MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING CITY HALL, 13230 PENN STREET AUGUST 9, 2011

1. CALL TO ORDER:

The Whittier City Council met in regular session on August 9, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Warner called the joint meeting to order at 6:32 p.m. in the Committee Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/AGENCY MEMBERS/AUTHORITY DIRECTORS PRESENT:

J. Greg Nordbak, Council Member/Agency Member/Authority Director (6:34 p.m.) Joe Vinatieri, Council Member/Agency

Member/Authority Director

Bob Henderson, Council Member/Agency

Member/Authority Director

Owen Newcomer, Mayor Pro Tem /Vice

Chair

Cathy Warner, 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 (7:38 p.m.) Kathryn A. Marshall, City Clerk-Treasurer/ Secretary-Treasurer (6:32 p.m.; and 11:44

p.m.)

3. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Warner adjourned the Utility Authority meeting at 6:33 p.m.

4. ORAL COMMUNICATIONS - CLOSED SESSION ITEMS ONLY:

None.

- 5. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION: It was recommended a Closed Session be held pursuant to:
 - 5.A City Council Government Code Section 54956.9(a) to discuss one case of litigation; Case No. BS128995, Open Space Legal Defense Fund, a non-profit organization; Heriberto Diaz and Daniel Duran vs. City of Whittier, et al.
 - 5.B City Council Government Code Section 54956.9(c) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
 - **5.C** City Council Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier City Employees' Association and unrepresented employees.
 - **5.D** City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiators: Stephen Helvey and Jeffrey Collier:
 - 1. Brookfield Homes AIN 8170-013-904 (Nelles property);
 - 2. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust AIN 8170-026-006 (Altec Motors):
 - 3. Southern Pacific Transportation Co. SBE 872 19 254E PAR AIN 8170-013-815 and AIN 8170-013-816;
 - 4. Mure Corporation AIN 8140-032-001; and
 - 5. State of California AIN 8170-013-904.
 - **5.E** Redevelopment Agency Government Code Section 54958.8 to discuss real property negotiations with Bright Properties, Ltd. regarding price and terms of payment for properties located at 15733 and 15801 Whittier Boulevard; Agency negotiators: Stephen Helvey and Jeffrey Collier.

NOTE: Council Members Nordbak and Vinatieri may not participate in discussion on Item 5.E due to conflicts of interest.

Mayor Warner adjourned the joint meeting to Closed Session at 6:34 p.m.

6. RECESS MEETING:

Mayor Warner recessed the City Council and Redevelopment Agency meetings at 7:19 p.m.

7. RECONVENE IN THE COUNCIL CHAMBER AT 7:30 P.M.:

Mayor Warner reconvened the joint City Council and Redevelopment Agency meeting in Public Session in the City Council Chamber at 7:38 p.m. with Assistant City Clerk-Treasurer Maigues replacing City Clerk-Treasurer Marshall.

8. ROLL CALL: J. Greg Nordbak, Council Member

Joe Vinatieri, Council Member Bob Henderson, Council Member Owen Newcomer, Mayor Pro Tem

Cathy Warner, Mayor

9. CLOSED SESSION REPORT:

None

10. PLEDGE OF ALLEGIANCE:

Cara Medrano led the Pledge of Allegiance.

11.A BLUE STAR PRESENTATIONS

Mayor Warner presented Blue Star flags, decals, and lapel pins to Whittier families in recognition of family members serving in the military:

Julie and Jorge Pedroza, Maria Delgadillo and Ophelia and Manuel Galvan in recognition of their son, grandson and relative Justin James Galvan, a Specialist in the U.S. Army.

Richard Perez, Kathy Muñoz and Rosemary and Nick Capito in recognition of their son and son-in-law Christopher David Perez, an E-3 in the U.S. Army.

