

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JULY 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** Gold Star – Cindy Rowe
- 4.B** Friends of the Whittier Public Library Donation
- 4.C** Uptown YMCA Lifeguards Recognition
- 4.D** Palm Park Lifeguards Recognition

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 Michelle Cota, Jack Gregg, Andria Hernandez, Laura R. Horn, Terence Mitchell, Angel Barragan Rivera, and Linda de Vries.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of June 23, 2009 and July 14, 2009; and the City Council and Agency Board approve the Minutes of the Adjourned Regular Meeting of July 23, 2009.
- 6.C** It is recommended the City Council receive and file the Fiscal Year 2009-10 Work Plan.
- 6.D** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for May, June and July 2009.
- 6.E** It is recommended the City Council adopt Resolution No. 8219 entitled, "A Resolution of the City Council of the City of Whittier, California, to oppose the closure of Pio Pico State Historic Park."
- 6.F** It is recommended the City Council adopt Resolution No. 8220 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-2010 Budget to accept a donation from the Friends of the Whittier Public Library," in the amount of \$75,000 for library services and programs as designated by the Friends and requested by the Library Director.
- 6.G** It is recommended the City Council adopt Resolution No. 8221 entitled, "A Resolution of the City Council of the City of Whittier, California, amending Resolution No. 8198 establishing fees to be charged for public works engineering services for the temporary closure of streets (block parties)," reducing the fee amount from \$430 to \$100.
- 6.H** It is recommended the City Council adopt Resolution No. 8222 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing temporary fee reductions for wall/fencing permits along the Greenway Trail to expire on July 31, 2011," reducing the fee amount to zero dollars.

- 6.I** It is recommended the City Council take actions regarding the utility user tax (UUT) program:
1. Conduct second reading and adopt 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," to \$26,550 per household; and
 2. Adopt Resolution No. 8223 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-2010 Budget to fund the utility user tax exemption outreach program," appropriating funds for program outreach, staffing, and supplies.
- 6.J** It is recommended the Board of Directors approve the Sewer User Fee Engineer's Report for Fiscal Year 2009-2010.
- 6.K** It is recommended the City Council conduct second reading and adopt Ordinance No. 2930 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 No. 09-010)."
- 6.L** It is recommended the City Council conduct first reading of Ordinance No. 2931 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.M** It is recommended the City Council renew the landscape, hardscape and irrigation systems maintenance contract within the area designated Greenway Trail with Tropical Creations, Inc. in the amount of \$119,798; and authorize the City Manager to execute the contract.
- 6.N** The Park and Recreation Commission recommends the City Council approve facility fee usage waivers:
1. Rotary Club of Whittier rental and equipment fees in the amount of \$702.50 for the annual Rotary All-Star Game held June 10, 2009 at York Field;
 2. Welcome Home Vietnam Veteran's Day (WHVVD) rental and equipment fees in the amount of \$4,140 for the "Vietnam Veterans Memorial Youth Baseball Tournament" to be held August 24-31, 2009 at York Field;

3. St. Matthias Episcopal Church rental fees in the amount of \$140 for a Soup Hour Program fund raiser; and
 4. Whittier National Day of Prayer Organizing Committee rental and staff fees in the amount of \$480 for the Whittier National Day of Prayer held in May at the Whittier Historic Depot.
- 6.O** The Cultural Arts Commission recommends the City Council reject all First Avenue/Leffingwell Road public art proposals; and approve the distribution of a Request for Proposals to artists for a Michigan Park Art in Public Places project.
- 6.P** It is recommended the City Council approve the Modification to the Compliance Agreement for the Dedication of Park Land and/or Payment of Fees – Vesting Tentative Tract 61665 and Development Review 04-0499 with MBK Ravello, LLC; and authorize the Mayor to execute the agreement.
- 6.Q** It is recommended the City Council receive and file the Economic Development Quarterly Update for April through June 2009.
- 6.R** It is recommended the Board of Directors approve the Professional Services Agreement with Ball Janik LLP to provide legislative advocacy support for Fiscal Year 2009-2010 for a fee not to exceed \$50,400 plus expenses; and authorize the Executive Director to execute the agreement.
- 6.S** It is recommended the City Council accept the work performed by JMJ Contractors, Inc. for the construction of access ramps at various locations; and authorize the City Clerk to record the Notice of Completion.
- 6.T** It is recommended the City Council accept the work performed by R.J. Noble Company for the Lambert Road Resurfacing from Scott Avenue to Leffingwell Road and Lambert Road Overlay from Painter Avenue to west of Mills Avenue Project; and authorize the City Clerk to record the Notice of Completion.
- 6.U** It is recommended the City Council approve the plans and specifications for Byron/Rivera Road Overlay from Washington Boulevard to the west City limit; and authorize the City Clerk to advertise for construction bids.
- 6.V** It is recommended the City Council accept the work performed by Magicool Inc., for the Senior Center Air Conditioner Replacement Project (final phase); and authorize the City Clerk to record the Notice of Completion.

