE REDEVELOPMENT AGENCY MEETING:

Mayor Vinatieri recessed the City Council meeting and reconvened the Redevelopment Agency meeting at 9:15 p.m.

13.A MARKET ANALYSIS AND RETAIL RECRUITMENT STUDY

Redevelopment Manager Duran presented a staff report and said all proposals received were similar in identifying the trade area, matching retailers to the City's needs, and recruitment packages; however the Buxton proposal also analyzed household levels to determine a good fit for small and large retailers. He said staff believes the Buxton proposal provides necessary information to make the City competitive in the current market.

In response to Council Member questions, Lisa Hill of Buxton Company said the company will work with City staff to develop a plan; the goal is to complement the current environment to meet the City's specific goals; Buxton works with numerous communities; their goal is retention, attraction and promotion; and Buxton will use an online marketing tool on the City website to keep the City in front of market changes.

Council Member Nordbak said he thought there was going to be discussion to determine if the City was going to proceed with a marketing study; he was disappointed that it appears only Buxton Company is being considered because it was the only vendor referenced in the staff presentation; he said all three shopping malls in the City have their own marketing companies; the City needs assistance marketing the vacant auto dealership properties and small businesses; and he wants the Council to have a discussion regarding their goals.

Redevelopment Manager Duran responded that staff analyzed all three vendors submitting proposals in the same categories; the results of the analysis are in the staff report; and all three vendors were invited to attend the Council meeting.

Council Member Newcomer said previous studies have been completed; and the current economic situation is the current obstacle to proceeding; and he needs additional information before making this decision.

Mayor Vinatieri said that this item had been brought before the City Council at previous meetings; staff had been directed to bring back three proposals for a marketing study; he believes the City needs to be proactive regarding small businesses; and the City needs to have a plan in place to deal with a downturn in the economy.

In response to Council Member Nordbak's questions, Ms. Hill said Buxton develops site selections for approximately 2,000 retail clients; they are one of the largest purchasers of consumer spending information in the nation; she believes this is an opportunity for the City to work beyond local developers and the local brokerage community; she said Buxton focuses on unique concepts of the City which they will use to develop marketing material for retailers selected by the City; and this fact based analysis will assist the City to determine which retailers will fit the profile.

Following discussion, it was moved by Council Member Nordbak, seconded by Council Member Warner, and carried, by roll call vote, with Mayor Pro Tem Henderson absent and Council Member Newcomer dissenting, to select Buxton Company to conduct a market analysis and retail recruitment study, and to direct Staff to return to the Agency Board within one month with a Professional Services Agreement between the Whittier Redevelopment Agency and Buxton Company.

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

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

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

Council Member Warner requested staff provide median income levels of City of Whittier households.

Council Member Nordbak requested staff look into Farmer's Market produce concerns voiced by Peggy Matthews; directed staff to check into issue regarding blank VHS tapes of Council meetings at the Library as stated by George Poochigian; requested an update on the Verizon FIOS installation in the City; requested an update on the Gables project; and reported he attended the 50th anniversary party at Presbyterian Intercommunity Hospital with Mayor Vinatieri.

Mayor Vinatieri reported he attended the League of California Cities Revenue and Taxation Committee meeting on January 22, 2009 in Sacramento, where it was reported this is the worst economy in several decades; he said he was thankful that the City has been fiscally prudent; he requested staff report back on new parking exemptions for veterans; and he toured the Women's and Children's Crisis Center.

Council Member Warner left the Council Chamber at 9:50 p.m.

16. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Vinatieri adjourned the Utility Authority meeting at 9:58 p.m.

17. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

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

17.A City Council - Government Code Section 54956.8 to discuss real property negotiations with Whittier Area Community Church regarding price and terms of payment for portions of property identified as Assessor Parcel Numbers 8291-005-005 and 8291-005-900; City Negotiator: Stephen Helvey.

17.B City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation regarding property located at 13501 Earlham Drive in reference to eligibility for listing on the Local Official Register of Historic Resources.

NOTE: Mayor Vinatieri and Council Member Newcomer will not participate in discussion on Item 17.B due to conflicts of interest.

- 17.C** City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, the Whittier Police Officers' Association and unrepresented employees.
- 17.D** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Centerfire LLC regarding price and terms of payment for properties located at 15733 and 15801 Whittier Blvd; City/Agency negotiator: Stephen Helvey.
- 17.E** City Council - Government Code Section 54956.9(a) to discuss two cases of litigation:
1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
 2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.
- 17.F** City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation based on a letter received from Jack Carmichael on January 20, 2009 relating to property located at 13238 E. Whittier Boulevard.
- 17.G** City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation based on conference with legal counsel regarding property located at 13782 Philadelphia Street.

Mayor Vinatieri adjourned the joint meeting to Closed Session at 9:58 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

18. RECONVENE IN OPEN SESSION:

Mayor Vinatieri reconvened the joint meeting in Open Session at 11:00 p.m.

19. CLOSED SESSION REPORT:

No report.

20. ADJOURNMENT:

Mayor Vinatieri adjourned the joint meeting at 11:00 p.m.

Respectfully submitted,

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