

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MARCH 10, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on March 10, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 6:39 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 (6:53 p.m.)
Cathy Warner, Council Member/Agency
Member/Authority Director
Owen Newcomer, Council Member/Agency
Member/Authority Director
Bob Henderson, Mayor Pro Tem /Vice
Chair
Joe Vinatieri, 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 (10:05 p.m.)

3. PLEDGE OF ALLEGIANCE:

Council Member Newcomer led the Pledge of Allegiance.

4A. PROCLAMATION - FRED WEINER

Mayor Vinatieri presented a Proclamation to Fred Weiner, retired Director of Human Resources, in recognition of his almost twenty years of service with the City, during which time he oversaw Human Resources, Disaster Preparedness and Risk

Management; and served as the President of the International Personnel Management Association in 2006.

Director Weiner thanked the Council for the opportunity to be associated with the City; and he thanked City Manager Helvey for his leadership and the opportunity to serve as IPMA-HR President, at the United States and international levels. He said some of the highlights of his career with the City were expanding the City's revenues base with the Santa Fe Springs policing contract, establishing the Police residence purchase program, and the City's Customer Service Program. He thanked his Human Resources staff; and said he is proud to wear his City of Whittier pin, which he has given to many dignitaries in the United States and foreign countries while travelling for the IPMA.

ANNOUNCEMENT:

Mayor Vinatieri announced the City is accepting applications for vacancies on the Cultural Arts Commission, Park and Recreation Commission, Parking and Transportation Commission, Planning Commission and Social Services Commission.

AGENDA CHANGES:

City Manager Helvey recommended the following changes be made to the Agenda:

That the Ordinance in Item 6.I be amended to correct WHEREAS clauses as follows:

WHEREAS, the Whittier Greenway Trail, ~~considered to be a passive park~~, is a pedestrian and Class I bicycle trail; and

WHEREAS, it is considered appropriate to give citizens the opportunity to walk their dogs on a six (6) foot leash at all three ~~parks~~ locations;

That public hearing Items 8.A and 8.B be presented and heard in reverse order because after review of the staff report and supporting documents, Council Member Newcomer concurs with the Planning Commission and staff recommendation on Item 8.B, and believes it would be in the public's best interest to conduct that public hearing first; and

That Item 10.A be removed from the Agenda, and returned at a future meeting for discussion of the Historic Resources Ordinance rather than the Historic Resources Commission.

5. ORAL COMMUNICATIONS:

Richard Krieger, Whittier, said he wants to see the Greenway Trail expanded to La Habra and Pico Rivera; he believes the Montebello bus line service was cut back too much; and he believes there is more bus service needed in the Uptown until 12:30 or 1:00 a.m.

Maryann Bokatich, Whittier Area Chamber of Commerce, announced the Wake Up Whittier networking breakfast on March 11 at the American Red Cross; the Chamber Business Expo on March 19 at the Radisson Hotel; the Legislative Committee meeting on March 27 at the Chamber office; and thanked City staff for their attendance at the Silver Shields Awards.

Carole Kudenoff, Whittier Uptown Association, announced the Spring Antique Faire on April 25; and announced the Uptown Association is seeking applications for six openings on their General Board of Directors.

Mary Sullins, introduced herself as the new President of the Whittier Conservancy; she said it is their goal to work with the City, this year they will be focusing on commercial and residential properties in the Uptown area; she is supportive of the new Presbyterian Intercommunity Hospital offices in the Uptown; she hopes the building at Greenleaf and Bailey will be renovated architecturally historical to be compatible with the business district; and she said the City was rated by the Los Angeles Conservancy as one of the best cities in southern California for historic preservation.

Berkley Stewart, Uptown Whittier, said she was there to support renewing the Friends of the Library site lease.

Charles Claver, 6202 Friends Avenue, Whittier; said he is the new Vice President of the Whittier Conservancy; their goal is to work with the City for what is best for the community; they want to complete a historic resources inventory for the entire City, which they believe will be beneficial to everyone; one of the themes of the Conservancy is sustainability; preservation of historic resources is important to the economy and vitality of the City; last year the Conservancy presented \$25,000 from Southern California Edison to the City for trees on the Greenway Trail; this year they have applied for \$50,000 from SCE for a Greenway rest station at Palm Park; and the Conservancy looks forward to working with the Council to improve Whittier's quality of life.

