

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
NOVEMBER 9, 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 Blue Star Presentations
 - Joe and Margie Nuanes
 - Bonnie and Jerry D'Eliso
 - José, Alan, Erick and Bryan Molina
 - Walter and Faith Canedo
 - 4.B Commendation – Lita Duncan and Officer Ray Palmer
 - 4.C Business of the Month Certificates
 - Orchards Fresh Foods
 - Rick's Drive In & Out
 - 4.D Proclamation – Dr. Forrest Stone
 - 4.E League of California Cities Helen Putnam Award – Greenway Trail
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 Yolanda Webb, Jorge Dominguez, Francisco J. Chavez, Rosario V. Vega, Tiffanie Otero, Patrick Delgado, Richard A. Miller, Patricia Corral, Mercury Insurance for Juan Acevedo, Isidro Torres, Mark Hix, Julie Blaiser, Jeanette Benson, Irene Ramona Rodriguez, Anthony Corral, and Kevin Madison.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meetings of October 12 and October 26, 2010.
- 6.C** It is recommended the Board of Directors adopt Resolution No. WUA-10-10 entitled, "A Resolution of the Board of Directors of the Whittier Utility Authority amending Section 14 (Authority Conflict of Interest Code) of Resolution WUA-02-01 to provide for the automatic adoption of changes made to the City of Whittier Conflict of Interest Code."
- 6.D** It is recommended the City Council conduct second reading and adopt 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.E** It is recommended the City Council approve a professional services agreement with Nixon-Peabody LLP in an amount not to exceed \$20,000 for legal services; and authorize the City Manager to execute the agreement.
- 6.F** It is recommended the City Council receive and file the Gateway Cities Council of Governments' update for July through September 2010.
- 6.G** It is recommended the City Council adopt Resolution No. 8323 entitled, "A Resolution of the City Council of the City of Whittier, California, denying Conditional Use Permit Modification No. C99-005 (M-1) to allow the sale of beer and wine for off-site consumption (D.B.A. Walgreens) located at 8201 Greenleaf Avenue (Applicant and Owner: Walgreens Corporation)."

- 6.H** It is recommended the City Council adopt Resolution No. 8324 entitled, “A Resolution of the City Council of the City of Whittier, California, in support of “Business Friendly Principles” as part of Southern California Association of Governments’ development of a Southern California economic growth strategy.”
- 6.I** It is recommended the City Council adopt Resolution No. 8325 entitled, “A Resolution of the City Council of the City of Whittier, California, supporting and authorizing an application for the 2010-11 Demonstration Project as part of the Southern California Association of Governments’ Compass Blueprint Program,” for the Washington Boulevard Gold Line Transit Corridor Study; and authorize the City Manager to execute all necessary documents.
- 6.J** It is recommended the City Council approve the specifications for the Palm Park Rubber Playground Surfacing Project; and authorize the City Clerk-Treasurer to advertise for bids.
- 6.K** It is recommended the City Council approve the plans and specifications for the Joe Miller Field Restroom Project; and authorize the City Clerk-Treasurer to advertise for bids.
- 6.L** It is recommended the City Council approve the Special Event Permit request for the Whittier Uptown Association 2010 Holiday Sonata on Saturday, December 4, 2010 from 5:00 p.m. to 9:00 p.m.; and the Uptown Whittier Christmas Parade on Saturday, December 11, 2010 from 10:00 a.m. to 12:00 p.m.
- 6.M** It is recommended the City Council approve the administrative agreement with the Whittier Uptown Association for Calendar Year 2011; and authorize the City Manager to sign the agreement.
- 6.N** It is recommended the City Council approve the Encroachment License for ExxonMobil Oil Corporation to install two groundwater monitoring wells in the 10700 block of Beverly Boulevard; and authorize the Mayor to execute the Encroachment License.
- 6.O** It is recommended the City Council accept the work performed by Steiny and Company, Inc. for the Traffic Signal Improvements for the intersection of Santa Gertrudes Avenue at Starbuck Street, Federal Project No. ESPL-5111(049); and authorize the City Clerk-Treasurer to record the Notice of Completion.

