

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MARCH 8, 2011, 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:

5. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

6. PUBLIC HEARINGS:

6.A This is the date and time set and duly noticed for a de novo public hearing for review of the Planning Commission recommendation to approve Development Review No. DRP10-070 to construct a new convenience market (d.b.a. 7-Eleven); Conditional Use Permit No. CUP10-014 for the operation of a new convenience store, 24-hour operation and the on-site sale of beer and wine under a Type 20 alcohol license for off-site consumption; and Variance No. VAR10-003 to allow partial intrusion of the building and parking area into the required front and street setbacks and reduce the required driveway throat at the property addressed as 10737 Beverly Boulevard; (Applicant: Cadence Capital Investments, Terri Dickerhoff; Owner: Sami Othman). It is recommended the City Council direct staff to return with implementing resolutions reflecting the consensus of the City Council.

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

Proposed Motion: I move to direct staff to return with implementing resolutions reflecting the consensus of the City Council.

6.B This is the date and time set and duly noticed for a public hearing to consider approval of Amendment No. 1 to the Department of Housing and Urban Development (HUD) 2011-2012 Action Plan. It is recommended the City Council consider taking the following actions:

1. Consider testimony on Amendment No. 1 to the 2010-11 HUD Action Plan for reallocation of CDBG and HOME funds;
2. Approve Amendment No. 1 to the 2010-11 HUD Action Plan;
3. Adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget for the purpose of reprogramming unexpended Community Development Block Grant Funds and HOME Funds"; to appropriate funds for the activities outlined in Amendment No. 1; and
4. Direct staff to forward Amendment No. 1 to HUD.

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

Proposed Motion: I move to approve staff's recommendation; and that Resolution No. 8355 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

8. 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. 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.)

- 9. 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.
- 9.A** It is recommended the City Council deny claims filed by Neil Coward, Peter Gavrilou, Nicholas Campuzano, and Arturo Villanueva.
- 9.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of February 22, 2011.
- 9.C** 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 No. DRP10-076 to construct a new 21-unit multi-story residential development including a waiver to allow intrusion of parking stalls into a portion of the required side yard setback for property located at 12524 Philadelphia Street; Applicant: LINC Community Development Corporation; Owner: William F. Bowermaster.
 2. Approval of Development Review No. DR07-592 to reduce the density requirement for the construction of two detached 1,094 square-foot multi-family units with attached 485 square-foot two-car garage for each unit; and Variance No. 08-005 to reduce the front yard setback and the vehicle back up distance between the garages for property located at 13423 Franklin Street; Applicant/Owner: Jagdish Mehta.
 3. Approval of Conditional Use Permit No. CUP 10-011 to permit the operation of an additional wireless telecommunication facility in conjunction with new ancillary equipment and Development Review No. DRP10-079 to co-locate an additional wireless telecommunication facility on an existing telecommunication facility in conjunction with new ancillary equipment cabinets for property located 6031 Citrus Avenue (Founders Park); Applicant: Royal Street Communications; Owner: City of Whittier.
 4. Approval of Conditional Use Permit No. CUP 10-009 to allow for the operation of a new tattoo parlor (d.b.a. Ink Fiends) located within an existing commercial center at 13433 Lambert Road, Suite A; Applicant: Sandra Pasillas; Owner: Joan F. Allison.
- 9.D** It is recommended the City Council adopt Resolution No. 8356 entitled, "A Resolution of the City Council of the City of Whittier, California, modifying Police Department volunteers duties to include issuance of parking citations to vehicles parked illegally in handicap stalls."

