

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
SEPTEMBER 13, 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
Rosalba and Carlos Perez
Benita Velazquez
Sylvia Perez
- 4.B** Proclamation – Elks Club Summer Reading Program
- 4.C** Proclamation – Assistance League of California Summer Reading Program
- 4.D** 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.

Proposed Motion: I move to _____.

- 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 Margaret Aloyan, Nancy Beck, Maria B. Campos, Alexis A. Guttilla, Amparo Hernandez, Liberty Mutual for Dora P. Ambrosine, Natalie Morris, Loretta Ventura, Family Festival Productions, Inc., Robert J. Hohne and Phillip Lopez.
- 7.B** It is recommended the City Council accept the Offer of Right-of-Way Dedication and Drainage Easement Dedication along Pickering Avenue for property located at 12524 Philadelphia Street; and authorize the City Clerk-Treasurer to execute the Dedications.
- 7.C** It is recommended the City Council accept the work performed by F.S. Construction 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 record the Notice of Completion.
- 7.D** It is recommended the City Council approve the \$850,000 Settlement Agreement and Release with Del Terra Construction for construction of the Whittier Greenway Trail.
- 7.E** It is recommended the City Council approve a three-year partnership agreement with the Whittier Union High School District to continue the School Resource Officer Program; and authorize the City Manager to execute the agreement.
- 7.F** It is recommended the City Council adopt Resolution No. 8407 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-12 Budget related to supplemental appropriations for the Office of Traffic Safety Selective Enforcement Traffic Program Grant," in the amount of \$100,000.

- 7.G** It is recommended the City Council adopt Resolution No. 8408 entitled, “A Resolution of the City Council of the City of Whittier, California, approving the amended Joint Powers Agreement forming the California Transit Systems Joint Powers Authority and appointing a new Alternate Director to the California Transit Insurance Pool (CalTIP) Board of Directors.”
- 7.H** It is recommended the City Council approve the Whittier Uptown Association Annual Report; and adopt Resolution No. 8409 entitled, “A Resolution of the City Council of the City of Whittier, California, declaring its intention to levy and collect assessments within the Uptown Whittier Business Improvement Area for Calendar Year 2012,” setting October 11, 2011 for the public hearing at 6:30 p.m.
- 7.I** It is recommended the City Council approve a special event permit and waive City fees in the amount of \$6,044.09 for the Whittier Community Foundation’s 5K Fit for Life Race/Walk through Uptown beginning and ending at Joe Miller Field, scheduled for Saturday, October 29, 2011.
- 7.J** It is recommended the City Council conduct second reading and adopt Ordinance No. 2975 entitled, “An Ordinance of the City Council of the City of Whittier, California, amending Chapter 18.64.070 of the Whittier Municipal Code pertaining to the use of barbed wire citywide (Case No. Zoning Code Amendment 11-003; Applicant: City of Whittier).”
- 7.K** It is recommended the City Council conduct second reading and adopt Ordinance No. 2979 entitled, “An Ordinance of the City Council of the City of Whittier, California, adding Section 18.04.092 of Chapter 18.04 and repealing and replacing Section 18.45.050 of Chapter 18.45 of Title 18 (Zoning) of the Whittier Municipal Code, relating to code violations (Applicant: City of Whittier),” regarding Medical Marijuana Regulations.
- 7.L** It is recommended the City Council receive and file a report on the Memorandum of Understanding (MOU) between the City of Whittier and Whittier College regarding Campus Safety Officers’ authority.
- 7.M** It is recommended the City Council receive and file a quarterly update on the remediation associated with the Omega Chemical Superfund site located at 12504 Whittier Boulevard.
- 7.N** It is recommended the City Council authorize staff to release a bid package for demolition, abatement, shoring and earthwork at the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue; and receive and file an update on the Branch Library improvement and expansion project.

