

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
MAY 24, 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. **RECESS UTILITY AUTHORITY MEETING:**
4. **ORAL COMMUNICATIONS - CLOSED SESSION ITEMS ONLY:** This is the time for the public to address the City Council and Redevelopment Agency regarding **Closed Session items only**. Oral communications on other items will be received when the meeting reconvenes in public session at 7:30 p.m. Speakers must limit their comments to three minutes.
5. **CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
  - 5.A City Council – Government Code Section 54957, City Manager evaluation.
  - 5.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiators: Stephen Helvey and Jeffrey Collier:
    1. Brookfield Homes – AIN 8170-013-904 (Nelles property);
    2. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – AIN 8170-026-006 (Altec Motors);
    3. Southern Pacific Transportation Co. SBE 872 19 254E PAR – AIN 8170-013-815 and AIN 8170-013-816;
    4. K. C. Properties – AIN 8140-032-011;
    5. Mure Corporation – AIN 8140-032-001; and
    6. State of California – AIN 8170-013-904.

- 5.C** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with International Code Council regarding price and terms of payment for properties located at 5303 Davidson Drive and 5360 Workman Mill Road; Agency negotiators: Stephen Helvey and Jeffrey Collier.
- 5.D** City Council - Government Code Section 54956.8 to discuss real property negotiations with Kinder Morgan on behalf of SFPP, L.P. regarding a franchise agreement and lease agreement for subterranean utilities entering the City of Whittier at approximately the intersection of Lambert Road and Gunn Avenue and exiting the City on Colima Road at the boundary of Los Angeles County; City negotiator: Stephen Helvey; Under negotiation: Price and terms of payment.
- 5.E** 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.
- 5.F** City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier City Employees' Association and unrepresented employees.

**NOTE:** Council Member Nordbak may not participate in discussion on Item 5.F due to a conflict of interest.

- 6. RECONVENE IN PUBLIC SESSION AT 7:30 P.M.**
- 7. CLOSED SESSION REPORT:**
- 8. RECONVENE UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL AND REDEVELOPMENT AGENCY:**
- 9. PLEDGE OF ALLEGIANCE:**
- 10. PRESENTATIONS:**
  - 10.A** Business of the Month – *Whittier Daily News*
  - 10.B** Chamber of Commerce Report
  - 10.C** East Whittier Music Presentation
- 11. 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.

- 12. 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. 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.)*

- 13. 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**

- 13.A** It is recommended the City Council deny claims filed by Allstate Insurance Co. for Jacques Majeau; Ralph Rodriguez; Richard and Laina Zamora; David M. Temple; John R. Suit, Jr.; and Kleomenis Thomas.
- 13.B** It is recommended that City Council approve the addendum to the agreement continuing the operations, maintenance and administration of the coordinated Dial-A-Ride service between Whittier and La Habra Heights effective July 1, 2011 through June 30, 2013; and authorize the City Manager to sign the addendum.
- 13.C** It is recommended the City Council receive and file the following Planning Commission action unless review is requested by a Council Member: approval of Vesting Tentative Tract Map 67589 (TM06-04) and Development Review DR06-1073 to approve modifications to allow the in-lieu payment of the cost of designing, engineering and installing median improvements required of the project for property located at 16050 and 16110 Whittier Boulevard; (Owner/Applicant: Far West Industries).
- 13.D** It is recommended the City Council receive and file the following Historic Resources Commission actions unless review is requested by a Council Member:
1. Approval of Certificate of Appropriateness 11-005 to restore the exterior façade of an existing single-family residence and garage; and demolish and re-build two existing interior walls for property located at 6304 Painter Avenue; (Owners: Andrew and Alyson Pryor; Applicant: Devo Brown, Kimber Construction).

2. Approval of Certificate of Appropriateness 11-006 to complete a comprehensive window change-out in conjunction with an exterior façade remodel to an existing multi-family residence (duplex) located at 13713 Franklin Street; (Owner: Sheng Chao; Applicant: Hipolito Serrano).
- 13.E** It is recommended the City Council conduct second reading and adopt Ordinance No. 2968 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).”
- 13.F** It is recommended the City Council approve the Engineer’s Report for Fiscal Year 2011-12 for Street Lighting Assessment District No. 01-91; and adopt Resolution No. 8378 entitled, “A Resolution of the City Council of the City of Whittier, California, declaring its intention to levy and collect Fiscal Year 2011-12 Foxley Drive Street Lighting Assessment, and setting a time and place for public hearing thereon,” for June 14, 2011 at 7:30 p.m.
- 13.G** It is recommended the City Council approve the preliminary budget for Fiscal Year 2011-12 for Parking District No. 1; and set a public hearing at 7:30 p.m. on June 14, 2011, to approve the budget and confirm the assessments.
- 13.H** It is recommended the City Council approve the preliminary budget for Fiscal Year 2011-12 for Parking District No. 2; and set a public hearing at 7:30 p.m. on June 14, 2011, to approve the budget and confirm the assessments.
- 13.I** It is recommended the City Council approve the amended Puente Hills Landfill Native Habitat Preservation Authority Joint Powers Agreement changing the JPA’s name to Puente Hills Habitat Preservation Authority, extending the term to terminate by mutual agreement of both parties, and increasing the level of general liability insurance to \$3 million; and authorize the Mayor to execute the agreement.

