

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
WHITTIER HOUSING AUTHORITY
WHITTIER PUBLIC FINANCING AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JUNE 14, 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, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY MEETINGS:**
- 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 JOINT 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 – Government Code Section 54956.9(c) 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.

5.C 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 relating to the Owner Participation Agreement; 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.D 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.

6. RECONVENE IN OPEN SESSION:

7. CLOSED SESSION REPORT:

8. RECONVENE UTILITY AUTHORITY, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY IN JOINT SESSION WITH CITY COUNCIL AND REDEVELOPMENT AGENCY:

9. PLEDGE OF ALLEGIANCE:

10. PRESENTATIONS:

10.A Blue Stars

David and Annette Freeman

Scott and Heather Crawford

10.B Whittier College – 2010 President’s Higher Education Community Service Honor Roll

10.C Library Essay Contest

10.D Relay for Life Proclamation

10.E Chamber of Commerce Report

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, Housing Authority, Public Financing Authority 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 Authorities 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/HOUSING AUTHORITY/PUBLIC FINANCING AUTHORITY/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 Authority 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 Cesar A. Mercado, Raul Armendariz, Jimmy Guzman, Gabriel Bermudez, Jeremy Paul Ahrendt and Bryan Davis.
- 13.B It is recommended the City Council conduct second reading and adopt 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.C It is recommended the City Council designate the *Whittier Daily News* as the official newspaper for the publication of legal notices or other matters for Fiscal Year 2011-12.
- 13.D It is recommended the City Council adopt Resolution No. 8380 entitled, "A Resolution of the City Council of the City of Whittier, California, approving the City of Whittier's General Fund Emergency Contingency commitment of fund balance."

- 13.E** It is recommended the City Council receive and file a final progress report on the Fiscal Year 2010-11 Work Plan.
- 13.F** It is recommended the City Council adopt Resolution No. 8381 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the 2010-11 Budget to account for a grant from State of California Proposition 84 Nature Education Facilities Program for the Whittier Greenway Trail," in the amount of \$499,800; and authorize the City Manager to execute related documents.
- 13.G** The Parks, Recreation and Community Services Commission recommends the City Council take actions regarding the Greater Whittier Tennis Club:
1. Receive and file the 2011 Mid-Winter Tennis Tournament Report;
 2. Approve a five-year agreement with the Greater Whittier Tennis Club to continue and co-sponsor the Mid-Winter Tennis Tournament; and
 3. Authorize the City Manager to execute the agreement.
- 13.H** It is recommended the City Council approve the Special Event Permit for the American Cancer Society "Making Strides Against Breast Cancer" 5K Walk on the Greenway Trail on August 7, 2011; permit the use of a public address system; and waive related fees in the amount of \$83.
- 13.I** It is recommended the City Council continue receiving Proposition A Discretionary Incentive Grant funds from the Los Angeles County Metropolitan Transportation Authority; and authorize the City Manager to sign the Proposition A Discretionary Incentive Grant Program Memorandum of Understanding for the period July 1, 2011 through June 30, 2016 for Sub-Regional Paratransit Services.
- 13.J** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for May 2011.
- 13.K** It is recommended the City Council take actions regarding the Citywide Bus Shelter Improvements Phase 1 Project:
1. Approve the increase in the purchase order to Cornerstone General, Inc. in the amount of \$205,277.28 for costs incurred for extra work performed;
 2. Accept the work performed by Cornerstone General, Inc.; and
 3. Authorize the City Clerk-Treasurer to record the Notice of Completion.

- 13.L** It is recommended the City Council accept the work performed by Fleming Environmental Incorporated for removal and replacement of resilient rubber playground surfacing at Palm Park; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 13.M** 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. CUP11-002 to allow the operation of a new hookah bar establishment d.b.a Falak Hookah Lounge with live entertainment for property located at 6518-22 Greenleaf Avenue, Suites 14 and 15; Applicant: Umar Sohrab; Owner: KMS Investment, Inc.
- 13.N** Agenda Item 13.N was removed from the Agenda at the request of City staff prior to the distribution and posting of the Agenda.
- 13.O** It is recommended the City Council approve a lease agreement with Airtouch Cellular representing Verizon for the installation of a cellular antenna tower at Michigan Park located at 8228 Michigan Avenue, subject to zoning approval; and authorize the City Manager to execute the lease documents.

