

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

Karina Rennie
Martha Sarabia
Michelle Diaz

4.B Commendation - Friends of the Whittier Public Library

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.

Proposed Motion: I move to _____.

6. PUBLIC COMMENTS:

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 Walter L. Banga; Desiree Magat; John A. Napoles; Mary Rawalt; SAE & JGE, LLC; and Shae Stuard.
- 7.B** It is recommended the City Council approve a Facility Usage Agreement Amendment with Rio Hondo College for extended use of the Palm Park Aquatic Center; and authorize the City Manager to execute the Amendment.
- 7.C** It is recommended the City Council approve the purchase and installation costs for a Theatre Sound System; and adopt Resolution No. 8426 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-12 Budget for replacement of the Community Center Theatre sound system," in the amount of \$43,000.
- 7.D** It is recommended the City Council approve the Administrative Agreement with the Whittier Uptown Association for Calendar Year 2012; and authorize the City Manager to execute the Agreement.
- 7.E** It is recommended the City Council adopt Resolution No. 8427 entitled, "A Resolution of the City Council of the City of Whittier, California, rescinding Resolution Nos. 6653 and 6589 with immediate effect and rescinding Section 3 of Resolution No. 8408 effective January 1, 2012 and designating the City's representatives to the California Transit Insurance Pool (CalTIP) Board of Directors."
- 7.F** It is recommended the City Council approve the amended 2011-13 Whittier City Employees' Association Comprehensive Memorandum of Understanding to correct the effective dates of the CalPERS Employee Contribution Increase.

- 7.G** It is recommended the City Council adopt Resolution No. 8428 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-2012 Budget to accept a grant from California State Library," in the amount of \$30,000 to acquire a book dispensing machine during the Whittwood Branch Library closure.
- 7.H** It is recommended the City Council approve out-of-state travel for one volunteer Police Department Chaplain to attend the International Conference of Police Chaplains 2012 Annual Regional Training Seminar and Workshop on January 9-12th in Cannon Beach, Oregon.
- 7.I** The Planning Commission recommends the City Council receive and file the 2010-2011 General Plan Annual Progress Report; and direct staff to forward a copy to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.
- 7.J** It is recommended the City Council receive and file the budget review for the period July through October 2011.
- 7.K** It is recommended the City Council approve the specifications for the Phase 2 Bus Shelter Improvement Project at various locations along Whittier Boulevard between Santa Gertrudes Avenue on the east and Esperanza Avenue on the west; and authorize staff to advertise the project for construction bids.
- 7.L** It is recommended the City Council approve the issuance of Contract Change Order No. 3 to Crabtree Glass Company in the amount of \$28,783 for the City Hall Window Replacement Project, Department of Energy Award Number DE-SC0002083.
- 7.M** It is recommended the City Council take actions regarding Mills Avenue sidewalks:
1. Approve the plans and specifications for the construction of Mills Avenue Sidewalks, State Project No. SR2SL-5111 (057);
 2. Authorize the City Engineer to approve Phase 2 as change order work pending approvals by the Public Utilities Commission (PUC) and Union Pacific Railroad (UPRR);
 3. Authorize the City Clerk-Treasurer to advertise for construction bids; and
 4. Authorize the City Clerk-Treasurer to sign the easements for sidewalk purposes.
- 7.N** It is recommended the City Council accept the public sidewalk easement deed at 12455 Washington Boulevard associated with the Presbyterian Intercommunity Hospital-Kidney Dialysis Center improvements; and authorize the City Clerk-Treasurer to execute the easement document.

