MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY WHITTIER HOUSING AUTHORITY WHITTIER PUBLIC FINANCING AUTHORITY JOINT MEETING CITY COUNCIL CHAMBER, 13230 PENN STREET JUNE 14, 2011

1. CALL TO ORDER:

The Whittier City Council met in regular session on June 14, 2011, in conjunction with the Whittier Housing Authority, Whittier Public Financing Authority, Whittier Redevelopment Agency, and the Whittier Utility Authority. Mayor Warner called the joint meeting to order at 6:30 p.m. in the Committee Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/HOUSING AUTHORITY BOARD MEMBERS/ PUBLIC FINANCING AUTHORITY DIRECTORS/AGENCY BOARD MEMBERS/UTILITY AUTHORITY DIRECTORS PRESENT: Greg Nordbak, Council Member/Agency Member/Authority Director Joe Vinatieri, Council Member/Agency Member/Authority Director

Bob Henderson, Council Member/Agency Member/Authority Director

Owen Newcomer, Mayor Pro Tem /Vice

Chair

Cathy Warner, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/

Executive Director

Richard D. Jones, City Attorney/ Assistant Authority Counsel

Kathryn A. Marshall, City Clerk-Treasurer/

Secretary-Treasurer

Toni Maiques, Assistant City Clerk-Treasurer/ Assistant Secretary-Treasurer (7:38 p.m.)

3. RECESS UTILITY AUTHORITY, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY MEETINGS:

Mayor Warner recessed the Utility Authority, Housing Authority and Public Financing Authority meetings at 6:30 p.m.

4. ORAL COMMUNICATIONS - CLOSED SESSION ITEMS ONLY:

There were no speakers for Closed Session oral communications.

5. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION:

City Manager Helvey recommended the City Council and Redevelopment Agency conduct a Closed Session pursuant to:

- **5.A** City Council Government Code Section 54957, City Manager evaluation.
- 5.B 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.
- 5.C City Council/Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment relating to the Owner Participation Agreement; City/Agency negotiators: Stephen Helvey and Jeffrey Collier:
 - 1. Brookfield Homes AIN 8170-013-904 (Nelles property);
 - 2. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust AIN 8170-026-006 (Altec Motors);
 - 3. Southern Pacific Transportation Co. SBE 872 19 254E PAR AIN 8170-013-815 and AIN 8170-013-816;
 - 4. K. C. Properties AIN 8140-032-011;
 - 5. Mure Corporation AIN 8140-032-001; and
 - 6. State of California AIN 8170-013-904.
- 5.D 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.

Mayor Warner convened the joint meeting in Closed Session at 6:30 p.m.

6. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the joint meeting in Public Session at 7:38 p.m. in the City Council Chamber with Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques replacing City Clerk-Treasurer/Secretary-Treasurer Marshall.

7. CLOSED SESSION REPORT:

None

8. RECONVENE UTILITY AUTHORITY, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY IN JOINT SESSION WITH CITY COUNCIL AND REDEVELOPMENT AGENCY:

Mayor Warner reconvened the Utility Authority, Housing Authority and Public Financing Authority in Joint Session with City Council and Redevelopment Agency at 7:39 p.m.

ANNOUNCEMENT:

Mayor Warner announced the City Council was seeking applicants for openings on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, Parking and Transportation Commission, Personnel Board and Social Services Commission.

Council Member Nordbak joined the meeting at 7:40 p.m.

9. PLEDGE OF ALLEGIANCE:

Mayor Warner led the Pledge of Allegiance.

10.A BLUE STAR PRESENTATIONS

Mayor Warner presented Blue Star pins, decal and flag to David and Annette Freeman in recognition of their son Andrew J. Freeman, a Seaman in the United States Navy. Andrew is a graduate of California High School, and also attended Fullerton College.

Mayor Warner presented Blue Star pins, decal and flag to Scott and Heather Crawford in recognition of their son Joey John Zwack II, an Airman in the United States Air Force. Joey attended Whittier Christian School and received his Fire Science Certificate from Rio Hondo College. He is currently stationed at Lackland AFB in San Antonio, Texas, in the Para-Rescue Indoctrination course.

