

**AGENDA
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT SUCCESSOR AGENCY
WHITTIER UTILITY AUTHORITY
REGULAR JOINT MEETING
COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 25, 2020, 6:00 PM**

1. CALL TO ORDER - CLOSED SESSION

2. PUBLIC COMMENT ON CLOSED SESSION

The public is invited to comment on any closed session item listed below.

3. CLOSED SESSION

3.A. Approval of Minutes

Approve the January 6, 14 and 28, 2020 Closed Session meeting minutes.

3.B. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(d)(1)

Manuel Duron Lujan v. City of Whittier et al, Court Case No. 2:19-CV-00065

3.C. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8

Property: APN 8139-015-902 (6724 Greenleaf Ave) and 8139-015-901 (6826 Greenleaf Ave.)

City Negotiator: Brian Saeki

Property Negotiator: Joseph Sapp

Under Negotiation: Price and Terms

3.D. Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(d)(1)

One item

4. CALL TO ORDER - REGULAR SESSION

5. ROLL CALL

Joseph A. Vinatieri, Mayor

Fernando Dutra, Mayor Pro Tem

Henry Bouchot, Council Member

Cathy Warner, Council Member

Josué Alvarado, Council Member

6. PLEDGE OF ALLEGIANCE

7. CLOSED SESSION REPORT

8. PRESENTATIONS

8.A. Students in Government Day - La Serna High School

8.B. Chamber of Commerce Monthly Update

8.C. March 3, 2020 General Municipal Election Information

9. APPROVAL OF AGENDA

This is the time for the City Council/Boards of Directors to reorder the agenda, add or delete items, or make changes to the Agenda.

10. PUBLIC COMMENTS

The public is invited to address the City Council, Redevelopment Successor Agency or Utility Authority regarding any item of business, with the exception of the public hearing items, or any matter within the bodies subject matter jurisdiction. Speakers must limit their comments to three minutes. Please note, by order of the presiding officer public comments may be limited to two minutes if at their discretion a surplus of public speakers are present at the meeting. Pursuant to State law, the City Council, Successor 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.

11. CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR

All items on the Consent Calendar may be approved by a single motion. If a Council Member, Successor Agency Director or Utility Director wishes to discuss a Consent Calendar item, the item may be removed from the calendar for individual consideration.

11.A. Waive Further Reading

Recommendation: After the City Clerk has read the title, waive full reading or ordinances and resolutions considered on this agenda for adoption.

11.B. Approval of Minutes

Recommendation: Approve the January 6, 2020 Special Meeting minutes; January 14 and 28, 2020 Regular Meeting minutes; and the January 28, 2020 Special Meeting minutes.

11.C. Second Reading of Ordinance No. 3112 - Municipal Code Conforming Updates

Recommendation: Conduct second reading and adopt Ordinance No. 3112 amending various sections of the Municipal Code to address gender-neutral language, remove obsolete provisions, and update City position titles.

11.D. Second Reading of Ordinance No. 3113 - Camping and Storage

Recommendation: Conduct second reading and adopt Ordinance No. 3113 amending Municipal Code Chapter 12.42 related to camping and storage of personal property in public areas.

**11.E. Conditional Use Permit No. CUP16-001(M-1)
12559 Lambert Road (D.B.A. G&M Oil)**

Recommendation: Adopt Resolution No. 2020-07 determining the environmental impacts associated with the project are adequately addressed under a previously adopted mitigated negative declaration and mitigation monitoring program approved for Conditional Use Permit No. CUP16-001 and approving Conditional Use Permit No. CUP16-001(M-1) to permit the on-site sale of beer and wine for off-site consumption in conjunction with the operation of a convenience market and self-service gasoline station (G&M Oil) located at 12559 Lambert Road

**11.F. Conditional Use Permit No. CUP19-0003
14005 Whittier Boulevard (D.B.A. Shell)**

Recommendation: Adopt Resolution No. 2020-08 determining the project is categorically exempt from the California Environmental Quality Act under Section 15301 (existing facilities) and approving Conditional Use Permit No. CUP19-0003 to permit the on-site sale of beer and wine for off-site consumption for an existing convenience market and self-service gasoline station (Shell) located at 14005 Whittier Boulevard.

11.G. California State Library Grant

Recommendation: Adopt Resolution No. 2020-09 amending the Fiscal Year 2019-20 Budget to accept a grant from the California State Library in the amount of \$10,000 for the California State Library Grant, "Who-Kulele?" YOU-Kulele! Grant.

11.H. National Pollution Discharge Elimination System (NPDES) - MS4 Program and Fats, Oils and Grease Control Program

Recommendation: Authorize the City Manager/Executive Director to extend the professional services agreement with John L. Hunter and Associates to assist the City with MS4 Permit compliance and implementing the Fats, Oils and Grease (FOG) control program for an additional year for a not-to-exceed amount of \$137,525.

12. PUBLIC HEARINGS

None.

13. STAFF REPORTS

13.A. Uptown Whittier Parking Structure - Additional Mitigation Measures for Uptown Whittier Businesses

Recommendation: Adopt Resolution No. 2020-10 adopting mitigation measures for the Uptown Whittier Parking Structure project by approving Uptown Whittier Businesses immediately impacted by construction permits for parking at the multi-deck parking structure.

14. COUNCIL MEMBER/AGENCY DIRECTOR/UTILITY AUTHORITY DIRECTOR COMMENTS AND CONFERENCE REPORTS

15. ADJOURNMENT – In memory of Bob Ehlers

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Spanish interpreters are also available. For information or to request services, please contact the City Clerk at least 24 hours in advance of the meeting at (562) 567-9850.

The agenda packet is available three days before the meeting in the City Clerk Department at City Hall (13230 Penn Street), Whittier Central Library (7344 Washington Avenue) and the East Whittier Branch Library (10537 Santa Gertrudes Avenue). Additionally, the agenda packet can be viewed on the City's website. Materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection in the City Clerk's Office.

Los servicios relacionados con la discapacidad están disponibles para permitir que las personas con discapacidad participen en esta reunión, de conformidad con la Ley Federal de Estadounidenses con Discapacidades de 1990. También hay intérpretes en español disponibles. Para obtener información o para solicitar servicios, comuníquese con el Secretario Municipal al menos 24 horas antes de la reunión al (562) 567-9850.

El paquete de la agenda está disponible tres días antes de la reunión en el Departamento de la Secretaria Municipal en el ayuntamiento (13230 Penn Street), Biblioteca Central de Whittier (7344 Washington Avenue) y Biblioteca sucursal del este de Whittier (10537 Santa Gertrudes Avenue). Además, el paquete de la agenda se puede ver en el sitio web de la Ciudad. Los materiales distribuidos al Concejo Municipal dentro de las 72 horas de la reunión del Concejo Municipal están disponibles para inspección pública en la Oficina de la Secretaria Municipal.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 21st day of February 2020.

/s/ Rigoberto Garcia, City Clerk



Agenda Report

City Council

Date: February 25, 2020
To: Brian Saeki, City Manager
From: Rigoberto Garcia, City Clerk
Subject: Approval of Minutes

RECOMMENDATION

Approve the January 6, 2020 Special Meeting minutes; January 14 and 28, 2020 Regular Meeting minutes; and the January 28, 2020 Special Meeting minutes.

DISCUSSION

Staff prepared draft minutes and hereby submits the minutes for Council's approval.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ATTACHMENTS

- A. January 6, 2020 Special Meeting minutes
- B. January 14, 2020 Regular Meeting minutes
- C. January 28, 2020 Regular Meeting minutes
- D. January 28, 2020 Special Meeting minutes

**MINUTES
WHITTIER CITY COUNCIL
SPECIAL MEETING
COUNCIL CHAMBER, 13230 PENN STREET
JANUARY 6, 2020, 5:30 PM**

1. CALL TO ORDER - CLOSED SESSION

The Whittier City Council met in Closed Session on January 6, 2020. Mayor Vinatieri called the meeting to order at 5:42 p.m. in the Administration Conference Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. PUBLIC COMMENT ON CLOSED SESSION

None.

