

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
MAY 10, 2011, 6:30 P.M.**

**As a courtesy to others attending this meeting, please turn off or place in silent mode all cell phones and other communication devices while in the Council Chamber. Thank you.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
  - J. Greg Nordbak, Council Member
  - Joe Vinatieri, Council Member
  - Bob Henderson, Council Member
  - Owen Newcomer, Mayor Pro Tem
  - Cathy Warner, Mayor
- 3. PLEDGE OF ALLEGIANCE:**
- 4. PRESENTATIONS:**
  - 4.A** Blue Star Presentations
  - 4.B** Proclamation – Whittier Area Genealogical Society 30<sup>th</sup> Anniversary
  - 4.C** Chamber of Commerce Report
- 5. APPROVAL OF AGENDA:** This is the time for the City Council/Boards of Directors to reorder the agenda to accommodate visitors, deal with issues early in the meeting, add or delete items, or make changes to the Consent Calendar.
- 6. 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.)*

- 7. 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**

- 7.A** It is recommended the City Council deny claims filed by Thomas A. Keim, Edmundo Burgos, Victoria L. Langle, Richard P. Edel, Ruben Guzman, Farmers Insurance Group for Doug Forbes and Nyela Hart, Margaret A. Huber, Jose Armenta, Jesus Medina, Jerry Montellano, and Leonard Paul Gongora.
- 7.B** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for April 2011.
- 7.C** The Social Services Commission recommends the City Council:
1. Approve Fiscal Year 2011-12 Social Services Funding of \$64,250 from Community Development Block Grant funds; and
  2. Receive and file the Matching Fund allocations of \$112,000 and \$5,000 for a Community Health Program to be incorporated and approved as part of the Fiscal Year 2011-12 budget.
- 7.D** It is recommended the City Council take actions regarding Italian Stone Pine (Pine) trees:
1. Affirm the removal of seventeen mature Pine trees;
  2. Affirm the major crown reduction trims on eight Pines and trimming of an additional eight Pines;
  3. Approve replacement of the seventeen Pines; and
  4. Adopt Resolution No. 8375 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 budget for the removal, replacement, trimming of the recommended Italian Stone Pines and evaluation of all Italian Stone Pines throughout the City," in the amount of \$76,331.
- 7.E** It is recommended the City Council approve an agreement with Richards, Watson, & Gershon in an amount not to exceed \$200,000 for legal services for the Whittier Main Oil Field Development Project; and authorize the City Manager to execute the agreement.

- 7.F** It is recommended the City Council accept the work performed by California Commercial Pool for re-plastering the Palm Park Aquatic Center pool; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 7.G** It is recommended the City Council receive and file a quarterly update on the remediation efforts at the Omega Chemical Superfund site located at 12504 Whittier Boulevard.
- 7.H** It is recommended the City Council approve the revised Santa Gertrudes Avenue at Lambert Road Traffic Signal Modification – Union Pacific Railroad Grade Crossing Protection Improvement Agreement; and authorize the City Manager to execute the Agreement with the Union Pacific Railroad Company.
- 7.I** It is recommended the City Council receive and file the Fiscal Year 2010-11 3<sup>rd</sup> Quarter Budget Update report.
- 7.J** It is recommended the City Council approve the modification to the professional services agreement with Marine Research Specialists for processing the Environmental Impact Report for the proposed Whittier Main Mineral Extraction Project due to a revised application; and authorize the City Manager to sign the agreement.
- 7.K** It is recommended the City Council approve the modification to the professional services agreement with Comprehensive Planning Services for management of the conditional use permit, development review and environmental processing for the proposed Whittier Main Mineral Extraction Project; and authorize the City Manager to sign the agreement.
- 7.L** It is recommended the City Council approve the Law Enforcement Services Agreement with the City of Santa Fe Springs for the period July 1, 2011 through June 30, 2014; and authorize the Mayor to execute the agreement.
- 7.M** The Cultural Arts Commission recommends the City Council approve the allocation of Whittier Cultural Arts Foundation funding of \$10,600 in support of local cultural arts programs for Fiscal Year 2011-12.
- 7.N** It is recommended the City Council temporarily suspend collection of electrical permit fees for projects submitted through Southern California Edison's approved contractor(s) as related to the State of California Public Utilities Commission Direct Install Program for Small Businesses effective immediately and extend the suspension to a sunset date of June 30, 2012.

