

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER HOUSING AUTHORITY
WHITTIER PUBLIC FINANCING AUTHORITY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JUNE 23, 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 Joint Military Forces Presentation – Brigadier General Combs

5. ORAL COMMUNICATIONS: This is the time for the public to address the City Council, Redevelopment Agency, Housing Authority, Public Financing Authority 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 Authorities 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/HOUSING AUTHORITY/PUBLIC FINANCING AUTHORITY/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 Authority 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 M. Gockel, Francisco Medrano, and Gabriel Herrera.
- 6.B** It is recommended the City Council, Agency Board and Authority Boards of Directors take the following actions regarding minutes:
1. Public Financing Authority and Housing Authority Boards of Directors approve the Minutes of the Regular Meeting of June 24, 2008 and the Adjourned Regular Meeting of May 9, 2009;
 2. City Council, Agency Board and Utility Authority Board of Directors approve the Minutes of the Regular Meeting of June 9, 2009; and
 3. City Council and Agency Board approve the Minutes of the Adjourned Regular Meeting of June 16, 2009.
- 6.C** It is recommended the City Council approve an amendment to revise the payment schedule for the agreement with Tom Askman for the Rocket Robin Art in Public Places Project.
- 6.D** It is recommended the City Council approve the Dial-A-Ride Agreement with the City of La Habra Heights continuing the operations, maintenance and administration of the coordinated paratransit service effective July 1, 2009; and authorize the City Manager to execute the Agreement.
- 6.E** It is recommended the City Council adopt Resolution No. 8211 entitled, "A Resolution of the City Council of the City of Whittier, California, authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State government of the City's street maintenance funds."
- 6.F** It is recommended the City Council receive and file the Fiscal Year 2008-09 Work Plan.
- 6.G** It is recommended the City Council designate the *Whittier Daily News* as the official newspaper for the publication of legal notices or other matters for Fiscal Year 2009-10.
- 6.H** It is recommended the City Council conduct second reading and adopt Ordinance No. 2928 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Section 8.08.026 (Vacant Lots) of the Whittier Municipal Code under Zoning Code Amendment 09-008 (Applicant: City of Whittier)," by revising the specific regulations for the maintenance of vacant lots in the City.

- 6.I** It is recommended the City Council, Agency Board, and Utility Authority Board of Directors adopt resolutions establishing administrative purchasing authority up to \$50,000:
1. Resolution No. 8212 entitled, "A Resolution of the City Council of the City of Whittier, California, authorizing the City Manager to enter into certain contractual arrangements pertaining to the acquisition of materials and services and repealing Resolution No. 3741";
 2. Resolution No. WRA-09-07 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency authorizing the Executive Director to enter into certain contractual arrangements pertaining to the acquisition of materials and services"; and
 3. Resolution No. WUA-09-02 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority authorizing the Executive Director to enter into certain contractual arrangements pertaining to the acquisition of materials and services."
- 6.J** It is recommended the City Council receive and file the Police Department's illegal fireworks enforcement plan.
- 6.K** It is recommended the City Council adopt Resolution No. 8213 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing taxation districts and levying an ad valorem assessment on all land and improvements within Whittier Uptown Parking District No. 2 for the Fiscal Year 2009-10."
- 6.L** It is recommended the City Council:
1. Commit 2007-08 and 2008-09 Community Housing Development Organization (CHDO) set aside funds to LINC Community Development Corporation for their use in developing or rehabilitating an affordable apartment community;
 2. Replace and supersede the previous funding agreement with LINC approved March 13, 2007 into a new agreement that includes the funding commitments from prior years; and
 3. Authorize the City Manager to sign and execute the Agreement.
- 6.M** It is recommended the City Council receive and file the following Historic Resources Commission action unless review is requested by a Council Member: approval of Certificate of Appropriateness 09-007 to complete a comprehensive window and garage door change-out to two existing multiple-family buildings located at 6339 and 6341 Milton Avenue; Applicant: California Replacement Windows, Inc.; Owner: Guy Kato.

