

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
OCTOBER 13, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on October 13, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:30 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

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

Joe Vinatieri, Council Member/Agency
Member/Authority Director
Cathy Warner, Council Member/Agency
Member/Authority Director
Owen Newcomer, Council Member/Agency
Member/Authority Director
Greg Nordbak, Mayor Pro Tem /Vice
Chair
Bob Henderson, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney/Authority
Counsel (6:43 p.m.)
Toni Maiques, Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Warner led the Pledge of Allegiance.

**4.A SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
PRESENTATION:**

Southern California Association of Governments (SCAG) Executive Director Hasan Ikhata thanked the City for its membership; welcomed Council Member Warner as the delegate; and introduced District Representative Stan Carroll, who represents the cities of Whittier, Pico Rivera, Santa Fe Springs, La Mirada and La Habra. Mr. Carroll welcomed the City back to SCAG.

4.B DISABILITIES AWARENESS MONTH PROCLAMATION:

Mayor Henderson presented a Proclamation to Shirley Oebel in recognition of Disabilities Awareness Month promoting education and awareness about disabilities. He said the nine-member Accessibility Committee is an advisory group under the Social Services Commission that studies access issues and makes access improvement recommendations for current and existing projects including parks and transportation issues; he said they were instrumental in reviewing and providing recommendations for the Hoover Hotel Senior Project; and he thanked them for all of their contributions.

Ms. Oebel thanked the City for their continued support; and announced the Abilities Expo at Parnell Park on October 21, 2009 from 10:00 a.m. to 1:00 p.m.

4.C SOCIAL SERVICES VOLUNTEERS PRESENTATION:

Social Services Commission Chair Charlene Dimas-Peinado said the Social Services Commission Volunteer Recognition Program was established in 1991 to honor individuals dedicated to improving quality of life by serving families in the community.

She recognized Marjorie Farmer, who began volunteering in 1967 at the Intercommunity Blind Center. She said Marjorie took classes to learn how to work with visually impaired people; she started teaching craft classes at the Blind Center, and now at the Uptown Senior Center.

Social Services Commissioner Carole Marin recognized Lorena Duran, President-elect of the SKILLS Foundation. She said Lorena has helped facilitate the partnership between the SKILLS Foundation and the Safe Schools Healthy Student Grant week; she has had the most fund-raising sales for two consecutive years; has helped SKILLS open two after school programs; has brought interest from outside organizations; and as a licensed clinical social worker she works for a local school district.

Social Services Commission Vice-Chair Dria Law recognized Patricia Holody for her work with Meals on Wheels. She said Patricia has been volunteering and delivering meals to local residents for six years; with 19 other volunteers she works five days a week, delivering 16 meals per route; and she is currently President of the Board of Trustees.

City Attorney Jones joined the joint meeting and took his seat at the dais at 6:43 p.m.

ANNOUNCEMENTS:

Mayor Henderson made the following announcements:

As part of the Local Economic Stimulus and Business Assistance Plan, the City will be conducting a business seminar, "Targeted Marketing: Learn to Capture your Customers", on Thursday, October 15, 2009 at 8:00 a.m. in the Council Chamber.

The City Council is seeking applicants for a vacancy on the Planning Commission.

5. ORAL COMMUNICATIONS:

Pastor Geoff Nelson, 13750 Walnut Street, Whittier; said he is a fan of the Greenway Trail bike path; he read a list of bike path etiquette; and he prayed for the City Council and the community.

Michael Chacon, Whittier, said he is a student at Rio Hondo College; people cannot measure success by outward appearances; the United States Constitution mandates equal rights, protection and immunities for all; and people should take stock of where they are today.

Joseph Salvador, 13210 Dittmar Drive, Whittier; said he would like a zoning change for parking so the Elks Lodge on Whittier Boulevard can allow overnight RV parking for a fee.

Derek Alatorre, South Coast Air Quality Management District, said that legislation signed by the Governor allows the SCAQMD to issue a permit for the new Police facility; they offer assistance for small businesses regarding the permit process; they will be offering the lawn mower program in April 2010 and the leaf blower program in July 2010.

Joseph Aguilar, 6334 Bright Avenue, Whittier; announced the 9th Annual Whittier Historic Neighborhood Association Home Tour from 10:00 a.m. to 4:00 p.m. on Saturday, October 24; he said the tour will feature five homes, a quilt display, car display and a raffle; the proceeds improve neighborhoods; he extended an invitation to the City Council and the and community; and said tickets are available at Pour-Le-Bain.

Robert Canales, 6333 Bright Avenue, Whittier; said leadership has to be set by example; he walks or uses public transportation; and he is pushing for re-writing the State constitution.

Rafael Rubalcava, 10302 Maybrook Avenue, Whittier; said he wants the ficus trees on Maybrook Avenue removed; the soft tree berries are slippery and cause a hazard; the berries can only be washed away; various residents have slipped and fallen; the City's solution is to put down black sealing materials; the tree roots have caused water interruptions, sewer damage and water shut downs; and he requested planting alternate trees.

Javier Murrieta, 16535 Shady Valley Lane, Whittier; provided photos of damage caused by the ficus trees on Maybrook Avenue, he said it is difficult for the elderly to walk on the sidewalks; difficult for children to play; the trees cause sewer and driveway problems; there are cracks in the garage and driveway; and he fears the trees could fall.

Dean Carlton, 10339 Maybrook Avenue, Whittier, said the ficus trees in front of his house have buckled six of the concrete slabs; a friend stumbled and fell over the roots; it is a beautiful tree, however it is a peril to people; his driveway and garage floor are cracked; and he has had his pipes cleared five times from damage caused by tree roots.

Richard Irvin, 10327 Maybrook Avenue, Whittier; said he has concerns about the ficus trees; the shade of the trees drew him to the neighborhood in 1997, however they have become a nuisance; he said there may be costs that the City is liable for; he said the trees will fall east and west on top of houses; the trees lift the sidewalk and gutter system; and the water runoff into the street causes street damage.

Victor Flores, 10326 Maybrook Avenue, Whittier; invited the Council Members to walk the Maybrook cul-de-sac; he said the street has been neglected; other streets have been repaired; he has experience as a tree trimmer and gardener; and he cannot install sprinklers due to root damage caused by the ficus trees.

Arthur Rock, Whittier; said many times people are caught between responsibilities and demands; the City's alley repair program was approved in February 2007; alleys, sidewalks and crosswalks are a part of the City's infrastructure; some sidewalks in the Uptown area are a disgrace; and he believes the City needs new crosswalks at Newlin and Philadelphia; and Mar Vista and Whittier Boulevard.

Ralph Marsico, Whittier; said it cost \$300 to get windows made for his trolley; he believes the City Council has the power to help his family get their house back; he said police officers should do their job professionally; and his current family situation is overwhelming.

George Pochigian, Whittier; said it is important to vote; and read a list of elections that were decided by one vote.

Irene Prochison, 10310 Maybrook Avenue, Whittier; said the residents on Maybrook need help removing the ficus trees; she has fallen twice; the tree roots are coming up between the brick walkway and the sidewalks; three houses on the block have needed new pipes; and twice a year she has her pipes cleaned out by a plumber.

Tom Garcia, 10319 Maybrook Avenue, Whittier; requested removal of the ficus tree in front of his house; said he has endured the cost of plumbing repairs and paid \$3,000 to the City for sewer lateral repair; he said children cannot ride their bikes on the cul-de-sac; the asphalt repair is unsightly; and he invited the City Council to walk the Sidewalks on Maybrook.

Joe Marsico, Whittier; said he is frustrated at the injustices in the City; he said street sweeping is done only in the poorest parts of the City; he requested a public hearing on street sweeping; he does not lie; he has been accused of being mentally ill; he tries to do good; and he is not leaving the City.

Rudy R. Castillo, Maybrook Avenue, Whittier; said he has concerns about the ficus trees on the street; he supports his neighbors; he does not have a ficus tree in front of his house but he also has problems with the roots; he said his neighbor fell from her bike because of the tree berries; he fears the trees will fall; and the canopy of his neighbor's tree covers the front portion of his lawn.

Mayor Pro Tem Nordbak requested consideration of Item 8.A be moved up in the agenda, because City Attorney Jones needed to leave the meeting early.

8.A PUBLIC HEARING - CONDITIONAL USE PERMIT C09-002 – MEDICAL MARIJUANA DISPENSARY, 8116 BYRON ROAD

City Manager Helvey announced it was the date and time set and duly noticed for a de novo public hearing to consider the Planning Commission's recommendation to approve Conditional Use Permit CUP09-002 to allow the operation of 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. It was recommended the City Council direct staff to return an implementing resolution reflecting the City Council's consensus.

Community Development Director Collier presented a staff report and power point presentation to outline the following areas:

- A conditional use permit (CUP) is required to operate a medical marijuana dispensary;
- The applicant is leasing 3,200 square feet of which 985 square feet will be used for the dispensary and 2,215 square feet will be left vacant;
- There is sufficient parking within the industrial center for the dispensary and adjacent businesses;
- The dispensary is a non-profit operation;

- There will be ten employees, including two full-time security guards and one on-site manager;
- Patients and members are issued a membership card to be renewed annually with a written recommendation and approval from a California doctor;
- The hour of operation will be Monday – Saturday 10:00 a.m. to 7:00 p.m.; Sunday 10:00 a.m. to 4:00 p.m.; are compatible with the industrial center; and any modifications to the hours require an amendment to the CUP;
- The Police department has reviewed the request and does not anticipate any negative impact on surrounding businesses;
- The business complies with land use distance requirements;
- There are no residences within close proximity to the dispensary;
- The operation is not expected to affect adjacent businesses;
- The Planning Commission approved the CUP 4-1 with the condition that the operator cannot dispense more than 3 oz. of marijuana per week to a member, with a maximum of 12 oz. per month; any amounts over the maximum must be by written recommendation of a doctor and verification by the applicant;
- There are 49 conditions that were reviewed and approved by the Planning Commission; and
- Staff recommended the City Council conduct the public hearing and direct staff to return with a resolution reflecting the Council's consensus.

In response to Council Member Warner, City Attorney Jones stated the City cannot pass an ordinance that is not consistent with state and federal law; and any business not operating in compliance with state or federal laws is subject to prosecution by the appropriate authorities.

Mayor Henderson opened the public hearing at 7:45 p.m.

Robert Ortiz and Dolores Enriquez, Seventh and Hope, 6103 Glee Avenue, Pico Rivera, thanked the City for its support during the application process; said they submitted their application in March 2009; City staff has been very helpful; they are pleased the Planning Commission approved their application; they are glad to see the City of Whittier following state laws providing a model for other cities; said many local patients are thankful to have the City's support; and they are looking forward to federal re-assessment of the medical marijuana issue.

The following people spoke in favor of the applicant's proposal:

Char Hannah, Americans for Safe Access, said the applicant had been diligent in the application process; they should be awarded the conditional use permit (CUP) because of their commitment; it is appropriate for the City to show leadership; the City has approved sensible regulations allowing patients to access medical marijuana in a safe and controlled environment; it is otherwise an illegal activity; and the Constitution allows every state to govern itself.

Dr, Norman Leepoff, a retired ophthalmologist who became ill in 2002; said he believes that medical marijuana saved his life; he said misery can be helped with cannibas, whether it is for a degenerative disease or disorder; and he encouraged the City Council to help local people.

Michael Chacon, Whittier, said this is a complex ethical issue; legally it is a cut and dry issue; there is a federal law in place that state and local officials have sworn to uphold that impedes a citizen's right to pursue happiness and ability to find relief from ill; the Compassionate Use Act is a criminal violation of federal law; the Council has an obligation to follow the contract made with federal authorities; the only realistic defense is for the President and the cabinet to repeal the existing law; and users and dispensary operators have become victims of the law.

City Manager Helvey left the Council Chamber at 8:03 p.m. and resumed his seat at the dais at 8:06 p.m.

Katherine Clifton, 181 Brea Avenue, El Cajon, said there is a fundamental misunderstanding of federal and state law regarding medical cannibas; said the Federal Controlled Substances Act (CSA) was adopted in 1970 and established a federal regulatory system to combat recreational drug use; no legal conflict exists because federal and state laws treat marijuana differently; California's medical marijuana laws have been challenged unsuccessfully; Proposition 215 does not address recreational use; and the Attorney General has recommended that state and local law enforcement officers do not arrest individuals or seize marijuana under federal laws if it can be determined it is permitted under California's medical marijuana laws.

James Kuehl, 6214 Palm Avenue, Whittier, said he has a recommendation from his doctor for medical marijuana; and he wants to be able to access it in his City.

The following people spoke in opposition to the applicant:

Jim Hickey, Los Angeles County Deputy District Attorney; said he is familiar with how dispensaries operate in Los Angeles County; he believes the dispensary is not in the best interest of the City or its residents; the City Council will have to deal with subsequent issues; Proposition 215, which came about by initiative, was passed in 1996 legalizing medical marijuana to assist patients with cancer, AIDS and glaucoma;

only 2% of cases reviewed in San Diego deal with these three diseases; and 4 of 5 of the cases reviewed are for people under 40 years of age; it is not recommended by the Federal Drug Administration; he would support it for uses of illness with pain; the Court of Appeals upheld a decision in the City of Claremont to declare a dispensary as a public nuisance; and he believes the difficulties outweigh the necessity in the City.

Robert Canales, Whittier, said the state Attorney General has announced a crackdown on for-profit dispensaries; some Whittier residents feel this is being forced upon them; a report shows a direct link between dispensaries and an increase in crime; he asked where is the funding to keep the operation open; he said a licensed pharmacist must issue prescriptions; we are obligated to follow federal law; and he requested consideration of a public referendum.

Joe Marsico, Whittier, said he has studied the history of drugs, gambling and alcohol; he does not want to commercialize marijuana; and children are not being educated about drugs.

In response to the speakers, Mr. Ortiz said neither he nor his mother (Ms. Enriquez) fill prescriptions; dispensing under California's medical marijuana law is based on the recommendation of a physician; Pico Rivera is one of the original cities to ban medical marijuana; the City of Whittier is one of the first cities to adopt an ordinance regulating medical marijuana use; he has worked closely with the City; and it is a very complex issue.

There being no other speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried unanimously to close the public hearing at 8:32 p.m.

In response to Council Member questions, Mr. Ortiz said the back-up materials provided are samples of documentation; the forms submitted by Seventh and Hope will make the distinction about the illegal use of recreational drugs; the application was prepared by Ms. Enriquez; she used examples from other dispensaries; the documents have not been reviewed by their attorney; the attorney will review the documents before members sign the application; the CUP limits dispensing to 3 ounces per week; attorneys tell their clients to not consent to search; they do not consider it disrespectful to law enforcement officers to protect their constitutional rights; it is covered by health and safety and they do not consider it a violation of federal law; they have not collectively reviewed all of the documentation; they cannot afford to do so until they know if their CUP will be approved; members will be reimbursed by their medical insurance providers ; and Medi-Cal patients receive a 50% discount.

Ms. Clifton, as the attorney for Seventh and Hope, said the documents submitted by the applicants are examples from Americans for Safe Access; Seventh and Hope wants to rely on the City's adopted medical marijuana ordinance; the information may or may not be included in the application process; she had not seen the documents prior

to submission by her client; she disagrees with her client about a member acknowledging it violates federal law; and she would not have included that information in a document for a client applying to be a member of Seventh and Hope.

In response to Council Member Warner, Director Collier said staff does not make interpretations regarding accuracy of materials submitted; it is information submitted for consideration by the approval body; and it is the decision makers responsibility to make the decision based on the facts.

Council Member Newcomer said this was a complex issue; his understanding is that the applicant has shown good will and had met the requirements of the City's ordinance and state law; the Planning Commission has recommended approval of the CUP; the United States Attorney General has said the federal government will respect state laws and that medical marijuana users will not be prosecuted if they follow state guidelines; that recreational and medical uses need to be distinguished by the applicant; the dispensary will be highly regulated with forty-nine special conditions in addition to standard conditions; many doctors believe it will be beneficial to their patients; and he supports the Planning Commission recommendation to approve the conditional use permit with a six-month review.

Mayor Henderson said the City adopted the medical marijuana ordinance to get control of the issue; the City's ordinance is comprehensive and restrictive; he believes marijuana has been politicized; there is no history of overdosing or deaths from marijuana use; he believes it is the compassionate thing to do; it will not be a danger to the City; the applicant followed the guidelines and met the forty-nine conditions imposed; and he supports the Planning Commission recommendation.

Council Member Warner acknowledged that the applicant did an excellent job in his presentation; she supports people's rights to voice their opinions; she now has a better understanding of business license requirements which state businesses must comply with state and federal law; in her opinion, this violates federal law; she has been a health care provider for forty-three years; she does not believe marijuana is a medical drug and does not have the benefits of a medical drug; she does not believe the City can regulate the dosage or dispensing of the marijuana; the City does not regulate dispensing of other medical drugs; and she cannot support the Planning Commission recommendation.

Council Member Vinatieri said it is important to deal with and base the decision on the facts; he sees it as a compassion issue and an issue of following the law; he took an oath to uphold all laws and he believes this is a violation of federal law; he said a letter from Los Angeles County District Attorney Cooley and Sheriff Baca states that there are more medical marijuana dispensaries in Los Angeles County than in all other California counties combined; following research the District Attorney's office has concluded that over-the-counter sales of medical marijuana are a violation of federal and state laws; the California Police Chief's Association Task Force on Marijuana

Dispensaries states that federal law prohibits marijuana use for any legal purpose, it is classified as a Schedule 1 drug, it cannot be legally prescribed by a physician, federal law supersedes state law, there is no legal defense for the cultivation and possession of medical marijuana, and there are inherent dangers to medical marijuana dispensaries, such as organized criminal gangs, large grow operations and multi-million dollar profit centers; there are currently studies being conducted for alternate treatments; Whittier has never been a leader in these issues; Condition 4 of the CUP states the applicant will comply with all applicable federal and state laws; it is a matter of compassion vs. the law; and he cannot approve the CUP because marijuana is illegal under federal law.

Mayor Pro Tem Nordbak said this is a passionate issue; Whittier was a leader in 2006 when the City made the choice to regulate dispensaries rather than ban them; he has supported the issue twice based on compassion; he is not an advocate or opponent to the use of marijuana; he is concerned that marijuana is available anywhere in the City; he believes the applicant's are honest; he believes they are opening the dispensary to make money; he questions if they will be successful based on the regulations and restrictions; and he believes medical marijuana sales have become a big business.

In response to Council Member questions, City Attorney Jones said the City's medical marijuana ordinance has become a statewide model, is legal and enforceable, placing the burden on the operator to comply with federal and state law; the dispensary operator puts himself at risk to operate within the federal or state law; he said the CUP approval issue before the Council is a land use issue; there is an underlying dispute between state and federal law; in his opinion a medical marijuana dispensary violates federal law; the United States Attorney General has provided direction not to enforce the federal law against dispensaries; the issue has not been legally resolved; Los Angeles County District Attorney Cooley does not have an issue with the City's ordinance; the applicant signs a business license application stating they will comply with federal and state law; if they violate federal or state law they will pay the consequences based on law enforcement; and Council Members did not breach their oaths of office by approving the medical marijuana ordinance.

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Henderson, and carried, by roll call vote, with Council Members Vinatieri and Warner dissenting, to uphold the Planning Commission recommendation to approve CUP09-002; and direct staff to return with an implementing resolution reflecting the City Council's consensus.

Mayor Henderson recessed the City Council meeting at 9:30 p.m.; and City Attorney Jones left the meeting.

At 9:43 p.m., Mayor Henderson reconvened the meeting, with all City Council members present.

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

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

It was moved by Council/Agency Member/Director Warner, seconded by Council/Agency Member/Director Vinatieri, and carried unanimously, by roll call vote, to approve the Consent Calendar, except Item 6.D, that Resolution No. 8238 be read by title only, further reading be waived, and it be declared adopted; and that Ordinance No. 2936 be read by title only, further reading be waived, and this be declared its first reading.

- 6.A** The City Council denied claims filed by Carol Asquith, Daniel Douglass, Matthew Harris, Shawn O'Donnell, Beverly Prentiss, Victoria Rhodes, Gloria Shay, Joel Vidovich, and Arlie Ray Rosser.
- 6.B** The City Council, Agency Board and Board of Directors took the following action regarding Minutes:
 - 1. City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of September 8, 2009 and September 22, 2009; and
 - 2. City Council approved the Minutes of the Adjourned Regular Meeting of September 15, 2009.
- 6.C** The City Council introduced 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.E** The City Council approved the Public Improvement Agreement with the Whittier Area Community Church for the construction of public improvements along Villaverde Drive, Mar Vista Street and Colima Road; and authorized the City Manager to execute the necessary documents.
- 6.F** The City Council adopted Resolution No. 8238 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM," to improve accessibility to the Greenway Trail by constructing a trailhead east of Mills Avenue immediately north of Lambert Road.

- 6.G** The City Council approved a special event permit for the Whittier Uptown Association's Fall Antique Street Faire scheduled for Saturday, October 24, 2009 from 8:00 a.m. to 3:30 p.m.

6.D ORDINANCE NO. 2938 – SECOND DWELLING UNITS ORDINANCE

Following discussion, it was moved by Council Member Newcomer and seconded by Council Member Warner that Ordinance No. 2938 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)," be read by title only and further reading be waived.

Mayor Pro Tem Nordbak said it was his understanding the issue of large lots would be addressed and the ordinance would be amended prior to Council consideration; and he would not support the ordinance without addressing the issue of second dwellings on large lots.

Director Collier said it would require a Planning Commission hearing to address the issue of large lots; to then be brought back to the City Council for approval; and there was not sufficient time before December to finalize the issue.

Following discussion, the motion carried, by roll call vote, with Council Member Warner abstaining, and Mayor Pro Tem Nordbak dissenting, that Ordinance No. 2938 be read by title only, further reading be waived, and this be declared its first reading.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

8.A PUBLIC HEARING - CONDITIONAL USE PERMIT C09-002 – MEDICAL MARIJUANA DISPENSARY, 8116 BYRON ROAD

See Page 5.

8.B PUBLIC HEARING - ZONING CODE AMENDMENT 09-014, IMPROVING TRAFFIC CONGESTION AND AIR QUALITY IN THE CITY

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider Zoning Code Amendment 09-014 amending the Whittier Municipal Code regarding regulations for improving traffic congestion and air quality in the City of Whittier as required under the Los Angeles County Congestion Management Plan. It was recommended the public hearing be continued to Tuesday, October 27, 2009 at 6:30 p.m.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, to continue the public hearing to Tuesday, October 27, 2009 at 6:30 p.m.

9.A STEVE'S BBQ CONDITIONAL USE PERMIT

It was moved by Council Member Vinatieri, seconded by Council Member Warner, and carried, with Mayor Henderson and Council Member Newcomer dissenting, to request reconsideration of Steve's BBQ Conditional Use Permit operating hours be added to a future City Council agenda for discussion.

9.B CITY COUNCIL MEMBER AGENDA REQUEST POLICY

Following discussion, it was moved by Council Member Warner, seconded by Mayor Pro Tem Nordbak, and carried unanimously, to amend the City Council Member Agenda Request Policy to allow the Council to vote immediately when a topic is raised as to whether the topic should be included on a future agenda without requiring an additional meeting to vote on the topic's inclusion.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority in joint session with City Council at 9:57 p.m.

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

Mayor Pro Tem Nordbak directed staff to research funding options for lighted crosswalks at Painter and Greenleaf Avenues on the Greenway Trail.

Mayor Henderson requested discussion of designation of Earlham Drive as a historic neighborhood area for consideration of the issue to be placed on the Workplan.

12. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY CLOSED SESSION:

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

12.A City Council/Agency/Authority – Government Code Section 54957 to discuss the employment of the City Manager/Executive Director.

12.B City Council/Authority – 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.

12.C City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation based on a petition dated September 20, 2009 received from residents of the 10300 block of Maybrook Avenue, relating to the removal of parkway trees.

12.D Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard (Gables project); Agency negotiator: Stephen Helvey.

Mayor/Chair Henderson adjourned the joint meeting to Closed Session at 10:14 p.m.

13. RECONVENE IN OPEN SESSION:

Mayor/Chair Henderson reconvened the joint meeting in Open Session at 11:14 p.m.

14. CLOSED SESSION REPORT:

None

15. ADJOURNMENT:

Mayor/Chair Henderson adjourned the joint meeting at 11:14 p.m.

Respectfully submitted,

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