Blue Star banners will be hung on Whittier Boulevard recognizing Andrew and Joey.

10.B WHITTIER COLLEGE – 2010 PRESIDENT'S HIGHER EDUCATION COMMUNITY SERVICE HONOR ROLL

Mayor Warner presented a Commendation to Whittier College President Sharon Herzeberger honoring Whittier College for being named to the President's Higher Education Community Service Honor Roll with distinction by the Corporation for National Community Service for their efforts in volunteerism, service learning and civic engagement among students and faculty.

10.C LIBRARY ESSAY CONTEST

Library Board Trustee President Rob Settlage and Trustee Ruben Johnson presented Certificates to the Top 10 winning entrants for the Whittier Public Library Essay Contest entitled, "What My Library Means to Me."

10.D RELAY FOR LIFE PROCLAMATION

Mayor Pro Tem Newcomer presented a Proclamation to Whittier Relay for Life Committee Co-Chairs Sara Lindborg and Alex Manriquez; and said the Relay is a 24-hour marathon for the American Cancer Society, to be held from 9:00 a.m. on Saturday June 18 to 9:00 a.m. on Sunday, June 19 at California High School; and that proceeds from the event will help fight cancer.

10.E. CHAMBER OF COMMERCE REPORT

Whittier Area Chamber of Commerce President Ben Greer congratulated the Council on the State's recent sale of the Fred C. Nelles property, stating the Chamber had always supported the sale; and said the State of the City address will be on Wednesday, June 22 at the Whittier Area Community Church.

11. APPROVAL OF AGENDA:

It was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously to approve the order of the agenda as presented.

12. ORAL COMMUNICATIONS:

Tom Munfry, La Mirada; Minister at the North Hills Church in Brea, said his church builds churches in developing countries; he is a member of the Whittier Area Evangelical Ministerial Alliance, and he prayed for the community.

William Chambers, Whittier Cyclery, Santa Gertrudes Avenue, Whittier; submitted photos of his existing and new mural painted on the Whittier Boulevard side of his building; said he received a Notice of Violation from the City for painting the new mural designed by a college student; he has seven employees; he is trying to keep business in the City; and he requested guidance form the City.

Elizabeth Cruz, 6302-6334 Washington Avenue, Whittier; said she had gone to the Depot inquiring about bus pass information and use of the public restroom; she was told the outside bathrooms were closed to the public due to transients; she said the treatment she received when making a public complaint was discriminatory and offensive; there was no alternative signage for the public; and she asked how the Council addresses these issues.

Sara Lindborg, Relay for Life Committee Co-Chair, thanked the City Council for supporting and attending the annual event.

Mayor Warner left the Council Chamber at 8:19 p.m.

Sherilynn Reyes, 13319 Reis Street, Whittier; said the City of Whittier is a city of trees; churches and hard-working Americans; she is an environmentalist; she wants a dog park in the City; and she wants more music and teamwork.

Andy Gutierrez, 14226 Linda Vista Drive, Whittier; started speaking about the proposed utility fee increases; and Mayor Pro Tem Newcomer asked him to make his comments at the public hearing scheduled for later in the meeting.

Joseph Velasco, an elected official in the unincorporated part of Whittier; thanked the City Council for all they are doing; and he offered assistance from the County area.

Mayor Warner returned to the meeting and resumed her seat at the dais at 8:23 p.m.

George Poochigian, Whittier; spoke about the Blue Star Program and asked what the City does for patients at the Veteran's hospital; commented on the \$15 cost to attend the State of the City address; said Matrix Oil had an advertisement in the Chamber newspaper; and said the County will receive 99% and the City will receive 1% of the oil revenues.

Ralph Marsico, Whittier; said criminals should face justice; and the City should not hide behind justice.

