

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
JANUARY 27, 2009, 6:30 P.M.**

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

**1. CALL TO ORDER:**

**2. ROLL CALL:**

J. Greg Nordbak, Council Member  
Cathy Warner, Council Member  
Owen Newcomer, Council Member  
Bob Henderson, Mayor Pro Tem  
Joe Vinatieri, Mayor

**3. PLEDGE OF ALLEGIANCE:**

**4. PRESENTATIONS:**

**4.A** Blue Star Presentations  
Anthony Licon  
Janett Murrieta  
Piedad Ordorica

**5. ORAL COMMUNICATIONS:** This is the time for the public to address the City Council, Redevelopment Agency or Utility Authority regarding any item of City, 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, Redevelopment 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.)*

**6. CITY COUNCIL/REDEVELOPMENT 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, Agency Member or Utility Director wishes to discuss a Consent Calendar item, the item may be removed from the calendar at the request of any Council/Agency Member or Director.

- 6.A** It is recommended the City Council deny the claim filed by Brett Brezniak.
- 6.B** It is recommended the City Council, Agency Board, and Board of Directors review and approve the 2009 Statement of Investment Policy.
- 6.C** It is recommended the City Council approve the Special Event Permit request from the Bell Gardens Lions Club for its annual bike ride scheduled for March 21, 2009 from 11:00 a.m. to 2:00 p.m.
- 6.D** It is recommended the City Council receive and file the Economic Development Quarterly Update for October through December 2008.
- 6.E** It is recommended the City Council receive and file the First and Second Quarter Housing Programs Activity Report for Fiscal Year 2008-09.
- 6.F** It is recommended the City Council and Agency Board take the following actions regarding the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area:
  - 1. Adopt Resolution No. 8182 entitled, "A Resolution of the City Council of the City of Whittier, California, consenting to a joint public hearing on the Proposed Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area"; and
  - 2. Adopt Resolution No. WRA-09-01 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency consenting to a joint public hearing on the Proposed Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area."
- 6.G** It is recommended the City Council receive and file the following Historic Resources Commission actions unless review is requested by a Council Member:
  - 1. Approval of Certificate of Appropriateness 08-021 to allow construction of a 441 square-foot, detached, two-car garage to an existing single family residence located at 8316 Greenleaf Avenue; (Owner: Carmen Rodriguez; Applicant: Klimba Riuhze).
  - 2. Approval of Certificate of Appropriateness 08-028 to allow construction of a 462-square foot, detached, two-car garage with a 420 square-foot second floor game room; and to add brick veneer to the raised concrete foundation along the front and side elevations of the existing single-family residence located at 6227 Bright Avenue in the Hadley-Greenleaf Historic District; (Owners: Michael and Rose Quiros; Applicant: Damian Arencibia).

- 6.H** It is recommended the City Council award the construction contract for the Community Development Block Grant Target Area Surface Treatment Program at Various Locations in the City of Whittier Fiscal Year 2008-09 project and reject all other bids; and authorize the City Manager to sign the contract.
- 6.I** It is recommended the City Council take the following actions regarding RRM Design Group Contract Amendments:
1. Approve an amendment in the amount of \$79,860 for supplemental aerial topographic mapping and boundary service work;
  2. Approve an amendment crediting back to the City the amount of \$31,520.85 for unused consultant fees;
  3. Approve an amendment in the amount of \$109,190 to prepare 100%-level Design Guidelines, Specifications, and Plans, Standards and Engineering; and
  4. Authorize the City Manager to execute the Amendments.
- 6.J** It is recommended the City Council accept the work performed by Roy Allan Slurry Seal, Inc. for the Pavement Surface Treatment on Philadelphia Street et al. project; and authorize the City Clerk to record the Notice of Completion.
- 6.K** It is recommended the Board of Directors receive and file the report to set the basis for the lease rent rate to the Central Basin Municipal Water District for property located at Pumping Plant No. 2, 4128 San Gabriel River Parkway, Pico Rivera, until November 2013.
- 6.L** It is recommended the City Council approve the reclassification of one vacant Senior Engineering Technician position to a Civil Engineer Assistant/Associate position in the Public Works Department as part of a larger reorganization plan.

Proposed Motion: I move that the Consent Calendar be approved as submitted, including awarding a contract to Manhole Adjusting Contractors, Inc. (Item 6.H); and that Resolution Nos. 8182 and WRA-09-01 (Item 6.F) be read by title only, further reading be waived, and they be declared adopted.