- 6.W** It is recommended the City Council approve the Encroachment License for the Whittier Area Community Church located at 8175 Villaverde Drive; and authorize the City Manager to execute the Encroachment License.
- 6.X** It is recommended the Agency Board review and approve the Local Economic Stimulus and Business Assistance Plan's proposed Glass Storefront Etching Abatement Program.
- 6.Y** It is recommended the City Council approve a lease with Carter Sanitation for a portion of Greenway Trail property for vehicle and equipment storage and parking; and authorize the City Manager to execute the agreement.
- 6.Z** It is recommended the Board of Directors appoint Ross Financial, Financial Advisor; Stone & Youngberg, Underwriters; and Quint & Thimmig, Bond Counsel as the financing team to analyze the potential issuance of water bonds in an amount between \$200,000 and \$250,000; and authorize the Executive Director to approve the necessary agreements.
- 6.AA** It is recommended the City Council take actions regarding the Jail Services Agreement with Wackenhut Corporation as follows:
1. Amend Section 3.2 of the Agreement to reflect the services dates beginning July 1, 2009 and terminating June 30, 2011;
 2. Amend Exhibit A – Billing Rates of the Agreement to reflect a total increase of \$12,514 in the Agreement over the two-year term;
 3. Amend Section 10.2 to reflect a modification in overtime billing rates; and
 4. Authorize the Mayor to execute the Amendment.
- 6.BB** It is recommended the City Council approve a modification to Condition #13 in the Special Event Permit for the 2009 Whittier Uptown Association's weekly Wednesday Night Family Fair to clarify items regarding security.
- 6.CC** It is recommended the City Council award a Professional Services Agreement in the amount of \$15,750 for architectural design of the Joe Miller Field restroom facility; and authorize the City Manager to execute the Agreement.
- 6.DD** It is recommended the City Council:
1. Approve the Memorandum of Understanding with the Whittier City Employees' Association (WCEA) for the period of July 1, 2009 through June 30, 2010;

2. Adopt Resolution No. 8224 entitled, "A Resolution of the City Council of the City of Whittier, California, amending Salary Resolution No. 8217 by adding floating holiday provision and Water Certificate Pay Program"; and
3. Approve staff implementing the changes in compensatory time off maximum accrual for WCEA employees and for civilian classified management employees.

Proposed Motion: I move that the Consent Calendar be approved as submitted, including awarding an Agreement with Pickard Architects (Item 6.CC); and that Resolution Nos. 8219 (Item 6.E); 8220 (Item 6.F); 8221 (Item 6.G); 8222 (Item 6.H); 8223 (Item 6.I) and 8224 (Item 6.DD); and Ordinance Nos. 2929 (Item 6.I) and 2930 (Item 6.K) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2931 (Item 6.L) be read by title only, further reading be waived, and this be declared its first reading.

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 adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Lot Line Adjustment No. LLA08-003 to adjust a portion of the common property line of Parcel 1 and Parcel 2 of Parcel Map No. 13713, in the City of Whittier (Owners: Elia Zavala; Mary Bonaventura)," for properties located at 15270 and 15280 Youngwood Drive.

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

Proposed Motion: I move that Resolution No. 8225 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 public hearing to consider adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, finding the City to be in conformance with the Congestion Management Program and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089."

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

Proposed Motion: I move that Resolution No. 8226 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 Zoning Code Amendment (ZCA) 09-004, Specific Plan Amendment (SPA) 09-002, and Specific Plan Amendment (SPA) 09-003 to dissolve the Design Review Board and establish alternative management processes; and adopt the following ordinances and resolution:

1. Ordinance No. 2932 entitled, "An Ordinance of the City Council of the City of Whittier, California, to modify various sections of the Whittier Municipal Code to eliminate all references to the "Design Review Board" for the purpose of dissolving the Board and establishing alternative management processes for administering Development Review applications and other existing Design Review Board functions. (Zoning Code Amendment 09-004 – City of Whittier)";
2. Ordinance No. 2933 entitled, "An Ordinance of the City Council of the City of Whittier, California, to modify various sections of the Whittwood Town Center Specific Plan to eliminate all references to the "Design Review Board" for the purpose of dissolving the Board and establishing alternative management processes for administering Development Review applications and other existing Design Review Board functions. (Specific Plan Amendment 09-002 – City of Whittier)"; and
3. Resolution No. 8227 entitled, "A Resolution of the City Council of the City of Whittier, California, amending various sections of the Uptown Whittier Specific Plan to eliminate all references to the "Design Review Board" for the purpose of dissolving the Board and establishing alternative management processes for administering Development Review applications and other existing Design Review Board functions. (Specific Plan Amendment 09-003 – City of Whittier)."