Joe Marsico, Whittier; said he had been in the hospital; he has only ever done good for people; he only ever wanted to have a trolley system; he is not a criminal; and if the Police department apologizes to him he may find it in his heart to forgive them and the City Council.

13. CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY/PUBLIC FINANCING AUTHORITY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:

Council Member Vinatieri requested separate consideration of Items 13.D, 13.O and 13.R.

Council Member Henderson declared a conflict of interest on Item 13.M because his business is located within 500 feet of the subject property.

Mayor Warner requested review of Item 13.M.

It was moved by Council/Agency Member/Director Nordbak, seconded by Mayor Pro Tem/Vice Chair Newcomer, and carried unanimously, by roll call vote that specified Consent Calendar items be approved as submitted, except Items 13.D, 13.M, 13.O and 13.R; and that Ordinance No. 2969 and Resolution No. 8381 be read by title only, further reading be waived, and they be declared adopted.

City Council

- **13.A** The City Council denied claims filed by Cesar A. Mercado, Raul Armendariz, Jimmy Guzman, Gabriel Bermudez, Jeremy Paul Ahrendt and Bryan Davis.
- 13.B The City Council conducted second reading and adopted Ordinance No. 2969 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SECTION 8.26.010 OF TITLE 8 (HEALTH AND SAFETY) OF THE WHITTIER MUNICIPAL CODE REGARDING THE DEFINITION OF QUALIFYING SENIOR CITIZEN," regarding qualifying income for the senior sewer rate discount.
- **13.C** The City Council designated the *Whittier Daily News* as the official newspaper for the publication of legal notices or other matters for Fiscal Year 2011-12.
- **13.E** The City Council received and filed a final progress report on the Fiscal Year 2010-11 Work Plan.

- 13.F The City Council adopted Resolution No. 8381 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE 2010-11 BUDGET TO ACCOUNT FOR A GRANT FROM STATE OF CALIFORNIA PROPOSITION 84 NATURE EDUCATION FACILITIES PROGRAM FOR THE WHITTIER GREENWAY TRAIL," in the amount of \$499,800; and authorized the City Manager to execute related documents.
- **13.G** The City Council took the following actions regarding the Greater Whittier Tennis Club:
 - 1. Received and filed the 2011 Mid-Winter Tennis Tournament Report;
 - 2. Approved a five-year agreement with the Greater Whittier Tennis Club to continue and co-sponsor the Mid-Winter Tennis Tournament; and
 - 3. Authorized the City Manager to execute the agreement.
- **13.H** The City Council approved the Special Event Permit for the American Cancer Society "Making Strides Against Breast Cancer" 5K Walk on the Greenway Trail on August 7, 2011; permitted the use of a public address system; and waived related fees in the amount of \$83.
- 13.I The City Council approved continuing to receive Proposition A Discretionary Incentive Grant funds from the Los Angeles County Metropolitan Transportation Authority; and authorized the City Manager to sign the Proposition A Discretionary Incentive Grant Program Memorandum of Understanding for the period July 1, 2011 through June 30, 2016 for Sub-Regional Paratransit Services.
- **13.J** The City Council received and filed the Gateway Cities Council of Governments update for May 2011.
- **13.K** The City Council took the following actions regarding the Citywide Bus Shelter Improvements Phase 1 Project:
 - Approved the increase in the purchase order to Cornerstone General, Inc. in the amount of \$205,277.28 for costs incurred for extra work performed;
 - 2. Accepted the work performed by Cornerstone General, Inc.; and
 - Authorized the City Clerk-Treasurer to record the Notice of Completion.
- 13.L The City Council accepted the work performed by Fleming Environmental Incorporated for removal and replacement of resilient rubber playground surfacing at Palm Park; and authorized the City Clerk-Treasurer to record the Notice of Completion.

13.N Agenda Item 13.N was removed from the Agenda at the request of City staff prior to the distribution and posting of the Agenda.

