

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
APRIL 12, 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:

- 4.A** Blue Star Presentations
 - Pedro and Rosa Ordoñez
 - Sandy and Ron Pounds
 - Natalia and Harold Woodruff
 - Rafael and Maria Vega
- 4.B** Month of the Family
- 4.C** National Library Month

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.

City Council

- 6.A** It is recommended the City Council deny claims filed by Guadalupe Barragan, Lisa L. Sleigh, Nancy Vazquez, Gerardo Sanchez, Janell Ocariz, Mercury Insurance for Janell Ocariz, Jack Wood, Joe G. Lopez, and Ralph and Joseph Marsico.
- 6.B** It is recommended the City Council approve a request from the Whittier Host Lions Club to waive the gambling restriction in the Facility Usage Policy for their Texas Hold'em Fund Raisers to be held on May 2, 2011 and October 1, 2011.
- 6.C** It is recommended the City Council take actions relating to Special Event Permits:
1. Approve the Permit for the P.M Y's Men's Club for a walk-a-thon along the Greenway Trail on Saturday, May 14, 2011 from 8: a.m. to 2:00 p.m.;
 2. Approve the Permit for the Founders Day Committee 117th Annual Founders Day Picnic at Central Park on Saturday, May 14, 2011 from 10:00 a.m. to 2:00 p.m.; and
 3. Deny the request from the Founders Day Committee to waive \$252 in staff support costs.
- 6.D** It is recommended the City Council approve the City's participation with the YMCA ACHIEVE Grant as part of the community Health Action and Response Team; and approve out-of-state travel for Community Services Programs Manager Marlene Martel to attend the ACHIEVE Action Institute in Baltimore, Maryland from June 13 to 16, 2011.
- 6.E** It is recommended the City Council approve park enhancements to York Field and Broadway, Leffingwell and Michigan Parks; approve playground equipment replacement at various City parks; and adopt Resolution No. 8370 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010 – 2011 Budget to fund the park improvements throughout the City," in the amount of \$300,000 in Parkland funds.

- 6.F** It is recommended the City Council receive and file the Whittier Historic Depot Public Safety Issues Update Report.
- 6.G** It is recommended the City Council adopt Resolution No. 8371 entitled, “A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8329 and to set forth certain leave and compensation benefits for Management and Confidential employees,” to include the 1.7% deferred compensation benefit for the Chief of Police retroactive to March 8, 2011.
- 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 No. CUP10-015 (U-G, Uptown SP) to allow the operation of a personal fitness training studio (d.b.a. Body by Celine) for property addressed as 6737 Bright Avenue, Suite 108; Applicant: Celina Porte/Body by Celina; Owner: Bowlin Bright, LLC.
- 6.I** It is recommended the City Council conduct second reading and adopt Ordinance No. 2964 entitled, “An Ordinance of the City Council of the City of Whittier, California, amending Sections 8.12.040, 8.26.020 and 8.26.030 of Title 8 (Health and Safety), and Sections 13.08.010 and 13.08.020 of Title 13 (Public Services) of the Whittier Municipal Code regarding the fixing of utility rates and charges.”
- 6.J** It is recommended the City Council conduct second reading and adopt Ordinance No. 2965 entitled, “An Ordinance of the City Council of the City of Whittier, California, amending Municipal Code Section 5.12.010 to permit nonprofit organizations to conduct fundraisers using controlled games as a funding mechanism.”
- 6.K** It is recommended the City Council overrule the Letter of Protest by JDC, Inc.; reject all bids for the Community Development Block Grant Target Area Central Library ADA Ramp Improvements Project; and authorize the City Clerk-Treasurer to re-advertise for construction bids.
- 6.L** It is recommended the City Council conduct second reading and adopt Ordinance No. 2966 entitled, “An Ordinance of the City Council of the City of Whittier, California, to codify the Earlham Historic District by adopting Chapter 18.86 to the Whittier Municipal Code and approve the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefor; (Case No. Zoning Code Amendment 10-004; Applicant: The Whittier Conservancy).”

- 6.M** It is recommended the City Council conduct second reading and adopt Ordinance No. 2967 entitled, “An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment 09-016 to amend Section 18.10.030(d) (Walls, Fences and Retaining Walls) of the Whittier Municipal Code. (Applicant: City of Whittier).”
- 6.N** It is recommended the City Council adopt Resolution No. 8372 entitled, “A Resolution of the City Council of the City of Whittier, California, approving the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement (LA IMPACT JPA), authorizing the City’s membership in LA IMPACT; and authorizing the City Manager to execute the JPA Agreement.”
- 6.O** It is recommended the City Council approve the specifications for the bus shelter improvement project at Whittier Boulevard and Colima Road and at Whittier Boulevard and Santa Gertrudes Avenue; and authorize staff to advertise the project for construction bids.
- 6.P** It is recommended the City Council approve the specifications for the Pavement Surface Treatment Program Fiscal Year 2010-11 for Area 2 for various streets located within Scott and Santa Gertrudes Avenues on the east, Lambert Road on the south, Gunn and Catalina Avenues on the west, and slightly north of Mar Vista Street; and authorize staff to advertise the project for construction bids.
- 6.Q** It is recommended the City Council receive and file the Gateway Cities Council of Governments’ Homeless Action Plan.

Utility Authority

- 6.R** It is recommended the Board of Directors accept the work performed by Terra Pave, Inc. for the Alley Pavement Rehabilitation Alley Improvement Program Project; and authorize the Secretary-Treasurer to record the Notice of Completion.

