

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MARCH 24, 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** Proclamation - Whittier Reads
 - 4.B** Proclamation - National Library Month
 - 4.C** Proclamation - SASSFA
- 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 claims filed by Robert J. Acinelli, Fatima L. Valenton, and Jerry Parker.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of March 10, 2009.
- 6.C** It is recommended the City Council approve a special event permit for the Whittier Uptown Association's 6K Walk for Water scheduled for Sunday, April 26, 2009, beginning at 6720 Greenleaf Avenue, proceeding south to La Cuarta Street, east to Painter Avenue, and north through the historic neighborhood, back to the starting point.
- 6.D** It is recommended the City Council conduct second reading and adopt Ordinance No 2922 entitled, "An Ordinance of the City Council of the City of Whittier, California, to permit dogs on leash onto the Whittier Greenway Trail, Hellman Park and Murphy Ranch Park," on a maximum six-foot leash.
- 6.E** It is recommended the City Council adopt Resolution No. 8189 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-2009 Budget to accept a grant for the purpose of establishing and maintaining Local Used Oil Collection Programs that encourage recycling or the appropriate disposal of used oil," in the amount of \$21,973.
- 6.F** The Parking and Transportation Commission recommends the City Council schedule a public hearing on April 28, 2009, for the award of contract to Nestor Traffic Systems for the Automated Photo Red Light Enforcement System.
- 6.G** It is recommended the City Council conduct second reading and adopt Ordinance No. 2923, entitled, "An Ordinance of the City Council of the City of Whittier, California, ordaining an amendment to the City's development standards and design requirements for walls and fences in the "M" (Manufacturing) Zone, contained within Section 18.34.050(F) (Development Standards) of the Whittier Municipal Code (Case No. Zoning Code Amendment 09-001; Applicant: City of Whittier)."
- 6.H** It is recommended the City Council award the contract for the Financial Information System (FIS) upgrade to Sungard Public Sector Inc.; and authorize the City Manager to execute the necessary documents.

- 6.I** 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 08-026 for the replacement of an existing 88 square-foot theater marquee with an 88 square-foot light-emitting diode (LED) electronic marquee that was installed without the benefit of permits; and the replacement of eight existing outdoor movie poster display cases with ten new display cases for property located at 7038 Greenleaf Avenue; Applicant: Stan Swede; Owner: Dan Akarakian, Akarakian Theatres, Inc.;
 2. Approval of Certificate of Appropriateness 09-002 to legalize the existing additions and modifications to three on-site dwelling units that were made without the benefit of permits for properties located at 6742, 6744 and 6746 Pickering Avenue; Owner/Applicant: Pedro Diaz;
 3. Approval of Certificate of Appropriateness 08-025 to complete a comprehensive window and door change-out to an existing single-family residence located at 12231 Honolulu Terrace; Applicant: Pella Architectural Products; Owner: Joyce Mullenbach;
 4. Approval of Certificate of Appropriateness 09-001 to construct a 112 square-foot addition to the rear of the unit; reconstruct a 95 square-foot covered front porch; construct a new 18 square-foot covered rear porch; remodel the interior of the unit; and complete a comprehensive window change out to the front of the unit for properties located at 7337 and 7339 Comstock Avenue; Applicant/Owner: IREL Properties, LLC.
- 6.J** It is recommended the City Council approve a gift ticket distribution policy in compliance with Fair Political Practices Commission Regulation 18944.1; and authorize the City Manager to implement the policy.
- 6.K** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for February and March 2009.
- 6.L** It is recommended the City Council approve the proposed Park restroom partial closure plan to reduce the FY 2009-10 budget by \$74,347.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution No. 8189 (Item 6.E) and Ordinance Nos. 2922 (Item 6.D) and 2923 (Item 6.G) 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. CITY COUNCIL PUBLIC HEARINGS:

- 8.A** This is the date and time set and duly noticed for a public hearing to consider the issuance of City of Whittier Health Facilities Revenue Bonds (Presbyterian Intercommunity Hospital) Series 2009; and adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California authorizing the issuance, sale and delivery of certain Revenue Bonds to refinance and finance certain health facilities for the benefit of Interhealth Corp., Presbyterian Intercommunity Hospital, Inc. and IHC Management Corp., and the execution and delivery of certain documents and certain other actions in connection therewith," in an amount not to exceed \$290,000,000.