- 6.P** The Parking and Transportation Commission recommends the City Council adopt Resolution No. 8326 entitled, "A Resolution of the City Council of the City of Whittier, California, rescinding conflicting portions of Resolution No. 4649, removing certain vehicular traffic restrictions relating to street parking on Greenleaf Avenue between La Cuarta Street and Mulberry Drive."
- 6.Q** The Parking and Transportation Commission recommends the City Council adopt Resolution No. 8327 entitled, "A Resolution of the City Council of the City of Whittier, California, establishing stop signs at the intersection of Bailey Street and Friends Avenue."
- 6.R** It is recommended the Board of Directors take actions regarding the renewal of water division leases:
1. Approve renewing leases for radio equipment and antenna spaces at Reservoirs #5 and #12;
 2. Approve renewing one lease for growing nursery stock at Pumping Plant 2 (4128 San Gabriel Parkway, Pico Rivera); and
 3. Authorize the Executive Director to execute the lease agreements.
- 6.S** It is recommended the City Council:
1. Approve the Memorandum of Understanding with the Whittier City Employees' Association (WCEA) for the period of July 1, 2010 through June 30, 2011;
 2. Adopt Resolution No. 8328 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8280 and adopt a new 2010-2011 Salary Resolution"; reflecting floating holiday changes for WCEA and unrepresented employees; and
 3. Adopt Resolution No. 8329 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8173 and to set forth certain leave and compensation benefits for management and confidential employees," reflecting changes to job titles and removal of Accrued Compensable Leave Conversion.
- 6.T** It is recommended the City Council approve the specifications for the Palm Park Aquatic Center Pool Re-plastering Project; and authorize the City Clerk-Treasurer to advertise for bids.
- 6.U** 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 Modification No. 10-006(M-1) to allow for the operation of a 24-hour restaurant with a 24-hour drive-thru service window for a new (reconstructed) restaurant (D.B.A. McDonald's); located at 8840 Painter Avenue; Applicant: Ware Malcomb; Owner: McDonalds Corp.

- 6.V** It is recommended the City Council receive and file an update on the police construction project.

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8323 (Item 6.G); 8324 (Item 6.H); 8325 (Item 6.I); 8326 (Item 6.P); 8327 (Item 6.Q); 8328 and 8329 (Item 6.S); and WUA-10-10 (Item 6.C); and Ordinance No. 2959 (Item 6.D) 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 HEARING:

- 8.A** This is the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 10-003 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Chapter 18.76 (Sign Construction and Placement Requirements) of the Whittier Municipal Code pertaining to Zoning Code provisions for institutional use signage. (Case No. Zoning Code Amendment 10-003; Applicant: City of Whittier)." It is also recommended the City Council authorize staff to do a summary publication of the ordinance.

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

Proposed Motion: I move that Ordinance No. 2960 be read by title only, further reading be waived, and this be declared its first reading; and to authorize staff to do a summary publication of the ordinance.

9. STAFF REPORTS:

- 9.A** It is recommended the City Council receive and file the July through September 2010 Economic Development Quarterly Update Report; review the Economic Development activities listed in the Fiscal Year 2010-11 Work Plan; and provide feedback and direction, as necessary.

Proposed Motion: I move to receive and file the quarterly update report; and direct staff to _____.

- 9.B** It is recommended the City Council extend the sunset date of the City Council Eastside Gold Line Phase II Transit, Santa Fe Springs Policing, Uptown Association, and Library Subcommittees, all scheduled to sunset in the next three months.

Proposed Motion: I move to _____.

- 9.C** It is recommended the City Council receive and file a report on the Five Points Car Wash; and provide feedback and direction to staff.

Proposed Motion: I move to receive and file the report and direct staff to _____.

- 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.
- NOTE:** Mayor Nordbak may have a potential conflict of interest on the represented employee group and may not participate in full discussion on Item 13.A.
- 13.B** 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.
- NOTE:** Council Member Henderson may have a potential conflict of interest on part of Item 13.B and may not participate in full discussion of the item.
- 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 Heritage Housing Partners relating to price and terms of payment for property identified as AINs 8141-008-905; 8141-008-907; 8141-008-912; and 8141-008-913; 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 54956.9(c) to discuss one case of potential litigation regarding receivership of properties located at 7230, 7232 and 7234 Greenleaf Avenue.
- 13.G** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 13989 Summit Drive.
- 13.H** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 14002 Summit Drive.
- 13.I** City Council – Government Code Section 54957, City Manager evaluation.
- 14. RECONVENE IN OPEN SESSION:**
- 15. CLOSED SESSION REPORT:**
 - 15.A** It is recommended the City Council approve a professional services agreement with Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP in an amount not to exceed \$10,000 to advise the City Council on a Fair Political Practices Commission (FPPC) question that has been raised; and authorize the City Manager to execute the agreement.

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

ROLL CALL

- 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.