

**EXHIBIT 3**

**Agenda – Whittier City Council Meeting,  
July 26, 2011**





- 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 – Government Code Section 54956.9(b)(1) to discuss one case of potential litigation regarding compliance with the California Voting Rights Act based on a letter received June 17, 2011 from Goldstein, Demchak, Baller, Borgen & Dardarian, a Professional Corporation.
- 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 Vinatieri and Nordbak may not participate in discussion on Item 5.E due to conflicts of interest.

**6. RECESS MEETING:**

**As a courtesy to others attending this meeting, please turn off or place in silent mode all cell phones and other communication devices while in the Council Chamber. Thank you.**

- 7. **RECONVENE IN THE COUNCIL CHAMBER AT 7:30 P.M.:** The joint meeting of the Whittier City Council and Whittier Redevelopment Agency for Tuesday, July 26, 2011 is now reconvened in public session.
- 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:**
- 10. **PLEDGE OF ALLEGIANCE:**
- 11. **PRESENTATIONS:**
  - 11.A Business of the Month – Collard Rose Optical Lab
  - 11.B Chamber of Commerce Report
  - 11.C Community Conservation Solutions Report

12. **APPROVAL OF AGENDA:** This is the time for the City Council/Agency Board to reorder the agenda to accommodate visitors, deal with issues early in the meeting, add or delete items, or make changes to the Consent Calendar.

Proposed Motion: I move to \_\_\_\_\_.

13. **ORAL COMMUNICATIONS:** This is the time for the public to address the City Council or Redevelopment Agency regarding any item of City or Agency business except for public hearing matters. Public hearing comments will be received during the hearings. Speakers must limit their comments to three minutes.

*(NOTE: Pursuant to State law, the City Council and Redevelopment Agency cannot take action or express a consensus of approval or disapproval on any oral communications which do not appear on the printed agenda.)*

14. **RECESS REDEVELOPMENT AGENCY MEETING:**

15. **CITY COUNCIL CONSENT CALENDAR:** All items on the Consent Calendar may be approved by a single motion followed by a roll call vote. If a Council Member wishes to discuss a Consent Calendar item, the item may be removed from the calendar at the request of any Council Member.

15.A It is recommended the City Council deny claims filed by David C. Cook, Mildred Doyle, Infinity Insurance for Katrina Garcia, Geico Direct for Arlene Hernandez, Shawn Johnson, Diego Juarez, Julie Lopez, Kurt Perine, Loretta J. Friend and Ricky A. Rorebeck.

15.B It is recommended the City Council adopt Ordinance No. 2976 entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Code Amendment 11-002 to amend Title 17 (Subdivisions) of the Whittier Municipal Code. (Applicant: City of Whittier)."

15.C It is recommended the City Council adopt Ordinance No. 2977 entitled, "An Ordinance of the City Council of the City of Whittier, California, extending Ordinance 2955, extending the expiration date of certain sign permits and discretionary permits or entitlements approved by the City by an additional twelve months (Applicant: City of Whittier, Zoning Code Amendment No. ZCA11-004)."

- 15.D** It is recommended the City Council receive and file the following Historic Resource Commission actions unless review is requested by a Council Member:
1. Approval of Certificate of Appropriateness 11-011, 6242 Bright Avenue, to add a new 436-square foot patio cover to the rear of an existing single-family home; Applicant: Fred Kerz; Owner: Kathy Alaniz.
  2. Approval of Certificate of Appropriateness 11-013, 6226 Bright Avenue, to demolish an unpermitted rear covered porch and remove cement asbestos siding; Applicant: David Lopez; Owner Hector Alvarado.
- 15.E** It is recommended the City Council approve the Sewer User Fee Engineer's Report for Fiscal Year 2011-12.
- 15.F** It is recommended the City Council approve the special event permit for the Whittier Uptown Association to hold its 11<sup>th</sup> Annual Uptown Whittier Car Show on Saturday, August 20, 2011, from 9:00 a.m. to 4:00 p.m.
- 15.G** It is recommended the City Council approve, and authorize the Mayor to sign, agreements for the following vehicle donations:
1. Vehicle No. 16104, a 1998 GMC Sonoma, to the Whittier Area First Day Coalition; and
  2. Vehicle No. 181, a 2004 Ford E-450 Cutaway, to the Boys and Girls Club of Whittier.
- 15.H** It is recommended the City Council receive and file the Economic Development Quarterly Update Report for April-June 2011.
- 15.I** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for April-June 2011.
- 15.J** It is recommended the City Council approve an amendment to the jail services agreement with Wackenhut Corporation to reflect the corporate name change to G4S Secure Solutions (USA) Inc. and extending the agreement for a two year period ending June 30, 2013; and authorize the Mayor to execute the amendment.
- 15.K** It is recommended the City Council receive and file the Work Plan for Fiscal Year 2011-12.
- 15.L** It is recommended the City Council receive and file a report regarding the fixed-route bus transportation cuts proposed by Norwalk Transit Systems for bus service in Whittier.