Mike Vacchio, Whittier; said he was there to follow up on a letter delivered to the City Council on March 2; he urged the Council to repeal the vacant lot ordinance; he said he represents a client that is a criminal defendant in an enforcement prosecution; the property is involved in a title litigation due to a wrongful foreclosure; and he

requested the vacant lot ordinance be reviewed for the purpose, provisions and enforcement mechanisms.

Robert Canales, Whittier, said he organizing a Native American Festival in September, designed to educate the public about cultural history; he is seeking to use one or two City parks for the festival; he is seeking funding and sponsorships for the event; and he also needs volunteers for the organizational committee.

George Poochigian, Whittier, said he is in favor of the military veteran parking ordinance in recognition of veterans; said left and right turns at Beverly and Magnolia are not complete turns and auto blinkers do not go off; and City and Uptown alleys are not enforced regarding speeding and no parking.

City Manager Helvey left the Council Chamber at 7:06 p.m. He resumed his seat at the dais at 7:07 p.m.

Mike Delgado, 9444 Armley Avenue; Whittier; announced the formation of the Public Safety Forum of Whittier, California, a non-profit corporation whose primary goal is to make neighborhoods safer; he said the Forum will expand neighborhood watch programs; it is necessary to organize residents and business owners to provide their own protection, which could result in a decrease in gang related crimes and graffiti; and he invited the community to a Forum meeting at Battel's Hardware on March 11.

Rick Elias, Elias Photography, Uptown Whittier; said the Uptown area does not have cable; he believes there was a moratorium adopted in the 1980's prohibiting cable in Uptown; and asked if cable could be available in the Uptown, primarily because Uptown residents and businesses cannot watch the Council meetings.

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

Mayor Vinatieri requested separate consideration of Item 6.D.

It was moved by Mayor Pro Tem/Vice Chair Henderson, seconded by Council/Agency Member/Director Newcomer, and carried unanimously, by roll call vote, to approve the Consent Calendar, with the exception of Item 6.D, including awarding a contract to E.C. Construction (Item 6.K); that Resolution Nos. 8185 (Item 6.C) and 8186 (Item 6.G) 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.

6.A The City Council denied a claim filed by Araceli Ortiz.

- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of February 10, 2009 and February 24, 2009.
- 6.C** The City Council renewed the General Services Agreement with the County of Los Angeles for a period of five (5) years; and adopted 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.E** The Board of Directors accepted 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 authorized the Secretary-Treasurer to file Notice of Completion.
- 6.F** The City Council received and filed the following Planning Commission action: 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** The City Council took the following actions regarding agreements with the East Whittier City School District:
1. Approved agreements for a School Resource Officer in the amount of \$57,938 and an After School Program in the amount of \$7,016;
 2. Adopted 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. Authorized the City Manager to execute the Agreements.
- 6.H** The City Council approved the renewal of the lease for the Friends Book Sale Center located at 6703 Comstock Avenue; and authorized the City Manager to sign the lease.
- 6.I** The City Council conducted 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 The City Council waived fees for usage of city equipment at the Welcome Home Vietnam Veteran's Day event on March 29, 2009.

6.K The City Council awarded the J.G. Whittier Park Playground Renovation Project contract to E.C Construction for installation of new playground equipment and resilient rubber surfacing; rejected all other bids; and authorized the City Manager to execute the contract.

6.D MILITARY VETERAN PARKING ORDINANCE

In response to Mayor Vinatieri, City Manager Helvey confirmed that overnight parking regulations are enforceable, and that qualified veteran parkers are subject to parking enforcement.

It was moved by Council Member Newcomer, seconded by Council Member Nordbak, and carried unanimously, by roll call vote, that 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," be read by title only, further reading be waived and it be declared adopted, 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.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Vinatieri recessed the Redevelopment Agency and Utility Authority meetings at 7:17 p.m.

8.B PUBLIC HEARING – CONDITIONAL USE PERMIT C07-003, 13033 PHILADELPHIA STREET

City Manager Helvey announced it was 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 to permit extended hours of operation until 2:00 a.m., for a restaurant located at 13033 Philadelphia Street, known as Setá.

Council Member Newcomer said the Uptown Whittier Specific Plan was designed to create a mixed use development, where commercial and residential units would be compatible; and after reviewing the staff report and the business plan for Setá, he determined that because there would not be live music or dancing, there should be no problem with noise issues; he believes they deserve to have a conditional use permit (CUP) for 2:00 a.m. closing hours; their conditions will make them

compatible with the residential units; and he supports the Planning Commission recommendation.

