

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT SUCCESSOR AGENCY  
WHITTIER UTILITY AUTHORITY  
REGULAR MEETINGS  
CITY COUNCIL CHAMBER  
13230 PENN STREET, WHITTIER, CALIFORNIA  
JANUARY 12, 2016, 6:30 P.M.**

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.

**1. CALL TO ORDER:**

- 2. ROLL CALL:** Owen Newcomer, Council Member  
Cathy Warner, Council Member  
Bob Henderson, Council Member  
Joe Vinatieri, Mayor Pro Tem  
Fernando Dutra, Mayor

**3. PLEDGE OF ALLEGIANCE:**

**4. PRESENTATIONS:**

- 4.A [Blue Star – Cynthia Chafins](#)
- 4.B [Social Services Volunteers Recognition](#)
- 4.C [Chamber of Commerce Report](#)

**5. APPROVAL OF AGENDA:**

This is the time for the City Council/Boards of Directors 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 approve the agenda as submitted/amended.

**6. PUBLIC COMMENTS:**

This is the time for the public to address the City Council, Redevelopment Successor Agency or Utility Authority regarding any item of City, Successor Agency or Authority 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, Successor Agency, and Utility Authority cannot take action or express a consensus of approval or disapproval on any oral communications which do not appear on the printed agenda.)

**7. CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY/UTILITY AUTHORITY JOINT 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, Successor Agency Director or Utility Director wishes to discuss a Consent Calendar item, the item may be removed from the calendar at the request of any Council Member or Successor Agency/Authority Director.

**CITY COUNCIL**

**7.A CLAIMS AGAINST THE CITY**

It is recommended the City Council deny claims filed by Natalie Acosta, AAA/Dennis Bungenstock, Courtney Thomas, and Patricia Marquez.

**7.B ENERGY EFFICIENCY GUIDELINES ORDINANCE**

It is recommended the City Council conduct second reading and adopt Ordinance No. 3046 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding Chapter 15.36 to the Municipal Code relating to energy efficiency guidelines."

**7.C 2016 ELECTION PROCEDURE ORDINANCE**

It is recommended the City Council conduct second reading and adopt

Ordinance No. 3048 entitled, "An Ordinance of the City Council of the City of Whittier, California establishing election procedures relating to precinct ballots and polling places for the 2016 General Municipal Election."

**7.D** **INVESTMENT ADVISOR**

It is recommended the City Council authorize the City Manager to execute a professional services agreement with FTN Financial Main Street Advisors to review the City's investment program, and provide a report analyzing the risk and return associated with modified investment strategy alternatives designed to increase revenue, for a fee of \$5,000; and, at the City's option, to manage a portion of the City's portfolio for a period not exceeding one year, with compensation based on the level of funds managed.

**7.E ENERGY EFFICIENCY PROJECTS**

It is recommended the City Council take the following actions:

1. Award construction contracts for energy efficiency projects prepared by The Energy Network (TEN) to:
  - a. ACCO Engineered Systems for mechanical improvements in the amount of \$649,237.58;
  - b. Comet Electric Inc. for street lighting in the amount of \$1,200,186.90; and
  - c. Facilities Systems Group for indoor lighting in the amount of \$379,971.84; and
2. Authorize the City Manager to execute the agreements.

**7.F TREES AND SHRUBS ORDINANCE**

It is recommended the City Council conduct second reading and adopt Ordinance No. 3045 entitled, "An Ordinance of the City Council of the City of Whittier, California, repealing and replacing Chapter 12.40 (Trees and Shrubs) of the Whittier Municipal Code relating to protecting and maintaining healthy trees throughout the City."

**7.G CITYWIDE SIDEWALK AND ADA RAMP REPAIRS FOR FISCAL YEAR 2015-16**

It is recommended the City Council approve the specifications and locations for the sidewalk projects and ADA ramps at various locations throughout the City for Fiscal Year 2015-16; and authorize the City Clerk-Treasurer to advertise for construction bids.