Utility Authority

- 13.P** It is recommended the Board of Directors approve the Professional Services Agreement with Ball Janik LLP (BJ LLP), to provide legislative advocacy support for Fiscal Year 2011-12 for a fee not to exceed \$50,400, plus expenses; and authorize the Executive Director to execute the agreement.
- 13.Q** It is recommended the Board of Directors accept the work performed by A.R. Sarmiento, Inc. for the La Cuarta Street Water Main Project; and authorize the Secretary-Treasurer to record the Notice of Completion.
- 13.R** It is recommended the Board of Directors take actions regarding 4128 San Gabriel River Parkway, Pico Rivera:
1. Approve the specifications for the demolition of the single-family residence located at the address;
 2. Authorize the Secretary-Treasurer to advertise the project for bids; and
 3. Adopt Resolution No. WUA-11-04 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority amending the Fiscal Year 2010-11 budget for additional funds to hire a contractor to demolish the residence on Pumping Plant 2 property," in the amount of \$100,000.

**City Council, Redevelopment Agency, Utility Authority,
Public Financing Authority and Housing Authority**

- 13.S** It is recommended the City Council, Agency Board and Authority Boards of Directors take the following actions regarding minutes:
1. Public Financing Authority and Housing Authority Boards of Directors approve the Minutes of the Regular Meetings of June 22, 2010 and May 7, 2011; and
 2. City Council, Agency Board and Utility Authority Board of Directors approve the Minutes of the Regular Meeting of May 24, 2011.

Public Financing Authority and Housing Authority

- 13.T** It is recommended the Boards of Directors of the Whittier Public Financing Authority and the Whittier Housing Authority review and approve the 2011 Statement of Investment Policy.

Proposed Motion: I move that the City Council, Agency Board and Authority Directors approve specified Consent Calendar items as submitted and that Ordinance No. 2969 (Item 13.B) and Resolution Nos. 8380 (Item 13.D), 8381 (Item 13.F), and WUA-11-04 (Item 13.R) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

14. RECESS REDEVELOPMENT AGENCY, UTILITY AUTHORITY, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY MEETINGS:

- 15. PUBLIC HEARINGS:** Anyone with an interest in the matter(s) scheduled for public hearing may speak during the hearings. A speaker's comments are limited to three minutes with the exception of the applicant/appellant. An applicant/appellant will have up to 20 minutes to present their case and up to an additional 10 minutes to make rebuttal comments at the conclusion of the public hearing. If you challenge any part of the proposed action in court, you may be limited to raising only those issues you or someone else raised during the public hearing.

- 15.A** This is the date and time set and duly noticed for a public hearing to consider all public testimony and protests regarding the proposed increases to fees for solid waste, sewer and water services. It is recommended the City Council conduct first reading of ordinances entitled:

1. "An Ordinance of the City Council of the City of Whittier, California, establishing fees for solid waste collection services provided by the City for Fiscal Year 2011-2012";
2. "An Ordinance of the City Council of the City of Whittier, California, establishing a fee schedule of the Sewer User Fee Program for the Fiscal Year 2011-2012"; and
3. "An Ordinance of the City Council of the City of Whittier, California, fixing rates and charges for water service furnished by the Whittier Utility Authority for Fiscal Year 2011-2012."

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

Proposed Motion: I move that Ordinance Nos. 2970 through 2972 be read by title only, further reading be waived, and this be declared their first reading.

- 15.B** This is the date and time set and duly noticed for a public hearing to consider the levy and collection of assessments for the Foxley Drive Street Lighting Assessment District No. 01-91, between Santa Fe Springs Road and Villa Drive, and adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming diagram and assessment of FY 2011-12 for Foxley Drive Street Lighting Assessment District No. 01-91" and accepting the Engineer's Report.

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

Proposed Motion: I move to approve the FY 2011-12 Engineer's Report on Street Lighting Assessment District No. 01-91; and that Resolution No. 8382 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

- 15.C** This is the date and time set and duly noticed for a public hearing to consider the Parking District No. 1 Budget for Fiscal Year 2011-12 and adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming the City assessment for the Fiscal Year 2011-12 for Whittier Uptown Parking District No. 1 (Multi-Deck)."

