AGENDA WHITTIER CITY COUNCIL WHITTIER REDEVEL OPMENT AGEN

WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING

CITY COUNCIL CHAMBER, 13230 PENN STREET OCTOBER 11, 2011, 6:30 P.M.

As a courtesy to others attending this meeting, please turn off or place in silent mode all cell phones and other communication devices while in the Council Chamber. Thank you.

1	CALL	TO	ORDER	-
1.	CALL	. IU	UKUEK	-

2. ROLL CALL: J. Greg Nordbak, Council Member

Joe Vinatieri, Council Member Bob Henderson, Council Member Owen Newcomer, Mayor Pro Tem

Cathy Warner, Mayor

- 3. PLEDGE OF ALLEGIANCE:
- 4. PRESENTATIONS:
 - **4.A** Blue Star Presentations

Martin and Yolanda Marimontes

Martha Gayton

Amparo Heinemann

- 4.B East Whittier City School District Safe Schools/Healthy Students Program
- **4.C** Kaiser Permanente Grant
- **4.D** Proclamation Accessibility Awareness Month
- **4.E** Chamber of Commerce Report
- 5. APPROVAL OF AGENDA: This is the time for the City Council/Boards of Directors to reorder the agenda to accommodate visitors, deal with issues early in the meeting, add or delete items, or make changes to the Consent Calendar.

Proposed Motion:	I move to	
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6. 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.)

7. 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.

City Council

- **7.A** It is recommended the City Council deny claims filed by AAA for Salvatore Battaglia, Carlos Hernandez, Richard Hernandez, Manuel Perez, State Farm Insurance for Maria Varela, Donna Ward and Frank Blackstock.
- **7.B** The Personnel Board recommends the City Council approve the newly created class specification and corresponding salary range for the position of Senior Fleet Mechanic.
- **7.C** It is recommended the City Council take actions regarding Kaiser Foundation Hospitals:
 - 1. Approve an agreement for acceptance of a \$15,000 grant from Kaiser Foundation Hospitals, Downey, for purchase and installation of outdoor fitness equipment along the Greenway Trail;
 - 2. Authorize the City Manager to execute the agreement; and
 - 3. Adopt Resolution No. 8411 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-12 Budget to accept a grant from Kaiser Foundation Hospitals, Downey for purchase and installation of fitness equipment along the Greenway Trail," in the amount of \$15,000.
- **7.D** It is recommended the City Council take actions regarding the Whittier City School District:
 - 1. Approve an agreement with the Whittier City School District to provide staffing for the 2011-12 Afterschool Program;
 - 2. Authorize the City Manager to execute the agreement; and
 - 3. Adopt Resolution No. 8412 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-2012 Budget for the agreement with the Whittier City School District for the Afterschool Program at Hoover Elementary School," in the amount of \$13,594.

- **7.E** It is recommended the City Council take actions regarding Dial-a-Ride vehicle purchases:
 - 1. Approve the purchase of two new replacement Dial-a-Ride vans and one used Dial-A-Ride van;
 - Adopt Resolution No. 8413 entitled, "A Resolution of the City Council
 of the City of Whittier, California, amending the Fiscal Year 2011-2012
 Budget for the purchase of three Dial-a-Ride replacement vehicles,"
 from the Proposition C Transit fund in the amount of \$ 15,000; and
 - 3. Authorize the City Manager to execute the necessary documents relating to the application, purchase and transfer of the vehicles.
- 7.F It is recommended the City Council adopt Resolution No. 8414 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-2012 Budget for the agreement with Del Terra Construction Inc. for Greenway Trail construction costs," from the Proposition C Transit fund in the amount of \$850,000.
- **7.G** It is recommended the City Council take actions regarding salaries, benefits, and CalPERS:
 - 1. Adopt resolutions relating to salaries and Management and Confidential employee benefits:
 - a. Resolution No. 8415 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8328 and adopt a new 2011-2012 Salary Resolution"; and
 - b. Resolution No. 8416 entitled, "A Resolution of the City Council of the City of Whittier, California, to rescind Resolution No. 8371 and to set forth certain leave and compensation benefits for Management and Confidential employees."
 - 2. Adopt resolutions relating to Employer Paid Member Contributions to CalPERS:
 - a. Resolution No. 8417 entitled, "A Resolution of the City Council of the City of Whittier, California, for Employer Paid Member Contributions for CalPERS Miscellaneous 70001 Group Employees, except Level 1 Executive Management Employees"; and
 - b. Resolution No. 8418 entitled, "A Resolution of the City Council of the City of Whittier, California, authorizing continuing payment to the Public Employees Retirement System (PERS) for the normal member contribution and reporting the same percent to PERS as compensation for all Level 1 Executive Management Miscellaneous Employee Members."