11.B CERTIFICATE OF COMMENDATION – CUB SCOUT PACK 337

Congresswoman Linda Sanchez presented Cub Master Anthony Ortero and Cub Scout Pack 337 a Certificate of Commendation in recognition of their volunteer clean-up project of Pio Pico State Park. Congresswoman Sanchez thanked them for their time in giving back to the community; and acknowledged her respect for their parents.

11.C CHAMBER OF COMMERCE REPORT

David Craig, Whittier Area Chamber of Commerce, reported they had twelve new members in July; he encouraged businesses to look to the Chamber for assistance; and he announced the 33rd Annual Hathaway Golf Tournament on Monday, September 12 at the Friendly Hills Country Club and the August 17 Wake-Up-Whittier networking breakfast hosted by the Whittier Uptown Association.

VECTOR CONTROL REPORT:

Truk Dever, Vector Control Director of Community Affairs, reported the City had been identified as a hot spot for the West Nile Virus, with activity at sixteen sites and two dead birds; she said they will be conducting a door-to-door campaign on Saturday, August 13; distributing brochures at the Wednesday Family Festival and Concerts in the Park; and asked that all calls be referred to Vector Control.

12. APPROVAL OF AGENDA:

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried unanimously, to approve the order of business as submitted.

13. ORAL COMMUNICATIONS:

Lane Beamer, First Christian Church Pastor, prayed for the community.

Aline Burk, Whittier, spoke about her concerns about the proposed reduction in transportation services from Norwalk Transit; she said public transit is her only means of transportation; and she made similar comments to the Norwalk City Council.

Judith Austin, Whittier, said she is concerned about losing bus route #7; she uses the bus to get to Hadley and the Senior Center; and the issue should be discussed with the Norwalk City Council.

Matt Berkelhammer, Whittier area, said that all major organizations commenting on the mineral extraction Draft Environmental Impact Report have criticized the project citing issues that cannot be mitigated; and that Proposition A prevents usage of the land.

George Poochigian, Whittier, commented on speaker time limits for public hearings; he said the City should have district areas and representatives; and he was critical of City resident Patty Flack and Mayor Pro Tem Newcomer for wanting to keep certain trees in the City.

Ralph Marsico, Whittier, spoke about his brother who helped get the Whittier Skate Park started and was a heart transplant patient who died ten years ago; he said the City Council should take actions to correct mistakes made against his family; and that community involvement is important.

Andrew Rios, 10639 Virginia Avenue, Whittier, said he believes that drainage and not the weight of trees is why trees have been falling; he submitted pictures of his car damaged in 2010 by a falling tree; and he supports keeping the trees.

Joe Marsico, Whittier, spoke about trolley systems and said Whittier has the worst transit system in Los Angeles County; he said he has always helped others never asking for anything; he needs help from the public; and his mailing address is Saint Mathias Church.

Nancy White, 4140 Workman Mill Road, Whittier, and her therapy dog Trevor; said she is a retired social worker doing volunteer work in the City; and requested support for a dog park in the City because socializing and exercise are important for dogs.

Dooby McDonald, donated books he has written titled "Ye Ole Friendly Towne" to the library; and sang a song introducing the book.

Carolyn Schoff, Friends of Pio Pico President, said the park is slated for closure on July 1, 2012; she thanked the City Council and the City for their support in recent years; and she said information about events and efforts to save the Park can be found on the website www.piopico.org.

James Sass, 6252 Washington Avenue, Whittier, said the Whittier Historic Neighborhood Association has been working with City staff on a design for street sign toppers to be reviewed by the City Council; and they hope to have some in place by the 11th Annual Historic Home Tour on October 22.

Tina Hutton and her daughter Tiffany Otero said claims have been denied by the City for damages when a tree fell on Tiffany's car; and she is looking for guidance on what to do.

Barney Wadley, 10361 Scott Avenue, Whittier, spoke regarding the City's tree policy and said the same street work is being done for a third time which is a waste of taxpayer money; and he provided photos and CD of the root damage.

Mike Bastian, Circle Drive, Whittier, said he is in favor of oil drilling in the hills; he owned an oil drill on Rideout Place; and he had no problems or complaints.