3. CLOSED SESSION

3.A. Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2)
One Item

4. CALL TO ORDER - REGULAR SESSION

Mayor Vinatieri called the Regular Session to order at 6:34 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

5. ROLL CALL

PRESENT: Joseph A. Vinatieri, Mayor
Fernando Dutra, Mayor Pro Tem
Henry Bouchot, Council Member
Cathy Warner, Council Member
Josué Alvarado, Council Member

STAFF PRESENT:

Brian Saeki, City Manager
Dick Jones, City Attorney
Shannon DeLong, Assistant City Manager
Rigoberto Garcia, Jr., City Clerk
Aviv Bar, Police Captain
Gary Kranker, Deputy City Attorney

6. PLEDGE OF ALLEGIANCE

Council Member Alvarado led the Pledge of Allegiance.

7. CLOSED SESSION REPORT

City Attorney Jones indicated there was no reportable action.

8. PUBLIC COMMENTS

By order of the chair, Mayor Vinatieri announced public comments would be limited to two minutes per speaker and requested a moment of silence in memory of Megan Ortega.

Betty Thorpe shared details about Megan Ortega's death at Parnell Park.

Kevin Meadows criticized Council Members' comments regarding Parnell Park.

Pamela Tither suggested finding a solution to homelessness.

Manual Torres discussed homelessness.

Mike discussed Sustainable City feeding people at Parnell Park.

Daniel Contreras discussed the City's need to develop a plan for homelessness.

Amanda Robinson discussed providing services to the homeless community.

Fernando Lopez discussed a state of emergency and empowering the Police Department.

Francine O'Gremsky discussed homelessness and suggested lighting up the Parnell Park.

Carol Webber discussed a lack of funding for the Police Department.

Nicole Martinez spoke on behalf of children who are impacted by the homeless crisis.

Roda Ambermeck provided a summary of criminal activity at Parnell Park.

Wyatt Paul discussed homeless activity near the Church parking lot.

Damian Pacheco discussed the impacts of crime at Parnell Park.

Jordan Ortega provided personal accounts of homeless people who want help.

William Vance Sowders discussed living at Parnell Park and local homeless programs.

Mayra Calderon offered to help with the homeless population.

Veronica Wilkerson criticized Council Members' social media posts and inquired about shelters.

Paul Ramirez discussed closing Parnell Park and the impacts of drugs.

Jerry Ortega discussed drug use at Parnell Park and accused the City of creating a drug safe-haven.

Lisa Nelson discussed the impacts of homelessness and supports closing down Parnell Park.

Socorro Esparza criticized the Council's indecision to address homelessness.

Ronnie Mendiveles shared a personal account of providing food and water to the homeless community.

Chris Calenas discussed Arthur Rock and offered to provide security services.

Frank discussed positive and negative experiences of helping homeless.

Marie Gera provided a personal account homeless criminal activity.

Joan Sail supports closing Parnell Park and criticized Council Members.

Fay Hill supports other communities helping the homeless.

Miguel Garcia supports short and long term solutions to homelessness and suggested a citizens' commission.

Brian Ahern proposed passing laws to incarcerate drug users.

Alicia Maranda discussed homeless activity.

Nelson Brand discussed the impacts of providing meals and criticized Council Members.

Robert Discafano discussed threats at Parnell Park.

By order of the Chair, Mayor Vinatieri reduced public comments to one minute per speaker.

Armando criticized the Council for their inaction and suggested putting beds at City Hall.

Monica Arrellano discussed criminal activity and housing.

Jim Bond discussed drug paraphernalia at Parnell Park and supported closing the park.

Janet Mosiquient discussed the park closure.

Sam Garcia criticized Council Members' social media post and discussed negative impact of closing the park.

Lenette Mason discussed a personal account of drug use.

Meaghan Hobbs, Sustainable City, discussed the housing rules at Sustainable City.

Destiny discussed stolen land and supported harm reduction measures.

Mel discussed gentrification and homelessness.

David Barboza discussed homeless people losing their lives.

Rebecca Canales supports the City Council in their effort to help homelessness.

Debbie supported closing the parks and indicated a lack of police presence.

Rita Murrey, NAMI Alliance, discussed solutions to homeless and services available through the County.

Brian Black discussed homelessness and the consequences of closing the Park.

Susan Cameron discussed the lack of implementation of the three-year homeless plan.

Lisa Banuellos challenged residents to help fix the homeless issues.

Laura Lopez discussed incentives to lower housing rent.

Maggie Moe thanked the Council for allowing residents to address homeless concerns.

Lane Beamer requested residents be mindful of expressing divisive comments.

RECESS

Mayor Vinatieri called a recess at 8:31 p.m. The meeting reconvened at 8:45 p.m. with all Council Members present.

9. STAFF REPORTS

9.A. Safety Concerns at Parnell Park

Recommendation: Discuss and provide direction to staff related to Parnell Park.

City Manager Saeki provided an overview of events at Parnell Park related to homeless activity and presented four options for Council consideration. City Manager Saeki discussed the legal mandate to store belongings of people camping at Parnell Park and provided four recommendations:

- 1) Close Parnell Park;
- 2) Immediate enforcement of curfew and work with Homeless Outreach Services Team (HOST);
- 3) Provide five to ten days' notice of curfew enforcement and work with HOST; or
- 4) Engage standard HOST protocol (estimated 30 days then enforce curfew).

Captain Bar, City Attorney Jones, Deputy City Attorney Kranker, City Manager Saeki, and Assistant City Manager DeLong answered questions regarding the Boise case, beds at Whittier First Day, park closure, Los Angeles Sherriff HOST street team, curfew enforcement, substance abuse services, ongoing investigation, services People Assisting the Homeless (PATH), homeless individuals at Parnell Park who accepted shelter beds and the Brown Act.

Irene Muro, Whittier First Day, and Ivan Sulic, Deputy for Supervisor Hahn, answered questions regarding the recent death at Parnell Park, length of service provided, transportation hurdles, Whittier First Day bed usage, and Gateway Cities Council of Government funding.

City Council deliberated.

MOTION

Mayor Pro Tem Dutra moved and Council Member Bouchot seconded a motion to apply option 3 from the City Manager's recommendation with 10 day notice. Mayor Pro Tem Dutra withdrew his motion.

City Council deliberated.

MOTION

Council Member Alvarado moved to provide 30-day notice for the closure of Parnell Park and work with HOST in their standard engagement protocol; thereafter Park would re-open once clean and the curfew would then be enforced. Motion was not seconded.

City Council deliberated.

MOTION

Council Member Warner moved a motion for the closure of Parnell Park, with the exception of the Senior Center, until staff recommends that it should be re-opened, and for enforcement of a curfew after re-opening. Motion was not seconded.

City Council deliberated.

MOTION

Mayor Pro Tem Dutra moved and Mayor Vinatieri seconded a motion to support option 3 with a 10-day notice, actively enforcing curfew and working with service providers if needed.

City Council deliberated and Mayor Pro Tem Dutra and Mayor Vinatieri made a substitute motion.

MOTION

Mayor Pro Tem Dutra moved and Mayor Vinatieri seconded a motion to support option 3 with a 10-day notice; requesting PATH, HOST or First Day to provide services for those who want help; at end of 10 days a curfew would be enforced; and have staff identify other areas that need to be cleaned-up at Parnell Park. The question was called and the motion carried 4-0-1, Council Member Warner abstained.

10. ADJOURNMENT

Mayor Vinatieri adjourned the meeting at 10:49 p.m.

Approved and adopted by the City Council of the
City of Whittier on February 25, 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT SUCCESSOR AGENCY
WHITTIER UTILITY AUTHORITY
REGULAR JOINT MEETING
COUNCIL CHAMBER, 13230 PENN STREET
JANUARY 14, 2020, 6:00 PM**

1. CALL TO ORDER - CLOSED SESSION

The Whittier City Council met in Closed Session on January 14, 2020. Mayor Vinatieri called the meeting to order at 6:02 p.m. in the Administration Conference Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. PUBLIC COMMENT ON CLOSED SESSION

None.

3. CLOSED SESSION

3.A. Approval of Minutes

Approve the November 12, 2019 and November 26, 2019 Closed Session Minutes.