- 9.E** It is recommended the City Council adopt Resolution No. 8357 entitled, "A Resolution of the City Council of the City of Whittier, California authorizing the issuance, sale and delivery of certain revenue bonds to finance certain health facilities for the benefit of Interhealth Corp., Presbyterian Intercommunity Hospital, Inc. and IHC Management Corp., the execution and delivery of certain documents and certain other actions in connection therewith and rescinding Resolution No. 8354."
- 9.F** It is recommended the City Council adopt Resolution No. 8358 entitled, "A Resolution of the City Council of the City of Whittier, California, supporting a resolution adopted by the League of California Cities, Los Angeles Division, calling for reasonable, practicable, and economically achievable Total Maximum Daily Load and Municipal National Pollutant Discharge Elimination System permit requirements."
- 9.G** It is recommended the City Council and Board of Directors take the following actions regarding the La Cuarta Street Reconstruction from Whittier Boulevard to College Avenue Federal Project No. ESPL-5111 (054):
1. Award the construction contract in the amount of \$1,022,001;
 2. Reject all other bids;
 3. Adopt Resolution No. WUA-11-01 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority amending the 2010-11 Fiscal Year Budget to fund Addendum 1 of the La Cuarta Street Reconstruction from Whittier Boulevard to College Avenue," in the amount of \$65,000; and
 4. Authorize the City Manager to execute the contract.
- 9.H** It is recommended the City Council take the following actions regarding the Central Library Mechanical Equipment Replacement Project:
1. Overrule the Letter of Protest by C. R. Hickman;
 2. Accept the Letter of Protest by Pardess Air Incorporated;
 3. Award the construction contract in the amount of \$326,000;
 4. Reject all other bids;
 5. Authorize the City Manager to execute the contract; and
 6. Adopt Resolution No. 8359 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget for the expenditure of Central Library Mechanical Equipment Replacement," in the amount of \$199,128.
- 9.I** It is recommended the City Council take the following actions regarding the City Hall Window Replacement Project:
1. Authorize staff to update the appropriate Energy Efficiency and Conservation Block Grant activity worksheets and budget information documents;

2. Award the construction contract in the amount of \$104,960;
 3. Approve the issuance of Contract Change Order No. 1 to Crabtree Glass Company in the amount of \$110,010;
 4. Reject all other bids; and
 5. Authorize the City Manager to execute the contract.
- 9.J** It is recommended the City Council accept the work performed by Christopher R. Morales, Inc. for the Painter Avenue and Ramona Drive Street Lighting Improvements Project; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 9.K** It is recommended the City Council adopt Resolution No. 8360 entitled, "A Resolution of the City Council of the City of Whittier, California, waiving the fee for clarification of regulations regarding outdoor display of merchandise," in the amount of \$619.
- 9.L** It is recommended the City Council direct staff to proceed with the Whittwood Branch Library expansion and other improvements using the Construction Manager Multi-Prime (CMMP) construction delivery method; and authorize staff to issue a Request for Qualifications for a Construction Manager for the CMMP.
- 9.M** It is recommended the City Council adopt Resolution No. 8361 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-2011 Budget to accept a grant from California State Library," in the amount of \$15,000 to create a digital "Story Station" at the central Library to display historic photographs of the City.
- 9.N** It is recommended the City Council approve the City Manager's appointment of Jeff Piper as Chief of Police.

Proposed Motion: I move that the Consent Calendar be approved as submitted including awarding construction contracts to Nobest, Inc. (Item 9.G), Pardess Air, Inc. (Item 9.H) and Crabtree Glass Company (Item 9.I); and that Resolution Nos. 8356 (Item 9.D), 8357 (Item 9.E), 8358 (Item 9.F), 8359 (Item 9.H), 8360 (Item 9.K), 8361 (Item 9.M), and WUA-11-01 (Item 9.G) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

10. RECESS UTILITY AUTHORITY MEETING:

11. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT STAFF REPORT:

- 11.A** It is recommended the City Council and Agency Board take the following actions regarding the LINC Owner Participation Agreement (OPA):
1. City Council re-certify LINC Community Development Corporation as a Community Housing Development Organization (CHDO) under the HOME Program;
 2. Agency Board adopt a resolution entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2010-11 Budget for the purpose of funding a loan from the Low- and Moderate-Income Housing Set-Aside Fund to LINC Community Development Corporation under an Owner Participation and Loan Agreement" in the amount of \$2,803,254; and
 3. City Council and Agency Board jointly approve the OPA with LINC Community Development Corporation for development of a 21-unit affordable housing complex located at 12524 Philadelphia.

Proposed Motion: I move to approve staff's recommendation and that Resolution No. WRA-11-01 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

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

14. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

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

- 15.A** City Council – Government Code Section 54956.9(a) to discuss one case of litigation; Case No. BS128995, Open Space Legal Defense Fund, a non-profit organization; Heriberto Diaz and Daniel Duran vs. City of Whittier, et al.

16. **RECONVENE IN OPEN SESSION:**
17. **CLOSED SESSION REPORT:**
18. **ADJOURNMENT:**
19. **NEXT MEETING:** Tuesday, March 22, 2011 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.