- 7.O** It is recommended the City Council approve an amendment to the Murphy Ranch Little League Lease Agreement to allocate funds in the amount of \$4,800 to defray landscape maintenance costs; and authorize the City Manager to execute the amendment.
- 7.P** 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 Modification CUP85-11 (M-1) to allow a 24-hour operation drive-thru service window at an existing restaurant (d.b.a. McDonald's) located at 15000 Whittier Boulevard; Owner: McDonald's Corporation; Applicant: NLC Enterprises, Inc.
- 7.Q** The Cultural Arts Commission recommends the City Council approve a color change on the "Welcome Friends" Art in Public Places piece located at the Whittier Quad.
- 7.R** The Cultural Arts Commission recommends the City Council take actions regarding the Garden Gate Statue:
1. Approve funding the replacement of the statue stolen from the Garden Gate Art in Public Places Project located at Norwalk and Beverly Boulevards;
 2. Approve a Professional Services Agreement with Guy Angelo Wilson in the amount of \$17,400 for the art piece replacement; and
 3. Authorize the City Manager to execute the Agreement.
- 7.S** It is recommended the City Council receive and file the Metro Eastside Gold Line Phase II light rail project update report.
- 7.T** It is recommended the City Council approve a lease agreement with Airtouch Cellular representing Verizon for the installation of a cellular antenna tower at Palm Park subject to zoning approval; and authorize the City Manager to execute the lease documents.

Redevelopment Agency

- 7.U** It is recommended the Agency Board approve the Amended and Restated Parking Services Agreement with Greenleaf Hotel, Inc. for a six-month period commencing September 13, 2011 for parking at the Radisson Hotel located at 7320 Greenleaf Avenue; and authorize the Executive Director to execute the Agreement.

Utility Authority

- 7.V** It is recommended the Board of Directors take actions regarding the Whittier Narrows Operable Unit and Well Fields, 331 N. Durfee Road; and Whittier Narrows Nature Preserve, 530 N. Durfee Road, South El Monte:
1. Award the security patrol contract in an amount not to exceed \$52,041;
 2. Reject all other bids; and
 3. Authorize the Executive Director to sign the contract.
- 7.W** It is recommended the Board of Directors take actions regarding 4128 San Gabriel River Parkway, Pico Rivera:
1. Award the construction contract in the amount of \$24,950 for the demolition of a single-family residence located at the property;
 2. Reject all other bids; and
 3. Authorize the Executive Director to execute the contract.

City Council and Redevelopment Agency

- 7.X** It is recommended by Agency Counsel that the Agency Board and City Council take actions regarding Assembly Bill 26:
1. Agency Board adopt Resolution No. WRA-11-13 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving a preliminary draft of an Initial Recognized Obligation Payment Schedule pursuant to Part 1.8 of Division 24 of the California Health and Safety Code and taking certain actions in connection therewith"; and
 2. City Council adopt Resolution No. 8410 entitled, "A Resolution of the City Council of the City of Whittier, California, making an election in connection with serving as a Successor Agency under Part 1.85 of Division 24 of the California Health and Safety Code and taking certain actions in connection therewith."

City Council, Redevelopment Agency and Utility Authority

- 7.Y** 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 July 12, July 26, and August 23, 2011; and
 2. City Council approve the Minutes of the Special Meeting of August 17, 2011.

Proposed Motion: I move that the City Council, Agency Board and Authority Directors approve specified Consent Calendar items, including awarding contracts to CEED Security Services, Inc. (Item 7.V) and Mora's Equipment and Construction, Inc. (Item 7.W); and that Resolution Nos. 8407 (Item 7.F), 8408 (Item 7.G), 8409 (item 7.H), and WRA-11-13 and 8410 (Item 7.X); and Ordinance Nos. 2975 (Item 7.J) and 2979 (Item 7.K) 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. CITY COUNCIL PUBLIC HEARING: 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. 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.

9.A This is the date and time set and duly noticed for a public hearing to consider approval of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2010 and ending June 30, 2011. It is recommended the City Council authorize the City Manager to submit the report, along with any public comments received, to the United States Department of Housing and Urban Development (HUD).