**3.B. Personnel Matters pursuant to Government Code Section 54957
Public Employment**

Title: Public Works Director

**3.C. Conference with Legal Counsel – Existing Litigation pursuant to
Government Code Section 54956.9(d)(1)**

Joseph Rivera Et Al v. City Of Whittier Et Al, Court Case No. BC574443

**3.D. Conference with Legal Counsel – Anticipated Litigation pursuant to
Government Code Section 54956.9(d)(1):**

Two Items

**3.E. Conference with Real Property Negotiators pursuant to Government
Code Section 54956.8**

Property: APN 8170-029-900 (12540 Whittier Blvd) and 8170-029-902
(12549 Washington Blvd)

City Negotiator: Brian Saeki, Executive Director

Property Negotiator: William Nascimento, Sycamore Group LLC

Under Negotiation: Price and Terms.

4. CALL TO ORDER - REGULAR SESSION

Mayor Vinatieri called the regular session to order at 6:34 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

5. ROLL CALL

PRESENT: Joseph A. Vinatieri, Mayor
Fernando Dutra, Mayor Pro Tem
Henry Bouchot, Council Member
Cathy Warner, Council Member

ABSENT: Josué Alvarado, Council Member

STAFF PRESENT:

Brian Saeki, City Manager
Dick Jones, City Attorney
Shannon DeLong, Assistant City Manager
Rigoberto Garcia, Jr., City Clerk
Conal McNamara, Community Development Director
Kyle Cason, Public Works Director
Virginia Santana, Interim Director of Parks, Recreation, and
Community Services
Aviv Bar, Police Captain

6. PLEDGE OF ALLEGIANCE

Council Member Bouchot led the Pledge of Allegiance.

8. PRESENTATIONS

8.A. Certificate for Sergeant Major (Ret) - Ruben Cardenas

Mayor Vinatieri presented retired Sergeant Major Ruben Cardenas a certificate of commendation for 31 years of service.

Retired Sergeant Major Cardenas thanked the community for support.

Kyle Miller, on behalf of Senator Archuleta's Office, congratulated Retired Sergeant Major Cardenas on his retirement and thanked him for his service.

8.B. Police Department Employee of Quarter Presentation - Luis Salas

Mayor Vinatieri and Kyle Miller presented Police Officer Luis Salas a certificate for his crime fighting investigative actions. Police Officer Salas thanked the community for the acknowledgement.

9. APPROVAL OF AGENDA

City Attorney Jones answered questions regarding participation after an abstention in a previous vote on the same subject.

MOTION

Council Member Warner moved and Mayor Pro Tem Dutra seconded a motion to consider Item 13.A. after the consent calendar is approved. The motion was carried 3-1-1, Council Member Bouchot dissenting and Council Member Alvarado absent.

10. PUBLIC COMMENTS

Sophia Gonzalez advocated for the homeless community.

Mike Smith supported staff recommendation of Item 13.A. and suggested a city clean up.

Daniel Contreras suggested taking proactive role on homelessness.

Socorro Esperanza discussed homeless activity throughout the City.

Meghan Hobbs, Sustainable City, discussed the public comments from the January 6, 2020 Special Meeting.

Alfredo Santiago opposed the alcohol license proposed in Item 11.I and discussed responsible training.

Adan Jimenez, SPIRITT, discussed increase risk associated with alcohol and opposes Item 11.I.

Carolina H opposed Item 11.I and provided statistics on alcohol consumption.

Armando Berciaga discussed drug use; homelessness; and proposed renaming "Parnell Park" to "Meagan Ortega Park."

Briana Ancono commented on January 6, 2020 Special Meeting and provided feedback regarding shelters.

Arles Benavidez, SPIRITT, invited the community to Whittier Area Drug and Alcohol Prevention Community Council meeting.

Vance Suters criticized the Council's inaction to provide assistance.

Susan Cameron expressed concerns over the City's promise to help homeless individuals.

Ruben Cardenas requested statistics be posted on City website regarding taxpayer's money and homelessness.

Brian Ahern addressed public comments from January 6, 2020 Special Meeting.

Carter Justice discussed sidewalk expansion in unincorporated Whittier.

Ralph Reyes discussed the City ordinance regarding homelessness.

City Manager Saeki and City Attorney Jones discussed the Boise case and how it relates to the Police Department.

7. CLOSED SESSION REPORT

Mayor Vinatieri announced Kyle Cason as Director of Public Works.

11. CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR

Mayor Pro Tem Dutra requested that Item 11.I. be removed from the Consent Calendar.

City Staff answered questions on Items 11.H, 11.L, 11.N, and 11.O.

Mark Huffman, Brookfield, answered questions regarding the plaques at the Groves.

MOTION

Mayor Pro Tem Dutra moved and Council Member Bouchot seconded a motion to approve the Consent Calendar, with the exception of Item 11.I. The question was called and the motion was carried 4-0-1, Council Member Alvarado absent.

Council Member Warner requested review of Item 11.I.

The Consent Calendar consisted of the following items:

11.A. Waive Further Reading

Recommendation: After the City Clerk has read the title, waive full reading of ordinances and resolutions considered on this agenda for adoption.

11.B. Approval of Minutes

Recommendation: Approve the October 28, 2019 Special Meeting minutes, November 12, 2019 Regular Meeting minutes and the November 26, 2019 Special Meeting minutes.

11.C. Claims Against the City

Recommendation: Deny claims filed by Heard Family Trust, Nal and Margaret Pedrosian, Antonio Pinto, Kelly Hamilton, and Pashko Juncaj.

11.D. League of Women Voters Candidate Forums

Recommendation: Approve the co-sponsorship of two Candidate Forums with the League of Women Voters, to be held in the Council Chambers on February 5 and February 10, 2020, and broadcast on the municipal access channel.

11.E. Second Reading of Ordinance No. 3109 Sales Tax

Recommendation: Conduct second reading and adopt Ordinance No. 3109 adding Municipal Code Chapter 3.14 imposing the neighborhood safety and community services transactions and use tax.

11.F. Recognized Obligation Payment Schedule for July 1, 2020 through June 30, 2021

Recommendation: Adopt Resolution No. WRSA-20-01 approving the Recognized Obligation Payment Schedule for the fiscal year from July 1, 2020 through June 30, 2021 pursuant to Health and Safety Code Section 34177 and taking certain related actions.

11.G. Whittier Redevelopment Successor Agency Administrative Budget for July 1, 2020 through June 30, 2021

Recommendation: Adopt Resolution No. WRSA-20-02 approving the Whittier Redevelopment Successor Agency Administrative Budget for the fiscal year from July 1, 2020 through June 30, 2021, pursuant to the Health and Safety Code Section 34177(j) and taking certain other related actions.

11.H. Development Review Modification No. DRP15-120 (M-2); Tentative Parcel Map No. TPM19-0002 (TPM 82776); Variance No. VAR19-0001 Conditional Use Permit Modification No. CUP19-0001 (M-1)

11790-11880 Whittier Boulevard and 12252-12298 Walnut Grove Drive
Recommendation: Receive and file the Planning Commission action approving Development Review Modification No. DRP15-120 (M-2), for site plan and minor alterations to Buildings Nos. 5, 8 and 9A; Tentative Parcel Map No. TPM19-0002 (TPM 82776) to subdivide three lots into 11 parcels; Variance No. VAR19-001 to eliminate the side yard setback between two buildings (Major A and B); and, modification of conditions of approval for Conditional Use Permit No. CUP19-0001 (M-1) for the property located at 11790-11880 Whittier Boulevard and 12252-12298 Walnut Grove Drive.