Marta Borbon, 5228 Glennon Drive, Whittier, read a letter from the Sierra Club opposing the mineral extraction project.

Carol Bucher, Whittier, said trees must be evaluated and posted for 30 days prior to removal; and she read an email from arborist Donald Hodel, regarding Italian stone pine trees.

Doug Herrick, Whittier, said the City should spend funds on drainage issues; he believes there is not enough emphasis on educating the City Council on written laws; and organic laws came before statute laws.

Diana Gruber, 5853 Milton Avenue, Whittier, continued reading the letter from the Sierra Club opposing the mineral extraction project; she said site specific geotechnical studies must be completed; and there were no maps included in Draft Environmental Impact Report showing faults.

Becky Orona, Ocean View Avenue, Whittier, said she opposes oil drilling in the hills because it will harm the aesthetics, wildlife and health.

Cecelia Ybarra, Agape Ministries, Whittier, said she is bringing a new ministry to Whittier focusing on unwed mothers; housing and funding are needed; and she asked the City for assistance.

14. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Warner recessed the City Council meeting at 8:57 p.m. She reconvened the meeting at 9:17 p.m. with all Council Members present.

15. CITY COUNCIL CONSENT CALENDAR:

Council Member Henderson declared a conflict of interest on Item 15.H because his business is located within 500 feet of the property; and recused himself from voting on the item.

Council Member Nordbak declared a conflict of interest on Item 15.I because some of his business customers are located along the Whittier Boulevard Specific Plan (WBSP) area; and recused himself from voting on the item.

Mayor Warner declared a conflict of interest on Item 15.I based on she owns property within 500 feet of the WBSP project boundaries; and recused herself from voting on the item.

Mayor Pro Tem Newcomer requested separate consideration of Items 15.C and 15.Q.

Council Member Nordbak requested separate consideration of Item 15.G.

Council Member Vinatieri requested separate consideration of Items 15.H and 15.O.

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Nordbak, and carried by roll call vote, with Council Member Nordbak and Mayor Warner recusing on Item 15.I, that the City Council approve the Consent Calendar, except Items 15.C, 15.G, 15.H, 15.O and 15.Q; and that Resolution No. 8404; and Ordinance Nos. 2973, 2974 and 2978 be read by title only, further reading be waived, and they be declared adopted.

- **15.A** The City Council denied claims filed by Oscar B. Barraza, Sr., Steven Ly, Yvonne Olmos, Rosa Aguilar, Alice Juarez, Oscar Rodriguez, Colleen (Lewis) Aguilar and Marlene Hernandez.
- **15.B** The City Council approved the minutes of the Special Meeting held July 27, 2011.
- 15.D The City Council adopted Ordinance No. 2978 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO COMPLY WITH PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH TO RE-ESTABLISH REDEVELOPMENT."
- 15.E The City Council adopted Resolution No. 8404 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ESTABLISHING A REGIONAL ALLIANCE TO COMPLY WITH CALIFORNIA SENATE BILL X7-7, THE WATER CONSERVATION ACT OF 2009 20% BY 2020," authorizing the City Manager or his designee to execute an agreement with other local water providers to establish a regional alliance.
- **15.F** The City Council approved a blanket purchase order for Beacon Concrete in the amount of \$62,000 for Fiscal Year 2011-12 for annual curb, gutter and sidewalk repair and regular street patches.
- **15.I** The City Council took the following actions relating to the Whittier Boulevard Specific Plan:
 - 1. Adopted Ordinance No. 2973 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ORDAINING THE ADOPTION OF ZONE CHANGE 11-001 TO AMEND THE EXISTING ZONING DESIGNATIONS FOR SIXTY (60) PROPERTIES (TOTALING APPROXIMATELY 18.44 ACRES) GENERALLY LOCATED ALONG THE WHITTIER BOULEVARD CORRIDOR (INCLUDING THE AREA BOUNDED BETWEEN LAMBERT ROAD,