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

Proposed Motion: I move to approve the CAPER and authorize the City Manager to submit the report to HUD with any public comments received.

10. RECESS CITY COUNCIL AND RECONVENE REDEVELOPMENT AGENCY MEETINGS:

11. REDEVELOPMENT AGENCY PUBLIC HEARING:

11.A This is the date and time set for a public hearing relating to the Whittier Redevelopment Agency Five-Year Implementation Plan. It is recommended the Agency Board indefinitely postpone the public hearing and adoption of the Five-Year Implementation Plan.

Proposed Motion: I move to indefinitely postpone the public hearing and adoption of the Five-Year Implementation Plan.

12. RECESS REDEVELOPMENT AGENCY AND RECONVENE CITY COUNCIL MEETINGS:

13. BOARDS AND COMMISSIONS:

13.A It is recommended the City Council make an appointment to an unexpired term on the Cultural Arts Commission ending July 1, 2012, select applicants for interviews, and/or direct further advertising for the vacancy.

Proposed Motion: I move to _____.

14. CITY COUNCIL STAFF REPORTS:

14.A It is recommended the City Council consider positions on proposed resolutions for the League of California Cities annual conference.

Proposed Motion: I move to _____.

14.B It is recommended the City Council take actions regarding Video Streaming and Document Imaging/Management System:

1. Approve the purchase of a video streaming and a document imaging/management system and related services, in an amount not to exceed \$81,000, from SIRE Technologies; and authorize the City Manager to execute the professional services agreement;
2. Determine whether the video streaming service should include 24/7 web streaming of City Channel 3; and
3. Authorize the purchase of additional redundant network storage in an amount not to exceed \$44,000 from Insight Investments.

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

ROLL CALL

14.C It is recommended the City Council approve a temporary bus token subsidy program and direct staff to conduct outreach to passengers displaced by Norwalk Transit Systems' reduction in fixed-route bus service.

Proposed Motion: I move approve staff's recommendation.

15. RECESS CITY COUNCIL AND RECONVENE UTILITY AUTHORITY MEETINGS:

16. UTILITY AUTHORITY STAFF REPORT:

16.A It is recommended the Board of Directors take actions regarding Pumping Plant II and Starlight Reservoir:

1. Amend the professional services agreement with RBF Consulting for the design of a replacement for Pumping Plant II in the amount of \$60,064;
2. Award RBF Consulting the professional services agreement to evaluate the feasibility of constructing additional storage facilities at Starlight Reservoir in the amount of \$96,498;
3. Authorize the Executive Director to execute the amendment and agreement; and
4. Adopt a resolution entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority amending the Fiscal Year 2011-12 Budget for additional funds to fund the Professional Services Agreement Amendment for the design of Pumping Plant II, and the Professional Services Agreement to evaluate the feasibility of constructing additional storage facilities at Starlight Reservoir," in the amount of \$160,000.

Proposed Motion: I move to approve staff's recommendation; and that Resolution No. WUA-11-06 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

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

19. ADJOURN UTILITY AUTHORITY MEETING:

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

20.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.

- 20.B** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 8310 Comstock Avenue.
- 20.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; 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. Mure Corporation – AIN 8140-032-001; and
 5. State of California – AIN 8170-013-904.
- 20.D** City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier City Employees' Association and unrepresented employees.
- 21. RECONVENE IN OPEN SESSION:**
- 22. CLOSED SESSION REPORT:**
- 22.A** It is recommended the City Council take actions regarding 2011-13 Benefit and Salary adjustments:
1. Approve the Memorandum of Understanding (MOU) with the Whittier City Employee's Association (WCEA) for the period July 1, 2011 through June 30, 2013;
 2. Approve benefit and salary adjustments for Miscellaneous Unrepresented Management and Confidential Employees; and
 3. Implement the benefit and salary adjustments for WCEA and Miscellaneous Unrepresented Management and Confidential Employees; and
 4. Direct staff to return with applicable salary and benefit resolutions.
- 23. ADJOURNMENT:** In memory of Marsha Antonelli.

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.