- 11.J. Encroachment License – 14124 Lambert Road**
Recommendation: Approve the provided Encroachment License Agreement for 14124 Lambert Road – La Venadita Meat Market to allow the parking stall striping and wheel stops to remain in the public right-of-way.
- 11.K. Encroachment License – 14144 Lambert Road**
Recommendation: Approve the provided Encroachment License Agreement for 14144 Lambert Road – J & L Wine and Spirits to allow the parking stall striping and wheel stops to remain in the public right-of-way.
- 11.L. Turnbull Canyon Storm Drain Emergency Repair Project – Contract Change Order No. 1**
Recommendation: Accept Contract Change Order No. 1 in the amount of \$9,200, and authorize the City Manager to sign the change order on behalf of the City Council.
- 11.M. Deed of Right-of-Way - 16460 Whittier Boulevard**
Recommendation: Accept the offer of right-of-way dedication along Whittier Boulevard and authorize the City Clerk to execute the offer of Right-of-Way Dedication.
- 11.N. Broadway at Alta Avenue; and Sycamore Drive at Broadway – Yield Signs**
Recommendation: Adopt Resolution No. 2020-01 for the establishment of yield signs at the eastern and western intersections of Broadway at Alta Avenue and Sycamore Drive at Broadway (Attachment A).
- 11.O. The Groves in Whittier - Public Arts Program Proposal**
Recommendation:
1) Approve the proposal submitted by Brookfield Residential, Incorporated - Public Arts Program for the Groves in Whittier, per the Art in Public Places requirement;
2) Adopt Resolution No. 2020-02 confirming the acceptance of an Art in Public Places project at the Groves in Whittier; and
3) Authorize the City Manager to execute an agreement with Brookfield Residential for the approved art program.

The following item is called for review at a future meeting date.

- 11.I. Conditional Use Permit No. CUP19-0003
14005 Whittier Boulevard (D.B.A. Shell)**
Recommendation: Receive and file the Planning Commission action approving Conditional Use Permit 19-0003 to allow the on-site sale of beer and wine for off-site consumption (Type 20 alcohol license) for an existing gas station and convenience market located at 14005 Whittier Boulevard.

13. STAFF REPORTS

13.A. Parnell Park Noticing and Curfew Enforcement

Recommendation: Authorize expenditures of up to \$22,050 for costs associated with clean up and enforcement of curfew at Parnell Park.

City Attorney Jones answered questions regarding legal abstention, and Council Member Warner indicated her abstention was not due to a conflict of interest.

City Manager Saeki discussed park closure, the curfew, fencing Parnell Park, crisis beds, preventing encampments in other areas, HOST team, and services to the homeless.

Captain Bar answered questions regarding training Police Officers on mental health services and best practices for homeless individuals who are service-resistant.

Kim Barnett, LAHSA, and Irene Muro, Whittier First Day, answered questions regarding organizations that are providing services at the Parnell Park and individuals they're providing services to.

Mayor Vinatieri called for a motion.

MOTION

Council Member Bouchot moved and Mayor Pro Tem Dutra seconded a motion for a brief discussion. The motion was carried 4-0, Council Member Alvarado absent.

The Council deliberated.

MOTION

Mayor Pro Tem Dutra moved and Council Member Bouchot seconded a motion to authorize expenditures of up to \$22,050 for costs associated with clean up and enforcement of curfew at Parnell Park. The question was called and the motion carried 4-0-1, Council Member Alvarado was absent.

The Council went into Closed Session at 8:32 pm. The meeting reconvened at 9:39 p.m. with all Council Members present, except Council Members Alvarado and Warner.

7. CLOSED SESSION REPORT (continued)

City Attorney Jones stated there was no reportable action taken.

12. PUBLIC HEARINGS

12.A. Appeal Planning No. APL19-0001/Development Review No. DRP18-0025 11622 Grande Vista Drive (Continued from December 10, 2019)

Recommendation: Conduct a *de novo* public hearing and direct staff to prepare a resolution reflecting the City Council's consensus on Appeal Planning No. APL19-0001 of the Planning Commission's decision to approve Development Review No. DRP18-0025 for the design and construction of a new single-family residential development.

Director McNamara presented the public hearing item and introduced Bruce Iverson as the property owner.

Bruce Iverson requested the public hearing be continued to the January 28, 2020 meeting when all Council Members would be present.
The Council deliberated.

MOTION

Council Member Dutra moved and Mayor Vinatieri seconded a motion to continue the public hearing to the January 28, 2020 meeting at 6:00 p.m. The question was called and the motion carried 2-1-2, Council Member Bouchot dissenting and Council Members Alvarado and Warner absent.

13.B. Awning Review/Fee for Non-Residential Buildings

Recommendation: Direct staff to initiate a zoning code amendment which would allow an application for awning(s) on non-residential building(s) to be reviewed and approved administratively by staff and amend Resolution No. 8865 pertaining to fees to be collected for awnings on non-residential buildings to be \$256.

Director McNamara presented the staff report and answered questions regarding the difference between residential and commercial use awnings.

The Council deliberated.

MOTION

Council Member Bouchot moved and Mayor Pro Tem Dutra seconded a motion to direct staff to initiate a zoning code amendment which would allow an application for awning(s) on non-residential building(s) to be reviewed and approved administratively by staff and amend Resolution No. 8865 pertaining to fees to be collected for awnings on non-residential buildings to be \$256. The motion passed by 3-0-2, Council Members Alvarado and Warner absent.

**14. COUNCIL MEMBER/AGENCY DIRECTOR/UTILITY AUTHORITY DIRECTOR
COMMENTS AND CONFERENCE REPORTS**

Council Member Bouchot discussed veteran homelessness, suggested looking at other communities who do not have a homelessness issue, and sought Council consideration for inpatient treatment.

Mayor Pro Tem Dutra discussed balancing housing and services for the homeless. He thanked staff for the agenda items provided and reminded everyone to be respectful of one another.

Mayor Vinatieri discussed a meeting with Senator Archuleta regarding homelessness and mental health. He also discussed articles on initiatives, budgeted money for mental health, and pending litigation.

15. ADJOURNMENT

Mayor Vinatieri adjourned the meeting at 10:13 p.m.

Approved and adopted by the City Council of the
City of Whittier on February 25, 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT SUCCESSOR AGENCY
WHITTIER UTILITY AUTHORITY
REGULAR JOINT MEETING
COUNCIL CHAMBER, 13230 PENN STREET
JANUARY 28, 2020, 6:00 PM**

1. CALL TO ORDER - CLOSED SESSION

The Whittier City Council met in Closed Session on January 28, 2020. Mayor Vinatieri called the meeting to order at 6:00 p.m. in the Administration Conference Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. PUBLIC COMMENT ON CLOSED SESSION

3. CLOSED SESSION

3.A. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(1)
Three Items

4. CALL TO ORDER - REGULAR SESSION

Mayor Vinatieri called the Regular Session to order at 6:31 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

5. ROLL CALL

PRESENT: Joseph A. Vinatieri, Mayor
Fernando Dutra, Mayor Pro Tem
Henry Bouchot, Council Member
Cathy Warner, Council Member
Josué Alvarado, Council Member

STAFF PRESENT:

Brian Saeki, City Manager
Dick Jones, City Attorney
Shannon DeLong, Assistant City Manager
Rigoberto Garcia, Jr., City Clerk
Conal McNamara, Community Development Director
Kyle Cason, Public Works Director
Aviv Bar, Police Captain

6. PLEDGE OF ALLEGIANCE

Council Member Alvarado led the Pledge of Allegiance.

Mayor Vinatieri asked for a moment of silence for the victims of the helicopter accident that took place on January 26, 2020, including Sarah and Payton Chester.

Council Member Warner shared a personal story of the victims in the helicopter accident.

7. CLOSED SESSION REPORT

City Attorney Jones stated there was no reportable action taken.

8. PRESENTATIONS

8.A. Chamber of Commerce Monthly Update

Lorie Perschbacher discussed networking opportunities through the chamber of Commerce, including the Business Expo, Wake-up Whittier, and the Silver Shield Awards Banquet and Appreciation Dinner.

8.B. Los Angeles County – Voting Changes for March 3, 2020 General Municipal Election

Jeff Klein, Los Angeles County Registrar-Recorder Department, discussed Voting Solutions for all People (VSAP) and presented information on the changes associated with the new voter experience and answered questions regarding the layout of the Poll Pass, candidate spacing, the word choices, and font/text sizes.

City Manager Saeki and Captain Bar discussed the closing of Parnell Park and thanked staff and organizers for a safe and successful temporary closure. They also answered questions about lighting at the park, fence installation, curfews, and services offered to the homeless.

9. APPROVAL OF AGENDA

MOTION

Council Member Warner moved and Mayor Pro Tem Dutra seconded a motion to consider adding an urgency ordinance to the agenda using Ordinance 3105 as a basis and including the removal of tents and other camping paraphernalia from parks during the day.

City Attorney Richard Jones discussed the process for adding an urgency ordinance to the agenda.

MOTION

Council Member Bouchot moved to table the motion until after public comments. Mayor Pro Tem Dutra seconded the motion. The question was called and the motion carried unanimously.

Mayor Vinatieri by order of the chair approved the agenda.

10. PUBLIC COMMENTS

Irella Perez, Whittier City School District Board Member, introduced three students visiting from China and highlighted the Whittier City Exchange program.

Monica Dominguez, Andrews School, discussed the exchange students.

Mike Smith thanked the City Council, the Police Department, and City staff for working on Parnell Park.

John Huelsman discussed the Boise case and temporary evictions.

Paul Ramirez thanked the Council for introducing the urgency ordinance and thanked City staff for their work at Parnell Park.

Linda Small, Whittier School City District Board Member, introduced students and principal and invited residents and Council to participate in the 5K run.

Jose Amador, Carpenters Union, expressed support and thanked the Council.

Sheila Kers expressed support for 11.H, expansion of Preferred Parking District.

Yolanda Vega discussed Whittier Together and homelessness.

Brian Hombres, Latino Prevention Project, opposed Item 11.E and discussed alcohol abuse statistics.

Veronica Limas, South East Community Alliance Coalition, opposed Item 11.E.

Teresa Ortiz, South East Community Alliance Coalition, opposed Item 11.E and discussed social and health issues connected to selling alcohol at gas stations.

Susan Cameron urged the Council to be proactive on homeless plan and discussed affordable housing, mental health, and rehab services.

Nicolas Vince discussed a pit-bull incident at Adventure Park and asked for an ordinance to hold negligent pet owners accountable.

Dana discussed Parnell Park and Police Department needs.

Mayor Vinatieri called a recess at 8:04 p.m. and reconvened the meeting at 8:22 p.m. with all members present.

12. PUBLIC HEARINGS

12.A. Appeal Planning No. APL19-0001/Development Review No. DRP18-0025 11622 Grande Vista Drive (Continued from January 14, 2020)

Recommendation: Conduct a *de novo* public hearing and direct staff to prepare a resolution reflecting the City Council's consensus on Appeal Planning No. APL19-0001 of the Planning Commission's decision to approve Development Review No. DRP18-0025 for the design and construction of a new single-family residential development.

Director of Community Development McNamara introduced the report, including project time line, project site location, site plans, development standards, elevations, Appeal Planning no. APL19-0001, the Planning Commission's approval of the project, and surrounding properties. He answered questions regarding the Accessory Dwelling Units (ADUs), architecture of the project, and the difference between required and permitted subjects.

Director of Public Works Cason answered questions regarding grading item submission and approval, the ultimate grade elevation, and retaining wall heights and grading ratios.

Council Members Warner, Alvarado, and Bouchot, Mayor Pro Tem Dutra, and Mayor Vinatieri disclosed receiving communications and meeting with neighbors of the property, the applicant, and appellant. Council Members Warner and Bouchot and Mayor Vinatieri disclosed receiving campaign contributions from the Nickells, but indicated they would return the donations.

Mayor Vinatieri opened the public hearing.

Bruce Iverson apologized for any part played in disrupting the January 14, 2020 meeting. He described the process to obtain approvals, which began in March of 2015. He said that he has taken into consideration the aesthetic preference of the City and the Fire Department conditions as well as other conditions that they agreed to; however, redesigning the project further would no longer make it a Tudor style home.

Illana Mater, Attorney for Iverson, said that the City Council review has not met the timeline required by Whittier Municipal Code Section 2.60.010(c), which states "in no case shall the review be held more than 60 days from the date the request was made."

Director McNamara and City Attorney Jones answered questions regarding the continuance of the item.

Mr. Iverson provided a letter from one of his neighbors (Steelmon), dated 08/28/2019.

Jeff Nickell, the appellant, discussed the difference between the technical provisions and qualitative provisions. He argued that new homes should reflect the style that characterizes or compliments the predominant neighborhood style. They should also be built in scale with the existing neighborhood pattern. He went on to say that the property in question would be five times bigger than the current largest property, so it is not in scale with the surrounding houses. He also showed renderings of what the subject property would look like from the street. Nickell said that a staff report previously said that the project was categorically exempt from the CEQA because there's no expansion of existing or prior use, but the new project has 15,000 square feet of new construction, garage parking for 23, and significant grading changes. Lastly, the applicant has been cited numerous times for unpermitted grading. The City issued a notice of non-compliance in July 2017 and stated that that the situation needed to be remediated within 60 days or construction would be halted, but there still has been no remediation.

Public comments in support of Iverson:

MOTION

Council Member Alvarado moved and Council Member Warner seconded a motion to allow 1 minute of speaking time during public hearing comments.

FRIENDLY AMENDMENT

Council Member Bouchot motioned to move the speaking time to 90 seconds. The first and seconder agreed to the amendment. The question was called and the motion carried unanimously.

Enrique Alvarez discussed the grading plans for both Nickell and Iverson properties and argued that Nickell's renderings are grossly enlarged.

Donna Faucet argued that all homes are custom and Iverson is utilizing his large property.

Charlotte Mollet said Iverson had been forthcoming about the property.

John Mollet said Iverson was always honest about what he was going to build.

Hould Norberg said there are no laws that protect views, and everyone has trees that change the view.

Bridget Labasion said the computer images from Nickell were exaggerated and argued that Iverson's property will bring value to the hill.

Vick Labasion said that Iverson's project meets City code, so he should be able to build.

Laurence Andrews said the process has been unfair to Iverson and hopes the project can be completed.

Oppose Project:

Larry Cher commented on the grading of the project and said that because of the grading, the surface water can only come down the driveway, causing mass water runoff and surface erosion.

Lorena Vinet expressed concern over the garage being used for a different purpose in the future.

Rob Silkensen commented on the mass of the house, stating that it is large in relation to other properties.

Elizabeth Silkensen discussed home prices in the area and suggested moving the property to a different area.

Jeanie Renner stated that the project overwhelms existing houses and argued that the property diminishes the neighborhood.

Michael Stegman argued that the scale and size of the property does not match the other residences of the City. He suggested the property be reviewed and scaled down.

Bill Chung said he emailed his concerns to Council Members and would like Council to view property.

Cynthia Nickell discussed compliance and argued that there is precedent for review for compatibility in the Municipal Code.

Cathy Harshbarker argued that the property is unpleasant.

Craig Herlich discussed future uses of the property.

Bruce Iverson rebutted and claimed the drainage is not an issue and bought the minimum grading permit. He stated that he then purchased a permit do the 58,000 foot field but did not get a fielding plan, so he resolved the violation. A neighbor

complained about flooding the house, so he had a hydrology study done and the report said that he is now putting less water in the street. The oversized house's renderings are not to scale. He also said that he remediated soil conditions on property.

Illana Mater, Attorney for Iverson, indicated an Environmental Impact Report was unnecessary, and the Council should feel comfortable dismissing the claim because of the CEQA infill development categorical exemption. She also commented on the potential misuse of property, stating that any home can become blighted. The property would be maintained by Iverson and future owners. She commented on unfounded claims of what could become of the property and suggested remedies for neighbors. She also suggested 27% of available land would be used.

Jeff Nickell rebutted by commenting on his professional background in commercial real estate. With regard to the renderings, he went to a licensed architecture and got a referral to the firm that does the renderings and went through 4 iterations to make representations as accurate as possible. He also commented on the speculation of future use, citing an example of absentee owners who rented their house to people who turned it into a marijuana grow house.

Director of Public Works Cason answered questions regarding the drainage, permits for retaining walls, and rough grading permitting.

Director of Community Development McNamara answered questions regarding applications for the pilasters and the circumstances that would require variance application.

Bruce Iverson answered questions regarding permitted and unpermitted grading on his property.

Jeff Nickell answered questions regarding his renderings of Iverson's garage, average lot sizes, and the information he provided to architects that resulted in the renderings. He also stated that he was originally in support of the project, but he argues that the project plans were not clearly described.

Mayor Vinatieri closed the public hearing.

The Council deliberated.

MOTION

Council Member Bouchot moved and Council Member Warner seconded a motion to send the project to the Planning Commission with staff providing bullet point feedback and direction. The motion was carried unanimously.

