MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY ADJOURNED REGULAR MEETING CITY COUNCIL CHAMBER, 13230 PENN STREET NOVEMBER 28, 2011

1. CALL TO ORDER:

The Whittier City Council met in an adjourned regular session on November 28, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Warner called the joint meeting to order at 7:52 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/AGENCY MEMBERS/AUTHORITY DIRECTORS PRESENT:

J. 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

Jeffrey W. Collier, Chief Assistant City

Manager/Deputy Director

Richard D. Jones, City Attorney/Authority

Counsel

Toni Maiques, Assistant City Clerk-Treasurer/

Secretary-Treasurer

Kathryn A. Marshall, City Clerk-Treasurer/Secretary-Treasurer (8:20 p.m.)

3. PLEDGE OF ALLEGIANCE:

None.

4.A CHAMBER OF COMMERCE REPORT

There was no Chamber of Commerce Report presented.

5. APPROVAL OF AGENDA:

Chief Assistant City Manager Collier stated that the appeal period on Item 7.C had expired therefore the item was removed from the agenda prior to action.

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

6. ORAL COMMUNICATIONS:

Marilin Brinegar, Pour Le Bain, spoke regarding the new Uptown Shop Local & Save program, a marketing campaign encouraging shoppers to shop locally; she said it is a voluntary program; the Uptown has approximately 60 participants; there is information on the Whittier Uptown Association website; and she distributed Shop Local & Save Customer Value Cards.

Allen Nakken, Whittier Uptown Association Executive Director; invited the public to Uptown holiday events: Grand Illumination on December 2; ice skating rink on December 9-17; Christmas Parade on December 10; and Holiday Sonata on December 17; and announced the Title Sponsors: Consolidated Disposal Services (Events) and Presbyterian Intercommunity Hospital (Parade); and Platinum Sponsor Toyota of Whittier.

7. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:

Mayor Pro Tem Newcomer requested separate consideration of Item 7.I.

It was moved by Council Member Henderson and seconded by Council Member Nordbak to approve the Consent Calendar with the exception of Items 7.C and 7.I, including awarding a construction contract to Sully-Miller Contracting Co. (Item 7.G); and that Resolution No. 8425 (Item 7.G); and Ordinance Nos. 2982 (Item 7.D) and 2983 (Item 7.E) be read by title only, further reading be waived, and they be declared adopted.

Council Member Vinatieri requested separate consideration of Item 7.E.

Council Member Henderson and Council Member Nordbak amended the motion and second, respectively, to exclude Item 7.E.

The amended motion carried unanimously, by roll call vote.

City Council

- **7.A** The City Council denied claims filed by William R. Bertrand, Loretta Chervenak, Mary R. Kennan, Francisco Moreno, Adan Osorio, Maritza Rodriguez, Mary Claire Stonich, Linda Eileen Monge, Kathy Rodriguez and Elissa Rubenstein.
- **7.B** The City Council approved an agreement with Microsoft for software licensing in the annual amount of \$ 75,108.16; and authorized the City Manager to sign the agreement.
- **7.C** The City Council received and filed the following Historic Resources Commission actions:
 - 1. Approval of Certificate of Appropriateness 11-019 to replace and construct a new 145 square-foot front porch cover on an existing single-family residence located at 5838 Bright Avenue; Owner/Applicant: James Campbell.
 - 2. Approval of Certificate of Appropriateness 11-020 to remodel the exterior façade of an existing apartment building located at 6555 Washington Avenue in the Central Park Historic District; Owner: Washington Avenue, LLC; Applicant: Gregory Kachoeff.
- 7.D The City Council conducted second reading and adopted Ordinance No. 2982 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING ELECTION PROCEDURES RELATING TO PRECINCT BALLOTS AND POLLING PLACES FOR THE 2012 ELECTION."
- **7.F** The City Council approved the Participation Agreement with the City of Glendora for the "Avoid the 100 DUI Campaign (East) Los Angeles County" Regional Enforcement Grant Program; and authorized the Chief of Police to execute the agreement.
- **7.G** The City Council took the following actions regarding the Santa Gertrudes Avenue at Lambert Road Traffic Signals Improvements project:
 - 1. Awarded the Federal Project No. HSIPL-5111 (040) construction contract to Sully-Miller Construction Co. in the amount of \$258,943;
 - 2. Rejected all other bids;
 - 3. Authorized the City Manager to execute the contract; and
 - 4. Adopted Resolution No. 8425 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR THE EXPENDITURE OF SANTA GERTRUDES AVENUE AND LAMBERT ROAD RAILROAD GRADE CROSSING PROTECTION WORK," in the amount of \$330,043.

7.H The City Council accepted the work performed by Doug Martin Contracting Co. for the Pavement Surface Treatment Program Fiscal Year 2010-11 for Area 2 for various streets located within Scott and Santa Gertrudes Avenues on the east, Lambert Road on the south, Gunn and Catalina Avenues on the west, and slightly north of Mar Vista Street; and authorized the City Clerk-Treasurer to record the Notice of Completion.

City Council, Redevelopment Agency and Utility Authority

- **7.J** The City Council, Agency Board and Board of Directors took the following actions regarding Minutes:
 - 1. City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of October 11, 2011 and October 25, 2011;
 - City Council approved the Minutes of the Special Meetings of October 11, 2011 and October 17, 2011; and the Adjourned Special Meeting of October 20, 2011.

7.E WATER SERVICE FEES ORDINANCE

Following brief discussion, it was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously, by roll call vote, to conduct second reading and adopt Ordinance No. 2983 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 AND FISCAL YEAR 2012-2013."

7.I AWARD OF BID – WHITTWOOD BRANCH LIBRARY DEMOLITION

Mayor Pro Tem Newcomer said he is concerned there may not be sufficient funds for the project; and said he prefers to wait until a court decision in mid-January regarding redevelopment agencies.

Following discussion, it was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried by roll call vote, with Mayor Pro Tem Newcomer dissenting, to award a construction contract to Miller Environmental, Inc., in the amount of \$307,100 for demolition, abatement, shoring and earthwork for the Whittwood Branch Library located at 10537 Santa Gertrudes Avenue; and authorize the City Manager to execute the related documents.

8. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Warner recessed the Redevelopment Agency and Utility Authority meetings at 8:07 p.m.

9.A UPTOWN ASSOCIATION ICE SKATING RINK

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Newcomer, and carried, with Council Member Nordbak abstaining, to approve a modification to the Whittier Uptown Association Ice Skating Rink Special Event Permit to allow banners and holiday decorations from December 9 to 17, 2011 on the south facing side of the 6718 Greenleaf Avenue building and the west facing side of the parking structure.

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

Mayor Warner reconvened the Redevelopment Agency and Utility Authority in joint session with the City Council at 8:09 p.m.

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

Council Member Nordbak requested staff report on the status of street resurfacing on La Cuarta Street, and Condesa, Villaverde and Janine Drives.

Mayor Pro Tem Newcomer reported he attended the League of California Cities Board Meeting in San Diego.

12. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Warner adjourned the Redevelopment Agency and Utility Authority meetings at 8:17 p.m.

13. CITY COUNCIL CLOSED SESSION:

Chief Assistant City Manager Collier recommended the City Council conduct a Closed Session relating to:

- **13.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.
- 13.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.

Mayor Warner adjourned the meeting to Closed Session at 8:17 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

14. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the meeting in open session at 8:35 p.m.

15. CLOSED SESSION REPORT:

None.

16. ADJOURNMENT:

Mayor Warner adjourned the meeting at 8:35 p.m.

Respectfully submitted:

Toni Maiques
Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer