

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JANUARY 11, 2011**

1. CALL TO ORDER:

The Whittier City Council met in regular session on January 11, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:31 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
Owen Newcomer, Council Member/Agency
Member/Authority Director
Bob Henderson, Council Member/Agency
Member/Authority Director
Cathy Warner, Mayor Pro Tem /Vice
Chair
J. Greg Nordbak, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/Executive
Director
Richard D. Jones, City Attorney/Authority
Counsel
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Parks, Recreation and Community Services Supervisor Greg Alaniz led the Pledge of Allegiance.

4.C BLUE STAR PRESENTATIONS

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Jay and Susie Weinschenker, whose son Josef Weinschenker is serving in the United States Army.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Bob and Chris Velasco in honor of their son, Jered Paul Velasco, currently serving in the United States Marines.

Mayor Nordbak noted a third family has been unable to attend the meeting and recognized Yosio Stacy Jong, who is currently serving in the United States Army.

He advised all Blue Star honorees have their name put on a street banner which is hung until they complete their service and then the banner is presented to the family.

4.A PRESENTATION – LA SERNA WATER POLO CIF CHAMPIONS

Mayor Nordbak and Mayor Pro Tem Warner congratulated the La Serna Water Polo team members and coach on their CIF Championship and Coach Padgett for receiving the Coach of the Year Award. Mayor Nordbak presented Coach Padgett with a certificate honoring the team. Coach Padgett, Principal Passalacqua and Whittier Union High School District Trustees Anderson and Calleros joined the Mayor and Mayor Pro Tem in recognizing the students as Coach Anderson issued the City's certificates to Greg Carreras, Oliver Carter, Chris Chiu, Mitchel Embrey, Max Gomez, Chris Kohout, Anthony Lee, Philip Nugent, Anthony Oliveira, Diego Perez, Kevin Rubio, Matthew Skinas, Michael Skinas, and Issac Vermilye, and mentioned the students who could not be present: Blake Chien, Ben Goncharenko, and Kevin Brown, the CIF Player of the Year.

4.B PRESENTATION – RIO HONDO COLLEGE UPDATE

Rio Hondo College Trustee Angela Acosta-Salazar introduced Trustees Madelaine Shapiro and Russell Reese, Superintendent/President Martinez, Jim Simon, Howard Kummerman and Susan Herney.

Dr. Martinez reviewed his State of the College PowerPoint presentation; distributed folders regarding the College's high school outreach program; and reviewed information regarding enrollment levels, budget issues, programs and achievements. He thanked the City Council for its funding support of the Go Rio Transportation Program.

Mr. Simon reviewed the status of the College's building program.

5. ORAL COMMUNICATIONS:

Richard Kreiger, 15208 Goodhue Street, Whittier, said the City needs better bus service from Uptown Whittier to areas adjacent to the City; and requested the City pursue development of former auto dealerships with a theater complex and a Bob's Big Boy restaurant.

Aunka Stupar, Service Employees International Union labor organizer, said Sodexo provides cleaning services at Whittier College; submitted a TransAfrica Forum report regarding Sodexo workers' poverty and their legal and human rights protection needs; and said Sodexo should live-up to its claims of support of human rights standards.

Graceilla Barrilla, (comments translated by Mark Gutierrez, Service Employees International Union labor organizer) Whittier College housekeeper employed by Sodexo, spoke regarding a year-long effort to organize workers at Whittier College, her lack of health care because she cannot afford insurance premiums, and the findings of the TransAfrica Forum report; and asked the City Council to request a meeting with College President Hertzberger regarding Sedexo's practices.

Maria Secorro, (comments translated by Mark Gutierrez, Service Employees International Union labor organizer) Whittier College housekeeper employed by Sodexo, said she has been organizing with coworkers to obtain better wages, benefits, and working conditions and respect on the job; she lost and cannot afford medical insurance; Sedexo abuses human rights as disclosed in the TransAfrica report; and requested the City Council request a meeting with College President Hertzberger.

Leighton Anderson, Whittier Area Chamber of Commerce Board of Directors and President of the Whittier Union High School District Board of Trustees, invited the community to the Silver Shields Awards Banquet March 4, 2011; Wake-up Whittier January 12, 2011; Ribbon Cutting for Hollywood Brows January 14, 2011; business seminar regarding healthcare reform January 20, 2011; and Joint Uptown Mixer January 27, 2011.

Gus Montano, 8180 Via Verde Street, presented the City Council with diagrams depicting views of existing and proposed street signs for Whittier Area Community Church; said the Church has changed the signage requested from what was approved with its permit two years ago; the neighborhood is concerned with sign clutter in a residential area; and requested the City Council postpone action on the sign ordinance and direct Pastor Ankerberg to meet with the Friendly Hills Homeowners Association Board to develop a compromise.

Chuck Ramani, Mar Vista and Colima Road, Whittier, said he was generally supportive of the Whittier Area Community Church expansion but was concerned about their proposal to have an electronic sign because he already hears cars breaking at the intersection and an electronic sign would compound the problem as an additional distraction. He said a church that large doesn't need the sign and requested church members and designers meet with the residents regarding their sign proposal.

Roy Fewell, 15920 Mar Vista, Friendly Hills Homeowners Association Board, requested the City Council remove item 6.G from the Consent Calendar; said he is concerned the content of the ordinance introduces business elements into residential areas which would require them to come out on an on-going basis to address sign proposals; and said he was interested in participating in the Whittier Area Community Church sign review process.

Rob Settlage, 5610 Hoover Avenue, Whittier, Board of Library Trustees Chair, spoke regarding the City Council's previous commitments to improve library facilities and services; said he was glad to see the City beginning improvements to the Branch Library; and reported on the high level of use of the Central Library and its need for improved infrastructure, HVAC, and security.

Ted Knoll, 9233 Coachman Avenue, Whittier First Day Executive Director, invited the community to the Million Laughs Comedy Show Fun Raising Event benefitting First Day.

Marie Acala, 10114 Scott Avenue, Whittier, First Day staff member, said she is a former First Day resident and she and other residents found humor helpful to their recovery; she believed clean comedy was important for families; and encouraged the public to support the First Day fund raiser.

The following speakers expressed opposition or concerns relating to the proposed Whittier Main Mineral Extraction Project addressing the following issues: only the County and Matrix will profit from the project at the expense of Whittier residents' with regard to property values, quality of life, the environment and wildlife; Matrix Oil's advertising is misleading; the project should include assurances of safety but Matrix considers revenue more important than safety; cannot trust the City Council in this matter; drilling in the hills will not be good for Whittier; oil drilling revenue cannot go into the general fund; the negative impacts described in the draft environment impact report (DEIR) cannot be fully mitigated including aesthetics, noise, air quality, land use, and hydrology; Matrix Oil has not been responsive to Honolulu Terrance residents' complaints about noise from drilling and oil rig maintenance; construction and maintenance noises will result from the proposed project; oil drilling in the hills is contrary to its use as preserve; a physician determined residents near the chemical processing area will have increased health risks; want healthy air and water, area free of vibrations, and view free of oil equipment; City should find other means of increasing revenue; want the City Council to protect the residents; when the land was purchased Council Member Henderson said oil drilling would not occur there again; City Council does not have a vision for use of the potential revenue which will be restricted to recreation use since it is generated from Proposition A acquired land; the City Manager's statement that using oil revenue to pay for recreation services to free-up General Fund money is not accurate; City has not disclosed how much of its revenue from oil drilling would go to the County; City Manager Helvey's presentation on the project to the Republican Women's Federated did not accurately reflect the concerns of

those opposed to the project; the project's review process appears perfunctory and will not result in the City Council considering residents' concerns; oil drilling is dirty and dangerous; Matrix is selling the project as safe and pretty; Clayton Williams Energy of Texas owns 75% of lease with the City so will control drilling in Whittier; Matrix Oil is a privately-held company so it is difficult to get information about it; inquired why the City 1) asked the County about terminating the lease with Murphy Ranch Little League and 2) asked Matrix if its equipment would reach the McFarland lease; there is an earthquake fault in the area; and if a disaster occurs the City cannot handle it because there are limited resources regionally available and Matrix could not make the City whole.

Gary Jones, 7223 Canyon Crest, Whittier

Marta Barbon, 5228 Glennon Drive, Whittier

Roy McKee, Vice President of Whittier Hills Oil Watch, Whittier, and said if the City Manager receives a salary in addition to his retirement income. so is not saving the City money

Laurie Freer 14515 Eastridge Drive, Whittier

John Myers, Maple Street, Whittier, and inquired if the City Council was searching for a fulltime City Manager

Shelly Myers, Newlin Avenue, Whittier

Lupe Sahagun, Bronte, Whittier, submitted documents in support of her comments to Mayor Pro Tem Warner and Council Members Newcomer and Vinatieri

Barry Stone, Via Verde Street, Whittier, also opposed electronic signs

(Following the recess, additional comments were made in opposition to the proposed Whittier Main Mineral Extraction Project – see Page 6).

Faye Hill, 8170 Cielo Vista, Friendly Hills Homeowners Association President, said her Board and area residents oppose the proposed signage at Whittier Area Community Church; although the Church has been a good neighbor they oppose oversized and electronic signs in residential or wilderness areas; and her Board receives complaints about the electronic sign at La Serna High School which the City cannot control. She requested the City Council remove the sign ordinance from the agenda and give the residents more time to work-out a compromise with the Church.

Natalie Hull, Whittier, Whittier Historical Society volunteer, invited the community to their annual fundraiser, a Victorian Feast February 4-6, 2011.

Mayor Nordbak declared a recess at 8:03 p.m. At 8:24 p.m. Mayor Nordbak reconvened the meeting with all Council Members present.

Ralph Marsico, Whittier, spoke regarding his father being in jail; said they should not have been cited for overnight street parking of their trolley; and he would like to see the video of what happened when trolley was taken.

Brian Lempek, Whittier, said he supported agenda item 6.G; the Whittier Area Community Church has been responsible during construction so he believed they would not abuse the new sign opportunity.

Allan Nakken, 8355 La Sierra Avenue, Whittier, spoke in support of the sign ordinance, said he is a former member of the Design Review Board and considers the sign requested by Whittier Area Community Church to be appropriate; noted the group opposing the Church's sign proposal has put in 11 signs of the same size and that the Church has been a good neighbor to the residents.

Jim Emery, Condesa Drive, Whittier, spoke in support of the sign ordinance and said he considered the signs proposed by Whittier Area Community Church to be appropriate.

Arthur Rock, Whittier, spoke regarding desirable characteristics for Whittier Council Members and their role in the community; requested prayer for troops; and wished everyone a happy new year.

Continued comments from speakers in opposition to the proposed Whittier Main Mineral Extraction Project: Matrix Oil's newspaper ad contains erroneous information because the Sierra Club and Puente Hill Landfill Native Habitat Authority Citizens Technical Advisory Committee requested a new environmental impact report be prepared and circulated and the Whittier Conservancy found the DEIR inadequate; moved from Santa Fe Springs because it is an oil city which experienced accidents, oil odors and hazards, and oil coming-up into school property; moved to Whittier because of the hills and does not want the view or peaceful neighborhood impacted by an oil drilling project; when will the City answer residents questions; if the project is approved, there will be a recall of Council Members; residents voted to protect the hills and wildlife and are disappointed residents are not voting on this project; and realtors have reported potential home buyers declining purchases because of the proposed project. (See Page 5 for related comments)

Matt Berklehammer, Whittier area

Lorena Nunez, Linda Vista Drive, Whittier

Ms. Perfecto, Linda Vista Drive, Whittier

Lorraine Gallardo, 6237 Greenleaf Avenue, Whittier

George Poochigian, Whittier, also objected to fee increases to pay for the new police building and Rio Hondo College taking time at the meeting since it does not provide revenue to the City

Nick Donovan, 8414 La Sierra Avenue, Whittier

Joe Marsico, Whittier, said he has experienced trouble as a political activist; spoke regarding the destruction of Council meeting videos; and requested a public hearing on street sweeping tickets.

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

Council Member Henderson said he had a conflict of interest with Item 6.I because Shelter's Right Hand is a client of his business so he would recuse himself from voting on the item.

Council Member Newcomer requested separate consideration of Item 6.G and Item 6.J.

It was moved by Mayor Pro Tem/Vice Chair Warner, seconded by Council/Agency Member/Director Newcomer, and carried unanimously by roll call vote with the exception of Council Member Henderson abstaining on Item 6.I, that Consent Calendar Items 6.A-6.F and 6.H-6.I be approved as submitted, including awarding a construction contract to Brej Construction for Item 6.F; and that Ordinance No. 2961 (Item 6.G) be read by title only, further reading be waived, and it be declared adopted.

- 6.A** The City Council denied claims filed by Monica Ramirez, Omar Ramos, Dennis Jenkins, David Gomez, Victoria Lynn Basulto, Ana Xulu and Ivan Kovalchuck.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of November 9 and December 28, 2010.
- 6.C** The City Council authorized the purchase, in the amount of \$54,875, of four multi-function devices (MFDs) to replace the units currently in use in Community Development, Public Works, Controllers/Human Resources and in the City Hall mail/copy room.
- 6.D** The City Council approved the plans and specifications for the Community Development Block Grant Target Area Pavement Removal and Replacement on Bright Avenue, between La Cuarta Street and Whittier Boulevard; and authorized staff to advertise the project for construction bids.
- 6.E** The City Council took the following actions regarding the Santa Gertrudes Avenue at Lambert Road Traffic Signal Modification:
 - 1. Authorized staff to reimburse the Union Pacific Railroad for the cost of relocation and replacement of railroad grade crossing protection equipment in conjunction with street widening and traffic signal improvements;
 - 2. Authorized the City Manager to execute the agreement with the Union Pacific Railroad Company;

3. Approved the plans and specifications for Santa Gertrudes Avenue at Lambert Road Traffic Signal Modification, Federal Project No. HSIPL-5111 (040); and
 4. Authorized the City Clerk-Treasurer to advertise for construction bids.
- 6.F** The City Council awarded the contract to Brej Construction for the Joe Miller Field Restroom Project at Friends Park in the amount of \$208,000; reject all other bids; and authorized the City Manager to execute the contract.
- 6.H** The City Council conducted second reading and adopted Ordinance No. 2961 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING TITLE 15 OF THE WHITTIER MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2010 CALIFORNIA BUILDING CODE, THE 2010 CALIFORNIA RESIDENTIAL CODE, AND THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH ERRATA AND AMENDMENTS THERETO," to update various provisions of the Whittier Municipal in accordance with the procedures identified in California Government Code Title 5, Division 1, Part 1 (Building Standards Bulletin 99-01).
- 6.I** The City Council approved the special event permit for Shelter's Right Hand 5K Fitness Walk on Saturday, April 30, 2011 starting and finishing at Central Park; and related fees to be waived in the amount of \$83.
- 6.G INSTITUTIONAL USE SIGNAGE ORDINANCE – ZONING CODE AMENDMENT 10-003**

Council Member Newcomer said he was opposed to expanding permitted signage to include lit reader board signs, but he could support the remainder of the ordinance.

Following discussion, it was moved by Mayor Pro Tem Warner, seconded by Council Member Henderson, and carried unanimously, that Ordinance No. 2960 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 18.76 (SIGN CONSTRUCTION AND PLACEMENT REQUIREMENTS) OF THE WHITTIER MUNICIPAL CODE PERTAINING TO ZONING CODE PROVISIONS FOR INSTITUTIONAL USE SIGNAGE. (CASE NO. ZONING CODE AMENDMENT 10-003; APPLICANT: CITY OF WHITTIER)," be read by title only and further reading be waived.

It was moved by Mayor Pro Tem Warner, seconded by Council Member Vinatieri, and carried by roll call vote with Council Member Newcomer dissenting, that Ordinance No. 2960 be adopted.

**6.J PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY
CITIZENS TECHNICAL ADVISORY COMMITTEE APPOINTMENT**

Council Member Newcomer said he was concerned with the City's process for selecting representatives to the Citizens Technical Advisory Committee (CTAC) of the Puente Hills Landfill Native Habitat Preservation Authority which involves selection by the Council's Board Representative rather than a City advertising and interview process. He requested the City Council delay making the appointment and discuss changing its appointment process.

City Attorney Jones responded to a question from Mayor Pro Tem Warner and advised the City's appointment process is not delineated in the law, it is a practice; there is no requirement for the City to have an appointment policy but it would be within their jurisdiction to establish the policy if they wish to do so.

Following discussion, it was moved by Council Member Henderson, seconded by Mayor Pro Tem Warner, and carried, with Council Member Newcomer dissenting, to appoint Shelley Andros to CTAC for a four-year term ending February 2015.

**7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY
MEETINGS:**

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 9:10 p.m.

**8.A PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATION NO.
CUP10-006(M-1), 8840 PAINTER AVENUE**

City Manager Helvey announced it was the date and time set and duly noticed for a de novo public hearing to consider an appeal of the Conditions of Approval for Conditional Use Permit Modification No. CUP10-006(M-1) relating to the operation of a 24-hour restaurant with a 24-hour drive-thru service window for a new restaurant (d.b.a. McDonald's) at the property addressed as 8840 Painter Avenue; Appellant: Kori Seki, Area Construction Manager for Southern California Region of McDonald's USA, LLC; Applicant: Ware Malcomb; and Owner: McDonalds Corp. He recommended the City Council conduct the public hearing and direct staff to return with a resolution reflecting the City Council's consensus.

Planning Manager Adams advised that on September 20, 2010, the Planning Commission unanimously adopted: 1) a resolution approving Conditions of Approval for CUP10-006 to allow the operation of a new restaurant with a drive-thru service window and 2) a resolution approving Design Review No. DRP10-042 to construct a new 5,168 square-foot restaurant at 8840 Painter Avenue, the location of an existing McDonald's restaurant; and that on November 1, 2010 the Planning Commission adopted the resolution approving the modified Conditions of Approval for the CUP, which included a security provision at the direction of the Planning Commission. He advised the Appellant is concerned with the security conditions, therefore appealed the Planning Commission's determinations and submitted alternative wording for the security condition. He pointed out that even without a security condition, the Municipal Code would permit staff to pursue revocation of the CUP if warranted due to security concerns. He responded to questions from Council Members and advised a CUP approved for Sav-On Drug store included a similar security Condition of Approval; there is another McDonald's location with a 24-hour operation; that the Planning Commission's concerns regarding security focused on the potential for loitering; and that the proposed security condition could only be implemented if warranted.

Mayor Nordbak opened the Public Hearing at 9:17 p.m.

Kori Seki, Area Construction Manager for McDonald's Corporation, said he believed the security provision was redundant and, if it were retained in the CUP, requested the additional wording he had submitted to staff be incorporated into the Conditions of Approval. He responded to questions from Council Members and said that he was not aware of any other 24-hour McDonald's with on-site security; the subject location was a franchisee store built between 1960 and 1965; and that he had no knowledge of security problems at the location in the past five to ten years.

There being no one else wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously to close the Public Hearing at 9:19 p.m.

Council Members discussed options for addressing the security issue with Planning Manager Adams and City Attorney Jones; concurred on a concept of using both security statements to insure all issues were covered and that it was enforceable; and confirmed Mr. Seki was comfortable with that approach.

It was moved by Council Member Vinatieri, seconded by Council Member Newcomer, and carried unanimously, to direct staff to return with a resolution retaining Condition of Approval No. 15 relating to security and adding the Appellant's proposed Condition of Approval amended by removing reference to the Planning Commission and adding the following words to the end, "thereafter in the sole determination of the Director, the Director may require the on-site security guard."

8.B PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATION NO. CUP91-13(M-1), 7040-7044 GREENLEAF AVENUE

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 Modification No. CUP91-13(M-1) to upgrade an existing beer and wine license (Type 41) to a general alcohol license (Type 47) for on-site consumption; to extend the hours of operation until 2:00 a.m.; and to allow live entertainment for an existing restaurant d.b.a. "Uptown Mexican Cafe" located at 7040-7044 Greenleaf Avenue; Applicant: Humberto and Diane Rojo; Property Owner: Akarakian Theaters Inc. He recommended the City Council conduct the public hearing and direct staff to return with a resolution reflecting the City Council's consensus.

