# AGENDA WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING

## CITY COUNCIL CHAMBER, 13230 PENN STREET FEBRUARY 24, 2009, 6:30 P.M.

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

- 1. CALL TO ORDER:
- 2. ROLL CALL: J. Greg Nordbak, Council Member

Cathy Warner, Council Member Owen Newcomer, Council Member Bob Henderson, Mayor Pro Tem

Joe Vinatieri, Mayor

- 3. PLEDGE OF ALLEGIANCE:
- 4. PRESENTATIONS:
  - **4.A** Silver Star Proclamation American Legion Post 51 and Jose Ramos
  - **4.B** Blue Star Fran Shields
- 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.)

6. 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.

- 6.A It is recommended the City Council deny claims filed by Yvette Sanchez, State Farm Insurance for insured John and Helen Koval, Wheels Inc., Mary Pappas, Kenneth Metzger, and Frank Henry Cruz.
- **6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of January 27, 2009.
- 6.C It is recommended the Board of Directors approve the agreement with the Central Basin Municipal Water District (CBMWD) to operate the CBMWD water treatment plant; and adopt Resolution No. WUA-09-01 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority, amending the Fiscal Year 2008-09 Budget for additional funds in Temporary Part-Time wages for additional labor needed to provide operation and maintenance services to the Central Basin Municipal Water District Treatment Plant," in the amount of \$10,800.
- 6.D It is recommended the City Council award the Senior Center Air Conditioner Replacement Project (Final Phase) and reject all other bids; and authorize the City Manager to sign the contract.
- 6.E It is recommended the City Council approve the Right-of-Way Use Agreement with Sunesys, LLC, in substantially the form as attached, for the installation of underground conduit and fiber optics for East Whittier City School District in multiple locations within the public right-of-way throughout the City; and authorize the City Manager to execute the Agreement.
- **6.F** It is recommended the City Council approve the specifications and standard plans for the construction of access ramps per the Accessibility Committee priority list; and authorize the City Clerk to advertise for construction bids.
- 6.G It is recommended the City Council conduct first reading of Ordinance No. 2921 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Whittier Municipal Code Chapter 10.16 related to the parking of military veteran vehicles in metered parking spaces," allowing qualified military veterans exhibiting Pearl Harbor, Legion of Valor, American Prisoner of War, Congressional Medal of Honor or Purple Heart license plates to park without charge in metered parking spaces.

- 6.H 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 C07-003 to permit the daily hours of operation for a proposed restaurant known as "Seta" located at 13033 Philadelphia Street to 2:00 a.m. (Applicant/Owner: Javier Jimenez).
- 6.I It is recommended the Agency Board and City Council take the following actions regarding the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area:
  - 1. Adopt Resolution No. WRA-09-02 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving and adopting the Report to the City Council on the Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area"; and
  - 2. Adopt Resolution No. 8184 entitled, "A Resolution of the City Council of the City of Whittier, California, acknowledging receipt from the Whittier Redevelopment Agency of the Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area and the Report to the City Council concerning the Amendment."
- 6.J It is recommended the City Council approve a special event permit for the Whittier Uptown Association's Spring Antique Street Faire on Saturday, April 25, 2009 from 8:00 a.m. to 4:00 p.m., on Philadelphia Street between Greenleaf and Painter Avenues.
- 6.K It is recommended the City Council approve a special event permit for the Walk 4 Life event sponsored by the Whittier Pregnancy Care Clinic on Saturday, March 7, 2009 starting at 8:30 a.m., beginning and ending at the Whittier Pregnancy Care Clinic, 16147 E. Whittier Boulevard
- 6.L It is recommended the City Council approve a special event permit for the Whittier Area Community Church Prayer for the City on Saturday, March 28, 2009 from 7:00 a.m. to 8:00 a.m. in front of City Hall.
- 6.M It is recommended the City Council approve a special event permit request for the 2009 Whittier Uptown Association's weekly Wednesday Night Family Fair from 5:00 p.m. to 9:00 p.m. on Greenleaf Avenue between Hadley and Philadelphia Streets, beginning March 4, 2009 and ending October 28, 2009.