- 7.O** It is recommended the City Council receive and file the January through March 2011 Quarterly Economic Development Report.

### **Redevelopment Agency**

- 7.P** 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 \$54,742 representing 50% of the sales tax generated by the Whittier Marketplace project during the time period of July to December 2010, 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 2010 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$192,908 pursuant to the Whittier Marketplace DDA.

- 7.Q** 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 \$177,475 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 2009-10, 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 2009-10 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$327,371 pursuant to the Quad at Whittier DDA.

- 7.R** It is recommended the Agency Board approve \$242,015 in tax increment and sales tax reimbursement, representing 50% of sales tax generated in Fiscal Year 2009-10, to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) pursuant to the Owner Participation Agreement for the Whittwood Town Center.

- 7.S** It is recommended the Agency Board take actions regarding Heritage Housing Partners:

1. Adopt Resolution No. WRA-11-06 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 Low- and Moderate-Income Housing Set-Aside fund to Heritage Housing Partners under an Exclusive Negotiation and Loan Agreement," in the amount of \$97,747;

2. Approve the Exclusive Negotiation and Loan Agreement with Heritage Housing Partners; and
3. Authorize the Chair to execute the Agreement.

**7.T** It is recommended the Agency Board take actions regarding the Gables Project at 16050 and 16110 Whittier Boulevard:

1. Approve the Affordable Housing and Regulatory Agreement with Far West, LLC to ratify and re-institute the previously approved Agreement and Amendments to use Low and Moderate Income Housing Set Aside funds to provide 16 remaining affordable ownership housing units; and
2. Authorize the Executive Director to execute the Agreement.

### **City Council and Utility Authority**

**7.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. 8376 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. 8377 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.

### **City Council, Redevelopment Agency and Utility Authority**

**7.V** It is recommended the City Council, Agency Board and Board of Directors take actions regarding Minutes:

1. City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of March 22, April 12 and April 26, 2011;
2. City Council approve the Minutes of the Adjourned Regular Meeting of April 25, 2011.

Proposed Motion: I move that the City Council, Agency Board and Authority Directors approve specified Consent Calendar items as submitted and that Resolution Nos. 8375 (Item 7.D), 8376 and 8377 (Item 7.U), and WRA-11-06 (Item 7.S) be read by title only, further reading be waived, and they be declared adopted.

### ROLL CALL

#### 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 public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 11-001 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Chapter 18.45 (Medical Marijuana Regulations) of the Whittier Municipal Code by establishing a minimum distance requirement between medical marijuana dispensaries and a maximum cap on the total number of medical marijuana dispensaries that may be established citywide (Case No. Zoning Code Amendment 11-001; Applicant: City of Whittier)."

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

Proposed Motion: I move that Ordinance No. 2968 be read by title only, further reading be waived, and this be declared its first reading.

- 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) 2011-12 Action Plan (the "Plan"). It is recommended the City Council take actions relative to the Plan and the Minor Home Repair Grant Program:
1. Consider any testimony provided; direct staff to finalize the Plan (including revisions if necessary); and submit it to HUD; and
  2. Review the proposal received under the Request for Proposals for the Minor Home Repair Grant program and select Veteran's in Community Service, Inc. to coordinate and implement the program for Fiscal Year 2011-12.

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

Proposed Motion: I move to approve the City's proposed 2011-12 HUD Action Plan; direct staff to finalize the Plan; submit the Plan to HUD; and that Veteran's in Community Service be selected to coordinate and implement the Minor Home Repair Grant Program for Fiscal Year 2011-12.

**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, Personnel Board, Planning Commission, and Social Services Commission, to terms ending July 1, 2015; and direct staff to schedule interviews for selected candidates. 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 consider establishing public hearing time limits.

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

**11.B** It is recommended the City Council review and consider changes to its representatives to other local government associate organizations; and consider changes to its Subcommittees including forming Greenway Trail East Extension and Nelles Property Development Subcommittees and extending the Mineral Extraction Subcommittee.

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

**11.C** It is recommended the City Council consider whether to take a position on state redistricting.

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

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

**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.
  - 15.B City Council – Government Code Section 54956.9(b)(1) to discuss one case 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.
16. **RECONVENE IN OPEN SESSION:**
17. **CLOSED SESSION REPORT:**
18. **ADJOURNMENT:** In memory of Frank Scott to Monday, May 16, 2011.

**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.