Redevelopment Agency

- 6.S** It is recommended the Board of Directors accept the work performed by Moine Bros and Sons, Inc. for the demolition of the former Ricker Motors site located at 12540 Washington Boulevard; and authorize the Secretary-Treasurer to record the Notice of Completion.

- 6.T** It is recommended the Agency Board take actions regarding the Nelles Memorandum of Understanding (MOU) and Staff Services Agreement:
1. Adopt Resolution No. WRA-11-04 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving an agreement with the City of Whittier for the payment by the Agency for the value of the land for and the cost of installing and constructing improvements, making findings in connection therewith";
 2. Adopt Resolution No. WRA-11-05 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2010-11 Budget for the purpose of funding multiple redevelopment activities";
 3. Approve the Agreement for Services with the City of Whittier in the amount of \$709,267;
 4. Authorize the Executive Director to execute the Agreement; and
 5. Approve the Memorandum of Understanding with Brookfield Southland, Inc. regarding the Fred C. Nelles property.

City Council and Utility Authority

- 6.U** It is recommended the City Council and Board of Directors take actions regarding lease of water production rights in the Main San Gabriel Basin:
1. City Council adopt Resolution No. 8373 entitled, "A Resolution of the City Council of the City of Whittier, California, authorizing the lease of water production rights," finding that for Fiscal Year 2010-11, the City has 1,000 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers;
 2. City Council adopt Resolution No. 8374 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget to increase the water administration production rights revenue," in the amount of \$528,300;
 3. City Council authorize the City Manager or his designee to sign water rights lease agreement with California Domestic Water Company, in substantially the form of the attached Watermaster approved standard form water rights lease agreements; and
 4. Board of Directors concur with the above City Council recommended actions.

Proposed Motion: I move that the City Council, Agency Board and Authority Directors approve specified Consent Calendar items as submitted and that Resolution Nos.8370 (Item 6.E), 8371 (Item 6.G), 8372 (Item 6.N), 8373 and 8374 (Item 6.U); WRA-11-04 and WRA-11-05 (Item 6.T); and Ordinance Nos. 2964 (Item 6.I), 2965 (Item 6.J), 2966 (Item 6.L) and 2967 (Item 6.M) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

7. RECESS CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS:

8. UTILITY AUTHORITY PUBLIC HEARING:

8.A This is the date and time set and duly noticed for a public hearing to consider adoption of the Whittier Utility Authority's 2010 Urban Water Management Plan. It is recommended the Board of Directors consider taking the following actions:

1. Receive comments on the 2010 Urban Water Management Plan (UWMP);
2. Receive comments on the Water Use Reduction Plan; and
3. Adopt a resolution entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority to adopt the 2010 Urban Water Management Plan."

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

Proposed Motion: I move that Resolution No. WUA-11-02 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

9. RECESS UTILITY AUTHORITY AND RECONVENE CITY COUNCIL MEETINGS:

10. BOARDS AND COMMISSIONS:

10.A It is recommended the City Council consider appointments to annual vacancies occurring July 1st, on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, Personnel Board, Planning Commission, and Social Services Commission, to terms ending July 1, 2015; and direct staff to schedule interviews for selected candidates on April 18 or May 16, 2011. It is further recommended the City Council consider filling a vacancy on the Parking and Transportation Commission for an unexpired term ending July 1, 2012.

Proposed Motion: I move to _____.

11. STAFF REPORTS:

11.A It is recommended the City Council approve the schematic design for the Whittwood Branch Library expansion and improvements.

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

11.B It is recommended the City Council consider approval of a Special Event Permit request from the Whittier Uptown Association to hold a Vintage Auto Show on Saturday, May 21, 2011 from 9:00 a.m. to 4:00 p.m.; and require the Association to pay for City services related to the event.

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

11.C It is recommended the City Council take actions regarding the Matrix Oil Conditional Use Permit (CUP) application:

1. Receive and file an update on the status of the original CUP application and the recent submittal of an amended CUP application; and
2. Consider an amendment to the Matrix mineral leasehold to allow it to remain in force during the longer processing period warranted by the amended CUP application.

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

11.D It is recommended the City Council consider establishing public hearing time limits.

Proposed Motion: I move to _____.

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

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

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

14.A City Council – Government Code Section 54956.9(b)(1) to discuss two cases of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting these Closed Session items because to do so would jeopardize the City's position.

14.B 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.

14.C City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with Heritage Housing Partners relating to price and terms of payment for property identified as AINs 8141-008-905; 8141-008-907; 8141-008-912; and 8141-008-913; City/Agency negotiator: Stephen Helvey.

14.D City Council – Government Code Section 54956.9(a) to discuss the claim of Del Terra Construction vs. the City of Whittier.

14.E City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 13945 Putnam Street.

14.F City Council/Utility Authority – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier City Employees' Association and unrepresented employees.

NOTE: Mayor Nordbak may not participate in discussion on Item 14.F due to a conflict of interest.

14.G City Council – Government Code Section 54956.9(c) to discuss two cases of potential litigation relating to properties located at 14430 E. Whittier Boulevard, Suite E and 8645 Greenleaf Avenue.

15. **RECONVENE IN OPEN SESSION:**
16. **CLOSED SESSION REPORT:**
17. **ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**
18. **ADJOURN CITY COUNCIL MEETING:** To Monday, April 18, 2011 in memory of Bill Bell.

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 562/567-9850.

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 562/567-9850.