**ROLL CALL**

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

**8. PUBLIC HEARINGS:**

- 8.A** This is the date and time set and duly noticed for a de novo public hearing to consider Variance V08-004, to allow an over height (up to 15 feet in certain locations) and view obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street; Applicant: Hugo Gutierrez). At the applicant's request, it is recommended the hearing be continued to Tuesday, February 24, 2009 at 6:30 p.m.

Proposed Motion: I move that the public hearing be continued to Tuesday, February 24, 2009 at 6:30 p.m.

- 8.B** This is the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-003 and adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California amending Title 18 (Zoning) of the Whittier Municipal Code with the addition of Chapter 18.47 (Wireless Telecommunication Facilities on Public and Private Property) and amending Title 12 (Streets Sidewalks and Public Places) by adding Chapter 12.56 (Wireless Telecommunication Facilities within the Public Right-of-Way, relating to the development and regulation of wireless telecommunication facilities on public and private property in addition to the management of the public right-of-way." It is recommended the City Council authorize summary publication of the ordinance.

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

Proposed Motion: I move that Ordinance No. 2918 be read by title only, further reading be waived, and this be declared its first reading; and to authorize summary publication of the ordinance.

- 8.C** This is the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-007; and adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, to amend Chapter 18.44 (Adult Entertainment Establishments) (Case: Zoning Code Amendment 08-007)," to update adult entertainment business regulations. It is recommended the City Council authorize summary publication of the ordinance.

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

Proposed Motion: I move that Ordinance No. 2919 be read by title only, further reading be waived, and this be declared its first reading; and to authorize summary publication of the ordinance.

- 8.D** This is the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendment 08-008 and adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California amending Title 18 (Zoning) of the Whittier Municipal Code by adding Chapter 18.99 entitled, "Parking Structure Development Standards and Design Guidelines" under Zoning Code Amendment 08-008."

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

Proposed Motion: I move that Ordinance No. 2920 be read by title only, further reading be waived, and this be declared its first reading.

**9. BOARDS AND COMMISSIONS:**

- 9.A** It is recommended the City Council consider whether to consolidate advisory boards.

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

**10. CITY STAFF REPORT:**

- 10.A** It is recommended the City Council consider whether to appoint a City Council Library Subcommittee.

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

**11. ORDINANCE:**

- 11.A** It is recommended the City Council conduct second reading and adopt Ordinance No. 2917 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending sections of Chapter 3.20 of the Whittier Municipal Code relating to Transient Occupancy Tax Administration."

Proposed Motion: I move that Ordinance No. 2917 be read by title only and further reading be waived.

Proposed Motion: I move that Ordinance No. 2917 be declared adopted.

**ROLL CALL**

**12. RECESS CITY COUNCIL MEETING AND RECONVENE REDEVELOPMENT AGENCY MEETING:**

**13. AGENCY STAFF REPORT:**

**13.A** It is recommended the Agency Board review and discuss the attached proposals for a market analysis and retail recruitment study, select a firm, and direct Staff to return to the Agency Board within one month with a Professional Services Agreement between the Whittier Redevelopment Agency and the selected firm.

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

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

**15. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**

**16. ADJOURN UTILITY AUTHORITY MEETING:**

**17. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:

**17.A** City Council - Government Code Section 54956.8 to discuss real property negotiations with Whittier Area Community Church regarding price and terms of payment for portions of property identified as Assessor Parcel Numbers 8291-005-005 and 8291-005-900; City Negotiator: Stephen Helvey.

**17.B** City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation regarding property located at 13501 Earlham Drive in reference to eligibility for listing on the Local Official Register of Historic Resources.

**NOTE:** Mayor Vinatieri and Council Member Newcomer will not participate in discussion on Item 17.B due to conflicts of interest.

**17.C** City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, the Whittier Police Officers' Association and unrepresented employees.

**17.D** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Centerfire LLC regarding price and terms of payment for properties located at 15733 and 15801 Whittier Blvd; City/Agency negotiator: Stephen Helvey.

- 17.E** City Council - Government Code Section 54956.9(a) to discuss two cases of litigation:
1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
  2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.
- 17.F** City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation based on a letter received from Jack Carmichael on January 20, 2009 relating to property located at 13238 E. Whittier Boulevard.
- 17.G** City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation based on conference with legal counsel regarding property located at 13782 Philadelphia Street.
- 18. RECONVENE IN OPEN SESSION:**
- 19. CLOSED SESSION REPORT:**
- 20. ADJOURNMENT:**
- 21. NEXT MEETING:** Tuesday, February 10, 2009 at 6:30 p.m.

**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 562/464-3330.**

**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 562/464-3330.