## AGENDA WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING COUNCIL CHAMBER, 13230 PENN STREE

CITY COUNCIL CHAMBER, 13230 PENN STREET MAY 11, 2010, 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:** Joe Vinatieri, Council Member

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

J. Greg Nordbak, Mayor

3. PLEDGE OF ALLEGIANCE: Girl Scout Troop #474

4. PRESENTATIONS:

**4.A** Blue Star

Yvonne, Benjamin and Michael Llamas Audry and Amy Longstreth; and Ashly Aguilar

- 4.B MADD Recognition
- **4.C** Proclamation Public Works Week
- **4.D** Greenway Trail Award
- 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 Daniel Santos, Jeanette A. Uddin, Les Tom Palacio, Allstate Insurance for insured Gloria Garcia, Nichole Saldivar, Rosalba Alcala, Jennifer Ann Mears, and Arnold Efrain Majano.
  - **6.B** It is recommended the City Council approve the Minutes of the Adjourned Regular Meeting of April 20, 2010.
  - **6.C** The Cultural Arts Commission recommends the City Council approve the allocation of Whittier Cultural Arts Foundation funding of \$14,360 in support of local cultural arts programs for Fiscal Year 2010-11.
  - **6.D** It is recommended the City Council review and approve agreements with Hadley Tow and Bob & Dave's Tow for vehicle tow and impound services; and authorize City Manager to execute agreements.
  - 6.E It is recommended the City Council award the construction contract for the Laurel Avenue Reconstruction from Whittier Boulevard to Lambert Road (Federal Project No. ESPL-5111[053]), and Laurel Avenue Overlay from Lambert Road to the South City Limits projects, utilizing American Recovery and Reinvestment Act and Traffic Congestion Relief funding, respectively; reject all other bids; and authorize the City Manager to sign the contract.
  - 6.F It is recommended the City Council waive the informality in the bid documentation submitted by Arc Accucon Construction, Inc.; award the construction contract for the Construction of Access Ramps at Various Locations Project; reject all other bids; and authorize the City Manager to sign the contract.
  - 6.G It is recommended the City Council approve the Engineer's Report for Fiscal Year 2010-11 for Street Lighting Assessment District No. 01-91; and adopt Resolution No. 8282 entitled, "A Resolution of the City Council of the City of Whittier, California, declaring its intention to levy and collect Fiscal Year 2010-11 Foxley Drive Street Lighting Assessment, and setting a time and place for public hearing thereon," for June 8, 2010 at 6:30 p.m.

- 6.H It is recommended the City Council approve the proposed preliminary budget for Fiscal Year 2010-11 for Parking District No. 1; and hold a public hearing at 6:30 p.m. on June 8, 2010, to approve the budget and confirm the assessments.
- 6.I It is recommended the City Council approve the proposed preliminary budget for Fiscal Year 2010-11 for Parking District No. 2; and hold a Public Hearing at 6:30 p.m. on June 8, 2010, to approve the budget and confirm the assessments.
- 6.J It is recommended the City Council adopt Resolution No. 8283 entitled, "A Resolution of the City Council of the City of Whittier, California, redesignating the Los Angeles County Department of Public Health as the Local Enforcement Agency for the City of Whittier Savage Canyon Landfill."
- 6.K It is recommended the City Council adopt Resolution No. 8284 entitled, "A Resolution of the City Council of the City of Whittier, California, approving the submittal of a Regional Grant application to the California Department of Resources Recycling and Recovery for the used oil payment program."
- **6.L** It is recommended the City Council and Utility Authority Board of Directors take the following actions regarding the Main San Gabriel Basin:
  - 1. City Council adopt Resolution No. 8285 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 2009-10, the City has 1,500 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers and is available for lease;
  - City Council approve and authorize the City Manager to sign water rights lease agreements with California Domestic Water Company, La Puente Valley County Water District and the City of Industry Waterworks System, in substantially the form of the Watermaster approved standard form water rights lease agreements; and
  - 3. Board of Directors concur with the above City Council actions.
- 6.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 Minor Conditional Use Permit Modification MC96-08(M1) to extend the business hours until 2:00 a.m. in conjunction with the on-site sale and consumption of beer and wine for an existing business d.b.a. Havana House Cigars and Lounge located at 7020 Greenleaf Avenue; Applicant: Alfred Campano; Owner: Daniel Pepper.