11. CITY COUNCIL/REDEVELOPMENT SUCCESSOR AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR

Mayor Vinatieri and Council Member Bouchot recused themselves from Item 11.H.

Mayor Pro Tem Dutra requested this item be pulled for review.

MOTION

Council Member Alvarado moved and Mayor Pro Tem Dutra seconded a motion to approve the Consent Calendar with the exception of Items 11.B. and 11.E. and Mayor Vinatieri and Council Member Bouchot recused on Item 11.H. The question was called and the motion carried unanimously

The Consent Calendar consisted of the following items:

11.A. Waive Further Reading

Recommendation: After the City Clerk has read the title, waive full reading of ordinances and resolutions considered on this agenda for adoption.

11.C. Economic Development Quarterly Update

Recommendation: Receive and file a quarterly update regarding the economic development activities for the period covering October through December 2019.

11.D. New Commercial Center – 14136 Whittier Boulevard

Development Review No. DRP19-0056 and Variance No. VAR19-0002

Recommendation: Receive and file the Planning Commission action approving Development Review No. DRP19-0056 with conditions and Variance No. VAR19-0002, to allow the construction of a new 5,920-square foot commercial center and a modified parking lot layout with reduced number of on-site parking spaces.

11.F. California State Library Grant for Central Library Remodel and Improvement Project

Recommendation: Adopt Resolution No. 2020-03 amending the Fiscal Year 2019-20 Budget to accept the first installment of a grant from the California State Library in the amount of \$2,000,000 for the Central Library Remodel and Improvement Project.

11.G. Alley North of Hadley Street Sewer Main Replacement Project - Notice of Completion

Recommendation: Accept the work performed by T.A. Rivard, Inc. for the Alley North of Hadley Street Sewer Main Replacement Project, and authorize the Secretary to file the Notice of Completion on behalf of the Whittier Utility Authority (WUA).

11.H. Expansion of Preferential Parking District No. 1

Recommendation: Adopt Resolution No. 2020-04 expanding Preferential Parking District No. 1 boundaries to include Washington Avenue from Broadway to Camilla Street and Camilla Street from Greenleaf Avenue to Bright Avenue and rescind Resolution No. 8896.

11.I. Lee Owens Park Renovation Project – Notice Inviting Bids

Recommendation:

- 1) Find that the project is categorically exempt pursuant to Section 15301, Class 1(d) (Restoration) of California Environment Quality Act guidelines;
- 2) Approve the Plans and Specifications for the Lee Owens Park Renovation Project; and
- 3) Authorize the City Clerk to advertise the project for construction bids.

11.J. Compliance with Water Shutoff Protection Act (SB 998)

Recommendation:

- 1) Introduce and conduct first reading of Ordinance No. 3111 finding that the amendments are exempt from review under the California Environmental Quality Act and amending Chapter 13.04 (Installation and Services) and Chapter 13.08 (Rates and Charges) of the Whittier Municipal Code (WMC) to bring into compliance with the Water Shutoff Protection Act (SB 998 Dodd); and
- 2) Adopt Water Service Discontinuation Policy to comply with the Water Shutoff Protection Act.

11.K. Greenway Trail - Design Change Order No.5 revision

Recommendation: Approve modified Change Order No. 5 for a total not to exceed amount of \$82,000 for Agreement No. A17-019 with RRM Design Group for engineering design services for the Whittier Greenway Trail East Extension project.

11.L. Greenway Trail Lighting Project – Notice Inviting Bids

Recommendation:

- 1) Find that the project is categorically exempt pursuant to Section 15301, Class 1(c) (Existing Facilities) of California Environment Quality Act guidelines;
- 2) Approve the plans and specifications for the Greenway Trail Lighting Project; and
- 3) Authorize the City Clerk to advertise the project for construction bids.

11.M. Transmission Main Valve Replacement Project – Award of Contract

Recommendation: Authorize the Executive Director to sign the construction contract with T.E. Roberts, Inc. of Orange, CA in the amount of \$355,705 for the construction of the Transmission Main Valve Replacement Project and reject all other bids.

The following item was pulled from the Consent Calendar:

11.B. Legal Contract Services

Recommendation: Approve the agreement in substantially the form provided with Law Offices of Woolls Peer Dollinger & Scher for legal services and authorize City Manager to execute necessary documents.

City Attorney Jones requested the item be continued.

The following item was called for review at a future meeting date.

11.E. G&M Service Station and Convenience Market - 12559 Lambert Road (D.B.A. G&M Oil)

Conditional Use Permit No. CUP16-001(M-1)

Recommendation: Receive and file the Planning Commission action approving Conditional Use Permit No. CUP16-001(M-1) to allow the on-site sale of beer and wine for off-site consumption (Type 20 alcohol license) for a gas station and convenience market located at 12559 Lambert Road (D.B.A. G&M Oil).

12. PUBLIC HEARINGS

12.B. Live Entertainment and Fortune Telling Businesses in Uptown Whittier Specific Plan Amendment No. SPA19-0001

Recommendation: Continue this public hearing item to a future City Council Meeting date.

MOTION

Council Member Warner moved and Council Member Alvarado seconded a motion to continue the public hearing to February 11, 2020 at 6 p.m. The motion carried unanimously.

13. STAFF REPORTS

13.A. Homeless Census Results and Next Steps

Recommendation: That the City Council receive and file and/or provide direction on the status update on the Council's 90-day plan from the October 28, 2019 City Council Special Meeting as follows:

- 1) Receive and file the results of the City Net Homeless Census for Whittier;
- 2) Provide direction with regard to a draft Request for Proposals for a Navigation Center;
- 3) Receive information on proposed state budgetary and programmatic proposals; and adopt Resolution No. 2020-05 confirming Whittier's support for state and local efforts to alleviate the homeless crisis.

Assistant City Manager DeLong presented the staff report.

Brad Fieldhouse, President City Net, introduced the Homeless Census Report and the staff involved in the project.

Matt Bates, Vice President City Net, described key data points from the Whittier Homeless Census, including demographics, veteran's status, mental health, geography, and reasons people become homeless. He answered questions regarding health insurance, contact with families, links between homeless and alcohol/drug use, housing, similarities between Whittier and other cities, and disability.

MOTION

Council Member Alvarado moved and Mayor Pro Tem Dutra seconded a motion to receive and file the results of the City Net Homeless Census for Whittier. The motion carried unanimously.

Assistant City Manager DeLong indicated the request for proposals (RFP) was modeled after the North Orange County RFP for navigation centers and suggested staff contact LAHSA to ensure the City's RFP fits within their parameters for funding and services.

CONSENSUS

By Consensus, the Council directed staff to move forward with an RFP for a Navigation Center without returning to the City Council for approval.

The Council discussed amending the resolution, adding additional information, requesting financial support for the City's efforts on the Boise case, pushing for discretionary funds for the project, and instructing lobbyists how to request funding for the City.

MOTION

Council Member Alvarado and Mayor Pro Tem Dutra motioned to move Resolution No. 2020-05 confirming support for various State and local efforts to seek relevant solutions to the homelessness crisis, amending the recitals to include: Monitor and advocate for legislation ensuring appropriate care for individuals experiencing mental health crisis, including changes to conservatorship laws and changes in the Lanterman-Petris-Short Act; and Advocate for and pursue funding for a Navigation Center. The question was called and the motion carried unanimously.

CONSENSUS

By consensus, the Council agreed to agendaize both an urgent and regular ordinance on camping and storage in public areas for the February 11, 2020 meeting.

13.B. Los Angeles County Voting Solutions for All People (VSAP) System

Recommendation: Receive information regarding voting changes for the upcoming March 3, 2020 General Municipal Election; and provide direction if necessary.

City Clerk Garcia presented changes to the March 3, 2020 election, including all Whittier voters receiving a vote-by-mail-ballot and the new ballot marking device.

City Clerk Garcia answered questions on the functionality of the ballot marking device and discussed the current litigation involving the City of Beverly Hills and Los Angeles County.

The Council directed staff to have the City Attorney review the case and bring back possible options.