- 6.N** It is recommended the City Council approve the special event permit request from the Whittier Uptown Association to hold its 9th Annual Uptown Whittier Car Show on Saturday, August 15, 2009 from 9:00 am to 4:00 pm.
- 6.O** It is recommended the Board of Directors of the Whittier Housing Authority and Whittier Public Financing Authority review and approve the 2009 Statement of Investment Policy.
- 6.P** It is recommended the Utility Authority Board of Directors receive and file this revised appraisal report from Lidgard & Associates superseding the previously submitted report on January 27, 2009, to set the basis for the lease rent rate for property located at Pumping Plant No. 2 site, 4308 San Gabriel River Parkway, Pico Rivera, until November 2013.
- 6.Q** It is recommended the City Council accept the work performed by Roy Allan Slurry Seal, Inc. for the Pavement Surface Treatment at Various Locations project; and authorize the City Clerk to record the Notice of Completion.
- 6.R** It is recommended the City Council conduct first reading of Ordinance No. 2927 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding Whittier Municipal Code Section 5.04.125 authorizing the City Clerk-Treasurer to establish and implement tax apportionment procedures relating to licensing flat-rate tax businesses."
- 6.S** It is recommended the City Council declare the following vehicles surplus; and direct staff to contact non-profit service organizations in the City to donate the vehicles or sell the vehicles at public auction to the highest bidder:
1. 1989 Ford Bronco II, Equipment No. 16614
 2. 1991 Bounder Motorhome, Equipment No. 23349
 3. 1998 El Dorado Bus, Equipment No. 30897
- 6.T** It is recommended the City Council adopt Resolution No. 8214 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008–2009 Budget to fund the City Hall Boiler Replacement Project," in the amount of \$70,460 to reimburse the Air Quality Improvement Trust Fund.

- 6.U** It is recommended the City Council approve Final Parcel Map No. 68352 for property located at 9187 Altura Lane; Property Owner: William Cannata.
- 6.V** It is recommended the City Council authorize staff to proceed with the Professional Services Contract with Marine Research Specialists for the Whittier Main Oilfield Environmental Impact Report (EIR); and authorize the City Manager to sign the Agreement after an additional deposit by Matrix Oil.
- 6.W** It is recommended that 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.
- 6.X** It is recommended the City Council accept the Offers of Right-of-Way Dedication along Whittier Boulevard and Painter Avenue for Fresh & Easy; and authorize the City Clerk to execute the Offers of Right-of-Way Dedication.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8211 (Item 6.E); 8212, WRA-09-07; WUA-09-02 (Item 6.I); 8213 (Item 6.K); and 8214 (Item 6.T); and Ordinance No. 2928 (Item 6.H) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2927 (Item 6.R) be read by title only, further reading be waived, and this be declared its first reading.

ROLL CALL

7. RECESS HOUSING AUTHORITY MEETING:

8. JOINT PUBLIC HEARING:

- 8.A** This is the date and time set and duly noticed for a joint public hearing of the City Council, Public Financing Authority, Redevelopment Agency, and Utility Authority to consider the Fiscal Year 2009-10 Budget.

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

1. It is recommended the City Council adopt Resolution No. 8215 entitled, "A Resolution of the City Council of the City of Whittier, California, adopting a Budget for the Fiscal Year commencing July 1, 2009 and ending June 30, 2010"; and adopt Resolution No. 8216 entitled, "A Resolution of the City Council of the City of Whittier, California, approving and adopting the Annual Appropriations Limit for Fiscal Year 2009-10."
2. It is recommended the Agency Board adopt Resolution No. WRA-09-08 entitled, "A Resolution of the Board of Directors of the Whittier Redevelopment Agency adopting a Budget for the Fiscal Year commencing July 1, 2009, and ending June 30, 2010."
3. It is recommended the Public Financing Authority Board of Directors adopt Resolution No. WPFA-09-01 entitled, "A Resolution of the Board of Directors of the Whittier Public Financing Authority adopting a Budget for the Fiscal Year commencing July 1, 2009, and ending June 30, 2010."
4. It is recommended the Utility Authority Board of Directors adopt Resolution No. WUA-09-03 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority adopting a Budget for the Fiscal Year commencing July 1, 2009, and ending June 30, 2010."
5. It is recommended the Utility Authority Board of Directors take the following actions regarding annual rate adjustments for Sewer User and Water Fees:
 - a. Adopt Resolution No. WUA-09-04 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority establishing a Fee Schedule of the Sewer User Fee Program for the Fiscal Year 2009-2010"; and
 - b. Adopt Resolution No. WUA-09-05 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority fixing rates and charges for water service furnished by the Whittier Utility Authority."

6. It is recommended the City Council conduct first reading of Ordinance No. 2929 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Whittier Municipal Code Chapter 3.24 to increase the Utility Users Tax exemption for residential service users."
7. It is recommended the City Council adopt Resolution No. 8217 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8142 and establish the 2009-2010 Salary Resolution."
8. It is recommended the City Council renew an Agreement with the Whittier Area Chamber of Commerce for the period of July 1, 2009 to June 30, 2010; and authorize the City Manager to execute the Agreement.