- 7.O** It is recommended the City Council authorize the City Manager and/or his designee to sign the Tolling Agreement with the Water Replenishment District of Southern California (WRD) proposed by the WRD to avoid multiple lawsuits and allow for continued collection of the current assessment while statute of limitations issues are being decided by the courts.
- 7.P** It is recommended the City Council approve a reduced banner fee request submitted by Hillcrest Congregational Church, as approved in Fiscal Year 2010-11, reducing the fee from \$1,500 to \$405.
- 7.Q** It is recommended the City Council approve an Encroachment License Agreement for 14856 Mar Vista Street in substantially the form attached; and authorize the Mayor to execute the agreement subsequent to the City Engineer's approval of the final plans and the City Attorney's approval as to form of the final agreement.
- 7.R** It is recommended the City Council take actions regarding Area 3 Pavement Surface Treatment:
1. Approve the specifications for the Pavement Surface Treatment Program Fiscal Year 2011-12 for Area 3 bounded by Santa Fe Springs Road and Washington Boulevard on the west, La Cuarta Street on the north, Catalina and Gunn Avenues on the east and the County border on the south;
 2. Authorize staff to advertise the project for construction bids; and
 3. Order collection of the proportionate share of costs for the widening of Persing Drive in accordance with an Agreement for Zone Variance Case V82-09 between the City and Eduardo D. Ceniceros.
- 7.S** It is recommended the City Council approve the specifications for thirteen trade packages for the Whittwood Branch Library expansion and renovation project; and authorize staff to advertise the project for construction bids.
- 7.T** It is recommended the City Council approve a Special Counsel contract with Jones & Mayer for the Whittier Hills Oil Field Development and Mineral Extraction Program; and authorize the City Manager to execute the contract.
- 7.U** It is recommended the City Council approve a fee waiver in the amount \$572 for shuttle transportation for the Dignity Memorial Vietnam Wall on display at Rose Hills Memorial Park and Mortuary from March 23 through March 30, 2012.

Redevelopment Agency

- 7.V** It is recommended the Agency Board approve \$252,734 in total tax increment and sales tax reimbursement to the owners of the Whittwood Town Center pursuant to the Owner Participation Agreement as follows: \$78,936 to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) and \$173,798 to Cole MT Whittier CA, LP.
- 7.W** It is recommended the Agency Board adopt Resolution No. WRA-11-15 entitled: "A Resolution of the Board of the Whittier Redevelopment Agency authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the Building Equity and Growth in Neighborhoods (BEGIN) Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the BEGIN program."
- 7.X** It is recommended the Agency Board receive and file the Agency Annual Report for Fiscal Year 2010-11.
- 7.Y** It is recommended the Agency Board adopt resolutions regarding Low and Moderate Income Housing Fund Administration costs:
1. Resolution No. WRA-11-16 entitled: "A Resolution of the Board of the Whittier Redevelopment Agency determining that the planning and administration expenses funded in Fiscal Year 2010-11 by the Low- and Moderate-Income Housing Set Aside Fund were necessary for the production, improvement and/or preservation of affordable housing for low- and moderate- income households"; and
 2. Resolution No. WRA-11-17 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency determining that the planning and administration expenses funded in Fiscal Year 2011-12 by the Low- and Moderate-Income Housing Set Aside Fund were necessary for the production, improvement and/or preservation of affordable housing for low- and moderate-income households."

Utility Authority

- 7.Z** It is recommended the Board of Directors take actions regarding the Alley Improvement Program:
1. Approve the contract specifications for Alley Pavement Rehabilitation within an area generally bounded by Whittier Boulevard to the south, Palm Avenue to the west, Beverly Drive to the north, and Painter Avenue to to the east;
 2. Authorize the Secretary-Treasurer to advertise for bids; and
 3. Adopt Resolution No. WUA-11-07 entitled, " A Resolution of the Board of Directors of the Whittier Utility Authority amending the Fiscal Year 2011-12 Budget to fund repairs to the Landfill roadway," in the amount of \$ 30,000.
- 7.AA** It is recommended the Board of Directors approve the specification for the Greenleaf Avenue 24-inch Corrugated Metal (CMP) Lining Project; and authorize the Secretary-Treasurer to advertise for construction bids.

