

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
APRIL 27, 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  
Owen Newcomer, Council Member  
Bob Henderson, Council Member  
Cathy Warner, Mayor Pro Tem  
J. Greg Nordbak, Mayor

**3. PLEDGE OF ALLEGIANCE:**

**4. PRESENTATIONS:**

**4.A** Blue Star Presentations

Shar and Jeff Doty  
Nancy Parker and family  
Betty Morelock

**4.B** Proclamation - Silver Star Banner Presentation

Patrick Dowd, Post 51

**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 following actions be taken regarding Minutes:
1. City Council approve the Minutes of the March 23, 2010 Adjourned Regular Meeting;
  2. City Council, Agency Board and Board of Directors approve the Minutes of the March 23, 2010 and April 13, 2010 Regular Meetings.
- 6.B** It is recommended the City Council adopt Resolution No. 8278 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009–2010 Budget to fund the administration costs for the Whittier Greenway Trail from the Transit Proposition C account," in the amount of \$93,000.
- 6.C** It is recommended the Agency Board and City Council take the following actions regarding the Alpha Beta property located at 12802 Hadley Street, 12813 Bailey Street, and 6541 to 6557 Comstock Avenue:
1. City Council adopt Resolution No. 8279 entitled, "A Resolution of the City Council of the City of Whittier, California, approving the sale of Parcels 8139-005-909, 8139-005-910, 8139-005-911, and 8139-005-912 to the Whittier Redevelopment Agency"; and
  2. Agency Board adopt Resolution No. WRA-10-03 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving the purchase of Parcels 8139-005-909, 8139-005-910, 8139-005-911 and 8139-005-912 from the City of Whittier."
- 6.D** 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 Conditional Use Permit Modification C88-003(M1) to allow truck rental in conjunction with the self-storage facility d.b.a. as "Mini U-Storage" and one-way vehicular exit only on Mills Avenue, for property located at 10231 Colima Road; (Applicant: Pacific Planning Group; Owner: Dahn Corporation).

2. Approval of Conditional Use Permit CUP10-004 and Development Review DRP09-056, to replace a 60-foot wireless telecommunications facility; allow the construction and operation of a new 70-foot tall wireless telecommunication facility (mono-pole) within the Whittier Boulevard Specific Plan, Shopping Cluster I District; and for the co-location of another wireless provider's (d.b.a. T-Mobile Wireless) antennas array, for property located at 8308 Comstock Avenue; (Applicant: Coastal Business Group on behalf of T-Mobile Wireless; Owner: Walgreen's Corporation).

**6.E** It is recommended the Agency Board take the following actions regarding the Whittier Marketplace reimbursement:

1. Accept a loan from the City of Whittier for \$51,185 representing 50% of the sales tax generated by the Whittier Marketplace project during July to December 2009, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Whittier Marketplace, Inc.; and
2. Approve reimbursement to Whittier Marketplace, Inc. of the November 2009 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$195,601, pursuant to the DDA.

**6.F** It is recommended the Agency Board take the following actions regarding the Whittier Quad reimbursement:

1. Accept a loan from the City of Whittier for \$176,350 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the second half of Fiscal Year 2008-09, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Terramar Retail Centers (TRC MM, LLC, formerly GMS Realty, LLC); and
2. Approve reimbursement to TRC MM, LLC of the 2008-09 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$322,727, pursuant to the Quad at Whittier DDA.

**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 City Council approve the modification to the agreement with Joanne Lombardo dba: Comprehensive Planning Services for management of the conditional use permit and environmental processing for the proposed Whittier Main Mineral Extraction by Matrix Oil; and authorize the City Manager to sign the amendment.

- 6.I** It is recommended the City Council approve the modification to the agreement with Marine Research Specialists for processing the Environmental Impact Report for the proposed Whittier Main Mineral Extraction by Matrix Oil; and authorize the City Manager to sign the amendment.
- 6.J** It is recommended the City Council receive and file the January through March 2010 Economic Development Quarterly Update Report.
- 6.K** It is recommended the Board of Directors take the following actions regarding the Main San Gabriel Basin:
1. Adopt Resolution No. WUA-10-01 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority authorizing the lease of water production rights," finding that for Fiscal Year 2009-10 the Whittier Utility Authority (WUA) has 1,500 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers and is available for lease;
  2. Approve and authorize the Executive Director to sign water rights lease agreements with California Domestic Water Company, La Puente Valley County Water District and the City of Industry Waterworks System, in substantially the form of the attached Watermaster approved standard form water rights lease agreement; and
  3. Adopt Resolution No. WUA-10-02 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority amending the Fiscal Year 2009-10 Budget to increase the Water Administration Production Rights revenue," in the amount of \$ 675,000.
- 6.L** It is recommended the Board of Directors approve the plans and specifications for the Water Main Replacement Project – La Cuarta Street; allocate the proceeds from the leasing of 1,500 acre-feet of FY 2009-10 water production rights to the project; and authorize the Secretary-Treasurer to advertise the project for construction bids.
- 6.M** It is recommended the City Council accept the work performed by Allsup Corporation for the construction of the Compressed Natural Gas Vehicle Refueling Station; and authorize the City Clerk to file the Notice of Completion.
- 6.N** It is recommended the City Council approve the issuance of a Contract Change Order in the amount of \$102,350 with Christopher A. Morales, Inc. to increase the quantity of new conduit and associated amenities installed in conjunction with the Painter Avenue and Ramona LED Streetlights Improvement project, utilizing American Recovery and Reinvestment Act (ARRA) funding.