Planning Manager Adams advised that the owners of the Uptown Mexican Café, a full-service restaurant, submitted a request to upgrade their alcohol beverage license to a general alcohol license from a beer and wine license; to extend their hours of operation until 2:00 a.m.; and allow live entertainment. He noted that an incorrect case number for the project, CUP94-15, had been used on some records and the correct number was CUP91-13; advised the Planning Commission considered the request on November 15, 2010 and approved the three requests, after which Council Member Henderson requested review of the conditional use permit at the meeting of December 14, 2010.

Mayor Nordbak opened the Public Hearing at 9:33 p.m.

Humberto Rojo, Uptown Mexican Café owner, said he has been operating the restaurant since 1991 and doing business with a beer and wine license, he applied for a full liquor license and was present to answer questions from the City Council. In response to a question from Council Member Henderson, he advised he plans to close the restaurant at 11:00 p.m. or midnight, Monday through Wednesday, and Sunday through Thursday, he will stop serving liquor at 1:00 a.m. and close the restaurant between 1:30 a.m. and 2:00 a.m.

Gabriella Cook, Asset Manager for LINC Housing Corporation, developer and general partner for the Seasons at the Hoover Hotel, which is located across the street from the subject sight, submitted a letter regarding concerns about the proposal; said she was representing the 52 residents of the Seasons at the Hoover, all of whom are senior citizens, advised the residents frequently experience noise disturbance from the Havana House Cigar Lounge; that due to the historic nature of their building, there are limitations on window and ventilation options so that currently during the warm months, residents have their windows open for heat relief so there is no barrier from the sound; noted nighttime and early morning hour noise disrupts sleep as well as interferes with enjoying their homes which can have a detrimental effect on their health; she noted the investment the City made in the rehabilitation of the hotel and asked that if the CUP were approved the restaurant be required to take additional steps to reduce noise

disturbances: install sound-proofing materials and add a secondary entry door to reduce the noise emitted, post signs regarding courtesy to neighbors; and provide contact information for a manager who can address complaints about late-night noise disturbances.

Heather Harrison, Seasons at the Hoover Hotel Manager, responded to questions from Council Members and advised residents have come to her office to express concerns about the proposed change in use due to their experience with the Havana House; the residents did not vote on the position reflected by Ms. Cook but did voice them at a residents' meeting. She advised she has not spoken with Mr. Rojo regarding this proposal and did not attend the Planning Commission meeting because they initially believed they could not impact any decisions made about the use due to the way the Havana House is operated. She inquired what type of entertainment will be permitted at the restaurant.

Ms. Cook stated she is interested in working with the business owner and having a good relationship and has not seen the Conditions of Approval.

Mayor Nordbak requested the owner meet with Ms. Cook and Ms. Harrison to discuss their issues of mutual concern and suspended the public hearing at 9:48 p.m.

(Continued below.)

9.A PROPOSED LIBRARY FACILITY IMPROVEMENTS

The City Council discussed the possible expansion and other improvements for the Whittwood Branch Library and potential funding sources. The City Council reached consensus to ask staff to bring back a report at the January 25, 2011 meeting for consideration of approving \$2 or \$3.3 million of redevelopment funds towards a Whittwood Branch Library expansion/remodel project and authorizing staff to go to bid, with Council Member Newcomer dissenting in favor of receiving the report regarding redevelopment funding before selecting a project.

It was moved by Mayor Pro Tem Warner, seconded by Council Member Henderson and carried, by roll call vote with Council Member Newcomer dissenting, to conceptually approve expansion and other improvements for the Whittwood Branch Library.

8.B PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATIO NO. CUP91-13(M-1), 7040-7044 GREENLEAF AVENUE (CONTINUED)

(Continued from above)

Mayor Nordbak reconvened the open public hearing on review of Conditional Use Permit CUP91-13(M-1) at 9:05 p.m.

Associate Planner Escobedo reported on the meeting among Mr. Rojo, Ms. Cook, and Ms. Harrison, and advised the business owner has amended his request to stay open until midnight Monday through Wednesday night and be open until 2:00 a.m. Thursday through Sunday night; agreed to install dual-pane glass on the main entrance door, will provide contact information for the manager, agreed to the courtesy signs, and will keep the door to the portion of the building with entertainment closed when entertainment occurs.

Mayor Nordbak confirmed with the three parties that they agreed to the compromise outline by Mr. Escobedo.