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

Proposed Motion: I move to approve the Parking District No. 1 Budget for Fiscal Year 2011-12; and that Resolution No. 8383 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

15.D This is the date and time set and duly noticed for a public hearing to consider the Parking District No. 2 Budget for Fiscal Year 2011-12 and adoption of a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, for determining convenience and necessity, adopting annual report and ordering assessments to be levied – Whittier Uptown Parking District No. 2."

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

Proposed Motion: I move to approve the Parking District No. 2 Budget for Fiscal Year 2011-12; and that Resolution No. 8384 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

16. STAFF REPORTS:

16.A It is recommended the City Council approve a name for the proposed park at the Whittier Historic Depot located at 7333 Greenleaf Avenue.

Proposed Motion: I move to _____.

17. RECONVENE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

18. JOINT PUBLIC HEARING: Anyone with an interest in the matter scheduled for public hearing may speak during the hearing. A speaker's comments are limited to three minutes. If you challenge any part of the proposed action in court, you may be limited to raising only those issues you or someone else raised during the public hearing.

18.A This is the date and time set and duly noticed for a joint public hearing of the City Council, Redevelopment Agency, Public Financing Authority, and Utility Authority to consider the Fiscal Year 2011-12 Budget.

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

1. It is recommended the City Council adopt Resolution No. 8385 entitled, "A Resolution of the City Council of the City of Whittier, California, adopting a Budget for the Fiscal Year commencing July 1, 2011, and ending June 30, 2012"; and adopt Resolution No. 8386 entitled, "A Resolution of the City Council of the City of Whittier, California, approving and adopting the Annual Appropriations Limit for Fiscal Year 2011-12."
2. It is recommended the Agency Board adopt Resolution No. WRA-11-08 entitled, "A Resolution of the Board of Directors of the Whittier Redevelopment Agency adopting a Budget for the Fiscal Year commencing July 1, 2011, and ending June 30, 2012."
3. It is recommended the Public Financing Authority Board of Directors adopt Resolution No. WPFA-11-01 entitled, "A Resolution of the Board of Directors of the Whittier Public Financing Authority adopting a Budget for the Fiscal Year commencing July 1, 2011, and ending June 30, 2012."
4. It is recommended the Utility Authority Board of Directors adopt Resolution No. WUA-11-05 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority adopting a Budget for the Fiscal Year commencing July 1, 2011, and ending June 30, 2012."

Proposed Motion: I move that the City, Agency, and Utility and Public Financing Authority Budgets be adopted; and that Resolution Nos. 8385; 8386; WRA-11-08; WPFA-11-01, and WUA-11-05 be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

19. **RECESS PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:**
20. **CITY COUNCIL PUBLIC HEARING AND REDEVELOPMENT AGENCY REPORT:** Anyone with an interest in the matter scheduled for public hearing may speak during the hearing. A speaker's comments are limited to three minutes. If you challenge any part of the proposed action in court, you may be limited to raising only those issues you or someone else raised during the public hearing.

20.A It is recommended the City Council and Redevelopment Agency take actions regarding funding for the expansion of the Branch Library located at 10537 Santa Gertrudes Avenue:

1. City Council conduct a duly noticed public hearing to consider adopting a resolutions entitled:
 - a) "A Resolution of the City Council of the City of Whittier, California, consenting to the use of Whittier Redevelopment Agency funds for the construction of an expansion to the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue and making certain determinations in accordance with Health and Safety Code Sections 33445 and 33679"; and
 - b) "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-12 Budget for the purpose of funding construction of an expansion to the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue," in the amount of \$5,300,000.

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

Proposed Motion: I move that Resolution Nos. 8387 and 8388 be read by title only, further reading be waived and they be declared adopted.

ROLL CALL

2. Subsequent to City Council adoption of Resolution Nos. 8387 and 8388, it is recommended the Agency Board adopt resolutions entitled:
 - a) "A Resolution of the Board of the Whittier Redevelopment Agency authorizing the expenditure of Whittier Redevelopment Agency funds for the construction of an expansion to the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue and making certain determinations in accordance with Health and Safety Code Sections 33445 and 33679"; and
 - b) "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2011-12 Budget for the purpose of funding construction of an expansion to the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue," in the amount of \$5,300,000.

Proposed Motion: I move that Resolution Nos. WRA-11-09 and WRA-11-10 be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

21. **RECONVENE HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL AND REDEVELOPMENT AGENCY:**
22. **COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:**
23. **ADJOURNMENT:**
24. **NEXT MEETING:** Tuesday, June 28, 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.