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

Proposed Motion: I move that Ordinance Nos. 2932 and 2933 be read by title only, further reading be waived, and this be declared their first reading; and that Resolution No. 8227 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

- 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 (ZCA) 08-005, Specific Plan Amendment (SPA) 09-004, and Specific Plan Amendment (SPA) 09-005 regarding new regulations for businesses offering alcoholic beverages in conjunction with live entertainment or similar uses; and adopt the following ordinances and resolution. It is further recommended the City Council authorize summary publication of the proposed ordinances for ZCA 08-005 and SPA 09-004:
1. Ordinance No. 2934 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding Chapter 18.43 (businesses offering or selling alcoholic beverages in conjunction with any on-site dancing, live entertainment, musical performances, amplified music, billiard/pool hall, arcade, internet café, smoking lounge, restaurant, bar, banquet hall, club, or similar uses) to the Whittier Zoning Code and amend various sections of the Whittier Zoning Code. (Zoning Code Amendment 08-005 - City of Whittier)";
 2. Ordinance No. 2935 entitled, "An Ordinance of the City Council of the City of Whittier, California to modify various sections of the Whittwood Town Center Specific Plan to establish consistency with the regulations set forth in Whittier Municipal Code Chapter 18.43 (businesses offering or selling alcoholic beverages in conjunction with any on-site dancing, live entertainment, musical performances, amplified music, billiard/pool hall, arcade, internet café, smoking lounge, restaurant, bar, banquet hall, club, or similar uses) and apply the same regulations in Chapter 18.43 to the Whittwood Town Center Specific Plan Area (Specific Plan Amendment 09-004 - City of Whittier)"; and
 3. Resolution No. 8228 entitled, "A Resolution of the City Council of the City of Whittier, California amending various sections of the Uptown Whittier Specific Plan to establish consistency with the regulations set forth in Whittier, Municipal Code Chapter 18.43 (businesses offering or selling alcoholic beverages in conjunction with any on-site dancing, live entertainment, musical performances, amplified music, billiard/pool hall, arcade, internet café, smoking lounge, restaurant, bar, banquet hall, club, or similar uses) and apply the same regulations contained in Chapter 18.43 to the Uptown Whittier Specific Plan Area. (Specific Plan Amendment 09-005 - City of Whittier)."

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

Proposed Motion: I move that Ordinance Nos. 2934 and 2935 be read by title only, further reading be waived, and this be declared their first reading; to authorize summary publication of the ordinances; and that Resolution No. 8228 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

9. STAFF REPORTS:

- 9.A** It is recommended the City Council review the business license tax as it relates to real estate salesmen; and either:
1. Receive and file the report; or
 2. Direct staff to return with an ordinance amending the tax code based on Council consensus.

Proposed Motion: I move to _____.

- 9.B** It is recommended the City Council direct staff as to any proposed changes the Council desires to make to the existing Barbed Wire Ordinance; and receive and file this report.

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

- 9.C** It is recommended the City Council select a delegate and an alternate to serve on the Southern California Association of Governments (SCAG).

Proposed Motion: I move to select _____ and _____ as the delegate and alternate to SCAG.

- 9.D** It is recommended the City Council consider writing a letter of support for Foreign Trade Zone #243 to expand their service area to include the City of Whittier for future Foreign Trade Zone sites by business and property owners.

Proposed Motion: I move to _____.

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

11. CITY COUNCIL AND UTILITY AUTHORITY JOINT REPORT:

11.A It is recommended the City Council and Board of Directors adopt the Sewer System Management Plan (SSMP), as required by the State Water Resources Control Board (SWRCB) under Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

Proposed Motion: I move to adopt the Sewer System Management Plan.

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

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

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

14.A City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with property owners listed regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:

1. L and P Property Management Company – Assessor Parcel Nos. (APN) 8170-026-009; 8170-026-010; 8170-026-011; and 8170-026-012;
2. Paul Weil Whittier Properties – APN 8170-026-004
3. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – APN 8170-026-006;
4. State of California – APN 8170-013-904;
5. Southern Pacific Transportation Co. SBE 872 19 254E PAR – APN 8170-013-815 and 8170-013-816; and
6. NWM Corporation – APN 8170-028-013

14.B City Council/Utility Authority – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, Whittier Police Officers Association, and unrepresented employees.

- 14.C** City Council – Government Code Section 54956.8 to discuss real property negotiations for acquisition of a perpetual easement along the Union Pacific Railroad (UPRR) right-of-way for the Greenway Trail from Mills to the eastern city limits at Valley Home; City negotiator: Stephen Helvey.
- 14.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 14.D due to a conflict of interest.

- 15. RECONVENE IN OPEN SESSION:**
- 16. CLOSED SESSION REPORT:**
- 17. ADJOURNMENT:**
- 18. NEXT MEETING:** Tuesday, August 11, 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.