- **6.N** It is recommended the Agency Board approve a Professional Services Agreement with Buxton Company to conduct an analysis to determine unmet retail demand that may be met by local small businesses and by new retailers that would potentially locate in Whittier; and authorize the Executive Director to execute the Agreement.
- 6.0 It is recommended the City Council receive and file the following Historic Resources Commission action unless review is requested by a Council Member: Approval of Certificate of Appropriateness 08-008 to construct a 1,075 square-foot addition; construct a detached two-car garage; convert an existing garage to an accessory living area; and do a comprehensive window change-out for a single-family residence located at 15932 Russell Street; Owners: Marco and Christina Morales.

Proposed Motion:

I move that the Consent Calendar be approved as submitted, including awarding a contract to Magicool, Inc. (Item 6.D); that Resolution Nos. 8184 and WRA-09-02 (Item 6.I), and WUA-09-01 (Item 6.C) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2921 (Item 6.G) be read by title only, further reading be waived, and this be declared its first reading.

## ROLL CALL

## 7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

## 8. PUBLIC HEARING:

8.A This is the date and time set and duly noticed for a continued de novo public hearing to review the decision of the Planning Commission to deny Variance V08-004, to allow an over height (up to 15 feet in certain locations) and view obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street; Applicant: Hugo Gutierrez. The hearing was continued from January 27, 2009. At the applicant's request, it is recommended the hearing be continued to Tuesday, March 24, 2009 at 6:30 p.m.

Proposed Motion: I move that the public hearing be continued to Tuesday, March 24, 2009 at 6:30 p.m.

Proposed Motion: I move to

## 9. BOARDS AND COMMISSIONS:

- **9.A** It is recommended the City Council take action relating to various board and commission appointment issues:
  - Consider the reappointment of eligible incumbent board and commission members to the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, Park and Recreation Commission, and Personnel Board to terms ending July 1, 2013; and set two meeting dates for interviews for new candidates for July 1<sup>st</sup> appointments;
  - 2. Consider filling a vacancy on the Planning Commission for an unexpired term ending July 1, 2010; and
  - 3. Consider filling a vacancy on the Cultural Arts Commission for an unexpired term ending July 1, 2009.

10.	STAFF REPORTS:	
	10.A	It is recommended the City Council indicate whether Steve's BBC Conditional Use Permit should be called up for early review.
		Proposed Motion: I move to
	10.B	It is recommended the City Council approve a small Independence Day Celebration for 2009.
		Proposed Motion: I move to

- 11. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:
- 12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:
- 13. ADJOURN UTILITY AUTHORITY MEETING:
- **14. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
  - **14.A** City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with RGH Holdings regarding price and terms of payment for properties located at 12423 and 12425 Whittier Boulevard; City/Agency negotiator: Jeffrey Collier.

NOTE: Mayor Vinatieri and Council Members Nordbak and Warner have conflicts of interest on Item 14.A. At a blind draw held on December 9, 2008, Mayor Vinatieri was drawn back into the discussions of the item; Council Members Nordbak and Warner will not participate in discussion due to the conflicts of interest.

- 14.B Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with Pacific Crest Holdings, LLC regarding price and terms of payment for properties located at 12900 Philadelphia Street and the adjacent Assessor's Parcel No. 8139-023-028 located on the southeast corner of Philadelphia Street and Comstock Avenue; Agency negotiator: Stephen Helvey.
- **14.C** City Council Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, the Whittier Police Officers' Association and unrepresented employees.
- **14.D** 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.
- **14.E** City Council Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Gonzalez-Mejia Properties, Inc.
- **14.F** City Council Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. MBK Homes.
- **14.G** City Council Government Code Section 54956.9(a) to discuss two cases of litigation:
  - 1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
  - 2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.
- 15. RECONVENE IN OPEN SESSION:
- 16. CLOSED SESSION REPORT:
- **17. ADJOURNMENT:** In memory of Del Dick.
- **18. NEXT MEETING:** Tuesday, March 10, 2009 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 562/464-3330.

**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 562/464-3330.