Utility Authority

- **13.P** The Board of Directors approved the Professional Services Agreement with Ball Janik LLP (BJ LLP), to provide legislative advocacy support for Fiscal Year 2011-12 for a fee not to exceed \$50,400, plus expenses; and authorized the Executive Director to execute the agreement.
- 13.Q The Board of Directors accepted the work performed by A.R. Sarmiento, Inc. for the La Cuarta Street Water Main Project; and authorized the Secretary-Treasurer to record the Notice of Completion.

City Council, Redevelopment Agency, Utility Authority, Public Financing Authority and Housing Authority

- **13.S** The City Council, Agency Board and Authority Boards of Directors took the following actions regarding minutes:
 - 1. Public Financing Authority and Housing Authority Boards of Directors approved the Minutes of the Regular Meetings of June 22, 2010 and May 7, 2011; and
 - 2. City Council, Agency Board and Utility Authority Board of Directors approved the Minutes of the Regular Meeting of May 24, 2011.

Public Financing Authority and Housing Authority

13.T The Boards of Directors of the Whittier Public Financing Authority and the Whittier Housing Authority reviewed and approved the 2011 Statement of Investment Policy.

13.D GENERAL FUND EMERGENCY CONTINGENCY RESOLUTION:

Following discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, that Resolution No. 8380 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE CITY OF WHITTIER'S GENERAL FUND EMERGENCY CONTINGENCY COMMITMENT OF FUND BALANCE," be read by title only, further reading be waived, and it be declared adopted.

13.M CONDITIONAL USE PERMIT CUP 11-002 – FALAK HOOKAH LOUNGE, 6518-22 GREENLEAF AVENUE, SUITES 14 AND 15:

Council Member Henderson declared a conflict of interest because his business is located within 500 feet of the subject property. Mayor Warner requested review of Conditional Use Permit No. CUP11-002 to allow the operation of a new hookah bar establishment d.b.a. Falak Hookah Lounge with live entertainment for property located at 6518-22 Greenleaf Avenue, Suites 14 and 15; Applicant: Umar Sohrab; Owner: KMS Investment, Inc., to be scheduled for a public hearing.

13.0 AIRTOUCH CELLULAR LEASE – MICHIGAN PARK:

Following brief discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried, with Council Member Vinatieri dissenting, because there will be no public input, to approve a lease agreement with Airtouch Cellular representing Verizon for the installation of a cellular antenna tower at Michigan Park located at 8228 Michigan Avenue, subject to zoning approval; and authorize the City Manager to execute the lease documents.

13.R DEMOLITION OF 4128 SAN GABRIEL RIVER PARKWAY, PICO RIVERA:

Following discussion, it was moved by Director Vinatieri, seconded by Vice Chair Newcomer, and carried unanimously, by roll call vote, to approve the specifications for the demolition of the single-family residence located at 4128 San Gabriel River Parkway, Pico Rivera; authorize the Secretary-Treasurer to advertise the project for bids; and that Resolution No. WUA-11-04 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR ADDITIONAL FUNDS TO HIRE A CONTRACTOR TO DEMOLISH THE RESIDENCE ON PUMPING PLANT 2 PROPERTY," in the amount of \$100,000, be read by title only, further reading be waived, and it be declared adopted.

14. RECESS REDEVELOPMENT AGENCY, UTILITY AUTHORITY, HOUSING AUTHORITY AND PUBLIC FINANCING AUTHORITY MEETINGS:

Mayor Warner recessed the Redevelopment Agency, Utility Authority, Housing Authority and Public Financing Authority meetings at 8:46 p.m.

Mayor Warner recessed the City Council meeting at 8:46 p.m. She reconvened the meeting at 8:56 p.m. with all Council Members present.

15.A PUBLIC HEARING – PROPOSED INCREASES TO FEES FOR SOLID WASTE, SEWER AND WATER SERVICES

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider all public testimony and protests regarding the proposed increases to fees for solid waste, sewer and water services. He recommended the City Council conduct first reading of ordinances approving the fees and approving the Sewer User Fee Program for the Fiscal Year 2011-2012.