Mayor Vinatieri opened the public hearing at 7:23 p.m.

Council Member Warner disclosed she had visited the site several times, approximately every two weeks; and had spoken with the owner.

Mayor Vinatieri disclosed he had visited the site weekly; and had spoken with the owner.

Javier Jimenez, owner of Setá, said the idea of the proposed 2:00 a.m. closing was to cater to the underserved market, such as Presbyterian Intercommunity Hospital (PIH) employees, Whittier College employees and professors; and for business parties. He introduced Chef Hugo Molina, who won the Critic's and Writer's Association 2009 Chef of the Year award, and General Manager Alicia Alvarado, who is also the pastry chef; he invited the community to come to the restaurant; and he provided the restaurant's website www.dineseta.com.

Hugo Martinez, chef for Setá, said he wants to bring quality and upscale dining to Whittier.

General Manager Alvarado said the restaurant would be extending services, such as cooking classes and catering, to the community.

In response to Council Member Warner's question regarding valet parking, Mr. Jimenez said there was some technical verbiage to be finalized regarding loading and unloading; and the valet parking would be available to patrons of Setá and other businesses.

The following individuals spoke in favor of the applicant's request, and addressed the following issues: the difficulty in finding quality restaurants with late closing hours; the need for high-end dining establishments which will draw a better clientele to the Uptown area; a positive impact on the economy; and it will be a great addition to the Uptown area:

Dr. Ruben Armienta, La Sierra Avenue, Whittier
Jerry Morgan, Uptown Flooring, Greenleaf Avenue, Whittier
Allen Nakken, Coalition for a Better Whittier
Rick Elias, Greenleaf Avenue, Whittier
Nick Olmos, Olmos Design Company
Mike Delgado, 9444 Armley Avenue, Whittier
Steve Hernandez, Steve's BBQ, 7007 Greenleaf Avenue, Whittier
Robert Canales, Whittier
Brent Garrison, Whittier

Seeing no other speakers wishing to address the City Council, it was moved by Mayor Pro Tem Henderson, seconded by Council Member Newcomer, and carried, unanimously, to close the public hearing at 7:42 p.m.

All Council Members commented positively on the applicant's request, and commented on the following issues: the applicant's investment in the City; the restaurant will be an asset to the City and will generate synergy in the Uptown area; the beautiful craftsmanship of the restaurant; and the restaurant is consistent with the Whittier Uptown Specific Plan designed to bring in upscale businesses.

It was moved by Council Member Warner, seconded by Council Member Nordbak, and carried unanimously, by roll call vote, that Resolution No. 8188 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)," be read by title only, further reading be waived, and it be declared adopted.

Mayor Vinatieri recessed the City Council meeting at 7:46 p.m. He reconvened the meeting at 7:58 p.m. with all Council Members present.

8.A PUBLIC HEARING - CONDITONAL USE PERMIT C02-018(M3) - 7007 GREENLEAF AVENUE

City Manager Helvey announced it was 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. It was recommended the City Council adopt a resolution allowing modifications to the hours of operation for restaurant operation and allowable hours for live entertainment to revert back to the hours of operation prior to the Uptown Whittier Specific Plan approval; and receive and file the report and direct staff to return to the Council in one-year for a follow-up review of CUP No. C02-018(M-3); or allow the Director of Community Development to review compliance of CUP No. C02-018(M-3), as per Condition of Approval No. 45.

Community Development Director Collier presented a staff report and stated that in May 2008 modifications were approved to the hours of operation and to allow live entertainment; at the November 18, 2008 a six-month review of the Steve's BBQ conditional use permit (CUP) was conducted as well as adoption of the Uptown Whittier Specific Plan (UWSP); Condition 11 of Steve's CUP allowed closing hours of 1:00 a.m. Monday through Thursday and 2:00 a.m. on Friday and Saturday, or the hours as adopted in the UWSP; and as a result of the UWSP adoption Steve's closing hours reverted to midnight closing seven days a week as included in the UWSP. Mr. Collier

said that at the February 24, 2009 Council meeting, the City Council voted 3-1 (Council Member Newcomer dissenting and Council Member Warner absent) for early review of the CUP.