**7.H SANTA FE SPRINGS ROAD AND WORKMAN MILL ROAD PAVEMENT OVERLAY AND SLURRY SEAL – AWARD OF CONTRACT**

It is recommended the City Council take the following actions:

1. Waive a minor bid irregularity and award the construction contract in the amount of \$758,627 for the Resurfacing and Class II Bike Lane Striping along Santa Fe Springs Road and Workman Mill Road;
2. Reject all other bids; and
3. Authorize the City Manager to execute the contract.

**7.I PREFERENTIAL PARKING DISTRICT NO. 1 EXPANSION**

It is recommended the City Council adopt Resolution No. 8752 entitled, "A Resolution of the City Council of the City of Whittier, California, rescinding Resolution No. 8727 and establishing Preferential Parking District No. 1 located within boundaries of the streets shown on Exhibit A and parking restrictions applicable thereto," to include the 6000 blocks of Greenleaf and Washington Avenues and the 13000 through 13300 block of Broadway.

**7.J CONDITIONAL USE PERMIT CUP15-008 APPEAL - 14300 WHITTIER BOULEVARD**

It is recommended the City Council adopt Resolution No. 8753 entitled., "A Resolution of the City Council of the City of Whittier, California, determining that the project is classified as statutorily exempt from the California Environmental Quality Act under Section 15270 (Projects Which are Disapproved), a finding that there is no public convenience or necessity to be served by the proposed use and denying Conditional Use Permit No. CUP15-008 to allow the on-site sale of beer and wine under a Type 41 alcohol license for a restaurant located within an existing car wash located at 14300 Whittier Boulevard."

**7.K APEX COMPANIES AGREEMENT AMENDMENT**

It is recommended the City Council approve Amendment No. 2 to Professional Services Agreement No. A14-238 with APEX Companies, LLC for the implementation of a Supplemental Site Investigation Work Plan at 12363 Whittier Boulevard; and authorize the City Manager to execute the amendment, in substantially the form attached.

**7.L PARKLAND ACQUISITION GRANT**

It is recommended the City Council adopt Resolution No. 8754 entitled, "A Resolution of the City Council of the City of Whittier, California, rescinding Resolution No. 8744 and approving the application for grant funds for the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1) for the Lee Owens Park Improvement Project."

**7.M OUT OF STATE TRAVEL**

It is recommended the City Council approve out of state travel for Mayor Fernando Dutra to attend the National League of Cities Congressional City Conference in Washington, D. C. on March 5-9, 2016.

**CITY COUNCIL, REDEVELOPMENT SUCCESSOR AGENCY AND UTILITY AUTHORITY**

**7.N MINUTES**

It is recommended the City Council, Successor Agency Board and Utility Authority Directors approve the Minutes of the Regular Meeting of December 22, 2015.

Proposed Motion: I move that the City Council, Successor Agency Board and Authority Directors approve specified Consent Calendar items as submitted, including awarding a construction contract to E.C. Construction (Item 7.H); and that Ordinance Nos. 3045 (Item 7.F), 3046 (Item 7.B) and 3048 (Item 7.C); and Resolution Nos. 8752 (Item 7.I), 8753 (Item 7.J) and 8754 (Item 7.L) be read by title only, further reading be waived, and that:  
(Item 7.B) Ordinance No. 3046 be declared adopted;  
(Item 7.C) Ordinance No. 3048 be declared adopted;  
(Item 7.F) Ordinance No. 3045 be declared adopted;  
(Item 7.I) Resolution No. 8752 be declared adopted;  
(Item 7.J) Resolution No. 8753 be declared adopted; and  
(Item 7.L) Resolution No. 8754 be declared adopted.