Proposed Motion: I move that the City, Agency, and Utility and Public Financing Authority Budgets be adopted; and that Resolution Nos. 8215-8217; WRA-09-08; WPFA-09-01, and WUA-09-03 through WUA-09-05 be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2929 be read by title only, further reading be waived, and this be declared its first reading.

ROLL CALL

9. RECESS PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:

10. CITY/AGENCY JOINT PUBLIC HEARING:

10.A This is the date and time set and duly noticed for a public hearing to consider proposed reductions to specified planning, building and temporary sign fees.

1. It is recommended the City Council adopt Resolution No. 8218 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing temporary fee reductions for temporary sign permits to expire on June 30, 2010," as part of the Local Economic Stimulus and Business Assistance Plan; and
2. It is recommended the Agency Board approve the Local Economic Stimulus and Business Assistance Fee subsidies for Zoning Entitlements and Building Permits, effective July 1, 2009 through June 30, 2010.

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

Proposed Motion: I move that Resolution No. 8218 be read by title only, further reading be waived, and it be declared adopted; and to approve the Local Economic Stimulus and Business Assistance Fee subsidies for Zoning Entitlements and Building Permits, effective July 1, 2009 through June 30, 2010.

ROLL CALL

11. RECESS REDEVELOPMENT AGENCY MEETING:

12. PUBLIC HEARINGS:

12.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, April 28, 2009, May 26, 2009 and June 9, 2009. Based on the settlement agreement reached between the applicant and the City, it is recommended the City Council accept the request by the Hugo Gutierrez to withdraw Variance V08-004.

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

Proposed Motion: I move to accept the request by Hugo Gutierrez to withdraw Variance V08-004.

12.B This is the date and time set and duly noticed for a public hearing to consider the Police Department's proposal for the expenditure of the Federal "2009 Justice Assistance Grant" funds. It is recommended the City Council accept the 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$37,013 to purchase computer equipment and pay the fiscal agent administrative costs.

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

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

12.C This is the date and time set and duly noticed for a public hearing to consider approving Zoning Code Amendments 09-009 and 09-010 and adopting an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, temporarily amending zoning codes of the Whittier Municipal Code Chapter 18.76.080 (Temporary On-Premises Signs) pertaining to the time limitations for displaying temporary signs and Chapter 18.04.110 as it pertains to the period of validity-extensions-permits and other approvals (Applicant: City of Whittier, Zoning Code Amendments No, 09-009 and 09-010)."

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

Proposed Motion: I move that Ordinance No. 2930 be read by title only, further reading be waived, and this be declared its first reading.

13. STAFF REPORTS:

13.A It is recommended the City Council direct staff on the block party and street closure application fee.

Proposed Motion: I move to direct staff to _____.

13.B It is recommended that the City Council review and provide feedback on the City's Local Economic Stimulus and Business Assistance Plan's proposed Storefront Glass Replacement Program.

Proposed Motion: I move to direct staff to _____.

13.C It is recommended the City Council review the proposed scope of revisions to the Whittier Boulevard Specific Plan and provide direction to staff; and direct staff to retain a consultant to process the revisions and prepare the necessary environmental review document.

Proposed Motion: I move to direct staff to _____; and retain a consultant to process the revisions and prepare the necessary environmental review document.

14. RECONVENE REDEVELOPMENT AGENCY, HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

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

16. ADJOURN HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:

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; City of Whittier vs. Federal Receiver Clark Kelso.

17.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.

17.C City Council - Government Code Section 54956.95 to discuss the claim of Christopher Quast vs. City of Whittier.

17.D 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.E City Council – Government Code Section 54956.8 to discuss real property negotiations with the State of California, Department of Parks and Recreation, regarding price and terms of payment for the lease of properties described as Assessor's Parcel No. 8174-015-901, Pio Pico State Park; City negotiator: Stephen Helvey.

17.F 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.

NOTE: Mayor Pro Tem Nordbak and Council Member Vinatieri will not participate in discussion on Item 17.F due to conflicts of interest.

17.G City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Fountainhead Pacific, LP, regarding price and terms of payment for properties located at 12540 Whittier Boulevard and 12549 Washington Boulevard; City/Agency negotiator: Stephen Helvey.

- 17.H** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 15225 Jupiter.
- 18. RECONVENE IN OPEN SESSION:**
- 19. CLOSED SESSION REPORT:**
- 20. ADJOURNMENT:**

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.