

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
APRIL 28, 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:

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

3. PLEDGE OF ALLEGIANCE:

4. PRESENTATIONS:

4.A Proclamation - Broadoaks Month of the Family

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 State Farm Insurance for Maria I. De Jesus, Gerard Granade, Wendy Sendziak, Michael Baker, Kelly H. Wilson, Xavier Michael Fresquez, Jeanne M. Beyer, Patti Jean Chapin, Eric Fresquez, and Mary Theresa Fresquez.
- 6.B** It is recommended the following actions be taken regarding minutes:
1. City Council approve the Minutes of the Special Meeting of April 14, 2009; and
 2. City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of April 14, 2009.
- 6.C** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for March and April 2009.
- 6.D** It is recommended the City Council receive and file the Economic Development Quarterly Update for January through March 2009.
- 6.E** The Cultural Arts Commission recommends the City Council:
1. Approve funding for the final phase of the Wind Sculpture Project to include lighting the sculptures at Lambert Road and Mills Avenue; and
 2. Adopt Resolution No. 8193 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget for the Wind Sculptures Art in Public Places Project," in the amount of \$10,000 for installation of the lighting.
- 6.F** It is recommended the City Council adopt Resolution No. 8194 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget to fund additional General Liability Expenditures."
- 6.G** It is recommended the City Council adopt Resolution No. 8195 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget to allocate funds for the Gateway Cities Council of Governments SB 375 assessment for consultant work," in the amount of \$5,000.
- 6.H** It is recommended the City Council adopt Resolution No. 8196 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing an Identity Theft Policy and Prevention Program to comply with federal regulations regarding identity theft prevention rules," as required by the 2003 Fair and Accurate Credit Transactions Act (FACTA).

- 6.I** It is recommended the City Council adopt Resolution No. 8197 entitled, "A Resolution of the City Council of the City of Whittier, California, certifying the availability of matching funds for the 2009 Call for Projects from Los Angeles Metropolitan Transportation Authority."
- 6.J** It is recommended the Agency Board take the following actions regarding the Whittier Marketplace reimbursement:
1. Adopt Resolution No. WRA-09-05 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2008-09 Budget for the purpose of additional reimbursement under the Whittier Marketplace Disposition and Development Agreement," allocating an additional \$57,000 for reimbursement to Whittier Marketplace, Inc.;
 2. Accept a loan from the City of Whittier for \$53,538 representing 50% of the sales tax generated by the Whittier Marketplace project during July to December 2008, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Urbatec (now Whittier Marketplace, Inc.); and
 3. Approve reimbursement to Urbatec (50%) and Whittier Marketplace, Inc. (50%) of the November 2008 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$194,840, pursuant to the Urbatec DDA.
- 6.K** It is recommended the Agency Board take the following actions regarding the Whittwood Town Center reimbursement:
1. Adopt Resolution No. WRA-09-06 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2008-09 Budget for the purpose of additional reimbursement under the Whittwood Town Center Owner Participation Agreement", allocating an additional \$39,000 for reimbursement to the property owner; and
 2. Approve \$233,894 in tax increment and sales tax reimbursement to Morgan Stanley pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.L** It is recommended the Agency Board take the following actions regarding the Whittier Quad reimbursement:
1. Accept a loan from the City of Whittier for \$185,804 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the second half of Fiscal Year 2007-08, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Terramar Retail Centers (TRC MM, LLC, formerly GMS Realty, LLC); and

2. Approve reimbursement to TRC MM, LLC of the 2007-08 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$331,081, pursuant to the Quad at Whittier DDA.
- 6.M** It is recommended the City Council approve renewal of the lease agreement with the Girl Scouts of Greater Los Angeles for the Broadway Park Girl Scout House; and acknowledge the name change from Girl Scouts – Spanish Trails Council to Girl Scouts of Greater Los Angeles.
- 6.N** It is recommended the City Council take the following actions for Ultra Goop, Inc. the General Partner of Philipson Business Properties, Ltd:
1. Approve the Master Covenant and Agreement for property located at 14706 Whittier Boulevard;
 2. Accept the Irrevocable Offer of Right-of-Way Dedication for Assessor Parcel Number 8150-004-019; and
 3. Authorize the City Clerk to execute the Irrevocable Offer of Right-of-Way Dedication.
- 6.O** It is recommended the City Council accept the work performed by Charles E. Thomas Company for the Enhanced Vapor Recovery (EVR) Phase II System upgrade of the City's vehicle fuel island; and authorize the City Clerk to record the Notice of Completion.
- 6.P** It is recommended the City Council consider the League of Women Voters' request for a fee waiver in the amount of \$200 to televise a ballot measure forum.
- 6.Q** It is recommended the Agency Board approve an amendment to the Agreement to Negotiate Exclusively with HDS Group, LLC regarding property located at 12802 Hadley Street, 12813 Bailey Street, and 6541 to 6557 Comstock Avenue (Alpha Beta site).

