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

CITY COUNCIL CHAMBER, 13230 PENN STREET SEPTEMBER 14, 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:
- 4. PRESENTATIONS:
  - **4.A** Elks Commendation
  - **4.B** Business of the Month Certificates Setá
    Whittier Toyota
- 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 James and Carleen Perkins, Sandy Ly, Rafael David Field, Richard Quesada, and Michael Montoya.
- **6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of August 10 and August 24, 2010.
- **6.C** It is recommended the City Council receive and file the Gateway Cities Council of Governments updates for March through August 2010.
- 6.D It is recommended the City Council adopt Resolution No. 8311 entitled, "A Resolution of the City Council of the City of Whittier, California, to grant another designated period for two years additional CalPERS service credit"; and approve certifications to implement the service credits for eligible designated positions in the Police Department to encourage reduction in the Police force pursuant to the Fiscal Year 2010-11 Budget.
- 6.E It is recommended the City Council approve the Whittier Uptown Association Annual Report as presented or as modified; adopt Resolution No. 8312 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 2011"; and set October 12, 2010 for the public hearing.
- **6.F** It is recommended that the City Council adopt Resolution No. 8313 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing taxation districts and levying an ad valorem assessment on all land and improvements within the Uptown Parking District No. 2 for Fiscal Year 2010-11."
- 6.G It is recommended the City Council approve the issuance of a Contract Change Order to Nobest, Inc; and adopt Resolution No. 8314 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget for the allocation of funds for Laurel Avenue Reconstruction Project," in the amount of \$77,107.
- **6.H** It is recommended the City Council take the following actions regarding the Suburban Water Systems Franchise:
  - Adopt Resolution No. 8315 entitled, "A Resolution of the City Council
    of the City of Whittier, California, declaring its intent to consider the
    granting of a franchise to Suburban Water Systems," to install, operate
    and maintain certain pipelines and appurtenances for the
    transportation and distribution of water in the City; and setting October
    12, 2010 for the public hearing; and

- Conduct first reading of Ordinance No. 2957 entitled, "An Ordinance of the City Council of the City of Whittier, California, granting to Suburban Water Systems, a franchise to install, operate and maintain certain pipelines and appurtenances for the transportation and distribution of water in the City of Whittier."
- 6.I It is recommended the City Council conduct first reading of Ordinance No. 2958 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending the Whittier Municipal Code to establish the Parks, Recreation and Community Services Department and Commission."
- 6.J It is recommended the City Council approve the Community Facility Use Agreement with the Whittier Union High City School District; and authorize the City Manager to execute the agreement.
- 6.K It is recommended the City Council receive and file the Housing Programs Activity Report for Fiscal Year 2009-10; and review and approve recommended revisions to the Home Improvement Loan and Home Improvement Grant Programs.
- 6.L It is recommended the City Council accept the traffic signal improvements done by Presbyterian Intercommunity Hospital as complete at the intersections of Washington Boulevard and Putnam Street; and Whittier Boulevard and Pacific Place.
- **6.M** It is recommended the City Council receive and file the following Planning Commission actions unless review is requested by a Council Member:
  - Approval of Conditional Use Permit C10-010 to allow the on-site sale of alcoholic beverages under a Type 41 license (beer and wine), extended hours of operation until 2:00 a.m., and live entertainment for a restaurant d.b.a. "Fenix 5-4" located at 6754 Greenleaf Avenue; Owner: Etehad LLC; Applicant: Kyle Koestner.
  - 2. Approval of Conditional Use Permit C01-009 (M-1) to allow the on-site sale of beer and wine under a Type 20 license for off-site consumption for an existing pharmacy/retail store (d.b.a. Walgreens) with a finding of Public Convenience or Necessity in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC) for property located 11604 Whittier Boulevard; Owner: Sidney and Ruth Pilot Properties LP; Applicant: Walgreens Corporation.
- 6.N It is recommended the City Council adopt Resolution No. 8316 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget related to supplemental appropriations for the Office of Traffic Safety Selective Enforcement Traffic Program Grant."

6.0 It is recommended the City Council adopt Resolution No. 8317 entitled "A Resolution of the City Council of the City of Whittier, California, repealing Resolution No. 7676 and providing for the annual selection of Mayor," establishing a policy of City Council reorganization on any Tuesday in April of odd-numbered years.

Proposed Motion: I move that the Consent Calendar be approved as

submitted and that Resolution Nos. 8311 (Item 6.D), 8312 (Item 6.E), 8313 (Item 6.F), 8314 (Item 6.G), 8315 (Item 6.H), 8316 (Item 6.N), and 8317 (Item 6.O) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance Nos. 2957 (Item 6.H) and 2958 (Item 6.I) be read by title only, further reading be waived, and this be declared their first reading.

# **ROLL CALL**

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

### 8. CITY COUNCIL PUBLIC HEARING:

8.A This is the date and time set and duly noticed for a City Council public hearing to consider approval of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2009 and ending June 30, 2010. 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.

# 9. STAFF REPORTS:

**9.A** It is recommended the City Council consider taking positions on the proposed resolutions for the League of California Cities' Annual Business Meeting on September 15 – 17, 2010.

H	roposec	ΙM	lotion:	I move to	

**9.B** It is recommended the City Council approve new street name signs; and approve a policy on the methodology to sell the existing blue porcelain street name signs.

Proposed Motion:	I move to		
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- 10. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:
- 11. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:
- 12. ADJOURN UTILITY AUTHORITY MEETING:
- **13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
  - **13.A** City Council Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.
  - **13.B** City Council Government Code Section 54956.9(a) to discuss the claim of Alvarez vs. City of Whittier.
  - **13.C** City Council Government Code Section 54956.9(a) to discuss the claim of Chapin vs. City of Whittier.
  - 13.D City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 11757 Hadley Street; City/Agency negotiator: Stephen Helvey.
  - 13.E City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 12524 Philadelphia Street; City/Agency negotiator: Stephen Helvey.
  - 13.F City Council Government Code Section 54956.8 to discuss real property negotiations with Southern California Edison relating to price and terms of payment for properties described as APNs 8119-010-904 and 8119-009-905; City negotiator: Stephen Helvey.

**13.G** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Brookfield Homes relating to price and terms of payment for the former Nelles property described as AIN 8170-013-904; City/Agency negotiator Stephen Helvey.

### 14. RECONVENE IN OPEN SESSION:

# 15. CLOSED SESSION REPORT:

- **15.A** It is recommended the City Council take actions regarding LINC Community Development Corporation:
  - 1. Commit 2009-10 and 2010-11 Community Housing Development Organization (CHDO) set aside funds to LINC Community Development Corporation for their use in developing or rehabilitating an affordable apartment community;
  - 2. Replace and supersede the previous funding agreement with LINC approved June 24, 2009 into a new agreement that includes the funding commitments from 2009-10 and 2010-11; and authorize the City Manager to execute the Agreement; and
  - 3. Approve a predevelopment loan of up to \$25,000 to LINC for predevelopment expenses related to the conceptual development of an affordable apartment community within one of the Redevelopment Agency's Redevelopment Project Areas; and authorize the City Manager to execute the appropriate documents.

Proposed Motion:

I move to commit 2009-10 and 2010-11 CHDO set aside funds to LINC Development Corporation; replace and supersede the previous funding agreement with LINC; approve a predevelopment loan of up to \$25,000 to LINC; and authorize the City Manager to execute the appropriate documents.

**ROLL CALL** 

### 16. ADJOURNMENT:

**17. NEXT MEETING:** Tuesday, October 12, 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.