

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
OCTOBER 27, 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
Frances Brook
Adriana Najera

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 Betty Jean Fenton, Robert M. Montoya, Vartan John Pamoukian, John Rabatin, and Daniel Paul Anderson.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of October 13, 2009.
- 6.C** It is recommended the City Council receive and file the Economic Development Quarterly Update for July through September 2009.
- 6.D** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for September and October 2009.
- 6.E** The Social Services Commission and Accessibility Committee recommend the City Council approve revising the operations guidelines for the Accessibility Committee.
- 6.F** It is recommended the City Council conduct second reading and adopt Ordinance No. 2936 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."
- 6.G** It is recommended the Agency Board approve \$238,533 in tax increment and sales tax reimbursement to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.H** It is recommended the Agency Board accept a loan from the City for \$169,249 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the first half of Fiscal Year 2008-09; and approve the reimbursement to TRC MM, LLC of the 2008-09 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$315,626.
- 6.I** It is recommended the Agency Board accept a loan from the City for \$49,069 representing 50% of the sales tax generated by the Whittier Marketplace project during January to June 2009; and approve the reimbursement to Whittier Marketplace, Inc. of the April 2009 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$190,371.

- 6.J** It is recommended the Agency Board approve the Second Amendment to the Affordable Housing and Regulatory Agreement with Gables Whittier 96 Partners, LP (HDS Group, LLC) for use of up to \$3,500,000 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 Amendment.
- 6.K** It is recommended the City Council adopt Resolution No. 8239 entitled, "A Resolution of the City Council of the City of Whittier, California, granting Crimson California Pipeline, L.P., transfer of Pipeline Ordinance No. 2871," regarding a pipeline in Leffingwell Road, from Scott Avenue to Valley Home Avenue.
- 6.L** It is recommended the Board of Directors award the construction contract for the Alley Pavement Rehabilitation in Areas 2, 3, 4 & 5 Project; reject all other bids; and authorize the Executive Director to sign the contract.
- 6.M** It is recommended the City Council adopt Resolution No. 8240 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-10 Budget related to supplemental appropriations for the 2008 State Homeland Security Grant," in the amount of \$25,012.
- 6.N** It is recommended the City Council approve an amendment to the soils and construction materials testing contract with Southwest Inspection and Testing for the police facility project; and authorize the City Manager to execute the amendment.
- 6.O** It is recommended the City Council adopt Resolution No. 8241 entitled, "City Council of the City of Whittier, A Resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A Receivable from the state; and directing and authorizing certain other actions in connection therewith."
- 6.P** The Planning Commission recommends the City Council receive and file the 2008-09 General Plan Annual Progress Report; and direct staff to forward a copy to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

- 6.Q** It is recommended the City Council conduct second reading and adopt Ordinance No. 2938 entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment No. 09-013 to amend Section 18.10.020(I) (Second Dwelling Units), Section 18.16.030(A)(2) (Development Standards [for the R-1 zone]) and amending Section 18.48.020 (Schedule of Parking Requirements [for second dwelling units] of the Whittier Zoning Code. (Applicant: City of Whittier)."

Proposed Motion: I move that the Consent Calendar be approved as submitted including awarding a construction contract to Pavement Coating Co. (Item 6.L); that Ordinance Nos. 2936 (Item 6.F) and 2938 (Item 6.Q); and Resolution Nos. 8239 (Item 6.K); 8240 (Item 6.M); and 8241 (Item 6.O) 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 continued 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. The public hearing was continued from July 28, 2009. It is recommended the public hearing be continued to a date uncertain.

Proposed Motion: I move that the public hearing be continued to a date uncertain.

- 8.B** This is the date and time set and duly noticed for a public hearing to consider the Uptown Business Improvement Area levy for calendar year 2010, confirm the Annual Report as submitted by the Uptown Association, and adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming the Annual Report and levy of assessments for the Uptown Whittier Business Improvement Area for Calendar Year 2010." It is also recommended the City Council approve the agreement with the Whittier Uptown Association for Calendar Year 2010; and authorize the City Manager to execute the Agreement.

