# AGENDA WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING COUNCIL CHAMBER, 13230 BENIN STRE

CITY COUNCIL CHAMBER, 13230 PENN STREET MARCH 10, 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: J. Greg Nordbak, Council Member

Cathy Warner, Council Member Owen Newcomer, Council Member Bob Henderson, Mayor Pro Tem

Joe Vinatieri, Mayor

- 3. PLEDGE OF ALLEGIANCE:
- 4. PRESENTATIONS:

**4A.** Proclamation - Fred Weiner

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 Araceli Ortiz.

- **6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of February 10, 2009 and February 24, 2009.
- 6.C It is recommended the City Council renew the General Services Agreement with the County of Los Angeles for a period of five (5) years; and adopt Resolution No. 8185 entitled, "A Resolution of the City Council of the City of Whittier, California, approving the renewal of the General Services Agreement with the County of Los Angeles."
- 6.D It is recommended the City Council conduct second reading and adopt Ordinance No. 2921 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Whittier Municipal Code Chapter 10.16 related to the parking of military veteran vehicles in metered parking spaces," allowing qualified military veterans exhibiting Pearl Harbor, Legion of Valor, American Prisoner of War, Congressional Medal of Honor or Purple Heart license plates to park without charge in metered parking spaces.
- 6.E It is recommended the Board of Directors accept the work performed by General Pump Company for the demolition of Water Well No. 7 located at 4128 San Gabriel River Parkway, Pico Rivera; and authorize the Secretary-Treasurer to file Notice of Completion.
- 6.F It is recommended the City Council receive and file the following Planning Commission action unless review is requested by a Council Member: approval of Conditional Use Permit No. C08-009 and Development Review No. DR08-0188 to construct and operate a new 1,900 square foot 24-hour convenience market with a new 1,200 square foot self-service drive-thru car wash and remodel the existing freestanding fuel island canopy on a 28,480 square foot lot at 15735 Leffingwell Road; Owner: Whittier Center LLC; Applicant: Atabak Youssefzadeh.
- **6.G** It is recommended the City Council take the following actions regarding agreements with the East Whittier City School District:
  - 1. Approve agreements for a School Resource Officer in the amount of \$57,938 and an After School Program in the amount of \$7,016;
  - 2. Adopt Resolution No. 8186 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-2009 Budget for the Agreements with the East Whittier City School District for a School Resource Officer and After School Program," in the amount of \$64.954: and
  - 3. Authorize the City Manager to execute the Agreements.

- **6.H** It is recommended the City Council approve the renewal of the lease for the Friends Book Sale Center located at 6703 Comstock Avenue; and authorize the City Manager to sign the lease.
- 6.I It is recommended the City Council conduct first reading of Ordinance No. 2922 entitled, "An Ordinance of the City Council of the City of Whittier, California, to permit dogs on leash onto the Whittier Greenway Trail, Hellman Park and Murphy Ranch Park," on a maximum six-foot leash.
- **6.J** It is recommended the City Council waive fees for usage of city equipment at the Welcome Home Vietnam Veteran's Day event on March 29, 2009.
- 6.K It is recommended City Council award the J.G. Whittier Park Playground Renovation Project contract for installation of new playground equipment and resilient rubber surfacing; reject all other bids; and authorize the City Manager to execute the contract.

Proposed Motion:

I move that the Consent Calendar be approved as submitted, including awarding a contract to E.C. Construction (Item 6.K); that Resolution Nos. 8185 (Item 6.C) and 8186 (Item 6.G) and Ordinance No. 2921 (Item 6.D) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2922 (Item 6.I) be read by title only, further reading be waived, and this be declared its first reading.

#### **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 hours of operation and the six-month review for compliance with the adopted Conditions of Approval for Conditional Use Permit No. C02-018(M3) for Steve's BBQ located at 7007 Greenleaf Avenue, Suite 101; Applicant: Steve Hernandez, Owner: Donald Lomont. It is recommended the City Council:

- 1. Adopt a Resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Conditional Use Permit No. C02-018(M-3) to allow modifications to the hours of operation for restaurant operation and allowable hours for live entertainment for the property located at 7007 Greenleaf Avenue, Suite 101. (Owner: Donald J. Lomont, Applicant: Steve Hernandez, Steve's BBQ)," to amend Condition of Approval No. 11 to revert back to the hours of operation prior to the Uptown Whittier Specific Plan approval; and
- Receive and file this report and direct staff to return to the Council in one-year for a follow-up review of Conditional Use Permit No. C02-018(M-3); or
- 3. Allow the Director of Community Development to review compliance of Conditional Use Permit No. C02-018(M-3) as per Condition of Approval No. 45.

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

Proposed Motion: I move that Resolution No. 8187 be read by title only,

further reading be waived, and it be declared

adopted; and to (Option 2 or 3).

#### **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. C07-003 and consider adopting a Resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Conditional Use Permit C07-003 to permit extended hours of operation, until 2:00 a.m., for a restaurant located at 13033 Philadelphia Street (Applicant/Owner: Javier Jimenez)," known as Setá.

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

Proposed Motion: I move that Resolution No. 8188 be read by title only,

further reading be waived, and it be declared

adopted.

**ROLL CALL** 

8.C This is the date and time set and duly noticed for a public hearing to review the Planning Commission's approval of Zoning Code Amendment 09-001 and consider adopting an Ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, ordaining an amendment to the City's development standards and design requirements for walls and fences in the "M" (Manufacturing) Zone, contained within Section 18.34.050(F) (Development Standards) of the Whittier Municipal Code (Case No. Zoning Code Amendment 09-001; Applicant: City of Whittier)."

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

Proposed Motion: I move that Ordinance No. 2923 be read by title only,

further reading be waived, and this be declared its

first reading.

### 9. BOARDS AND COMMISSIONS:

**9.A** It is recommended the City Council consider filling a vacancy on the Planning Commission for an unexpired term ending July 1, 2010; and filling a vacancy on the Cultural Arts Commission for an unexpired term ending July 1, 2009.

Proposed Motion: I move to	
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#### 10. STAFF REPORTS:

**10.A** It is recommended the City Council indicate whether the City Council should reconsider the structure of the Historic Resources Commission.

Proposed Motion:	I move to

- 11. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:
- 12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:
- 13. ADJOURN UTILITY AUTHORITY MEETING:
- **14. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:

- 14.A Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with Pacific Crest Holdings, LLC regarding price and terms of payment for properties located at 12900 Philadelphia Street and the adjacent Assessor's Parcel No. 8139-023-028 located on the southeast corner of Philadelphia Street and Comstock Avenue; Agency negotiator: Stephen Helvey.
  - **NOTE:** Agency Member Nordbak will not participate in discussion on Item 14.A due to a conflict of interest.
- **14.B** 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.
- 14.C City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with HDS Group, LLC regarding price and terms for properties located at 12813 Bailey Street, 12802 Hadley Street, and 6541 to 6557 Comstock Avenue; City/Agency negotiator: Stephen Helvey.
- 15. RECONVENE IN OPEN SESSION:
- 16. CLOSED SESSION REPORT:
- 17. ADJOURNMENT:
- **18. NEXT MEETING:** Tuesday, March 24, 2009 at 6:30 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.