Director Collier continued his report and said that the Police have been reviewing the operations of Steve's BBQ and since December 9, 2008, there have been two incidents called in by Steve's staff to the Police department. One of these incidents was an unruly customer and the other was a confrontation across the street from the restaurant. The Police review also noted that Mr. Hernandez had updated his security plan to include new security features such as hand-held metal detectors, upgraded security cameras and a stricter dress code. Mr. Collier also stated that Mr. Hernandez had submitted a quarterly report of food sales compared to alcohol sales, and he is in compliance with Condition 19 of the CUP; and staff confirmed with the Alcoholic Beverage Control (ABC) Board that Steve's BBQ is in compliance with their state liquor license.

Director Collier said staff is recommending that the hours for Steve's BBQ be approved to revert to the hours in place prior to adoption of the UWSP which were Sunday through Thursday closing at 1:00 a.m. and Friday and Saturday closing at 2:00 a.m.; and that Mr. Hernandez had requested approval to stay open until 2:00 a.m. seven days a week. Mr. Collier said the Council could consider Mr. Hernandez' request and modify the Conditions of Approval; adopt the Conditions as presented to revert to closing hours in effect prior to adoption of the UWSP; or receive and file the report and not modify the conditions.

Director Collier said staff is recommending adoption of the resolution to specify the hours of operation; and receive and file the CUP update report and direct staff to return in one year for review of the CUP.

In response to Council Member questions, Director Collier said establishments need to have a designated area for dancing so as not to block exits; Steve's does not have approval for a dance floor; the Radisson Hotel has approval for a dance floor; other establishments may have approvals for a dance floor; Steve's BBQ is the only establishment required to sell food in order to sell alcohol because there were concerns the establishment had been operating as a bar and it was intended to be a restaurant; state law requires that food sales exceed alcohol sales; a separate liquor license is required for catering services; and the two main areas of non-compliance are dancing and alcohol sales without food sales.

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

All Council Members disclosed they had spoken with Mr. Hernandez on numerous occasions; and Council Member Warner disclosed she had met with Mr. Hernandez, Garry Cuoso-Vasquez, Mayor Vinatieri, City Manager Helvey and Director Collier to receive an update on security issues.

Steven Hernandez, Steve's BBQ, 7007 Greenleaf Avenue, said he appreciated that the Council is considering his CUP for review; he did not think his business would survive until the May review date; he has relied on his family and friends for support; he has paid his bands less than normal; and he has made numerous changes to his operation and security. He said he understands the City Council's concerns; he has made the restaurant more of a dining experience; he appreciates the support of the Police department; he is currently open five days a week; he would like the option to stay open until 2:00 a.m. seven days a week; and he will close if he thinks there are problem patrons in the restaurant. In response to Council Member Warner's questions, he said that it is difficult for the Police to monitor food and alcohol sales because it is possible that the patrons have already finished their meal, or may be waiting to be served, making it appear that they are only drinking; and he does not encourage dancing.

The following individuals spoke in favor of the applicant's request, and addressed the following issues: Mr. Hernandez has done a security plan; he wants to keep open lines of communication with the Police department; he does not want to violate the rules; patrons occasionally get up and dance; the law needs to apply similarly to all establishments; there is a need for different types of establishments to attract different people; Steve's has lost over \$70,000 with the loss of operating hours; noise problems in Uptown are not caused by Steve's; the upgraded security system is working well; longer hours are needed to serve patrons; Steve's offers good music and food for families; the restaurant offers a unique flavor to Uptown; he has made continuous efforts to improve his business over the last seven years; and Steve has been addressing the issues of concern.

Garry Cuoso-Vasquez, West Road, Whittier
Mike Vacchio, Uptown Whittier
Allen Nakken, Coalition for a Better Whittier
Dr. Ruben Armienta, La Sierra Avenue, Whittier
Bernadette Ramirez, Hoover Avenue, Whittier
Rick Elias, Greenleaf Avenue, Whittier
Mike Delgado, Whittier
Aaron, Bright Avenue, Whittier
Robert Canales, Whittier

There being no other speakers wishing to address the City Council, it was moved by Mayor Pro Tem Henderson, seconded by Council Member Nordbak, and carried unanimously to close the public hearing at 8:37 p.m.

In response to Council Member questions, Director Collier said that staff conducts site inspections to ensure compliance; and letters are sent to business owners regarding any violations or corrections needed, which may result in a review process. He also said that staff is working on a new ordinance regarding alcohol,

dancing and live entertainment, to make businesses more uniform, as a result of the UWSP; that Steve's CUP is the only one in the City that requires alcoholic beverages only be served in conjunction with food sales; he is in compliance with his ABC license; and it was confirmed by the Police that this condition is difficult to enforce.

