

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 23, 2010, 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:

Maria Govea and Family
Dr. and Mrs. Rivas
Howard Johnson and Family

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 Alfonso and Gloria Padilla, Elizabeth K. Asawa, Graham S. Kerr, Adam C. Libertoski, and John A. Sauzman.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of February 9, 2010.
- 6.C** It is recommended the City Council approve the Special Event Permit request from the Bell Gardens Lions Club for its annual bike ride scheduled for March 6, 2010, from 10:00 a.m. to 2:00 p.m.
- 6.D** It is recommended the City Council award the construction contract for the Intersection Improvements on Mar Vista Street at California Avenue, Federal Project No. ESPL-5111 (056); reject all other bids; and authorize the City Manager to execute the contract.
- 6.E** It is recommended the City Council conduct second reading and adopt Ordinance No. 2948 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Title 18 (Zoning) of the Whittier Municipal Code pertaining to the regulation and development of emergency shelters (Zoning Code Amendment 09-017 - City of Whittier)."
- 6.F** It is recommended the City Council conduct second reading and adopt Ordinance No. 2949 entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment No. 09-019 to amend Chapter 18.09 (Open Space) and Chapter 18.47 (Wireless Telecommunications Facilities on Public and Private Property) of the Whittier Zoning Code. (Applicant: City of Whittier)."
- 6.G** It is recommended the City Council conduct second reading and adopt Ordinance No. 2950 entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment No. 09-018 to amend Section 18.10.020(I) (Secondary Dwelling Units) and amending Section 18.48.020 (Schedule of Parking Requirements [for secondary dwelling units]) of the Whittier Zoning Code. (Applicant: City of Whittier)."
- 6.H** It is recommended the City Council approve a special event permit for the Walk 4 Life event sponsored by the Whittier Pregnancy Care Clinic on Saturday, March 6, 2010 starting at 8:30 a.m., beginning and ending at the Whittier Pregnancy Care Clinic, 16147 E. Whittier Boulevard.

- 6.I** It is recommended the City Council adopt Resolution No. 8272 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-10 Budget related to the supplemental appropriations for the Justice Assistance Grant," in the amount of \$34,871 to purchase personal computers and computer monitors for use in the new Police facility.
- 6.J** It is recommended the City Council, Redevelopment Agency Board, and Utility Authority Board of Directors review and approve the 2010 Statement of Investment Policy.
- 6.K** It is recommended the City Council receive and file the Gateway Cities Council of Governments' updates for November 2009; and January and February 2010.
- 6.L** It is recommended the City Council receive and file the following Planning Commission actions unless review is requested by a Council Member:
1. Approval of Development Review DR06-697 to construct a new 24,500-square foot commercial building to be used for a Sprouts Farmers Market and the ancillary parking lot and landscaping; Variance No. VAR10-002 to reduce the usable open space requirement per the Whittier Boulevard Specific Plan, Shopping Cluster District; and Conditional Use Permit No. CUP10-003 to allow the on-site sale of beer and wine under a Type 20 alcoholic license for off-site consumption for property located at 15801 Whittier Boulevard; Applicant: Pickard Architects; Owners: Bright Properties and Centerfire, LLC.
 2. Approval of Conditional Use Permit CUP09-013 to upgrade an existing beer and wine license (Type 41) to a general alcohol license (Type 47) for on-site consumption for an existing restaurant doing business as "Vintage Café" located at 6741 Bright Avenue; Applicants: Sam Ortiz and Mariaelena Cervantes; Owner: Ed Ortiz, Ortmac, LLC.
- 6.M** It is recommended the City Council approve a fee waiver for the usage of City equipment at the Welcome Home Vietnam Veterans' Day event at California High School on Sunday, March 28, 2010 from 11:00 a.m. to 6:00 p.m.
- 6.N** It is recommended the City Council ratify the decision of the Board of Directors of the Gateway Cities Council of Governments to accept delegation under SB 375 for the preparation of a sub-regional Sustainable Communities Strategy.

- 6.O** It is recommended the City Council accept a donation from the Whittier Host Lions Club for the purchase and construction of barns at the Parnell Park Zoo.