Director of Public Works Pelser presented a staff report, and said this was the first year the utility fees were being adopted by ordinance as opposed to resolution, on the advice of legal counsel; the recommended action was to introduce the three ordinances for water, sewer and solid waste collection services fees; the required notices were mailed to property owners and published in the *Whittier Daily News*; at the time of writing the staff report, the City had received six written protests to the fee increases; since then the City had received an additional six written and two verbal protests; additional written and verbal protests could be received until the close of the public hearing; and any motion to adopt the proposed ordinances would require amendment to acknowledge the total number of written protests received.

Director Pelser provided an overview of the proposed fees stating the City provides sewer service to the entire City; the fees are collected annually on the property tax bill; the proposed fees are responsive to new State Water Resources Control Board (SWRCB) regulations and the recently adopted Sewer System Management Plan; the proposed 19% fee increase includes 10% necessary to offset revenue reductions due to reduced water consumption, 7% is for operational cost increases, and 2% will contribute to sewer repairs; and if the 19% proposed increase is approved, together with another 12% increase the next two years, the City will reach a funding level that will allow replacement of the aging sewer system over 53 years, regularly replacing 80 to 100 year old sewer pipes.

Director Pelser said the City provides water service to approximately one-half of the City on the west side while Suburban Water services the east side; the fees are collected bi-monthly on a combined water and solid waste bill; the fee revisions propose a structural change to reflect the actual cost of service (an increased higher fixed cost and lower variable cost); propose a new \$30 water turn-on/turn-off fee to reflect the cost of service; and propose adjustments to the fixed and variable portions for a net fee increase of approximately 19%, of which approximately 10% is needed to offset reduced revenue resulting from reduced water consumption and 9% to be contributed to capital projects. He said if the 19% fee increase is approved this year, with another 19% increase next year, the City will reach a funding level allowing replacement of the City's water system over 40 years, regularly replacing 70 to 90 year old water pipes and storage reservoirs.

Director Pelser said the City provides solid waste service to approximately one-half of the City on the west side while the east side is serviced by garbage companies through franchise agreements; the proposed fee increase is 2.2% across the board which is based on rate increases allowed by the franchise agreements; the City needs approximately a 9% increase to balance the budget so the limited 2.2% increase will reduce the City's fund balance by approximately \$700,000.

In response to Mayor Warner, Director Pelser said the City's rates are at the midpoint, including the proposed increases, in comparison to surrounding cities; Suburban Water customers will be paying more with their proposed increases; trash costs will be in line with other cities; and the increases are necessary due to lost revenue for decreased usage while costs are fixed; and for needed infrastructure improvements.

Mayor Warner opened the public hearing at 9:13 p.m.

City Attorney Jones explained the new public hearing speaker time limits whereby speakers have three minutes to speak; and the time limit can be extended by one-minute increments to a maximum of five minutes, at the request of any Council Member.

In response to Council Member Nordbak, City Manager Helvey stated he did not believe Council Member Nordbak had a conflict of interest because the rate increases for Consolidated Disposal Services and Waste Management are determined by franchise agreements in place, which he had previously declared a conflict on; and he did not have a conflict of interest on this issue because he would be acting on a proposed fee increase for City solid waste pick-up and disposal. City Attorney Jones confirmed that to be correct.

The speakers listed below opposed the proposed fee increases and raised concerns on the following points: rates have increased since 2002; the notices do not always include the percentage of the increase; what has the City done with the increased funds; the City needs to consider the history of rate increases; the City should develop an alternative plan for funding; there is a conundrum with an increase in fees to offset reduced revenue due to recommended decreased usage; fear that the City's increase will be used by Suburban Water for future increases; rate increase fatigue; the City Council needs to have a dialogue to address these issues; consider the human cost affecting semi-retired, retired and unemployed individuals; bloated salaries paid versus budgeted salaries; public employees give up salary for good retirement and benefits; the need to get salaries in line; putting residents in a state of panic with increased rates; and recommending letting the infrastructure fail.