Council Member Nordbak said because Steve's BBQ started at the height of the "Stix" era, he has been held to a different standard than others; he understands it is difficult to police the alcohol and food sales; he acknowledged that Steve is in compliance with his ABC license; he said that if Steve wants to have a special event, he needs to go through the process; he appreciates Steve's efforts regarding improved security and dress code; he strongly urged Steve to read and understand his CUP because he will be accountable for compliance or violation; and he supports reverting to the hours in effect prior to adoption of the UWSP.

Council Member Warner said she was pleased to see Steve's efforts to implement improved security measures and believes it is prudent for him to have a plan; she appreciates that he has addressed the issues of concern; she has concerns about different standards for alcohol and food sales; she believes he is moving in the right direction; it is appropriate to have reviews of the CUP; her intent at the last review was to be remedial, not punitive, and she believes that remediation has taken place; and she also urged Steve to be familiar with his CUP.

Council Member Newcomer said Steve's BBQ is a good example of what is not wanted in Uptown; he said Steve's has continually violated his CUP regarding food and alcohol sales, dancing and noise issues; the noise level has been twice what is allowed with the doors closed; there had been problems with the Mongols motorcycle gang; he has been conditioned for special privileges; Steve has not shown good faith or compliance; mixed use in the Uptown requires businesses be compatible with residential in order to have a balance; he believes the City Council has gone beyond tolerant; and he will not support the extended hours.

Mayor Pro Tem Henderson supported Council Member Newcomer's comments and said that Steve's started with problems that the City Council tried to correct; he had not complied with most of his conditions at a six-month review; even under tight scrutiny during this review period he has violated the CUP; the standard closing in Uptown is midnight; he is not convinced that the reduced hours have cost a large loss of income; it is an expensive process to revoke a CUP; there were no problems prior to issuing a full liquor license; and Steve has shown no respect.

City Manager Helvey left the Council Chamber at 9:02 p.m. He resumed his seat at the dais at 9:03 p.m.

Mayor Vinatieri said there are three issues of concern based on the CUP conditions. He said the first issue is noise, and the report indicates that Steve's is in compliance; the second issue is food and alcohol sales; that State law says that alcohol

sales cannot exceed food sales, and Steve's is in compliance with the law; the third issue is dancing; and it appears most of the dancing is spontaneous. Mayor Vinatieri said it is necessary to be realistic about the situation and know that it is difficult to police the alcohol and food sales, and it is necessary to find a balance regarding dancing. He believes that Steve is showing better discretion in running his business; the increased security is important; he is pleased that Steve is being choosier in his clientele; and he supports 1:00 a.m. closing Sunday through Thursday, and 2:00 a.m. closing on Friday and Saturday.

It was moved by Council Member Warner, seconded by Council Member Nordbak, and carried unanimously, that Resolution No. 8187, 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)," be read by title only and further reading be waived, to amend Condition of Approval No. 11 to revert back to the hours of operation prior to the Uptown Whittier Specific Plan approval.

It was moved by Council Member Warner, seconded by Council Member Nordbak, and carried, by roll call vote, with Council Member Newcomer and Mayor Pro Tem Henderson dissenting, that Resolution No. 8187 be declared adopted.

It was moved by Council Member Warner, seconded by Mayor Pro Tem Henderson, and carried unanimously, to receive and file the report and direct staff to return to Council in six months for a follow-up review of Conditional Use Permit No. C02-018(M-3).

Mayor Vinatieri recessed the City Council meeting at 9:18 p.m. At 9:25 p.m. he reconvened the meeting with all Council Members present.

8.C PUBLIC HEARING – ZONING CODE AMENDMENT 09-001, DEVELOPMENT STANDARDS AND DESIGN REQUIREMENTS FOR WALLS AND FENCES

City Manager Helvey announced it was 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 amending the City's Development Standards and Design Requirements for walls and fences in the "M" (Manufacturing) Zone.