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

Proposed Motion: I move to confirm the Uptown Association Annual Report; that Resolution No. 8242 be read by title only, further reading be waived, and it be declared adopted; to approve the 2010 Agreement with the Uptown Association; and authorize the City Manager to execute the Agreement.

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 General Plan Amendment 09-001 and the Negative Declaration prepared therefor; and adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, adopting a Negative Declaration for the City of Whittier Housing Element Update and approving General Plan Amendment 09-001 for the City of Whittier's Housing Element Update for the planning period 2006-2014 (City initiative)."

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

Proposed Motion: I move that Resolution No. 8243 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 continued public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-014 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, to add Chapter 18.67 (Traffic Demand Management) to the Whittier Municipal Code which includes regulations for improving traffic congestion and air quality in the City of Whittier as required under the Los Angeles County Congestion Management Plan. (Zoning Code Amendment 09-014 – City of Whittier)." The public hearing was continued from October 13, 2009.

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

Proposed Motion: I move that Ordinance No. 2939 be read by title only, further reading be waived, and this be declared its first reading.

9. STAFF REPORTS:

- 9.A** It is recommended the City Council consider adding study of a potential Earlham historic district to a future Council agenda for action.

Proposed Motion: I move to _____.

- 9.B** It is recommended the City Council receive and file the report for the Eastside Gold Line Phase II Extension proposal.

Proposed Motion: I move to receive and file the report for the Eastside Gold Line Phase II Extension proposal.

- 9.C** It is recommended the City Council take actions regarding the American Recovery and Reinvestment Act Projects:

1. Adopt Resolution No. 8244 entitled, "A Resolution of the City Council of the City of Whittier, California, approving program supplements to the Local Agency-State Agreement for American Recovery and Reinvestment Act of 2009 funded projects";
2. Adopt Resolution No. 8245 entitled, "A Resolution of the City Council of the City of Whittier, California, adding a supplemental appropriation to the Fiscal Year 2009-10 Budget for the allocation of American Recovery and Reinvestment Act of 2009 funds to various projects," in the amount of \$2,599,000; and
3. Authorize the City Manager to execute the Program Supplement Agreements.

Proposed Motion: I move that Resolution Nos. 8244 and 8245 be read by title only, further reading be waived, and they be declared adopted; and to authorize the City Manager to execute the Program Supplement Agreements.

ROLL CALL

- 9.D** It is recommended the City Council discuss redevelopment alternatives for the Fred C. Nelles site; and provide direction to staff with regard to the appropriate mix of land uses which meet the City's goals.

Proposed Motion: I move to _____.

10. RESOLUTION:

10.A It is recommended that City Council adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier approving Conditional Use Permit No. CUP09-002 to operate a new medical marijuana dispensary located at 8116 Byron Road, Suite D (Applicant: Dolores Enriquez (D.B.A. Seventh and Hope, LLC); Owner: RLJ Investment Properties, LLC)."

Proposed Motion: I move that Resolution No. 8246 be read by title only and further reading be waived.

Proposed Motion: I move that Resolution No. 8246 be declared adopted.

ROLL CALL

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

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

13. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

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

14.A City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Hitt vs. City of Whittier.

14.B City Council - Government Code Section 54956.9(a) to discuss the claim of Rowe vs. City of Whittier.

14.C City Council – Government Code Section 54956.9(b),(c) to discuss one case of potential litigation based on a California Environmental Quality Act (CEQA) claim made by the Habitat Authority Board of Directors against the City of La Habra Heights.

15. RECONVENE IN OPEN SESSION:

16. CLOSED SESSION REPORT:

17. ADJOURNMENT:

18. NEXT MEETING: Tuesday, November 10, 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.