- WASHINGTON BOULEVARD AND SANTA FE SPRINGS), BETWEEN MAR VISTA STREET TO THE WEST AND CALMADA AVENUE TO THE EAST TO "WHITTIER BOULEVARD SPECIFIC PLAN" (APPLICANT: CITY OF WHITTIER)"; and
- 2. Adopted Ordinance No. 2974 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING ORDINANCE NO. 2858 WHICH ADOPTED THE WHITTIER BOULEVARD SPECIFIC PLAN ON JULY 12, 2005 AND ADOPTING THE NEW 2011 WHITTIER BOULEVARD SPECIFIC PLAN (UPDATE) IN ITS ENTIRETY, SPECIFIC PLAN AMENDMENT 11-001 (APPLICANT: CITY OF WHITTIER)."
- 15.J The City Council approved a special event permit request from the Whittier Uptown Association to use the multi-deck parking structure on August 17, 2011 from 6:30 to 10:30 a.m. to host a Whittier Area Chamber of Commerce Wake-Up Whittier breakfast networking meeting.
- **15.K** The City Council accepted the work performed by Arc Accucon Construction, Inc. for construction of access ramps at various locations in the City; and authorized the City Clerk-Treasurer to record the Notice of Completion.
- 15.L The City Council accepted the work performed by Mora's Equipment and Construction, Inc. for the Community Development Block Grant Target Area Central Library Americans with Disabilities (ADA) Ramp Improvement Project; and authorized the City Clerk-Treasurer to record the Notice of Completion.
- **15.M** The City Council received and filed the Fiscal Year 2010-11 Redevelopment and Housing Programs Activity Report.
- **15.N** The City Council took the following actions regarding Special Event Permits:
 - 1. Approved a Permit for the Assistance League of Whittier to conduct a Greenway Trail-A-Thon Walk on Saturday, October 15, 2011; and
 - 2. Approved a Permit for the Whittier Community Foundation to conduct a "Paws 4 a Cause" 3K Walk/Run on the Greenway Trail on Saturday, September 24, 2011.
- **15.P** The City Council approved the Affiliate Policy Update Report and proposed revisions to the Affiliate Youth Sports Policy.
- **15.R** The City Council approved the Whittier Community Foundation's proposal for a Greenway Trail Fitness Project.

15.C PROFESSIONAL SERVICES AGREEMENT FOR THE WHITTWOOD BRANCH LIBRARY EXPANSION - CWA AIA, INC.

Following brief discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to approve a professional services agreement with CWA AIA, Inc. in the amount of \$295,902 to provide construction documents and construction administration for the Whittwood Branch Library expansion and other improvements; and authorize the City Manager to execute the agreement.

15.G LEAGUE OF CALIFORNIA CITIES VOTING DELEGATE

Following brief discussion, it was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously, to appoint Mayor Pro Tem Newcomer as the City's voting delegate at the Annual League of California Cities Conference Business Meeting scheduled for Friday, September 23, 2011.

15.H CONDITIONAL USE PERMIT CUP11-002 - FALAK HOOKAH LOUNGE

Council Member Vinatieri stated for the record that he had requested separate consideration of the item because he intended to abstain from voting. It was moved by Council Member Nordbak, seconded by Mayor Pro Tem Newcomer, and carried, with Council Member Vinatieri abstaining, that Resolution No. 8405 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP11-002 TO ALLOW THE OPERATION OF A NEW HOOKAH BAR ESTABLISHMENT (D.B.A. FALAK HOOKAH LOUNGE) WITH LIVE ENTERTAINMENT LOCATED AT 6518-22 GREENLEAF AVENUE, SUITE NOS. 14 AND 15 (APPLICANT: UMAR SOHRAB; OWNER KMS INVESTMENT, INC.)," be read by title only and further reading be waived. It was moved by Council Member Nordbak, seconded by Mayor Pro Tem Newcomer, and carried, by roll call vote, with Council Member Henderson recusing and Council Member Vinatieri abstaining, that Resolution No. 8405 be declared adopted.