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

Proposed Motion: I move that Resolution No. 8190 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

- 8.B** This is the date and time set and duly noticed for a continued de novo public hearing to review the decision of the Planning Commission and consider adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, denying Variance 08-004 to allow over-height and view obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street. (Owner/Applicant: Hugo Gutierrez)." The hearing was continued from January 27, 2009 and February 24, 2009.

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

Proposed Motion: I move that Resolution No. 8191 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

10. JOINT PUBLIC HEARING:

10.A This is the date and time set and duly noticed for a joint public hearing of the Whittier Redevelopment Agency and City Council related to the Proposed Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area. At the close of the public hearing, it is recommended the Agency Board and City Council take action on Step 1 or Step 2:

1. If no written responses are received at or prior to the close of the Joint Public Hearing, it is recommended the following actions be taken:
 - a) Agency Board adopt Resolution No. WRA-09-03 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving and adopting the Negative Declaration for the Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area";
 - b) City Council adopt Resolution No. 8192 entitled, "A Resolution of the City Council of the City of Whittier, California, approving and adopting the Negative Declaration for the Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area"; and
 - c) City Council conduct first reading of Ordinance No. 2924 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding the potential funding of certain public improvements to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area."

OR

2. If written responses are received at or prior to the close of the Joint Public Hearing, it is recommended the following actions be taken:
 - a) Direct staff to prepare written responses to written objections received prior to and during the joint public hearing and present such responses to the Agency Board and City Council for consideration on April 14, 2009; and
 - b) Announce further actions are to resume at the continued meeting of April 14, 2009.

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

Proposed Motion: I move that Resolution Nos. WRA-09-03 and 8192 be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2924 be read by title only, further reading be waived, and this be declared its first reading.

ROLL CALL

OR

Proposed Motion: I move to direct staff to prepare written responses to written objections received and present such responses for consideration at the meeting of April 14, 2009; and continue action on the proposed resolutions and ordinance to the same meeting.

11. RECESS REDEVELOPMENT AGENCY MEETING:

12. STAFF REPORTS:

12.A It is recommended the City Council indicate whether the Council should reconsider holding a Fourth of July community event in 2009; and if so, that the Council review the February 24, 2009, agenda report and provide direction on a 2009 Fourth of July event.

Proposed Motion: I move to _____.

12.B It is recommended the City Council indicate whether the Council should review the Historic Resources Ordinance.

Proposed Motion: I move to _____.

12.C It is recommended the City Council review a special event permit request from the Whittier Area Evangelical Ministerial Alliance (WAEMA) for an Easter Sunrise Service on Sunday, April 12, 2009 at Joe Miller Field. It is further recommended the City Council consider approval of the event either as proposed or at York Field.

Proposed Motion: I move to _____.

- 12.D** It is recommended the City Council review the proposed Local Economic Stimulus and Business Assistance Action Plan, and provide feedback and direction to staff.

Proposed Motion: I move to _____.

- 13. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH THE CITY COUNCIL:**
- 14. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**
- 15. ADJOURN UTILITY AUTHORITY MEETING:**
- 16. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
- 16.A** 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.
- 16.B** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with RGH Holdings regarding price and terms of payment for properties located at 12423 and 12425 Whittier Boulevard; City/Agency negotiator: Jeffrey Collier.
- NOTE:** Mayor Vinatieri and Council Members Nordbak and Warner have conflicts of interest on Item 16.B. At a blind draw held on December 9, 2008, Mayor Vinatieri was drawn back into the discussions of the item; Council Members Nordbak and Warner will not participate in discussion due to the conflicts of interest.
- 16.C** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard.
- 16.D** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Federal Receiver Clark Kelso.
- 17. RECONVENE IN OPEN SESSION:**
- 18. CLOSED SESSION REPORT:**

19. **ADJOURNMENT:** In memory of Captain Roy Vanover.
20. **NEXT MEETING:** April 14, 2009 at 6:00 p.m. for Planning Commission interviews; and 7:00 p.m. for a Regular meeting.

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.