**ROLL CALL**

**8. RECESS REDEVELOPMENT SUCCESSOR AGENCY AND UTILITY AUTHORITY MEETINGS:**

**9. 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. 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.

**9.A SOLID WASTE COLLECTION FRANCHISE**

This is the date and time set and duly noticed for a public hearing to consider granting an exclusive franchise agreement to provide solid waste collection and recycling services in the City; conduct second reading and adopt an ordinance granting the solid waste franchise to Arakelian Enterprises, Inc. (dba Athens Services); and authorizing the City Manager to execute the franchise agreement. It is recommended the City Council conduct second reading and adopt Ordinance No. 3047 entitled, "An Ordinance of the City Council of the City of Whittier, California, granting to Arakelian Enterprises, Inc. (dba Athens Services) an exclusive franchise to provide solid waste collection and recycling in the City of Whittier"; and authorize the City Manager to execute the franchise agreement.

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

Proposed Motion: I move that Ordinance No. 3047 be read by title only and further reading be waived.

Proposed Motion: I move that Ordinance No. 3047 be declared adopted.

**ROLL CALL**

Proposed Motion: I move to authorize the City Manager to execute the franchise agreement with Athens Services.

**ROLL CALL**

**9.B MEDICAL MARIJUANA ZONING CODE AMENDMENT**

This is the date and time duly set and noticed for a public hearing to consider the Planning Commission's recommendation to adopt an ordinance approving Zoning Code Amendment ZCA 15-003 amending Title 18 of the Whittier Municipal Code to prohibit the cultivation of all forms of marijuana in the City. It is recommended the City Council introduce an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, determining that Zoning Code Amendment No. ZCA15-003 is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and approving Zoning Code Amendment No. ZCA15-003 to amend Chapter 18.45 of the City of Whittier Municipal Code by explicitly prohibiting the cultivation of all forms of marijuana in the City of Whittier"; and authorize summary

publication of the ordinance.

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

Proposed Motion: I move that Ordinance No. 3049 be read by title only, further reading be waived, and this be declared its first reading; and to authorize summary publication of the ordinance.

**10. BOARDS AND COMMISSIONS:**

**10.A PERSONNEL BOARD APPOINTMENT**

It is recommended the City Council consider making an appointment to the Personnel Board for a term ending July 1, 2019, select applicants for interviews, and/or direct further advertising for the vacancy.

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

**10.B SOCIAL SERVICES COMMISSION APPOINTMENT**

It is recommended the City Council consider making an appointment to an unexpired term ending July 1, 2018 on the Social Services Commission, select applicants for interviews, and/or direct further advertising for the vacancy.

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

**11. STAFF REPORTS:**

**11.A DESIGN REVIEW BOARD**

**1. DESIGN REVIEW BOARD REESTABLISHMENT**

It is recommended the City Council conduct second reading and adopt Ordinance No. 3044 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding Chapter 2.12 to Title 2 of the Whittier Municipal Code to reestablish a Design Review Board"; and authorize staff to open the recruitment for qualified candidates that may serve on the Design Review Board.

Proposed Motion: I move that Ordinance No. 3044 be read by title only and further reading be waived; and to authorize staff to open recruitment for qualified Design Review Board candidates.

Proposed Motion: I move that Ordinance No. 3044 be declared adopted.

**ROLL CALL**

**2. DESIGN REVIEW BOARD PROJECT REVIEW**

It is recommended the City Council provide direction regarding the types of projects the Design Review Board should have authority to review; and direct staff to initiate amendments to the Whittier Municipal Code, Uptown Whittier Specific Plan and the Whittwood Town Center Specific Plan to establish the requirements involving the Design Review Board.

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

**11.B 2016 ELECTION WEEKEND VOTING**

It is recommended the City Council receive and file a report on weekend voting; and, if weekend voting is desired for the 2016 General Municipal Election, authorize the City Clerk-Treasurer to take the actions necessary to offer voting at the Central Library on Saturday, April 9, 2016.

Proposed Motion: I move to receive and file the report; and \_\_\_\_\_.