- 6.O** It is recommended the City Council:
1. Approve the comprehensive Memorandum of Understanding with the Whittier City Employees' Association (WCEA) for the period of July 1, 2009 through June 30, 2010;
  2. Approve the comprehensive Memorandum of Understanding with the Whittier Police Officers' Association (WPOA) for the period of July 1, 2007 through June 30, 2011; and
  3. Adopt Resolution No. 8280 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8217 and adopt a new 2009-2010 Salary Resolution."
- 6.P** The Social Services Commission recommends the City Council:
1. Approve FY 2010-11 Social Services funding of \$64,250 from Community Development Block Grant funds; and
  2. Receive and file the matching fund allocations of \$111,500 and \$5,000 for a Community Health Program to be incorporated and approved as part of the FY 2010-11 budget.
- 6.Q** It is recommended the City Council approve leases with Clearwire for the installation of wireless facilities at Penn Park, Founders Park, Lee Owens Park and Palm Park, subject to zoning approval; and authorize the City Manager to execute the lease documents.
- 6.R** It is recommended the City Council take actions regarding the Phase 1 Bus Stop Improvement Plan:
1. Overrule the Letter of Protest by G Coast Construction, Inc.;
  2. Award the construction contract to Cornerstone General, Inc. for the Phase 1 Bus Stop Improvement Plan and waive the bid irregularity;
  3. Reject all other bids;
  4. Authorize the City Manager to sign the contract;
  5. Approve the issuance of a Contract Change Order to increase the quantity of bus shelters and associated amenities installed in conjunction with this contract by 25%; and
  6. Adopt Resolution No. 8281 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 Federal Transit Administration Section 5307 Grant Funds for installation of bus shelters improvements at various locations," in the amount of \$380,000.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8278 (Item 6.B); 8279 and WRA-10-03 (Item 6.C); WUA-10-01 and WUA-10-02 (Item 6.K); 8280 (Item 6.O) and 8281 (Item 6.R) be read by title only, further reading be waived, and they be declared adopted.

### ROLL CALL

#### 7. CITY/AGENCY/AUTHORITY JOINT STAFF REPORT:

7.A It is recommended the City Council, Redevelopment Agency and Utility Authority discuss their priorities for the 2010-11 Fiscal Year.

Proposed Motion: I move to \_\_\_\_\_.

#### 8. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

#### 9. PUBLIC HEARINGS:

9.A This is the date and time set and duly noticed for a de novo public hearing to consider an appeal of the Planning Commission approval of Development Review No. DR06-697 to construct and operate a new market (d.b.a. "Sprouts Farmers Market"), ancillary parking 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 the property located as 15801 Whittier Boulevard, (Appellant: Charles Lorange; Applicant: Pickard Architects; Owner: Bright Properties and Centerfire, LLC.) It is recommended the City Council direct staff to return with an implementing resolution that reflects the Council's consensus on the appeal.

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

Proposed Motion: I move to direct staff to return with an implementing resolution reflecting the Council's consensus on the appeal.

- 9.B** This is the date and time set and duly noticed for a public hearing to consider approval of the City's proposed U.S. Department of Housing and Urban Development (HUD) 2010-2015 Consolidated Plan. It is recommended the City Council consider any testimony provided; direct staff to finalize the Plan (including revisions if necessary); submit it to the U.S. Department of Housing and Urban Development (HUD); and approve the Analysis of Impediments as required by HUD at the beginning of each five year Consolidated Plan cycle.

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

Proposed Motion: I move to approve the City's proposed 2010-2015 HUD Consolidated Plan; direct staff to finalize the Plan and submit it to HUD; and approve the Analysis of Impediments as required by HUD at the beginning of each five year Consolidated Plan cycle.

**10. BOARDS AND COMMISSIONS:**

- 10.A** It is recommended the City Council consider appointments to annual vacancies occurring July 1<sup>st</sup> on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, and Personnel Board.

Proposed Motion: I move to \_\_\_\_\_.

**11. CITY COUNCIL STAFF REPORT:**

- 11.A** It is recommended the City Council:
1. Approve a \$877,339 contract with Bernards Builders for civic center front landscaping;
  2. Approve construction management (\$23,500) and project coordination (\$6,000) agreement extensions with Charles Raines Engineering and WMM Associates; and
  3. Authorize the City Manager to execute related documents.

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

**ROLL CALL**

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

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

- 14. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
- 14.A** City Council - Government Code Section 54956.9(a) to discuss the claim of Thomas vs. City of Whittier.
  - 14.B** City Council - Government Code Section 54956.9(a) to discuss the claim of Ayala vs. City of Whittier.
  - 14.C** 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.
  - 14.D** City Council - Government Code Section 54956.9(c) to discuss the claim of the City of Whittier vs. Interwest.
  - 14.E** 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.
  - 14.F** City Council – Government Code Section 54956.8 to discuss real property negotiations with California Domestic Water Co. regarding the price and terms of payment relating to the purchase of water production rights in the Main San Gabriel Basin; City negotiator: Stephen Helvey.
  - 14.G** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the State of California relating to AIN 8170-013-904; City/Agency negotiator Stephen Helvey.
- 15. RECONVENE IN OPEN SESSION:**
- 16. CLOSED SESSION REPORT:**
- 17. ADJOURN JOINT MEETING TO SATURDAY, MAY 8, 2010 AT 8:00 A.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.