

**MINUTES
WHITTIER CITY COUNCIL
ADJOURNED REGULAR MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
SEPTEMBER 15, 2009**

1. CALL TO ORDER:

The Whittier City Council held an adjourned regular meeting on September 15, 2009. Mayor Henderson called the meeting to order at 7:00 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Joe Vinatieri, Council Member
PRESENT: Owen Newcomer, Council Member
J. Greg Nordbak, Mayor Pro Tem (7:21 p.m.)
Bob Henderson, Mayor

COUNCIL MEMBER ABSENT: Cathy Warner, Council Member

OTHER OFFICIALS PRESENT: Stephen W. Helvey, City Manager
Elena Gerli, Assistant City Attorney
Kathryn A. Marshall, City Clerk-Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Newcomer led the pledge of allegiance to the United States flag.

4. ORAL COMMUNICATIONS:

Raymond Garcia, 8159 Catalina Avenue, Whittier, submitted photographs of garage sales in the City and surrounding area; spoke regarding the unsightly signage involved and the signage seen regarding the sale of puppies; and asked for the City's help in controlling the proliferation of signs and garage sales.

Arthur Rock, Whittier, spoke regarding the balance of power, service, and responsibility; First Day's 10th anniversary party; and announced September 16th was Mexican Independence Day.

George Poochigian, Whittier, said the poor economy was the result of too many elected officials and citizens not participating in their federal and state governments; he found the Uptown Area Auto Show noisy and crowded with renegades; and he would like the City to promote the Gold Star Program more.

Mayor Henderson declared a recess at 7:12 p.m. At 7:21 p.m., he reconvened the meeting with all Council Members, except Council Member Warner, present.

5.A ALCOHOL AND ENTERTAINMENT ORDINANCE

Director of Community Development Collier summarized the provisions of an ordinance proposed to amend the Zoning Code, Whittwood Towne Center Specific Plan, and Uptown Whittier Specific Plan, establishing regulations for businesses offering or selling alcoholic beverages in conjunction with on-site dancing, live entertainment, musical performances, amplified music, billiard hall, arcade, internet cafes, smoking lounge, restaurants, bars, banquet hall, club or similar uses within the City. He explained the ordinance review and changes undertaken by the Planning Commission resulting in the ordinance recommended to the City Council; advised that both the Police Department and City Attorney have provided input on the draft ordinance; and summarized the ordinance's operational standards, regulations for patios, security standards, staff training, lighting standards, preventative design measures, interior and exterior queing, nuisance provisions, revocation procedures, and waiver provisions.

Council Members discussed the proposed ordinance including the exception from the conditional use permit (CUP) process for incidental live entertainment such background music from a guitar or harp; allowing advertisements in windows; whether to allow a cover charge for businesses offering entertainment; what constitutes false alarms equating a nuisance; how food vs. alcohol sales levels will be monitored; and graffiti removal responsibility.

Staff was asked to: clarify what is meant by solicitation of alcoholic beverages; change the phrase "on-site dancing and live entertainment" to "on-site dancing and/or live entertainment"; look at the regulation of amplified music on patios with regard to ongoing impacts on residences and businesses as well as during special events; define incidental on-site dancing and how it will be controlled; look at regulating pitchers of alcoholic beverages being ordered at "last call"; make sure standards are consistently expressed throughout the ordinance; bring back options for reducing the amortization period and bringing existing businesses into compliance with the new standards; and mail a letter regarding the draft ordinance to the Uptown Association, Whittwood Town Center, Quad Shopping Center, and businesses operating with a Department of Alcohol and Beverage Control (ABC) permit, put the ordinance on the City's website, and conduct an informational meeting for business owners to meet with staff regarding the ordinance.

5.B NOISE CONTROL ORDINANCE

Assistant City Attorney Gerli advised that staff was recommending the City Council adopt an ordinance relating to noise control which changes the basis of enforcement from decibel to distance. She explained the hindrances to enforcement on a decibel-level basis, the success other government agencies have experienced using the distance basis for measuring loud and unreasonable noises, and responded to a question from the City Council and advised multi-family regulations will be developed separately.

Following discussion, the City Council concurred the ordinance should be scheduled for action and requested the City Attorney advise whether the normal conversation noise standard in the alcohol entertainment ordinance would supersede the noise ordinance.

5.C FUTURE STUDY SESSION TOPICS

City Manager Helvey reviewed pending matters Council Members have raised for possible discussion and inquired whether the City Council wished to set the topics for study session or regular meeting, or handle them in another way. The City Council concurred on the following:

Historic Resources Ordinance – Schedule for regular meeting

Viet Nam Wall – Mayor Pro Tem Nordbak withdrew his request for discussion of this item.

Water and Sewer Master Plan – Prepare a regular report and offer Council Members one-on-one meetings with staff if desired.

Second Dwelling Units – Bring it back to a regular meeting for adoption as proposed and consider the amendment relating to larger lots at a future time.

Business Sign Amortization – Pursue removal of billboards and abandoned signs; do not put other businesses with signs subject to amortization on notice at this time.

Library – Directed staff to undertake a Central Library building assessment for the cost of repairs and improvements needed for both short-term and long-term facility use.

6. COUNCIL COMMENTS/CONFERENCE REPORTS:

Council Member Newcomer requested an agenda item be scheduled for the City Council to decide whether it would be interested in pursuing relinquishment of Whittier Boulevard, in particular next to Nelles to facilitate improved traffic control.

7. ADJOURNMENT

Mayor Henderson adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Kathryn A. Marshall
City Clerk-Treasurer