**13.J** It is recommended the City Council award the construction contract in the amount of \$ 1,259,867 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; reject all other bids; and authorize the City Manager to sign the contract.

**13.K** It is recommended the City Council approve the specifications and standard plans for the construction of access ramps per the Accessibility Committee priority list including thirteen new ramps, five retrofit ramps, and associated sidewalk reconstruction in a neighborhood east of Scott Avenue and north of Lambert Road; and authorize the City Clerk-Treasurer to advertise for construction bids.

**13.L** It is recommended the City Council take actions regarding the disposition of City property:

1. Declare the vehicles listed to be surplus;
2. Direct staff to sell the vehicles and piece of equipment listed at public auction to the highest bidder:

<b>Equipment No.</b>	<b>Year/Description</b>
11301	1999 Honda Accord
11303	1999 Toyota Camry
11306	1999 Dodge Stratus
13392	2005 Ford Crown Victoria
13394	2005 Ford Crown Victoria
14322	2000 GMC Safari
14329	2000 Dodge B-2500
16201	2001 Dodge Dakota
16350	2000 GMC Sonoma
16402	2002 Ford F-150
16590	1997 Ford Ranger
16594	1997 Ford Ranger
16619	1997 Ford F-250
25230	1996 GMC 3500 Stakebed
32137	1970 Arrow Hydra-Hammer

3. Direct staff to contact non-profit Whittier service organizations to donate the vehicles listed or to sell the vehicles at public auction to the highest bidder:

<b>Equipment No.</b>	<b>Year/Description</b>
181	2004 Ford E-450 Cutaway
16104	1998 GMC Sonoma

- 13.M** It is recommended the City Council approve the Encroachment License for Atlantic Richfield Company (ARCO) to install one groundwater monitoring well within the public sidewalk at the northwest corner of Leffingwell Road and Santa Gertrudes Avenue; and authorize the Mayor to execute the Encroachment License.
- 13.N** It is recommended the City Council award the construction contract in the amount of \$39,300 for the Community Development Block Grant Target Area Central Library ADA Ramp Improvement Project; reject all other bids; and authorize the City Manager to sign the contract.
- 13.O** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for January through March 2011.
- 13.P** It is recommended the City Council conduct first reading of Ordinance No. 2969 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Section 8.26.010 of Title 8 (Health and safety) of the Whittier Municipal Code regarding the definition of qualifying senior citizen," regarding qualifying income for the senior sewer rate discount.
- 13.Q** It is recommended the City Council accept the work performed by Bernard Bros, Inc. for the Whittier Police Headquarters Project at 13200 Penn Street; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 13.R** It is recommended the City Council approve a Construction Management Multi-Prime contract for the Whittwood Branch Library Expansion and Improvement Project in the amount of \$733,146; and authorize the City Manager to execute the necessary documents.

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

- 13.S** 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 \$460,800;

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**

- 13.T** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of March 8 and May 10, 2011; and the Adjourned Regular Meeting of May 7, 2011.
- 13.U** It is recommended the City Council, Agency Board, and Board of Directors adopt resolutions establishing public comment time limits for public hearings and Oral Communications:
1. Resolution No. 8379 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing public comment time limits for public hearings and oral communications";
  2. Resolution No. WRA-11-07 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency establishing public comment time limits for public hearings and oral communications"; and
  3. Resolution No. WUA-11-03 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority establishing public comment time limits for public hearings and oral communications."

Proposed Motion: I move that the City Council, Agency Board and Authority Directors approve specified Consent Calendar items as submitted, including awarding construction contracts to Doug Martin Contracting Co. (Item 13.J); Mora's Equipment and Construction, Inc. (Item 13.N); and CW Driver (Item 13.R); and that Resolution Nos. 8376 and 8377 (Item 13.S); 8378 (Item 13.F); and 8379, WRA-11-07 and WUA-11-03 (Item 13.U); and Ordinance No. 2968 (Item 13.E) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2969 (Item 13.P) be read by title only, further reading be waived, and this be declared its first reading.

**ROLL CALL**

**14. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**

**15. STAFF REPORT:**

**15.A** It is recommended the City Council determine if a Zoning Code Amendment is needed to provide guidelines to allow for outdoor display of merchandise; and provide direction to staff.

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

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

**17. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:**

**18. ADJOURNMENT:**

**19. NEXT MEETING:** Tuesday, June 14, 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 562/567-9850.**

**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.