Community Development Director Collier presented a staff report and said the ordinance was initiated due to inconsistencies in the Zoning Code; that currently fence heights on front and side yards on a corner lot cannot exceed 42"; the Manufacturing

Design guidelines state that fences should adequately screen loading bays, vehicles and/or trailers; the proposed amendment is intended to deal with the inconsistencies; it will provide improved visual screening of manufacturing sites as well as improve security; and the proposed amendment sets forth specific design standards that are required by the code. He said the Planning Commission recommends approval of the amendment; the amendment will allow a maximum 8-foot fence or wall in the "M" Zone with a minor conditional use permit (CUP); at the 8-foot height it requires a five-foot setback for a front yard and a three-foot setback for a side yard; it addresses issues where a higher fence may be needed to screen special equipment; it addresses landscape screening, anti-graffiti issues, construction materials, visibility requirements for intersections, and allows provisions for a 16-foot fence or wall with a full CUP. He said staff is recommending affirmation of the Planning Commission recommendation and introduction of the ordinance.

In response to Council Member questions, Director Collier said the high wall provision requiring a CUP would deal with sound walls or barriers, compatibility with surrounding properties and mitigation issues; there is an appeal process with any entitlement process; and modification of existing fencing may result in a higher cost, however, it will also provide better security.

Mayor Vinatieri opened the public hearing at 9:35 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Nordbak, seconded by Council Member Warner, and carried unanimously to close the public hearing at 9:35 p.m.

Council Member Nordbak said he thinks this is a good and timely alternative to allow some rundown industrial properties to make improvements.

Mayor Pro Tem Henderson said it will not solve everyone's problems, but it will provide options to those property owners that want to make upgrades.

Mayor Vinatieri said he has concerns about the economics; and does not want to put mandates on property owners.

Following brief discussion, it was moved by Council Member Nordbak, seconded by Mayor Pro Tem Henderson, and carried unanimously, that Ordinance No. 2923 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)," be read by title only, further reading be waived, and this be declared its first reading.

9.A PLANNING COMMISSION AND CULTURAL ARTS COMMISSION VACANCIES

Following brief discussion, it was moved by Council Member Nordbak, seconded by Council Member Newcomer and carried, unanimously, to appoint Sue Settlage to the Cultural Arts Commission on an interim basis for a term expiring July 1, 2009.

Following further discussion, the City Council concurred to conduct interviews on Tuesday, April 14, 2009 at 6:00 p.m. for a vacancy on the Planning Commission, for a term ending July 1, 2010. The City Council will interview James Becerra, Jeanette Fasone, Eduardo Hernandez and A. John Olvera.

10.A STRUCTURE OF THE HISTORIC RESOURCES COMMISSION

There was no discussion on this item, as it had been removed from the agenda by staff prior to the meeting (See Page 1).

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

Mayor Vinatieri reconvened the Redevelopment Agency and Utility Authority meetings in joint session with City Council at 9:45 p.m.

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

Council Member Warner said she has concerns about ordinances that are not equally enforced and thought vacant lot enforcement was to be held in abeyance until adoption of a new vacant lot ordinance; she confirmed that residents contact the Police department if they want to participate in a Neighborhood Watch Program; she requested discussion of a 4th of July celebration be re-agendized; and said she will not be attending the Sustainable Materials Conference in Yosemite because the Council has cut travel budget by 50% due to economics.

Council Member Newcomer requested staff report back on the status of the cable situation in Uptown Whittier, and wants to know if proposed Uptown projects meet density requirements.

Mayor Vinatieri requested staff look into the vacant lot issue mentioned by Mr. Vacchio; said he attended the Chiefs Advisory Committee meeting where youth issues and gang injunction areas were discussed; and he commended the Hispanic Outreach Taskforce and Police Chief Singer for their efforts with the Committee.

13. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Vinatieri adjourned the Utility Authority meeting at 10:04 p.m.

14. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION: It is recommended a Closed Session be held pursuant to:

City Manager Helvey recommended the City Council and Redevelopment Agency meet in Closed Session 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.

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.

Mayor/Chair Vinatieri adjourned the joint meeting to Closed Session at 10:05 p.m. with City Clerk-Treasurer/Secretary-Treasurer Marshall replacing Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques.

Council/Agency Member Nordbak left the Closed Session at 10:23 p.m. due to a conflict of interest on Item 14.A.

15. RECONVENE IN OPEN SESSION:

Mayor/Chair Vinatieri reconvened the joint meeting in Open Session at 10:27 p.m.

16. CLOSED SESSION REPORT:

None.

17. ADJOURNMENT:

Mayor/Chair Vinatieri adjourned the joint meeting at 10:27 p.m.

Respectfully submitted,

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