Andrew Gutierrez, Linda Vista Drive Roy Fewell, Friendly Hills Property Owners Association Gwen McCants, 11717 Hillview Court Cedric Wernicki, 16912 Janine Drive George Poochigian, Whittier

There being no other speakers wishing to testify before the City Council, it was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and carried to close the public hearing at 9:27 p.m.

Director Pelser responded to speakers comments and said the department is making operational changes to reduce overtime and stand-by pay to reduce employee costs; the department is in the process of automating the coring function, which requires state approval to ensure compliance; the design for replacing Pumping Plant No. 2, which is eighty years old, is nearly 80% complete; and funding for the \$12.5 million pumping plant replacement project came from past utility increases.

In response to Mayor Warner, Director Pelser said the has a low-income senior discount for sewer; the income level is now in line with the Utility User Tax (UUT) exemption income level; it is possible and legal to establish discounts for water and solid waste, however, the City would need to use non-operating income to cover the cost of the exemptions; and since the discount would not be available to all customers, non-exempt rate payers would be subsidizing exempt rate payers; he reported on fee increases adopted for the last three fiscal years; he said users can save money by reducing water usage, however the only variable cost where the City may have savings is in energy usage; these savings are offset by increased chemical costs; there is no savings in expenditures because of the 24-hour operation of the pumping plant to be incompliance with the State permit; and the operations of the plant are driven by public health and regulations.

Council Member Henderson said he believes the City's rate structure is in line with others; deferring a rate increase now would require a larger increase in the future; funds are needed to maintain the infrastructure to meet health and safety standards; and he would like to see the Council have a discussion to consider implementation of a low-income senior discount to be consistent with the UUT exemption.

Council Member Nordbak said it was a difficult and unpleasant decision to increase rates; it is difficult to maintain the infrastructure; he would like to see a gradual increase in rates; and it is the responsible thing to do.

Mayor Pro Tem Newcomer said allowing the infrastructure to fail was not an option; the system needs to be modernized to provide clean water, which affects quality of life; and he believes the rates are clearly justified.

Council Member Vinatieri said letting the infrastructure fail is not an alternative; he is bothered that the City encourages water conservation and then increases rates to offset reduced revenues; he cannot justify the rate increase during difficult economic times; he believes the City's policy needs to be realigned; and he recommended the City Council study the issue to determine alternatives.

Mayor Warner thanked the staff and residents for their input; she said she is also frustrated by the increased costs; she is thankful the City has not experienced water main breaks; and the City needs to maintain, repair and/or replace the infrastructure.

Following discussion, it was moved by Mayor Pro Tem Newcomer and seconded by Council Member Henderson, that Ordinance Nos. 2970 through 2972 be read by title only, further reading be waived, and this be declared their first reading, as amended to include reference to the twelve written protests and seven verbal protests received by the conclusion of the public hearing.

Council Member Vinatieri stated he would not support Ordinance Nos. 2971 and 2972 and requested the motion be bifurcated.

Mayor Pro Tem Newcomer and Council Member Henderson withdrew their motion and second, respectively. It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried unanimously that Ordinance No. 2970 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING FEES FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY FOR FISCAL YEAR 2011-2012," be read by title only, further reading be waived and this be declared its first reading.

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Nordbak, and carried unanimously that Ordinance No. 2971 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING A FEE SCHEDULE OF THE SEWER USER FEE PROGRAM FOR THE FISCAL YEAR 2011-2012"; and Ordinance No. 2972 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FIXING RATES AND CHARGES FOR WATER SERVICE FURNISHED BY THE WHITTIER UTILITY AUTHORITY FOR FISCAL YEAR 2011-2012," be read by title only and further reading be waived.

It was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried, with Council Member Vinatieri dissenting, that this be declared first reading of Ordinance Nos. 2971 and 2972.

15.B PUBLIC HEARING – FOXLEY DRIVE STREET LIGHTING ASSESSMENT DISTRICT NO. 01-91

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the levy and collection of assessments for the Foxley Drive Street Lighting Assessment District No. 01-91, between Santa Fe Springs Road and Villa Drive, and adopt a resolution confirming diagram and assessment of Fiscal Year 2011-12 for Foxley Drive Street Lighting Assessment District No. 01-91 and accepting the Engineer's Report.

