

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MAY 26, 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 Blue Star Presentations:**
 - Nicolas Anthony Perez
 - Thomas G. Sanchez
 - Daniel Samuel Limon
 - 4.B Police Department Commendations:**
 - Kenneth Desowitz
 - Jeff Santana
 - John Wong
- 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 Jamie Sue Brabo, Michael T. Ashe, Richard M. Warner, and SafeCo Insurance for Jae Hyo Park.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Adjourned Regular Meeting of May 9, 2009 and the Regular Meeting of May 12, 2009.
- 6.C** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for April and May 2009.
- 6.D** It is recommended the City Council adopt Resolution No. 8202 entitled "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget related to supplemental appropriations for outfitting police department motorcycles," in the amount of \$10,838 to purchase motorcycle weapons and racks.
- 6.E** It is recommended the City Council conduct second reading and adopt Ordinance No. 2926 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)."
- 6.F** The Cultural Arts Commission recommends the City Council approve the allocation of Whittier Cultural Arts Foundation funding of \$21,668 in support of local cultural arts programs for Fiscal Year 2009-10.
- 6.G** The Social Services Commission recommends the City Council approve a Health Care Focus in Fiscal Year 2009-10 to include continued funding of the Annual Health Fair in the amount of \$4,000 and participation in a new "Activate Whittier" community health program in the amount of \$2,000.
- 6.H** The Park and Recreation Commission recommends the City Council approve a facility usage fee waiver for the Los Angeles Department of Children and Family Services in the amount of \$560 for a holiday event for foster care givers and their families to be held December 19, 2009 at Parnell Park.

- 6.I** It is recommended the City Council adopt Resolution No. 8203 entitled, "A Resolution of the City Council of the City of Whittier, California, approving the submittal of grant applications in response to American Recovery and Reinvestment Act Funding."
- 6.J** It is recommended the City Council accept the work performed by Manhole Adjusting Contractors, Inc. for the Community Development Block Grant (CDBG) Target Area Surface Treatment Program Fiscal Year 2008-09, at various locations in the City; and authorize the City Clerk to record the Notice of Completion.
- 6.K** It is recommended the City Council approve the Encroachment License for the Whittier Area Community Church parking lot located at 8175 Villaverde Drive; and authorize the Mayor to execute the Encroachment License.
- 6.L** It is recommended the City Council take the following actions regarding valet parking for Setá Restaurant:
1. Approve the Right of Way Use Agreement along the 6755 block of Bright Avenue;
 2. Approve the Valet Parking Agreement for Use of the Multideck located at 6721 Bright Avenue;
 3. Authorize the City Manager to execute the Agreements;
 4. Approve the Encroachment License with Capital Investment Advisors, Inc./Capital Realty Mortgage, Inc. for parkway uplighting; and
 5. Authorize the Mayor to execute the Encroachment License.
- 6.M** It is recommended the City Council accept the work performed by Reliable Floor Covering, Inc. for the City Hall basement carpet replacement project; and authorize the City Clerk to file the Notice of Completion.
- 6.N** It is recommended the Agency Board approve the First Amendment to the Affordable Housing Covenant and Regulatory Agreement with Gables Whittier 96 Partners, LP (HDS Group, LLC) for use of up to \$3,761,000 of the Agency's Low and Moderate Income Housing Set Aside funds to provide 24 affordable ownership housing units at The Gables Condominium Project; and authorize the Agency Chair to Execute the First Amendment.
- 6.O** It is recommended the Agency Board review and approve the program description and corresponding legal documents for use in implementing the Affordable Home Ownership Program.
- 6.P** It is recommended the City Council approve a special event permit for the Public Safety Forum July 4, 2009 Flag Raising Ceremony at Central Park.

- 6.Q** It is recommended the City Council approve an addendum to extend the agreement with Whittier Community Theatre to June 30, 2010 for rental of the Community Center Theatre; and authorize the City Manager to execute the agreement.
- 6.R** It is recommended the City Council adopt Resolution No. 8204 entitled, "A Resolution of the City Council of the City of Whittier, California, finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California."