- 15.M** It is recommended the City Council adopt 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.N** It is recommended the City Council take the following actions relating to the SKILLS Foundation:
1. Approve an agreement with the SKILLS Foundation for the City's participation in SKILLS Foundation programs;
  2. Accept a \$33,222 grant from the SKILLS Foundation for the Club Orchard Dale After School Program and Friday Forum Dance Program;
  3. Authorize the City Manager to execute the agreement; and,
  4. Adopt Resolution No. 8400 entitled, "A Resolution of the City Council of the City of Whittier, California, Amending the Fiscal Year 2011-12 Budget for an Additional \$28,889 for the SKILLS Foundation Programs."
- 15.O** It is recommended the City Council take the following actions relating to City trees:
1. Affirm the removal of 55 mature Italian Stone Pine trees and one Aleppo Pine tree;
  2. Affirm the major crown reduction trimming and selective limb removal on an additional 64 Italian Stone Pines;
  3. Approve replacement of the 56 Italian Stone and Aleppo Pines;
  4. Award a contract for the tree removal in the amount of \$69,000, reject all other bids, and authorize the City Manager to execute the agreement; and,
  5. Adopt Resolution No. 8401 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" allocating \$112,760 in General Funds.

Proposed Motion: I move that the City Council approve the Consent Calendar as submitted, including awarding a contract to Leonard Chaidez Tree Service (Item 15.O); and that Resolution Nos. 8400 (Item 15.N) and 8401 (Item 15.O) and Ordinance Nos. 2976 (Item 15.B) and 2977 (Item 15.C) be read by title only, further reading be waived and they be declared adopted; and that Ordinance No. 2978 (Item 15.M) be read by title only, further reading be waived, and this be declared its first reading.

ROLL CALL

**16. PUBLIC HEARINGS:** Anyone with an interest in the matter(s) scheduled for public hearing may speak during the hearings. A speaker's comments are limited to three minutes with the exception of the applicant/appellant. An applicant/appellant will have up to 20 minutes to present their case and up to an additional 10 minutes to make rebuttal comments at the conclusion of the public hearing. If you challenge any part of the proposed action in court, you may be limited to raising only those issues you or someone else raised during the public hearing.

**16.A** This is the date and time set and duly noticed for a de novo public hearing to conduct a review of the Planning Commission's approval of 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 at 6518-22 Greenleaf Avenue, Suites 14 and 15; Applicant: Umar Sohrab; Owner KMS Investment, Inc. It is recommended that the City Council direct staff to bring back a resolution that reflects the City Council's consensus.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move to direct staff to return with a resolution reflecting \_\_\_\_\_.

**16.B** This is the date and time set and duly noticed for a continued public hearing to consider the Planning Commission recommendation to approve the 1) Final Supplemental Program Environmental Impact Report (SPEIR) and the statements of overriding consideration prepared for the Whittier Boulevard Specific Plan (WBSP) update and the mitigation measures prepared therefor; 2) General Plan Amendment 11-001; 3) Zoning Code Amendment 11-001; and 4) Specific Plan Amendment 11-001, relating to the Whittier Boulevard Specific Plan. The public hearing was continued from June 28, 2011 and July 12, 2011. It is recommended the City Council consider taking the following actions:

1. Adopt a Resolution entitled, "A Resolution of the City Council of the City of Whittier, California, certifying and adopting the final Supplemental Program Environmental Impact Report (SCH No. 2010091080) in addition to the Environmental Statements of Overriding Consideration prepared for the 2011 Whittier Boulevard Specific Plan (WBSP) update in conjunction with General Plan Amendment 11-001, Zone Change 11-001, and Specific Plan Amendment 11-001 (Applicant: City of Whittier)";

2. Adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving General Plan Amendment 11-001 to amend the existing land-use 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 "Specific Plan" (Applicant: City of Whittier)";
3. Adopt an ordinance 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)";
4. Adopt an ordinance 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)"; and
5. Authorize summary publication of the ordinances.