City Council, Redevelopment Agency and Utility Authority

- 7.BB** 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 November 8 and November 22, 2011; and the Adjourned Regular Meeting of November 28, 2011.
 2. City Council approve the Minutes of the Special Meeting of November 8, 2011; and the Adjourned Special Meetings of November 9, November 14, November 15, November 21, November 22, and November 28, 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. 8426 (Item 7.C), 8427 (Item 7.E), 8428 (Item 7.G), WRA-11-15 (Item 7.W), WRA-11-16 and WRA-11-17 (Item 7.Y), and WUA-11-07 (Item 7.Z) 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 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 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.

9.A This is the date and time set and duly noticed for a de novo public hearing to review the Planning Commission's denial of Development Review No. DRP11-044 and Conditional Use Permit No. CUP 10-007 to expand the retail floor area within an existing convenience store in conjunction with the operation of an existing gas station d.b.a. "Valero" with exterior improvements located at 10808 Beverly Boulevard, Whittier. (Applicant: R.E.V. Group; Owner: AKM Properties, LLC).

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

Proposed Motion: I move to approve/deny the appeal and direct staff to return with implementing resolutions reflecting the City Council consensus.

10. BOARDS AND COMMISSIONS:

10.A It is recommended the City Council make an appointment to a term on the Planning Commission ending July 1, 2015, select applicants for interviews, and/or direct further advertising for the vacancy.

Proposed Motion: I move to _____.

11. STAFF REPORTS:

11.A It is recommended the City Council approve staff's proposal to use available and unappropriated General Funds as the source for the AB X1 27 remittance if the payment requirement is upheld by the State Supreme Court; and receive and file the report.

Proposed Motion: I move to approve staff's proposal; and receive and file the report.

- 11.B** It is recommended the City Council appoint a Light Rail Transit Subcommittee with a sunset date of December 31, 2012; and receive and file an update on the Gold Line light rail extension process.

Proposed Motion: I move to appoint _____ and _____ to the Light Rail Transit Subcommittee with a sunset date of December 31, 2012; and receive and file the update report.

- 11.C** It is recommended the City Council approve a donation program for Whittwood Branch Library fundraising.

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

- 11.D** It is recommended the City Council dismiss the hearing relating to violations of the Subdivision Map Act and the Whittier Municipal Code against properties addressed as 16018 and 16024 Puesta Del Sol Drive.

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

12. RECONVENE REDEVELOPMENT AGENCY MEETING AND RECESS CITY COUNCIL MEETING:

13. REDEVELOPMENT AGENCY PUBLIC HEARING:

- 13.A** This is the date and time set and duly noticed for a public hearing for the Board of Directors of the Whittier Redevelopment Agency to receive testimony from all interested parties on the Five Year Implementation Plan; and to adopt a resolution entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving and adopting a Five Year Implementation Plan, including the Housing Compliance Plan Component, for 2010-2014 pursuant to Health and Safety Code Sections 33413 and 33490."

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

Proposed Motion: I move that Resolution No. WRA-11-18 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

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

16. ADJOURN UTILITY AUTHORITY MEETING:

17. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

17.A City Council - Government Code Section 54956.9(a) to discuss the claim of William Lamping vs. City of Whittier.

17.B City Council - Government Code Section 54956.9(a) to discuss the claim of Ronald Munson vs. City of Whittier.

17.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.

17.D City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiators Stephen Helvey and Jeffrey Collier, and the Whittier Police Officer's Association.

NOTE: Council Member Nordbak may not participate in discussion on Item 17.D due to a conflict of interest.

17.E City Council – Government Code Section 54957, City Manager evaluation.

17.F City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 6542 Hill Avenue.

17.G City Council - Government Code Section 54956.9(a) to discuss the claim of Rosalba Alcala vs. City of Whittier.

17.H City Council - Government Code Section 54956.9(a) to discuss the claim of George Becerra vs. City of Whittier.

- 17.I 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.
18. **RECONVENE IN OPEN SESSION:**
19. **CLOSED SESSION REPORT:**
20. **ADJOURNMENT**

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 Senior Lounge at Parnell Park (15390 Lambert Road). 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.