Mr. Escobedo noted a correction that the closing time on Sunday would be midnight, not 2:00 a.m.

There being no one else wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously to close the public hearing at 10:08 p.m.

Council Member Henderson expressed concern with the escalation of every restaurant going to a 2:00 a.m. closing time and the Type 47 alcoholic beverage license; said he appreciates Mr. Rojo working with his neighbors, but actions of people leaving late at night is also disruptive; food service decreases late in the evening so with that factor and the oversaturation of alcoholic beverage licenses, it is not conducive to the Uptown Area. In response to questions, he said he would support approval of the liquor license with a midnight closing time which Mr. Adams advised would not be subject to alcohol service ending an hour before closing; said he was ok with the entertainment request, but wanted the double door and other conditions requested by the Seasons to be required for the entertainment component. After Mr. Adams advised the double door suggestion raised issues relating to compliance with the Americans with Disabilities Act, Council Member Henderson supported the dual-pane window alternative.

Council Member Newcomer said he did not support the CUP due to concerns with the change in atmosphere to a bar with entertainment; the condition saying dancing was prohibited is not enforceable; the live entertainment would be noisy and the residents across the street are already experiencing noise problems; but that he was ok with a midnight closing time. In response to a question from Mayor Pro Tem Warner, he said he would support approval of the alcohol license with a midnight closing time.

Council Member Vinatieri said this restaurant has a good reputation, has been well operated, and although he was concerned with undue concentration of alcoholic beverage licenses in the Uptown Area, he supported this permit with the modifications outlined.

Mayor Pro Tem Warner said she has concerns with the proposal because there are residents across the street; she believed concerns raised in the past regarding Steve's Barbecue, the Firehouse and Havana House have been mitigated; therefore, she would support the upgrade of the alcohol license if the hours are kept to midnight due to the location being across the street from the Seasons at the Hoover.

Mayor Nordbak said there appeared to be consensus among Council Members to approve the alcohol license subject to the modifications discussed if the closing time could be agreed upon and asked Mr. Rojo if he would agree to a midnight closing time, which he did.

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried with Council Member Vinatieri dissenting, to direct staff to bring back a resolution reflecting approval of the CUP with a midnight closing time, and approving the live entertainment and Type 47 alcohol beverage license with the conditions agreed upon with the Seasons at the Hoover.

9.A PROPOSED LIBRARY FACILITY IMPROVEMENTS

(See Page 8)

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

12. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Nordbak adjourned the Utility Authority meeting at 10:25 p.m.

11. COUNCIL/AGENCY MEMBER COMMENTS AND CONFERENCE REPORTS:

Council Member Vinatieri requested the City Council direct staff to return with a report with options for making the Peace Memorial veteran friendly in response to Mr. Ramos' request. Other members of the City Council expressed their willingness to have the Parks, Recreation and Community Services Commission consider the request first.

13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended the City Council/Agency Board consider the following items in Closed Session:

13.A City Council - Government Code Section 54956.9(b) to discuss the claim of Webb vs. City of Whittier.

13.B City Council - Government Code Section 54956.9(b) to discuss the claim of Cano vs. City of Whittier.

- 13.C** City Council - Government Code Section 54956.8 to discuss real property negotiations with Stewart Winkler DBA UW Ventures relating to price and terms of payment for property located on the Greenway Trail (APN 8165-010-901) at 12604 Whittier Boulevard; City/Agency negotiator: Stephen Helvey.
- 13.D** City Council – Government Code Section 54956.9(c) to discuss one case of litigation; Case No. VS021241, City of Whittier vs. Southland Display Company, Inc., Village Inn, LLC and Does 1-25.
- 13.E** City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez.
- 13.F** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 12524 Philadelphia Street; City/Agency negotiator: Stephen Helvey.

Mayor Nordbak adjourned the meeting to Closed Session at 10:37 p.m.

14. RECONVENE IN OPEN SESSION:

Mayor Nordbak reconvened the meeting in Open Session at 11:14 p.m.

15. CLOSED SESSION REPORT:

None.

16. ADJOURNMENT:

Mayor Nordbak adjourned the joint meeting at 11:14 p.m.

Respectfully submitted

Kathryn A. Marshall
City Clerk-Treasurer/
Secretary-Treasurer