Proposed Motion: I move that Resolution Nos. 8398 and 8399 be read by title only, further reading be waived, and they be declared adopted; that Ordinance Nos. 2973 and 2974 be read by title only, further reading be waived, and this be declared their first reading; and to authorize summary publication of the ordinances.

#### ROLL CALL

- 16.C** This is 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 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)." The public hearing was continued from July 12, 2011.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Ordinance No. 2975 be read by title only, further reading be waived, and this be declared its first reading.

- 16.D** This is the date and time set and duly noticed for a public hearing to consider adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089" for the period June 1, 2010 through May 31, 2011.

Proposed Motion: I move that the public hearing be closed.

Proposed Motion: I move that Resolution No. 8403 be read by title only, further reading be waived, and it be declared adopted.

#### ROLL CALL

**17. REPORTS:**

- 17.A** It is recommended the City Council indicate whether to commit staff resources to study the potential for creating a dog park in Whittier.

Proposed Motion: I move to \_\_\_\_\_.

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

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

**20. ADJOURNMENT:**

- 21. NEXT MEETING:** Wednesday, July 27, 2011 at 5:30 p.m. for Board and Commission interviews.

**Disability-related aids or services are available to enable persons with a disability to participate in this meeting, consistent with the federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the Reception Desk in the downstairs lobby. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk at least 24 hours in advance of the meeting at 562/567-9850.**

**NOTE:** On Saturdays prior to Whittier City Council Meetings, the entire Whittier City Council agenda package is available for review, upon request, at the reference desk in the Central Library (7344 Washington Avenue) and the Whittwood Branch Library (10537 Santa Gertrudes Avenue). The entire agenda package is also available in the City Clerk-Treasurer Department on Mondays prior to Whittier City Council Meetings. Any meeting related writings or documents provided to the majority of the City Council after distribution of the agenda package will be made available in the City Clerk-Treasurer Department, Whittier City Hall, 13230 Penn Street. Any person with questions regarding items on the agenda should contact the City Clerk-Treasurer Department at 562/567-9850.

# **EXHIBIT 4**

NOTES OF DECISIONS (2)

Construction and application  
Construction with other laws

§ 815.1. Conservation easement

West's Annotated California Codes

Civil Code (Refs & Annos)

Division 2. Property (Refs & Annos)

Part 2. Real or Immovable Property

Title 2. Estates in Real Property

Chapter 4. Conservation Easements (Refs & Annos)

West's Ann. Cal. Civ. Code § 815.1

§ 815.1. Conservation easement

Currentness

For the purposes of this chapter, "conservation easement" means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.

Credits

(Added by Stats. 1979, c. 179, p. 398, § 1.)

Notes of Decisions (2)

Current with urgency legislation through Ch. 312 of 2011 Reg. Sess. and Ch. 11 of 2011-2012 1st Ex. Sess.

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West

§ 816. Liberal construction of chapter

West's Annotated California Codes California Codes

Civil Code (Refs & Annos)

Division 2. Property (Refs & Annos)

Part 2. Real or Immovable Property

Title 2. Estates in Real Property

Chapter 4. Conservation Easements (Refs & Annos)

West's Ann.Cal.Civ.Code § 816

§ 816. Liberal construction of chapter

Currentness

The provisions of this chapter shall be liberally construed in order to effectuate the policy and purpose of Section 815.

**Credits**

(Added by Stats.1979 c. 179, p. 398, § 1)

Current with urgency legislation through Ch. 312 of 2011 Reg.Sess. and Ch. 11 of 2011-2012 1st Ex.Sess.

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