15.0 PARKS DONATION ACCEPTANCE POLICY

Following discussion, it was moved by Council Member Nordbak, seconded by Mayor Pro Tem Newcomer, and carried unanimously, to approve:

- 1. Revisions to the Parks, Recreation and Community Services Donation Acceptance Policy standardizing procedures and guidelines;
- 2. A policy waiver to accept a tree donation along the Greenway Trail dedicated to Allan Zolnekoff; and
- 3. A bench donation in an Uptown Galleria in memory of Bill Bell.

15.Q REMOVAL AND REPLACEMENT OF ITALIAN STONE PINES

Following discussion, it was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried unanimously, to:

- 1. Affirm the removal of fifty-five mature Italian Stone Pines and one Aleppo Pine;
- 2. Affirm the major crown reduction trimming and selective limb removal on an additional sixty-four Italian Stone Pines;
- 3. Approve replacement of the fifty-six Italian Stone and Aleppo Pines; and
- 4. That Resolution No. 8406 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE REMOVAL, REPLACEMENT, TRIMMING OF THE RECOMMENDED ITALIAN STONE AND ALEPPO PINES," be read by title only and further reading be waived, as amended in the amount of \$128,760 to include an additional four Italian stone pine trees.

It was moved by Council Member Henderson, seconded by Council Member Nordbak and carried, by roll call vote, with Mayor Pro Tem Newcomer dissenting, to award a contract for the tree removal, as amended in the amount of \$97,000 to include an additional four Italian stone pine trees, reject all other bids, and authorize the City Manager to execute the agreement; and that Resolution No. 8406 be declared adopted.

16.A PUBLIC HEARING – CERTIFICATE OF APPROPRIATENESS 10-022, 7031 NEWLIN AVENUE

Chief Assistant City Manager Collier announced it was the date and time set and duly noticed for a public hearing to consider a Historic Resources Commission recommendation finding that the building addressed as 7031 Newlin Avenue does not meet the eligibility criteria to be placed on the City's Local Official Register of Historic Resources as a landmark building under Certificate of Appropriateness 10-022.

Planning Services Manager Dooley did a power point presentation and reported that the City had received a request from property owner Charina Holmes to add her home at 7031 Newlin Avenue to the City's Local Official Register of Historic Resources as a landmark building; renovations on the home were completed in 2008 without permits; consultants LSA Associates had determined that the home does not meet any of the nine designation criteria; the Historic Resources Commission found the property did not meet the criteria to be placed on the Register; and it was recommended the City Council adopt a resolution upholding the Historic Resources Commission decision.

In response to Council Member questions, Planning Services Manager Dooley stated that the City receives 1 to 2 Mills Act applications annually; the City encourages homeowners to apply if it is believed the property or structure have local, state or federal significance; a structure has to be deemed a local, state or federal landmark building to qualify for the Mills Act process; this is the first Mills Act denial during his 7 to 8 year employment with the City; and a buyer could submit a Mills Act application while in escrow.

Mayor Warner opened the public hearing at 10:05 p.m.

Property owner, Dr. Charina Holmes, said she purchased the property because it looked historical; the City Council had adopted an ordinance requiring homeowners to maintain the historic integrity of properties built prior to 1940; because the home was built in 1904, it should be grandfathered in; she does not get financial relief by designating the home historic; two of the Historic Resources Commissioners were interested in the designation; Planning was not in favor of the designation because the prior owner tried to make changes; 2 ½ sides of the home are the same siding; the Mills Act allows for seismic improvements; the back house and garage were not included in the application; the property is a Queen Anne neoclassical style; the Mills Act does not prevent replacement of wood siding; the majority of the house resembles the house next door; the LSA report shows that A.H. Mills was the original owner of the home from 1907; she did not have time to research the prior owners; homes in the City have been designated historic strictly on style; she was not encouraged to submit a Mills Act application or obtain historic designation of the home; and she cannot afford to maintain the property as required.