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8202 (Items 6.D), 8203 (Item 6.I) and 8204 (Item 6.R); and Ordinance No. 2926 (Item 6.E) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

7. RECESS CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS:

8. UTILITY AUTHORITY PUBLIC HEARING:

- 8.A** This is the date and time set and duly noticed for a public hearing to consider all public testimony and protests regarding the proposed increases to fees for sewer and water services. It is recommended the Board of Directors direct staff to return with implementing resolutions reflecting the Board's consensus.

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

Proposed Motion: I move to direct staff to return with the implementing resolutions reflecting the Board of Directors' consensus relating to sewer and water service rates.

9. RECESS UTILITY AUTHORITY MEETING AND RECONVENE CITY COUNCIL MEETING:

10. CITY COUNCIL PUBLIC HEARINGS:

10.A 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, March 24, 2009, and April 28, 2009. At the applicant's request, it is recommended the hearing be continued to June 9, 2009 at 6:30 p.m.

Proposed Motion: I move that the public hearing be continued to June 9, 2009 at 6:30 p.m.

10.B This is the date and time set and duly noticed for a public hearing to consider approval of Amendment No. 2 to the 2008-09 Department of Housing and Urban Development (HUD) Action Plan. It is recommended the City Council consider taking the following actions:

1. Receive testimony on Amendment No. 2 to the 2008-09 HUD Action Plan for allocation of CDBG-R funds;
2. Approve Amendment No. 2 to the 2008-09 HUD Action Plan;
3. Adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget for the purpose of allocating Community Development Block Grant – R Funds," in the amount of \$252,869 for the activity outlined in Amendment No. 2; and
4. Direct staff to forward Amendment No. 2 to HUD.

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

Proposed Motion: I move to approve Amendment No. 2 to the 2008-09 HUD Action Plan; that Resolution No. 8205 be read by title only, further reading be waived, and it be declared adopted; and direct staff to forward Amendment No. 2 to HUD.

ROLL CALL

11. STAFF REPORTS:

11.A It is recommended the City Council receive and file a presentation from the U.S. Census Bureau on the 2010 Census.

Proposed Motion: I move to receive and file a presentation from the U.S. Census Bureau on the 2010 Census.

- 11.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.

- 11.C** It is recommended the City Council indicate whether the Council should review the barbed wire ordinance.

Proposed Motion: I move to _____.

12. ORDINANCE:

- 12.A** It is recommended the City Council conduct second reading and adopt Ordinance No. 2925 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 that Ordinance No. 2925 be read by title only and further reading be waived.

Proposed Motion: I move that Ordinance No. 2925 be declared adopted.

ROLL CALL

13. RESOLUTION:

- 13.A** It is recommended the City Council adopt Resolution No. 8206 entitled, "A Resolution of the City Council of the City of Whittier, California, upholding the Park and Recreation Commission denial of the tree appeal at 15228 Youngwood Drive."

Proposed Motion: I move that Resolution No. 8206 be read by title only and further reading be waived.

Proposed Motion: I move that Resolution No. 8206 be declared adopted.

ROLL CALL

- 14. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:**
 - 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 54956.9(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.
 - 17.B** City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier Police Officer's Association.
 - 17.C** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Pacific Crest Holdings, LLC regarding price and terms of payment for properties located at 12900 Philadelphia Street and the adjacent Assessor's Parcel No. 8139-023-028 located on the southeast corner of Philadelphia Street and Comstock Avenue; Agency negotiator: Stephen Helvey.
 - 17.D** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Skyline Holdings, LLC regarding price and terms of payment for properties located at 7055 Greenleaf Avenue, and 7042 and 7058 Comstock Avenue; Agency negotiator: Stephen Helvey.
- NOTE:** Mayor Pro Tem Nordbak will not participate in discussion on Item 17.D due to a conflict of interest.

- 17.E 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.
18. **RECONVENE IN OPEN SESSION:**
19. **CLOSED SESSION REPORT:**
20. **ADJOURN REDEVELOPMENT AGENCY MEETING:**
21. **ADJOURN CITY COUNCIL MEETING TO TUESDAY, JUNE 2, 2009 AT 7:00 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.