**ROLL CALL**

**11.C ALL-AMERICA CITY SUBCOMMITTEE**

It is recommended the City Council consider whether to appoint an All-America City Subcommittee; and whether to revise any existing subcommittee assignments.

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

**11.D LIBRARY SUBCOMMITTEE**

It is recommended the City Council consider whether to appoint a Central Library Subcommittee; and whether to revise any existing subcommittee assignments.

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

**12. RECONVENE REDEVELOPMENT SUCCESSOR AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:**

**13. COUNCIL MEMBER/SUCCESSOR AGENCY DIRECTOR/UTILITY AUTHORITY DIRECTOR COMMENTS AND CONFERENCE REPORTS:**

**14. ADJOURN REDEVELOPMENT SUCCESSOR AGENCY AND UTILITY AUTHORITY MEETINGS:**

**15. CITY COUNCIL CLOSED SESSION:**

**15.A LITIGATION** - Mountains Recreation and Conservation Authority, a joint powers agency, Los Angeles County Regional Park and Open Space District, and the County of Los Angeles, et al vs. City of Whittier, et al; Case No. BS136211; Government Code Section 54956.9(d)(1) conference with legal counsel.

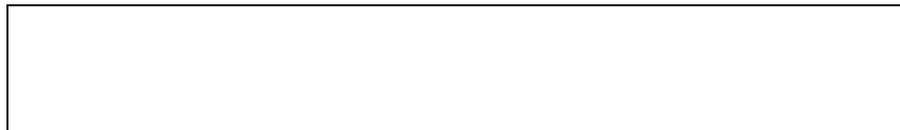
- 15.B **LITIGATION** - Prop "A" Protective Association, LLC vs. City of Whittier, et al; Case Nos. BS140884 and BS145771; Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.C **LITIGATION** - Matrix Oil Corporation and Clayton Williams Energy Inc., vs Los Angeles County Regional Park and Open Space District, et al; Case No. BS146928; Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.D **LITIGATION** - Los Angeles County Regional Park and Open Space District, et al vs. City of Whittier, et al; Case No. BS146670; Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.E **LITIGATION** - Whittier Conservancy vs. City of Whittier, et al; Case No. BS157078; Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.F **LITIGATION** - California River Watch vs. City of Whittier; Case No. 2:15-cv-06392; Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.G **LABOR NEGOTIATIONS** - Government Code Section 54957(b)(1), City Manager evaluation.
- 15.H **LABOR NEGOTIATIONS** - Government Code Section 54957.6 to discuss labor negotiations between City negotiator Jeffrey W. Collier and the Whittier City Employees' Association and unrepresented employees.
- 15.I **LITIGATION** - Zulueta vs. City of Whittier, Government Code Section 54956.9(d)(1) conference with legal counsel.
- 15.J **REAL PROPERTY NEGOTIATIONS** - Government Code Section 54956.8 to discuss price and terms of payment with The Whole Child for real property located at 7232 Greenleaf Avenue; City negotiator: Jeffrey W. Collier.

16. **RECONVENE IN OPEN SESSION:**

17. **CLOSED SESSION REPORT:**

18. **ADJOURNMENT:**

19. **NEXT MEETING:** Tuesday, January 26, 2016 at 6:30 p.m.



**Disability-related aids, or other 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.**

**Spanish interpreters can be made available at this meeting.  
Interpretes en español pueden estar disponibles en esta junta.**

**For more information or to request these services, please contact the City Clerk-Treasurer at least 24 hours in advance of the meeting at 562-567-9850.**

**Para más información o para solicitar estos servicios, por favor contacte a la Secretaria-Tesorera de la Ciudad al menos 24 horas antes de la junta al (562) 567-9850.**

**NOTE:** On Saturdays prior to Whittier City Council Meetings, the entire Whittier City Council agenda package is available for review: 1) on the City's website at [www.cityofwhittier.org](http://www.cityofwhittier.org) under the *Agendas, Minutes & Videos* link in the City Services section; and, 2) 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.