Mayor Warner opened the public hearing at 9:55 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Council Member Nordbak and carried to close the public hearing at 9:55 p.m.

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to approve the FY 2011-12 Engineer's Report on Street Lighting Assessment District No. 01-91; and that Resolution No. 8382 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONFIRMING DIAGRAM AND ASSESSMENT OF FY 2011-12 FOR FOXLEY DRIVE STREET LIGHTING ASSESSMENT DISTRICT NO. 01-91" and accepting the Engineer's Report be read by title only, further reading be waived, and it be declared adopted.

Council Member Henderson declared a conflict of interest on Items 15.C and 15.D because he owns property in the parking districts; and he left the Council Chamber at 9:56 p.m.

15.C PUBLIC HEARING – FY 2011-12 PARKING DISTRICT NO. 1 ASSESSMENT

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the Parking District No. 1 Budget for Fiscal Year 2011-12 and adopt a resolution confirming the City assessment for the Fiscal Year 2011-12 for Whittier Uptown Parking District No. 1 (Multi-Deck).

Mayor Warner opened the public hearing at 9:56 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Nordbak, seconded by Mayor Pro Tem Newcomer and carried, with Council Member Henderson absent, to close the public hearing at 9:56 p.m.

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Nordbak, and carried, by roll call vote, with Council Member Henderson absent, to approve the Parking District No. 1 Budget for Fiscal Year 2011-12; and that Resolution No. 8383 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONFIRMING THE CITY ASSESSMENT FOR THE FISCAL YEAR 2011-12 FOR WHITTIER UPTOWN PARKING DISTRICT NO. 1 (MULTIDECK)," be read by title only, further reading be waived, and it be declared adopted.

15.D PUBLIC HEARING – FY 2011-12 PARKING DISTRICT NO. 2 ASSESSMENTS

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the Parking District No. 2 Budget for Fiscal Year 2011-12 and adopt a resolution for determining the convenience and necessity, adopting the annual report and ordering assessments to be levied for the Whittier Uptown Parking District No. 2.

Mayor Warner opened the public hearing at 9:57 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Nordbak, seconded by Council Member Vinatieri and carried, with Council Member Henderson absent, to close the public hearing at 9:57 p.m.

It was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and carried, by roll call vote, with Council Member Henderson absent, to approve the Parking District No. 2 Budget for Fiscal Year 2011-12; and that Resolution No. 8384 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FOR DETERMINING CONVENIENCE AND NECESSITY, ADOPTING ANNUAL REPORT AND ORDERING ASSESSMENTS TO BE LEVIED – WHITTIER UPTOWN PARKING DISTRICT NO. 2," be read by title only, further reading be waived, and it be declared adopted.

Council Member Henderson returned to the Council Chamber and resumed his seat at the dais at 9:59 p.m.

16.A WHITTIER HISTORIC DEPOT PARK, 7333 GREENLEAF AVENUE

There was City Council concurrence to continue the item to a future date.

17. RECONVENE REDEVELOPMENT AGENCY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Warner reconvened the Redevelopment Agency, Public Financing Authority and Utility Authority in Joint Session with the City Council at 9:59 p.m.

18.A PUBLIC HEARING - FISCAL YEAR 2011-12 BUDGET

City Manager Helvey announced it was the date and time set and duly noticed for a joint public hearing of the City Council, Redevelopment Agency, Public Financing Authority, and Utility Authority to consider the Fiscal Year 2011-12 Budget.

Mayor/Chair Warner opened the public hearing at 10:01 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council/Agency Member/Director Nordbak, seconded by Mayor Pro Tem/Vice Chair Newcomer and carried to close the public hearing at 10:02 p.m.

Council/Agency Members/Directors expressed their gratitude to staff for their work and input to present a balanced budget; acknowledged that it was prudent to use reserves in order to save jobs and programs; and supported economic development, maintaining the City's infrastructure, and public safety.