14. COUNCIL MEMBER/AGENCY DIRECTOR/UTILITY AUTHORITY DIRECTOR COMMENTS AND CONFERENCE REPORTS

Council Member Warner asked for thoughts and prayers for the George family.

Council Member Bouchot discussed the death of Kobe Bryant.

Council Member Alvarado discussed his recent trip to Sacramento to lobby for needs of the City of Whittier.

Mayor Pro Tem Dutra shared that he was a judge for the Boys and Girls student of the year award. He also met with the League of Cities Committee to discuss transportation funding and opportunities.

Mayor Vinatieri shared that he was at the League of Cities last week and discussed Whittier's current fiscal situation.

15. ADJOURNMENT

Mayor Vinatieri adjourned the meeting at 1:04 a.m.

Approved and adopted by the City Council of the
City of Whittier on February 25, 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

**MINUTES
WHITTIER CITY COUNCIL
ADMIN CONFERENCE ROOM, 13230 PENN STREET
SPECIAL MEETING
JANUARY 28, 2020, 5:30 PM**

1. CALL TO ORDER - CLOSED SESSION

The Whittier City Council met in Closed Session on January 28, 2020. Mayor Vinatieri called the meeting to order at 5:31 p.m. in the Administration Conference Room of Whittier City Hall, 13230 Penn Street, Whittier, California.

PRESENT: Joseph A. Vinatieri, Mayor
Fernando Dutra, Mayor Pro Tem
Henry Bouchot, Council Member
Cathy Warner, Council Member
Josué Alvarado, Council Member

2. PUBLIC COMMENT ON CLOSED SESSION

None.

3. CLOSED SESSION

3.A. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(1)
Three Items

4. CLOSED SESSION REPORT

None.

5. ADJOURNMENT

Mayor Vinatieri adjourned the meeting at 6:00 p.m.



Agenda Report

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Rigoberto Garcia, City Clerk

Subject: Second Reading of Ordinance No. 3112 - Municipal Code Conforming Updates

RECOMMENDATION

Conduct second reading and adopt Ordinance No. 3112 amending various sections of the Municipal Code to address gender-neutral language, remove obsolete provisions, and update City position titles.

DISCUSSION

On February 11, 2020, City Council introduced and conducted first reading of Ordinance No. 3112 regarding making the municipal code gender-neutral, removing obsolete provisions, and updating City position titles. Staff recommends Council conduct second reading and adopt Ordinance No. 3112.

FISCAL IMPACT

Sufficient funds are available in the General Fund's advertising and publication account (100-15-151-000 641000) for the publication of this ordinance.

ATTACHMENTS

A. Ordinance No. 3112

ORDINANCE NO. 3112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE TO ADDRESS GENDER-NEUTRAL LANGUAGE, REMOVE OBSOLETE PROVISIONS, AND UPDATE CITY POSITION TITLES.

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The following Municipal Code Sections are hereby deleted due to being obsolete or covered in the City Charter: 1.10.130; 2.12.040; 2.24.090; 2.24.110; 3.12.030; 5.04.070.B; 3.36.090; 10.04.010.B.5; 10.04.010.B.8; 10.04.010.B.11; 10.24.010.B; 10.24.040.A; 10.48.060; 12.08.080; 12.44.050.B; and 18.24.030.E.10.

SECTION 2. References throughout the Municipal Code related to gender specific positions are hereby amended to be gender-neutral. The amendments include changing the terms:

- A. "he" to "he/she"
- B. "she" to "he/she"
- C. "his" to "his/her"
- D. "her" to "his/her"
- E. "him" to "him/her"
- F. "himself" to "himself/herself"
- G. "herself" to "himself/herself"
- H. "workmen" to "workers"
- I. "fireman" to "firefighter"
- J. "man" to "people" or "person"
- K. "manhole" to "maintenance hole"
- L. "Chairman" to "Chairperson"
- M. "Chairmen" to "Chairpersons"
- N. "manmade" to "human-made"
- O. "salesman" to "salesperson" or "salespeople"
- P. "watchmen" to "guards"
- Q. "businessmen" to "business people"
- R. "councilman" to "council member"

SECTION 3. References throughout the Municipal Code related to the phrase "mentally retarded" are hereby amended to change to "intellectually disabled".

SECTION 4. The following sections of the Municipal Code are hereby amended to change "city clerk-treasurer" to "city clerk": 1.04.020; 1.04.030; 1.04.220; 1.16.020; 2.20.040; 2.24.030; 2.24.050; 2.60.010; 3.16.020; 3.20.120.A; 3.36.150; 3.36.190; 3.36.220; 3.36.230; 3.36.240; 3.36.250; 3.36.260; 3.36.270; 3.36.350; 3.36.420; 3.36.430; 3.36.450; 3.36.470; 3.36.530; 3.36.540; 3.36.680; 3.36.710; 3.36.840;

3.36.150; 3.36.190; 6.04.030; 8.04.010; 8.04.030; 8.04.080; 8.08.080; 8.08.110; 8.08.130; 8.38.100; 9.36.060; 9.36.080 9.36.100; 9.56.130; 9.56.140; 9.56.150; 9.56.160; 12.42.110; 15.12.040; 15.20.090; 17.04.020; 17.18.050; 17.18.080; 18.08.020; 18.14.110; 18.14.120; 18.42.090; 18.42.100; 18.46.050; 18.50.080; 18.51.070; 18.52.100; 18.52.120; 18.52.130; 18.52.140; 18.56.055; 18.60.060; 18.60.070; 18.60.084; 18.78.110; 18.78.130; 18.87.120; 18.87.130; 18.88.120; and 18.88.130.

SECTION 5. The following sections of the Municipal Code are hereby amended to change “city clerk-treasurer” to “city treasurer”: 3.16.020; 3.20.030; 3.20.040; 3.20.060; 3.20.070; 3.20.080; 3.20.090; 3.20.110; 3.20.120.B; 3.20.120.C; 3.24.030; 5.04.020; 5.04.030; 5.04.050; 5.04.060; 5.04.070; 5.04.080; 5.04.100; 5.04.120; 5.04.125; 5.04.140; 12.42.080; 12.42.090; 12.42.130; and 17.16.110.

SECTION 6. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 8. This Ordinance shall take effect 30 days after its adoption and shall be published pursuant to law.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

Date: _____



Agenda Report

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Rigoberto Garcia, City Clerk

Subject: Second Reading of Ordinance No. 3113 - Camping and Storage

RECOMMENDATION

Conduct second reading and adopt Ordinance No. 3113 amending Municipal Code Chapter 12.42 related to camping and storage of personal property in public areas.

DISCUSSION

On February 11, 2020, City Council introduced and conducted first reading of Ordinance No. 3113 regarding camping and storage of personal property in public areas. Staff recommends Council conduct second reading and adopt Ordinance No. 3113.

FISCAL IMPACT

Sufficient funds are available in the General Fund's advertising and publication account (100-15-151-000 641000) for the publication of this ordinance.

ATTACHMENTS

A. Ordinance No. 3113

ORDINANCE NO. 3113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 12.42 RELATED TO CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.42 of the Whittier Municipal Code is hereby amended to read as follows:

“12.42.020 - Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

- A. "Abandoned personal property" means personal property that the owner surrenders, relinquishes, or disclaims. Indicia of abandoned personal property shall include, but not be limited to: personal property that its owner has indicated he/she does not want; and personal property left on private real property for any period of time without the permission of the real property owner or current tenant.
- B. "Alley" shall have the same meaning as California Vehicle Code Section 110.
- C. "Block" shall mean 500 feet.
- D. "Bulky Item" means any item, with the exception of an operational bicycle, operational stroller or operational walker, crutch or wheelchair, that is too large to be moved by or carried on a person, including but not limited to, a shed, structure, constructed Tent, E Z up, canopy, mattress, couch, chair, other furniture or appliance. A container with a volume of no more than 60 gallons used by an individual to hold Personal Property shall not in itself be considered a Bulky Item.
- E. "Camp" means to pitch or to occupy camp facilities; to use or store camp paraphernalia for habitation purposes, to use any property set forth in Section 12.42.030 for habitation purposes such as sleeping activities, or making preparations to sleep, including laying down of bedding for purposes of sleeping.
- F. "Camp facilities" include, but are not limited to, tents, huts or temporary shelters.
- G. "Camp paraphernalia" includes, but is not limited to, tarpaulins, umbrellas, cots, beds, bedding, sleeping bags, hammocks or non-city designated cooking facilities, kitchen utensils, camping stoves, portable barbeques and similar equipment, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other items of camp paraphernalia.

