

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
AUGUST 11, 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** Assistance League of Whittier
 - 4.B** Blue Star Presentations
 - Melody Snuffer
 - Phil Goodman
 - Deborah and George Lopez
- 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 Larry Gneiting and Mark R. Heatherston.
- 6.B** It is recommended the City Council, Agency Board and Authority Directors approve the Minutes of the Regular Meeting of July 28, 2009.
- 6.C** It is recommended the City Council adopt Resolution No. 8229 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 Assistance League of Whittier," in the amount of \$10,500 for library materials and programs.
- 6.D** It is recommended the Board of Directors appoint Ross Financial as Financial Advisor, Stone & Youngberg as Underwriter, and Quint & Thimmig as Bond Counsel, at an estimated cost of \$200,000-\$250,000, to serve as the financing team to analyze the potential issuance of water bonds; and authorize the Executive Director to approve and execute the agreements.
- 6.E** It is recommended the City Council conduct second reading and adopt 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.F** It is recommended the City Council conduct second reading and adopt ordinances dissolving the Design Review Board:
- 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)"; and

- 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).”
- 6.G** It is recommended the City Council accept a Section 5317 Federal Transit Administration (FTA) grant to fund additional door-to-door transportation services; and authorize the City Manager to sign the 2008 Section 5317 Memorandum of Understanding (MOU) for Paratransit Services for the disbursement of grant funds.
- 6.H** It is recommended the City Council receive and file the following Planning Commission action unless review is requested by a Council Member: approval of Conditional Use Permit C09-007 to allow the on-site sale of alcoholic beverages under a Type 41 license (beer and wine); extended hours of operation until 2:00 a.m. daily; and live entertainment for a proposed restaurant d.b.a. “Bambooze”, located at 6518-6522 Greenleaf Avenue, Suite 7; Applicant: Carlos Fernandez; Owner: KMS Investment, Inc.
- 6.I** It is recommended the City Council take the following actions relating to the SKILLS (Supporting Kids in Living and Learning Successfully) Foundation:
1. Approve an agreement with the SKILLS Foundation for the City’s participation in the SKILLS Foundation programs;
 2. Accept a grant in the amount of \$38,000 from the SKILLS Foundation for Orchard Dale After School Program and Friday Forum Dance Program;
 3. Authorize the City Manager to execute the Agreement; and
 4. Adopt Resolution No. 8230 entitled, “A Resolution of the City Council of the City of Whittier, California, amending the Fiscal year 2009-10 Budget for an additional \$38,000 for the SKILLS Foundation Programs”.

- 6.J** It is recommended the Agency Board and City Council take the following actions relating to Underground Utility District No. 12 (UUD No. 12) Streetlights – Whittier Boulevard from Santa Gertrudes Avenue to Valley Home Avenue:
1. Approve the streetlight design within UUD No. 12;
 2. Approve the Street Lights Agreement, in substantially the form provided, with Southern California Edison and authorize the City Manager to sign the agreement;
 3. Adopt Resolution No. 8231 entitled “A Resolution of the City Council of the City of Whittier, California, consenting to Whittier Redevelopment Agency funding the purchase and installation of street lighting and making findings related thereto”;
 4. Adopt Resolution No. WRA-09-09 “A Resolution of the Board of the Whittier Redevelopment Agency approving that Agency’s funding of the purchase and installation of street lighting and making findings related thereto”;
 5. Adopt Resolution No. WRA-09-10 “A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal year 2009-10 Budget for the purpose of funding purchase and installation of street lights on Whittier Boulevard”; and
 6. Approve payment of \$516,098.75 to Southern California Edison from Whittier Commercial Corridor Redevelopment Project Area account number 991-18-184-000-804035.
- 6.K** It is recommended the City Council receive and file an update on Whittier Police Department additional security staffing for the Uptown Family Festival on July 29 and August 5, 2009.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8229 (Item 6.C), 8230 (Item 6.I), 8231, WRA-09-09, and WRA-09-10 (Item 6.J); and Ordinance Nos. 2931 (Item 6.E), 2932 and 2933 (Item 6.F); 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 the recommendation of the Planning Commission to approve Zoning Code Amendment 09-012 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, to amend Chapter 18.04.120 (Modification of Conditions—Permits and Other Approvals) of the Whittier Municipal Code by adding text that gives the Director of Community Development authority to administratively approve minor modification(s) to approved plans from higher approval authorities. (Zoning Code Amendment 09-012 - City of Whittier)."

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

Proposed Motion: I move that Ordinance No. 2927 be read by title only, further reading be waived, and this be declared its first reading.

- 8.B** 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 08-006 and adopt an Ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California repealing and replacing Chapter 5.40 (Massage Parlors) of Title 5 (Business Taxes, Licenses and Regulations) with Chapter 18.41 (Massage Establishment) of Title 18 (Zoning) of the Whittier Municipal Code regarding massage operators, establishments, technicians and employees." It is further recommended the City Council authorize summary publication of the ordinance.

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

Proposed Motion: I move that Ordinance No. 2936 be read by title only, further reading be waived, this be declared its first reading; and to authorize summary publication of the ordinance.

- 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 09-011 and adopt an Ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment No. 09-011 to add Chapter 18.49 (Smoking Lounges) to the Whittier Zoning Code and amend Section 18.52.030(H) (Uses Conditionally Permitted in the C-1 Zone) of the Whittier Zoning Code (Applicant: City of Whittier)," to establish a smoking lounge ordinance.

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

Proposed Motion: I move that Ordinance No. 2937 be read by title only, further reading be waived, and this be declared its first reading.

9. BOARDS AND COMMISSIONS:

- 9.A** It is recommended the City Council consider filling a vacancy on the Planning Commission for a term ending July 1, 2013.

Proposed Motion: I move to _____.

10. STAFF REPORTS:

- 10.A** It is recommended the City Council select voting delegates and take positions on the proposed resolutions for the League of California Cities' Annual Business Meeting on September 18, 2009.

Proposed Motion: I move to select _____ and _____ as voting delegates; and _____.

- 10.B** It is recommended the City Council formally appoint a subcommittee to provide leadership and interim direction to staff regarding Pio Pico State Historic Park.

Proposed Motion: I move to appoint _____ and _____ to the Pio Pico State Historic Park City Council Subcommittee.

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

12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:

13. ADJOURN UTILITY AUTHORITY MEETING:

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

14.A City Council – Government Code Section 54956.9(c), one case of potential litigation, City of Whittier vs. Platinum Security.

14.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group, LLC regarding price and terms of payment for properties located at 12813 Bailey Street, 12802 Hadley Street, and 6541 to 6557 Comstock Avenue; City/Agency negotiator: Stephen Helvey.

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

1. RGH Holdings - 12423 and 12425 Whittier Boulevard and AIN 8141-018-004; and
2. Raul Garcia - 12421 Whittier Boulevard.

NOTE: Mayor Pro Tem Nordbak and Council Member Warner may not participate in discussion on Item 14.D due to conflicts of interest.

15. RECONVENE IN OPEN SESSION:

16. CLOSED SESSION REPORT:

17. **ADJOURNMENT:** In memory of Sergeant Blue Rowe.
18. **NEXT MEETING:** Tuesday, August 25, 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.