In closing comments, Dr. Holmes stated that the changes to the home were made in 2008 prior to her purchasing the property; the back house unit has a one-car garage; and the residence has a two-car garage.

There being no other speakers wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried unanimously, to close the public hearing at 10:16 p.m.

In response to Council Member Vinatieri, Planning Services Manager Dooley said in 2009 the house was restored to its condition prior to the unpermitted 2008 work, except the windows and relocation of the front door; the materials were not restored; the intent was to restore the feeling of the property visually from the street; the material integrity has been modified; the interior and exterior in particular have been significantly altered; there was no intent to build a false sense of history by restoring the property; and independent consultants are utilized to provide an independent and balanced approach to evaluating subjective information in evaluating historic significance.

City Attorney Jones was absent from the Council Chamber from 10:30 p.m. to 10:32 p.m.

Council Member Henderson commented that, to his knowledge, this is the first time a Mills Act request has been denied; LSA Associates, City staff and most importantly the Historic Resources Commission all agree the property does not meet the criteria for historic designation; and he supported staff's recommendation.

Mayor Warner said she was perplexed as to why the homeowner is seeking historic designation; she understands the rationale for having designation criteria; supporting historic designation for the property would dilute the purpose of the Mills Act itself; and she supported staff's recommendation based heavily on the integrity assessment.

In response to Council Member Nordbak, Planning Services Manager Dooley said the home has been significantly rehabilitated; it would be difficult to do any further rehabilitation or restoration because the house is basically new; the consultants and staff used their best professional judgment based on the information available; and there is a certain amount of subjectivity in determining the threshold as to what is historic.

Council Member Nordbak said that receiving so few Mills Act applications indicates there is a problem; he could make findings for historical designation in areas A, B, C, and G; and he supported the applicant's request.

Following discussion, it was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and failed, with Council Member Henderson, Mayor Pro Tem Newcomer and Mayor Warner dissenting, to direct staff to return with a resolution finding in favor of the applicant.

Following discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried unanimously, that Resolution No. 8401 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FINDING THAT THE BUILDING ADDRESSED AS 7031 NEWLIN AVENUE DOES NOT MEET THE ELIGIBILITY CRITERIA TO BE PLACED ON THE CITY'S LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES AS A LANDMARK BUILDING UNDER CERTIFICATE OF APPROPRIATENESS 10-022. ASSESSOR'S PARCEL NO. 8139-026-006. (APPLICANT/OWNER: CHARINA HOLMES)," be read by title only and further reading be waived.

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried, by roll call vote, with Council Members Nordbak and Vinatieri dissenting, that Resolution No. 8401 be declared adopted.

16.B CONTINUED PUBLIC HEARING – ZONING CODE AMENDMENT ZCA 11-003, BARBED WIRE ORDINANCE

Chief Assistant City Manager Collier announced it was the date and time set and duly noticed for a continued public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment ZCA 11-003 and adopt an ordinance amending the Whittier Municipal Code pertaining to the use of barbed wire.

Mayor Warner opened the public hearing at 10:46 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried to close the public hearing at 10:46 p.m.

Following discussion, it was moved by Council Member Henderson, seconded by Mayor Pro Tem Newcomer, and carried unanimously, that Ordinance No. 2975 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 18.64.070 OF THE WHITTIER MUNICIPAL CODE PERTAINING TO THE USE OF BARBED WIRE CITYWIDE (CASE NO. ZONING CODE AMENDMENT 11-003; APPLICANT: CITY OF WHITTIER)," be read by title only. It was moved by Council Member Henderson, seconded by Mayor Pro Tem Newcomer, and carried, with Council Members Nordbak and Vinatieri dissenting, that this be declared the first reading of Ordinance No. 2975 as amended to maintain the original language "That the barbed wire fencing will be out of plain view from public streets and properties" in Section 18.64.070(F)(2) of the Whittier Municipal Code.

