

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
OCTOBER 12, 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 Assistant Fire Chief Gerald Heinzl
 - 4.B Blue Star Presentations
 - Roger and Victoria Perez
 - Celia Chavez
 - Johnny and Patricia Horcasitas
 - Mario and Josefina Abad
 - 4.C Business of the Month Certificates
 - Trader Joes
 - Crepes & Grapes
 - 4.D Proclamation - Disabilities Awareness Month
 - 4.E Proclamation – World Polio Day
5. **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 Joshua Joel Cabrera, Luz Martinez, Patrick Delgado, Monti Mitchell, Angela Ceja, Richard Erven, Geico Insurance on behalf of Moise Jean-Baptiste, Marie Leon, Mercury Insurance on behalf of Daniel E. Douglass Sr., Laura Lovato, and Kevin Curry.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of September 14 and September 28, 2010.
- 6.C** It is recommended the City Council review the proposed amendments to the Conflict of Interest Code for designated personnel; and adopt Resolution No. 8318 entitled, "A Resolution of the City Council of the City of Whittier, California, repealing Resolution No. 8168 and establishing a Conflict of Interest Code for designated City personnel."
- 6.D** It is recommended the City Council conduct second reading and adopt 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.E** It is recommended the City Council adopt Resolution No. 8319 entitled, "A Resolution of the City Council of the City of Whittier, California, summarily ordering the vacation of a portion of sanitary sewer easement located at 14940 and 14928 Whittier Boulevard"; and authorize the Mayor and the City Clerk to execute the Quitclaim Deed.
- 6.F** It is recommended the City Council accept the work performed by Silvia Construction, Inc. for the Greenleaf Avenue Overlay and Class II Bike Lanes, Mulberry/Slauson Resurfacing, and Greenleaf Avenue Slurry Project; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 6.G** It is recommended the City Council receive and file an update on implementation of the Police Department 12-hour shift for patrol officers.

- 6.H** It is recommended the City Council accept the work performed by Nobest, Inc. for the Laurel Avenue Reconstruction and Overlay Project; and authorize the City Clerk-Treasurer to record the Notice of Completion.
- 6.I** It is recommended the Board of Directors take the following actions regarding the Alley Pavement Rehabilitation – Alley Improvement Program Project:
1. Accept Hardy & Harper, Inc.'s letter to withdraw their bid;
 2. Award the construction contract to the second lowest bidder;
 3. Reject all other bids; and
 4. Authorize the Executive Director to sign the contract.
- 6.J** It is recommended the Agency Board accept a loan from the City for \$47,589 representing 50% of the sales tax generated by the Whittier Marketplace project during January to June 2010; and approve the reimbursement to Whittier Marketplace, Inc. of the April 2010 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$192,005.
- 6.K** It is recommended the Agency Board accept a loan from the City for \$167,247 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the first half of Fiscal Year 2009-10; and approve the reimbursement to TRC MM, LLC of the 2009-10 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$317,143.
- 6.L** It is recommended the Agency Board approve \$242,015 in tax increment and sales tax reimbursement to Cole Real Estate Investments d.b.a. Cole MT Whittier CA pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.M** It is recommended the City Council receive and file the following Planning Commission actions unless review is requested by a Council Member:
1. Approval of Conditional Use Permit No. CUP 10-001 to allow the operation of a non-profit organization, community assembly use, and a Type 51 general alcohol beverage license for on-site consumption for property located at 6532 Greenleaf Avenue, Suite A; Owner/Applicant: Casa de España, Inc.
 2. Approval of Conditional Use Permit No. CUP 10-006 to allow the operation of a new restaurant with a drive-thru service window; and Development Review No. DRP 10-042 to construct a new 5,168 square-foot restaurant on an existing 31,048 square-foot lot for property located at 8840 Painter Avenue; Owner: McDonald's Corporation; Applicant: Ware Malcomb.