- 7.H It is recommended the City Council approve a special event permit for the Whittier Uptown Association to hold a Dia de Los Muertos, (Day of the Dead) Art and Music Festival on Greenleaf Avenue between Philadelphia and Hadley Streets on Sunday, October 16, 2011 from 11:00 a.m. to 5:00 p.m.
- 7.I 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 Painter and Greenleaf Avenues on Saturday, October 22, 2011 from 9:00 a.m. to 4:00 p.m.
- 7.J It is recommended the City Council approve an Encroachment License Agreement for Omega Chemical PRP Group (OPOG) in substantially the form attached; and authorize the Mayor to execute the agreement subsequent to the City Engineer's approval of the final plans and the City Attorney's approval as to form of the final agreement.
- **7.K** 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 No. CUP11-003 to allow the onsite sale of alcoholic beverages under a Type 41 license (beer and wine) for on-site consumption for a restaurant d.b.a. "Wing Master" located at 6518-22 Greenleaf Avenue, Suite 12; (Applicant: Art Rodriguez & Associates; Owner: KMS Investment Inc.).
 - 2. Denial of Conditional Use Permit No. CUP 10-007 for the sale of beer and wine for off-site consumption and Development Review No. DRP 11-044 for expansion of the retail floor area within an existing convenience store in conjunction with the operation of an existing gas station d.b.a. "Valero" located at 10808 Beverly Boulevard; (Applicant: R.E.V. Group; Owner: AKM Properties, LLC).

City Council, Redevelopment Agency and Utility Authority

- **7.L** It is recommended the City Council, Agency Board and Board of Directors take actions regarding Minutes:
 - City Council, Agency Board and Board of Directors approve Minutes of the Regular Meetings of August 9, September 13, and September 27, 2011; and
 - 2. City Council approve Minutes of the Special Meeting of September 13, 2011.

Proposed Motion: I move that the City Council, Agency Board and

Authority Directors approve specified Consent Calendar items as submitted and that Resolution Nos. 8411 (Item 7.C); 8412 (Item 7.D); 8413 (Item 7.E); 8414 (Item 7.F); and 8415 through 8418 (Item 7.G) be read by title only, further reading be waived, and they be declared adopted.

ROLL CALL

8. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

- 9. PUBLIC HEARING: Anyone with an interest in the matter scheduled for public hearing may speak during the hearing. A speaker's comments are limited to three minutes. If you challenge any part of the proposed action in court, you may be limited to raising only those issues you or someone else raised during the public hearing.
 - 9.A 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 2012; 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 2012."

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. 8402 be read by title only, further reading be waived, and it be declared

adopted.

ROLL CALL

10. STAFF REPORTS:

10.A It is recommended the City Council receive and file a verbal report from the Director of Public Works regarding water service fees.

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

10.B It is recommended the City Council postpone action relating to violations of the Subdivision Map Act and the Whittier Municipal Code against properties addressed as 16018 and 16024 Puesta Del Sol Drive to Tuesday, December 13, 2011, at 6:30 p.m. This item was continued from June 28, 2011 and September 27, 2011.

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

- **10.C** It is recommended the City Council take actions regarding Norwalk Transit services:
 - 1. Receive and file an update report on the elimination of the Norwalk Transit fixed route services in Whittier;
 - 2. Approve a temporary reduced fare transit pass program for City of Whittier residents from November 1, 2011 until June 30, 2012; and
 - 3. Adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2011-2012 Budget for the Temporary Reduced Fare Transit Pass Program," from the Proposition A Transit fund in the amount of \$19,000.

Proposed Motion: I move to approve staff's recommendation and that Resolution No. 8419 be read by title only, further reading be waived, and it be declared adopted.

ROLL CALL

10.D It is recommended the City Council receive and file a report on the City's status as a finalist for the Los Angeles County Economic Development Corporation (LAEDC) 2011 *Most Business-Friendly City in Los Angeles County* award.

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

10.E It is recommended the City Council receive and file a report from the City Attorney regarding the due process requirements for public hearings.

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

- 11. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:
- 12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:
- 13. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

- **14. CITY COUNCIL CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
 - **14.A** 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.
 - **14.B** City Council Government Code Section 54956.9(a) to discuss one case of litigation; Donald Sipple (AT & T) vs. City of Whittier.
 - **14.C** City Council Government Code Section 54956.8 to discuss real property negotiations with Brownstone Mortgage Fund 1, regarding price and terms of payment for property located at 12421 Whittier Boulevard; City negotiators: Stephen Helvey and Jeffrey Collier.
 - **14.D** City Council Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 14246 Christine Drive.
- 15. RECONVENE IN OPEN SESSION:
- 16. CLOSED SESSION REPORT:
- **17. ADJOURNMENT:** In memory of Gus Velasco.

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 562/567-9850.

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 562/567-9850.