16.C PUBLIC HEARING – ZONING CODE AMENDMENT 11-006, MEDICAL MARIJUANA REGULATIONS ORDINANCE

Chief Assistant City Manager Collier announced it was the date and time set and duly noticed for a public hearing to consider the Planning Commission recommendation to approve Zoning Code Amendment 11-006 to amend Whittier Municipal Code Chapters 18.04 and Chapter 18.45 relating to Medical Marijuana Regulations and Code violations.

Mayor Warner opened the public hearing at 11:06 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried unanimously to close the public hearing at 11:06 p.m. It was moved by Council Member Henderson, seconded by Mayor Pro Tem Newcomer, and carried unanimously that Ordinance No. 2979 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING SECTION 18.04.092 OF CHAPTER 18.04 AND REPEALING AND REPLACING SECTION 18.45.050 OF CHAPTER 18.45 OF TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE, RELATING TO CODE VIOLATIONS (APPLICANT: CITY OF WHITTIER)," be read by title only, further reading be waived, and this be declared its first reading.

17.A RE-PRIORITIZE FUTURE UNDERGROUND UTILITY DISTRICTS

By order of the Mayor, discussion to re-prioritize the list of future Underground Utility Districts considering the undergrounding of utilities northeast of the Greenway Trail bridges at Whittier Boulevard was continued to Tuesday, September 13, 2011.

17.B CITIZENS TECHNICAL ADVISORY COMMITTEE VACANCY

Following brief discussion, the City Council concurred to set a meeting for September 13, 2011 at 5:30 p.m. to interview the following applicants for the Citizens Technical Advisory Committee (CTAC) of the Puente Hills Habitat Preservation Authority:

Letty Louise Brooks Steven Castellanos April Garbat Erwin A. Ulbrich, Jr.

17.C CITY COUNCIL MEETING FORMAT AND AGENDA ORDER

Following discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Nordbak, and carried, with Mayor Warner dissenting, to revert to the prior meeting format with the open session commencing at 6:30 p.m. followed by closed session, beginning with the September 13, 2011 meeting.

17.D CENTENNIAL CLOCK LOCATION

By order of the Mayor, discussion to consider a location for the Centennial Clock and provide direction to staff was continued to Tuesday, September 13, 2011.

17.E DOG PARK

Following discussion, there was City Council concurrence to direct staff to work with the local citizens group to assess options for a dog park, including location, improvements and structure as part of an analysis of all City parks; and present the staff analysis to the Parks, Recreation and Community Services Commission for recommendation to the City Council, for potential consideration in early 2012 depending on the Fiscal Year 2011-12 Work Plan and Budget.

17.F DEPOT PARK NAME

By order of the Mayor, discussion to approve a name for the new park at the Depot located at 7333 Greenleaf Avenue was continued to Tuesday, September 13, 2011.

18. RECONVENE REDEVELOPMENT AGENCY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Warner reconvened the Redevelopment Agency in joint session with the City Council at 11:30 p.m.

19. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:

Council Member Vinatieri received Council concurrence to agendize discussion of a Joint Powers Agreement (JPA) regarding Pio Pico State Park, scheduled to close on July 1, 2012.

Council Member Nordbak reported that he met with City of Norwalk officials regarding the proposed elimination of transit services and reported the City of Norwalk needed to proceed with the public hearing process to avoid financial losses however they are willing to discuss options with the City of Whittier for continuing bus route #7.

20. RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

Mayor Warner reconvened the joint City Council/Redevelopment Agency Closed Session meeting at 11:40 p.m. with Council Members Nordbak and Vinatieri absent.

21. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the joint meeting in Open Session at 11:50 p.m.

22. CLOSED SESION REPORT:

None

23. ADJOURNMENT:

Mayor Warner adjourned the joint meeting at 11:50 p.m.

Respectfully submitted,

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