- 6.N** It is recommended the City Council receive and file the following Historic Resources Commission actions unless review is requested by a Council Member:
1. Approval of Certificate of Appropriateness 10-005 to install a new 23 square-foot sign along the front façade of the former National Trust and Savings Bank Building located at 6754 Greenleaf Avenue (Local Landmark No. 21); Owner: Kyle Koestner; Applicant: Kyle Koestner DBA Fenix 5-4.
 2. Approval of Certificate of Appropriateness 10-010 to construct a new 840 square-foot, detached, garage with a 397 square-foot accessory living area above the garage for property located at 6012 Painter Avenue; Owners: Leroy and Vivian Schmaltz; Applicant: David Armendariz, Red River Builders.
 3. Approval of Certificate of Appropriateness 10-013 to add approximately 840 square-feet to an existing single-family residence in addition to new balconies and decks for property located at 13923 Summit Drive; Owner/Applicant: Achille Dattilo
- 6.O** It is recommended the City Council approve a special event permit for the Whittier Uptown Association's Annual Fall Antique Street Faire on Philadelphia Street between Greenleaf and Painter Avenues on Saturday, October 23, 2010 from 9 a.m. to 4 p.m.
- 6.P** It is recommended the City Council approve the special event permit for the Whittier Uptown Association's Dia de Los Muertos (Day of the Dead) Art and Music Festival on Greenleaf Avenue between Philadelphia and Hadley Streets on Sunday, October 24, 2010 from 11:00 a.m. to 5:00 p.m.
- 6.Q** It is recommended the City Council approve a special event permit for the Whittier Uptown Association's Halloween Caper's Event at 6724 Greenleaf Avenue on Saturday, October 30, 2010 from 3:00 p.m. to 5:00 p.m.
- 6.R** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for September 2010.
- 6.S** It is recommended the City Council conduct first reading of Ordinance No. 2959 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding Chapter 9.60 to Title 9 (Public Peace, Morals and Welfare) of the Whittier Municipal Code, relating to aggressive solicitation."

- 6.T** It is recommended the City Council and Board of Directors take actions regarding replacement of an automated refuse collection truck:
1. City Council adopt Resolution No. 8320 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-2011 Budget to fund replacement of an automated refuse collection truck," in the amount of \$151,629; and
 2. Board of Directors adopt Resolution No. WUA-10-06 entitled, "A Resolution of the Board of Directors of the City of Whittier Utility Authority, amending the Fiscal Year 2010-2011 Budget to fund replacement of an automated refuse collection truck," in the amount of \$162,916.
- 6.U** It is recommended the City Council approve the renewal of the professional services agreement with AdminSure, Inc. for workers' compensation claims administration services from September 1, 2010 to August 31, 2013; and authorize the City Manager to sign the agreement.
- 6.V** It is recommended the City Council approve the professional services agreement with Hogle-Ireland, in an amount not to exceed \$70,000 for a contract planner; and authorize the City Manager to sign the agreement.
- 6.W** It is recommended the City Council receive and file the budget review for the first quarter of Fiscal Year 2010-11.
- 6.X** It is recommended the Board of Directors approve the professional services agreement with Golder Associates, Inc., to provide engineering design and permitting services for the Savage Canyon Landfill for a fee not to exceed \$269,293; and authorize the Executive Director to sign the agreement.

Proposed Motion: I move that the Consent Calendar be approved as submitted including awarding a construction contract to Terra Pave, Inc. (Item 6.I); and that Resolution Nos. 8318 (Item 6.C), 8319 (Item 6.E), 8320 (Item 6.T), and WUA-10-06 (Item 6.T); and Ordinance No. 2958 (Item 6.D) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2959 (Item 6.S) 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. CITY COUNCIL PUBLIC HEARINGS:

8.A This is the date and time set and duly noticed for a de novo public hearing to consider an appeal of the Planning Commission approval of Conditional Use Permit Modification No. C99-005(M1) to allow the on-site sale of beer and wine for off-site consumption for Walgreens located at 8201 Greenleaf Avenue and more particularly described as Assessor's Parcel Nos. 8165-014-030 and 8165-014-031, in the City of Whittier; Appellants: Jaspal Sidhu, Harbhajan Randhawa, Harpreet Randhawa and Simrinjit Randhawa (Party Snacks Liquor); Property Owner/Applicant: Walgreens Corp.

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

Proposed Motion: I move to direct staff to return an implementing resolution reflecting the City Council consensus.

8.B This is the date and time set and duly noticed for a public hearing to hear testimony regarding Suburban Water Systems' request for a water franchise; and to consider adopting 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."

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

Proposed Motion: I move that Ordinance No. 2957 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

8.C This is the date and time set and duly noticed for a public hearing to consider the Uptown Business Improvement Area levy for calendar year 2011, confirm the Annual Report as submitted by the Uptown Association, and adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, confirming the Annual Report and levy of assessments for the Uptown Whittier Business Improvement Area for Calendar Year 2011."

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

Proposed Motion: I move to confirm the Uptown Association Annual Report; and that Resolution No. 8321 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

9. STAFF REPORT:

9.A It is recommended the City Council adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, supporting State Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010."

Proposed Motion: I move that Resolution No. 8322 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

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

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

12. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

13. CITY COUNCIL 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.

14. RECONVENE IN OPEN SESSION:

15. CLOSED SESSION REPORT:

16. 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 562/464-3330.

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.