- **6.N** It is recommended the City Council adopt the following resolutions regarding the Sprouts Farmers Market:
  - Resolution No. 8286 entitled, "A Resolution of the City Council of the City of Whittier, California, approving Development Review No. DR06-697 to construct a new grocery store (Sprouts Farmers Market) located at 15801 Whittier Boulevard (Applicant: Pickard Architects; Owner: Bright Properties and Centerfire, LLC);
  - Resolution No. 8287 entitled, "A Resolution of the City Council of the City of Whittier, California, approving Variance No. VAR10-002 to reduce the usable open space requirement and omit the requirement to provide a main building entrance on Whittier Boulevard or Russell Street (d.b.a. Sprouts Farmers Market) located at 15801 Whittier Boulevard (Applicant: Pickard Architects; Owner: Bright Properties and Centerfire, LLC)"; and
  - 3. Resolution No. 8288 entitled, "A Resolution of the City Council of the City of Whittier, California, approving Conditional Use Permit No. CUP10-003 to allow the on-site sale of beer and wine under a Type 20 alcohol license for off-site consumption in conjunction with a new grocery store (d.b.a. Sprouts Farmers Market) located at 15801 Whittier Boulevard (Applicant: Pickard Architects; Owner: Bright Properties and Centerfire, LLC)."
- 6.0 It is recommended the City Council approve the permit applications for painting curb and alley addresses submitted by Canning Hunger, Care for the Children, and California Numbering Service, subject to the standard procedures and policies.

Proposed Motion:

I move that the Consent Calendar be approved as submitted including awarding construction contracts to Nobest, Inc, (Item 6.E) and Arc Accucon (Item 6.F); and that Resolution Nos. 8282 (Item 6.G); 8283 (Item 6.J); 8284 (Item 6.K); 8285 (Item 6.L); and 8286 through 8288 (Item 6.N) be read by title only, further reading be waived, and they be declared adopted.

## ROLL CALL

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

## 8. PUBLIC HEARINGS:

8.A This is the date and time set and duly noticed for a public hearing to consider the Planning Commission's decision and recommendation to adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California approving Tentative Parcel Map No. 71246, for a lot merger of four individual parcels into a single lot at 5609 and 5621 Pioneer Boulevard. (Applicant and Property Owner: New United Molokan Church)."

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

Proposed Motion: I move that Resolution No. 8289 be read by title only,

further reading be waived, and it be declared adopted.

## **ROLL CALL**

- 8.B This is the date and time set and duly noticed for a public hearing to consider the adoption of a development fee program to be assessed on all new residential construction to finance library expansion; purchase of library books and collections; renovation, improvement and expansion of public use facilities (community centers); improvements to aquatics center facilities; and, park land acquisition and facilities improvements. It is recommended the City Council:
  - 1. Conduct first reading of an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, approving a Development Impact Fee Report and Master Facilities Plan, and amending Title 3 (Revenue and Finance) with the addition of Chapter 3.48 to the Whittier Municipal Code to establish a Development Impact Fee Program and adopting necessary findings for the establishment of Development Impact fees to finance public improvements, facilities and park land acquisition"; and authorize summary publication of the ordinance;
  - 2. Conduct first reading of an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Section 17.17.070 (Amount of Fee in Lieu of Land Dedication) approving and adding Section 17.17.075 (Appeal of In Lieu Fee Calculation) to Chapter 17.16 (Park and Land Fees Dedication) of Title 17 (Subdivisions) of the Whittier Municipal Code to provide an alternative fee calculation and an appeals process for park land fees";and
  - 3. Adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California approving Development Impact Fees to finance public improvements and facilities."

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

Proposed Motion:

I move that Ordinance Nos. 2953 and 2954 be read by title only, further reading be waived, and this be declared their first reading; that Resolution No. 8290 be read by title only, further reading be waived, and it be declared adopted; and to authorize summary publication of Ordinance No. 2953.

ROLL CALL

<ol><li>CITY STAFF REPOR</li></ol>
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9.A It is recommended the City Council consider approval of a special event permit request for the 2010 Whittier Uptown Association's weekly Wednesday Night Family Fair beginning in May 2010 through September 29, 2010.

Proposed Motion:	I move to	

- RECESS CITY COUNCIL MEETING AND RECONVENE REDEVELOPMENT 10. AGENCY:
- **AGENCY STAFF REPORT:** 11.
  - **11.A** It is recommended the Agency Board review, provide feedback and adopt the Proposed Improvements to the Commercial Façade Loan Program Guidelines.

Proposed Motion: I move	e to

- RECONVENE CITY COUNCIL AND UTILITY AUTHORITY IN JOINT SESSION **12.** WITH REDEVELOPMENT AGENCY:
- 13. COUNCIL/AGENCY MEMBER/DIRECTOR **COMMENTS/CONFERENCE REPORTS:**
- 14. **ADJOURN UTILITY AUTHORITY MEETING:**
- 15. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION: It is recommended a Closed Session be held pursuant to:
  - 15.A City Council Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, Whittier Police Officers Association, and unrepresented employees.

- **15.B** City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with the State of California relating to AIN 8170-013-904; City/Agency negotiator Stephen Helvey.
- 15.C City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with Fountainhead Pacific, LP, regarding price and terms of payment for properties located at 12540 Whittier Boulevard and 12549 Washington Boulevard; City/Agency negotiator: Stephen Helvey.
- 16. RECONVENE IN OPEN SESSION:
- 17. CLOSED SESSION REPORT:
- 18. ADJOURN REDEVELOPMENT AGENCY MEETING:
- 19. ADJOURN CITY COUNCIL MEETING TO MONDAY, MAY 24, 2010 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.