It was moved by Council/Agency Member/Director Henderson, seconded by Mayor Pro Tem/Vice Chair Newcomer, and carried unanimously, by roll call vote, that the City, Agency, and Utility and Public Financing Authority Budgets be adopted; and that the following resolutions be read by title only, further reading be waived, and they be declared adopted:

- Resolution No. 8385 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012"; and Resolution No. 8386 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12."
- Resolution No. WRA-11-08 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER REDEVELOPMENT AGENCY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012."
- Resolution No. WPFA-11-01 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER PUBLIC FINANCING AUTHORITY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30, 2012."
- Resolution No. WUA-11-05 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY ADOPTING A BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, AND ENDING JUNE 30. 2012."

19. RECESS PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY MEETINGS:

Mayor Warner recessed the Public Financing Authority and Utility Authority meetings at 10:13 p.m.

20.A PUBLIC HEARING – WHITTIER BRANCH LIBRARY EXPANSION PROJECT

City Manager Helvey announced it was the time for a City Council public hearing to consider consenting to the use of Redevelopment Agency funds for expansion of the Branch Library located at 10537 Santa Gertrudes Avenue, following which the Redevelopment Agency Board would consider resolutions approving the use of the funds and allocating the funds.

Mayor Warner opened the public hearing at 10:17 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Nordbak, and carried to close the public hearing at 10:18 p.m.

In response to Council Member comments, City Manager Helvey stated that the \$2 million surplus from the Police facility construction project would remain available to be used for whatever project(s) the City Council directs in the future.

It was moved by Council Member Henderson, seconded by Council Member Vinatieri and carried, unanimously, by roll call vote that Resolution No. 8387 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONSENTING TO THE USE OF WHITTIER REDEVELOPMENT AGENCY FUNDS FOR THE CONSTRUCTION OF AN EXPANSION TO THE WHITTWOOD BRANCH LIBRARY LOCATED AT 10537 SANTA GERTRUDES AVENUE AND MAKING CERTAIN DETERMINATIONS IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679"; and Resolution No. 8388 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE PURPOSE OF FUNDING CONSTRUCTION OF AN EXPANSION TO THE WHITTWOOD BRANCH LIBRARY LOCATED AT 10537 SANTA GERTRUDES AVENUE," in the amount of \$5,300,000, be read by title only, further reading be waived, and they be declared adopted.

It was moved by Agency Member Vinatieri, seconded by Agency Member Nordbak, and carried unanimously, by roll call vote that Resolution No. WRA-11-09 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF WHITTIER REDEVELOPMENT AGENCY FUNDS FOR THE CONSTRUCTION OF AN EXPANSION TO THE WHITTWOOD BRANCH LIBRARY LOCATED AT 10537 SANTA GERTRUDES AVENUE AND MAKING CERTAIN DETERMINATIONS IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679"; and Resolution No. WRA-11-10 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE PURPOSE OF FUNDING CONSTRUCTION OF AN EXPANSION TO THE WHITTWOOD BRANCH LIBRARY LOCATED AT 10537 SANTA GERTRUDES AVENUE," in the amount of \$5,300,000, be read by title only, further reading be waived, and they be declared adopted.

21. RECONVENE HOUSING AUTHORITY, PUBLIC FINANCING AUTHORITY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL AND REDEVELOPMENT AGENCY:

Mayor Warner reconvened the Housing Authority, Public Financing Authority and Utility Authority in Joint Session with the City Council and Redevelopment Agency at 10:23 p.m.

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

Council Member Vinatieri requested staff follow up on Oral Communications comments made by Elizabeth Cruz regarding her experience at the Depot.

Council Member Henderson received Council concurrence to agendize discussion of the Historic Resources survey.

23. ADJOURNMENT:

Mayor Warner adjourned the joint meeting at 10:35 p.m.

Respectfully submitted,

Toni Maiques

Assistant City Clerk-Treasurer/
Assistant Secretary Treasurer