

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MAY 12, 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 – American Cancer Society Relay for Life
- 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 Fred Haarman, Paul G. Hicks, Nancy Chen, and Richard Edel.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of April 28, 2009.
- 6.C** It is recommended the City Council approve the proposed preliminary budget for Fiscal Year 2009-10 for Parking District No. 1; and hold a public hearing at 6:30 p.m. on June 9, 2009, to approve the budget and confirm the assessments.
- 6.D** It is recommended the City Council approve the proposed preliminary budget for Fiscal Year 2009-10 for Parking District No. 2; and hold a Public Hearing at 6:30 p.m. on June 9, 2009, to approve the budget and confirm the assessments.
- 6.E** It is recommended the City Council approve the Engineer's Report for Fiscal Year 2009-10 for Street Lighting Assessment District No. 01-91; and adopt Resolution No. 8199 entitled, "A Resolution of the City Council of the City of Whittier, California, declaring its intention to levy and collect FY 09-10 Foxley Drive Street Lighting Assessment, and setting a time and place for public hearing thereon," for June 9, 2009 at 6:30 p.m.
- 6.F** The Social Services Commission recommends the City Council approve Fiscal Year 2009-10 Social Services Funding of \$64,250 from Community Development Block Grant funds; and receive and file the Matching Fund allocations of \$110,500 and \$6,000 for a Community Health Program to be incorporated and approved as part of the Fiscal Year 2009-10 budget.
- 6.G** It is recommended the Agency Board receive and file the status report on the Market Analysis and Retail Recruitment Study conducted by the Buxton Company.
- 6.H** It is recommended the City Council adopt Resolution No. 8200 entitled, "A Resolution of the City Council of the City of Whittier, California, repealing Resolution No. 7467 and modifying Police Department monetary penalties associated with the unlawful standing and/or parking of vehicles."
- 6.I** It is recommended the City Council accept the work performed by E.C. Construction for installation of new playground equipment and resilient rubber surfacing at J.G. Whittier Park; and authorize the City Clerk to record the Notice of Completion.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8199 (Item 6.E) and 8200 (Item 6.H) 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. HEARINGS:

8.A This is the date and time set and duly noticed for a de novo hearing to conduct a review of the Park and Recreation Commission denial of an appeal to retain a White Birch tree planted in the parkway in front of a residence located at 15228 Youngwood Drive, Whittier, without a permit as required by the Municipal Code and the Parkway Tree Manual; (Owner: Ray Tyra). It is recommended the City Council direct staff to return with an implementing resolution based on City Council consensus.

Proposed Motion: I move that the hearing be closed.

Proposed Motion: I move to uphold/overturn the Park and Recreation Commission decision; and direct staff to return with an implementing resolution based on City Council consensus.

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 approving Lot Line Adjustment No. LLA 09-003 to adjust a portion of Lot 4 and the Tract labeled "Evergreen School" together with a portion of Lot 1 of Coryell's Subdivision of a part of Lot 4 in Block "N" in the City of Whittier," to allow construction of a Fresh & Easy Market near the northwest corner of Whittier Boulevard and Painter Avenue. (Owner/Applicant: NMC Tower/Pearl Whittier Painter LLC/Nelson).

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

Proposed Motion: I move that Resolution No. 8201 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 the recommendation of the Planning Commission to approve Specific Plan Amendment 09-001; and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending the Whittier Boulevard Specific Plan (under Specific Plan Amendment 09-001) to create a temporary conditional use permit approval process under which used automotive dealerships, including automotive sales and any associated repair and service activities may be considered within the Commercial Expansion/Auto Sales segment and in the Shopping Cluster Districts of the Whittier Boulevard Specific Plan (WBSP). – City of Whittier," until July 1, 2011.

Proposed Motion: I move the public hearing be closed.

Proposed Motion: I move that Ordinance No. 2925 be read by title only, further reading be waived, and this be declared its first reading.

- 8.D** This is the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-002; and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, to codify the College Hills Historic District by adopting Chapter 18.89 to the Whittier Municipal Code (Case No. Zoning Code Amendment 09-002; Applicant: City of Whittier)."

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

Proposed Motion: I move that Ordinance No. 2926 be read by title only, further reading be waived, and this be declared its first reading.

- 8.E** This is the date and time set and duly noticed for a public hearing to consider approval of the City's proposed U. S. Department of Housing and Urban Development (HUD) 2009-2010 Action Plan (the "Plan"). It is recommended the City Council take actions relative to the Action Plan and Minor Home Repair Grant Program:

1. Consider any testimony provided; direct staff to finalize the Plan (including revisions if necessary); and submit it to HUD.
2. Review the proposal received under the Request for Proposals for the Minor Home Repair Grant program and select Veteran's in Community Service, Inc. to coordinate and implement the program for Fiscal Year 2009-2010.

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

Proposed Motion: I move to approve the City's proposed 2009-2010 HUD Action Plan; direct staff to finalize the Plan; and submit the Plan to HUD; and that Veteran's in Community Service be selected to coordinate and implement the Minor Home Repair Grant Program for Fiscal Year 2009-10.

9. STAFF REPORTS:

9.A It is recommended the City Council receive a presentation from Metro staff on the Eastside Gold Line Phase II extension; receive and file the Gold Line Phase II extension update report; and consider appointing two City Council representatives to attend Gold Line Phase II route alignment focus group meetings on May 26 and May 27, 2009.

Proposed Motion: I move to receive and file the Eastside Gold Line Phase II extension update report; and to appoint _____ and _____ to attend the Gold Line Phase II focus group meetings on May 26 and May 27, 2009.

9.B 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.

9.C It is recommended the City Council provide direction on whether the Design Review Board should be retained or dissolved; and then provide direction to staff as follows:

1. If the Design Review Board is dissolved, provide direction to staff to process a Zoning Code Amendment for processing Development Review applications and an ordinance eliminating reference to the Design Review Board in Title 2 of the Municipal Code.

OR

2. If the Design Review Board will not be disbanded by July 1st, it is recommended the City Council consider filling three vacancies on the Design Review Board for terms ending July 1, 2010, July 1, 2012, and July 1, 2013.

Proposed Motion: I move to _____.

10. **RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:**
11. **COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**
12. **ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**
13. **CITY COUNCIL 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; the City is not specifically identifying real property subject to the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
 - 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.
14. **RECONVENE IN OPEN SESSION:**
15. **CLOSED SESSION REPORT:**
16. **ADJOURNMENT:**
17. **NEXT MEETING:** Tuesday, May 26, 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.