Proposed Motion: I move that the Consent Calendar be approved as submitted, including awarding a construction contract to All American Asphalt (Item 6.D); that Ordinances Nos. 2948 (Item 6.E); 2949 (Item 6.F); and 2950 (Item 6.G); and that Resolution No. 8272 (Item 6.I) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

7. RECESS UTILITY AUTHORITY MEETING:

8. CITY COUNCIL PUBLIC HEARING AND REDEVELOPMENT AGENCY REPORT:

- 8.A** It is recommended the City Council and Redevelopment Agency take actions regarding funding for the construction of a police station located at 13200 Penn Street:

1. City Council conduct a duly noticed public hearing to consider adopting Resolution No. 8273 entitled, "A Resolution of the City Council of the City of Whittier, California, consenting to the use of Whittier Redevelopment Agency funds for the construction of a police station located at 13200 Penn Street and making certain determinations in accordance with Health and Safety Code Sections 33445 and 33679."

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

Proposed Motion: I move that Resolution No. 8273 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

2. Subsequent to City Council adoption of Resolution No. 8273, it is recommended the Agency Board adopt the following Resolutions:
 - Resolution No. WRA-10-01 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency authorizing the expenditure of Whittier Redevelopment Agency funds for the construction of a police station located at 13200 Penn Street and making certain determinations in accordance with Health and Safety Code Sections 33445 and 33679"; and

- Resolution No. WRA-10-02 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2009-10 Budget for the purpose of funding construction of a police station located at 13200 Penn Street," in the amount of \$4,500,000.

Proposed Motion: I move that Resolution Nos. WRA-10-01 and WRA-10-02 be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

9. RECESS CITY COUNCIL MEETING:

10. REDEVELOPMENT AGENCY STAFF REPORT:

10.A It is recommended the Agency Board take the following actions regarding the Uptown Whittier Parking Management Plan:

1. Approve a Professional Services Agreement in substantially the form as attached for the development of the Uptown Whittier Parking Management Plan for a fee of \$179,850;
2. Approve a contingency fund in the amount of \$25,000 to be used, if needed, for additional community outreach or additional consultant time, subject to the approval of the Executive Director; and
3. Authorize the Executive Director to execute the Agreement.

Proposed Motion: I move to approve staff's recommendation.

ROLL CALL

11. RECONVENE CITY COUNCIL MEETING AND RECESS REDEVELOPMENT AGENCY MEETING:

12. CITY COUNCIL STAFF REPORT:

12.A It is recommended the City Council approve:

1. Reprogramming the City's Mitel telephone system to allow it to service the new Police Department building as well as the Branch Library and City Yard (\$113,800);
2. Replacing the Octel VMX voice mail system with an AVST voice mail system (\$36,200);
3. Replacing the telephone switches at the Branch Library and City Yard (\$39,000); and

4. Changing the service from the telephone company into City Hall, purchasing five blocks of Direct Inward Dial (DID) telephone numbers, and changing City telephone numbers to a sequential plan (\$5,100).

Proposed Motion: I move to approve staff's recommendation.

13. ORDINANCE:

- 13.A** It is recommended the City Council conduct second reading and adopt Ordinance No. 2952 entitled, "An Ordinance of the City Council of the City of Whittier, California, adopting a temporary overlay zone for the Whittier Boulevard Specific Plan Area," approving a six-month economic stimulus for the Whittier Boulevard Specific Plan area with the ability for Council to extend the life of the ordinance in six-month increments, as necessary.

Proposed Motion: I move that Ordinance No. 2952 be read by title only and further reading be waived.

Proposed Motion: I move that Ordinance No. 2952 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 JOINT CLOSED SESSION: It is recommended a Closed Session be held pursuant to:

- 17.A** City Council – 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.

- 17.B** City Council – Government Code Section 54956.9(b) to discuss three cases of potential litigation; the City is not specifically identifying 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.C** City Council – Government Code Section 54956.9(a) to discuss the claim of Nordquist vs City of Whittier.

- 17.D** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:
1. Toyota of Whittier - 14577 Whittier Boulevard
 2. Community Honda - 13839 Whittier Boulevard
- 17.E** City Council – Government Code Section 54956.8 to discuss real property negotiations with the Puente Hills Landfill Native Habitat Preservation Authority regarding a potential conservation easement on one-half (0.5) acre of old Chevron property identified as APN 8291-005-900 in the Whittier Hills; City negotiator Stephen Helvey.
- 17.F** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard (Gables project); Agency negotiator: Stephen Helvey.
- 17.G** City Council – Government Code Section 54956.8 to discuss real property negotiations with Matrix Oil Company regarding terms of payment for lease of properties identified as Assessor Parcel Nos. (APN's) 8137-021-902; 8137-021-907; 8289-007-909; and 8289-021-904; City negotiator Stephen Helvey.
- 18. RECONVENE IN OPEN SESSION:**
- 19. CLOSED SESSION REPORT:**
- 20. ADJOURNMENT:**
- 21. NEXT MEETING:** Tuesday, March 9, 2010 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.