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8193 (Item 6.E), 8194 (Item 6.F), 8195 (Item 6.G), 8196 (Item H), 8197 (Item I), WRA-09-05 (Item J), and WRA-09-06 (Item K) 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 public hearing to consider entering into a contract with Nestor Traffic Systems to provide an Automated Photo Red Light Enforcement System and associated processing services at the current locations of Painter Avenue/Lambert Road and Mulberry Drive/Greenleaf Avenue; and to authorize the City Manager to execute the contract after City Attorney review.

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

Proposed Motion: I move to approve Nestor Traffic Systems to provide the Automated Photo Red Light Enhancement System and services; and authorize the City Manager to execute the contract after City Attorney review.

ROLL CALL

8.B This is the date and time set and duly noticed for a public hearing to consider adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, establishing fees to be charged for various department related services," regarding proposed increases to citywide user fees in the City Clerk-Treasurer, Information Technology, Building and Safety, Planning, Library, Parks, Public Works (Engineering) and Police Departments, covering costs associated with performing certain public services.

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

Proposed Motion: I move that Resolution No. 8198 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

8.C This is the date and time set and duly noticed for a public hearing to consider accepting the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant.

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

Proposed Motion: I move to accept the 2009 Justice Assistance Grant.

- 8.D** 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 to deny 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. The hearing was continued from January 27, 2009, February 24, 2009, and March 24, 2009. At the applicant's request, it is recommended the hearing be continued to May 26, 2009 at 6:30 p.m.

Proposed Motion: I move that the public hearing be continued to May 26, 2009 at 6:30 p.m.

9. STAFF REPORTS:

- 9.A** It is recommended the City Council indicate whether the Council should review the Historic Resources Ordinance.

Proposed Motion: I move to _____.

- 9.B** 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 _____.

- 9.C** It is recommended the City Council receive and file this report; and provide direction to staff regarding how the Council desires to proceed with regulating medical marijuana dispensaries in the City.

Proposed Motion: I move to receive and file the report and direct staff to _____.

- 9.D** It is recommended the City Council provide feedback and direction to staff regarding the suggestions for modifying the existing vacant lot ordinance; and receive and file this report.

Proposed Motion: I move to receive and file the report and direct staff to _____.

- 9.E** 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 _____.

- 9.F** It is recommended the City Council provide direction how to proceed with a potential Zoning Code Amendment to process Development Review applications if the Design Review Board is dissolved.

Proposed Motion: I move to _____.

- 9.G** It is recommended the City Council receive the Architectural Guidelines for the Uptown Whittier Specific Plan, including detailed examples of preferred and discouraged characteristics for the California Contemporary architectural style.

Proposed Motion: I move to receive the Architectural Guidelines for the Uptown Whittier Specific Plan, including detailed examples of preferred and discouraged characteristics for the California Contemporary architectural style.

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

11. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:

12. ADJOURN UTILITY AUTHORITY MEETING TO SATURDAY, MAY 9, 2009 FOR A BUDGET STUDY SESSION

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

13.A City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Federal Receiver Clark Kelso.

13.B City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.

13.C City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation; McCracken vs. City of Whittier, based on a conversation between Mrs. McCracken and Jim Kurkowski on March 24, 2009 relating to trees at 11027 Lindesmith.

13.D City Council – Government Code Section 54956.9(a) to discuss one case of litigation, Grobaty & Petit LLC vs. City of Whittier.

- 13.E** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Leggett & Platt regarding price and terms of payment for properties located at 12100 – 12352 Whittier Boulevard; Agency negotiator: Stephen Helvey.
- 13.F** City Council – Government Section 54956.8 to discuss real property negotiations with Murphy Ranch Little League, Inc. regarding price and terms of payment for portions of property identified as Assessor Parcel Number 8291-005-900; and 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.
- 14. RECONVENE IN OPEN SESSION:**
- 15. CLOSED SESSION REPORT:**
- 16. ADJOURN CITY COUNCIL AND REDEVELOPMENT AGENCY JOINT MEETING IN MEMORY OF PHIL WINTNER TO SATURDAY, MAY 9, 2009 FOR A BUDGET STUDY SESSION.**

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.