- H. "Chief of police" or "police chief" means the chief of police of the Whittier police department or designee.
- I. "City clerk" shall mean the Whittier city clerk or designee.
- J. "City treasurer" shall mean the Whittier city treasurer or designee.
- K. "City manager" shall mean the Whittier city manager or designee.
- L. "Dwelling" shall mean more than one of the following activities and when it reasonably appears, in light of all the circumstances, that a person is using a vehicle as a place of residence or accommodation:
Possessing inside or on a vehicle items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, cooking equipment, and bodily fluids. Obscuring some or all of the vehicle's windows. Preparing or cooking meals inside or on a vehicle, as a place of residence or accommodation.
- M. "House trailer" shall include any motor vehicle, boat, recreational vehicle or other vehicular device designed for use as a human habitation but shall not include a manufactured home, as that term is defined in 42 U.S.C. § 5402 (National Manufactured Housing Construction and Safety Standards Act of 1974), or its successor provisions.
"Park" means a park, reservation, playground, recreation center or any other area in the city owned, maintained or used by the city for the purpose of public rest, play, enjoyment, active or passive recreation, or assembly, including the Greenway Trail, and shall include all buildings and structures located thereon or therewith.
- O. "Public area" means and includes all property that is owned, managed or maintained by the City and shall include, but is not limited to, any street, alley, park, public right-of-way, recreational area, any place open to the public view or other place to which the public has access.
- P. "Public works director" means the public works director of the City of Whittier or designee.
- Q. "Personal property" means tangible personal belongings. Tangible personal belongings include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, such as cooking utensils, money, medication, documents, clothing, luggage and books. For the purposes of this chapter, personal property shall not include real property, vehicles, bicycles or animals.
- R. "Real property" means land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land. Real property includes land, buildings and easements.
- S. "Store", "Stored", "Storing" or "Storage" means to put Personal property aside or accumulate for use when needed, to put for safekeeping and/or to place or leave in a Public Area. Moving Personal property to another location in a Public Area or returning Personal property to the same block on a daily or regular basis shall be considered Storing and shall not be considered to be removing the Personal property from a Public Area. This definition shall not include any Personal Property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or State, is Stored with permission of the City or state on real property that is owned or controlled by the City.

- T. "Street" shall have the same meaning as California Vehicle Code Section 591.
- U. "Tent" means a collapsible shelter made of fabric such as nylon or canvas or a tarp stretched and sustained by supports, which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the fabric. In order to qualify as a Tent for purposes of this subsection, a Tent, when deconstructed, must be able to fit into a 60-gallon container with the lid closed.
- V. "Unattended" means no Person is present with the Personal Property who asserts or claims ownership over the Personal Property. Conversely, property is considered "Attended" if a Person is present with the Personal Property and the Person claims ownership over the Personal Property.
- W. "Unclaimed personal property" means personal property that has been turned in to the chief pursuant to Section 12.42.050, and that has not been claimed within a period of ninety (90) days by its true owner or finder.
- X. "Vehicle" means any motor vehicle, trailer, house car or trailer coach as defined by the California Vehicle Code.

12.42.040 - Unlawful camping—Use of vehicles for dwelling prohibited on city streets.

- A. No person shall use a Vehicle for Dwelling as follows:
 - 1. Between the hours of 8:00 p.m. and 7:00 a.m. on any City street; or
 - 2. At any time within one Block radius of any edge of a lot containing a park or licensed school, pre-school or daycare.
- B. The prohibition of this section shall not apply:
 - 1. In the event of an emergency, including a city declared emergency or natural disaster, such as a flood or earthquake.
 - 2. To events that are approved or sponsored by the city.
 - 3. To camping grounds and parks designated for mobile home or recreational vehicle use.

12.42.050 - Storage of personal property in public areas.

- A. No person shall Store any Unattended Personal Property in a Public Area. With pre-removal notice as specified in Subsection 12.42.070.A., the City may impound any Unattended Personal Property in a Public Area, regardless of volume. Post-removal notice shall be provided as set forth in Subsection 12.42.070.B.
- B. No person shall Store any Personal Property in a Public Area in such a manner as to obstruct City operations, including street or sidewalk maintenance or cleaning, or park or landscaping maintenance, repair or irrigation. Without prior notice, the City may temporarily move Personal Property, whether Attended or Unattended, which is obstructing City operations in a Public Area during the time necessary to conduct the City operations. The City may also impound Personal Property that is obstructing City operations in a Public Area. Post-removal notice shall be provided as set forth in Subsection 12.42.070.B.
- C. No person shall Store any Personal Property in a Public Area in such a manner that it does not allow for passage as required by the Americans with

Disabilities Act of 1990 as amended from time to time (ADA). Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in such a manner that it does not allow for passage as required by ADA. Post-removal notice shall be provided as set forth in Subsection 12.42.070.B.

- D. No person shall Store any Personal Property within ten feet of any operational and useable entrance, exit, driveway or loading dock. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area within ten feet of any such area. Post-removal notice shall be provided as set forth in Subsection 12.42.070.B.
- E. No person shall Store in a Public Area that has clearly posted closure time any Personal Property after the posted closure time. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area within ten feet of any such area. Post-removal notice shall be provided as set forth in Subsection 12.42.070.B.
- F. No person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes an immediate threat to health or safety of the public. Without prior notice, the City may remove and may discard any Personal Property Stored in a Public Area if the Personal Property poses an immediate threat to the health or safety of the public.
- G. No person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes an evidence of a crime or contraband. Without prior notice, the City may remove and may discard any Personal Property that constitutes an evidence of a crime or contraband.
- H. No person shall Store any Bulky Item in a Public Area. Without prior notice, the City may move and may discard any Bulky Item, whether Attended or Unattended, Stored in a Public Area unless the Bulky Item is designed to be used as a shelter. For any Bulky Item that is designed to be used as a shelter, with pre-removal notice as specified in 12.42.050.D - H the City may remove and discard the Bulky Item, whether Attended or Unattended. If the Bulky Item violates Subsections 12.42.050.D – H. herein, even if it is designed to be used as a shelter, without prior notice, the City may remove and discard the Bulky Item, whether Attended or Unattended.
- I. Any person violating this section shall be guilty of an infraction.

12.42.080 - Ban on Erection of Tents during Certain Daytime Hours.

No person shall erect, configure or construct a Tent in any Public Area from 7:00 a.m. to 8:00 p.m. (except during rainfall). A person must take down, fold, and completely remove or put away any Tent erected, configured or constructed in any Public Area between the hours of 7:00 a.m. and 8:00 p.m. (except during rainfall). Without prior notice, the City may deconstruct and may impound any Tent, whether Attended or Unattended, located in any Public Area in violation of this subsection or in violation of Subsections 12.42.050 hereof. The City shall provide post-removal notice for any impounded Tent as set forth in Subsection 12.42.070.B.

12.42.210 - Penalties.

- A. Any person violating any of the provisions of this chapter shall be guilty of an infraction.
- B. The remedies set forth in subsection A of this section shall be in addition to any other existing remedies for code enforcement and nuisance abatement actions, including, but not limited to, administrative citations or any action at law or equity.

SECTION 2. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall take effect 30 days after its adoption and shall be published pursuant to law.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

Date: _____



Agenda Report

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Conal McNamara, Director of Community Development
Don Dooley, Planning Services Manager
Sonya Lui, Principal Planner

Subject: Conditional Use Permit No. CUP16-001(M-1)
12559 Lambert Road (D.B.A. G&M Oil)

RECOMMENDATION

Adopt Resolution No. 2020-07 determining the environmental impacts associated with the project are adequately addressed under a previously adopted mitigated negative declaration and mitigation monitoring program approved for Conditional Use Permit No. CUP16-001 and approving Conditional Use Permit No. CUP16-001(M-1) to permit the on-site sale of beer and wine for off-site consumption in conjunction with the operation of a convenience market and self-service gasoline station (G&M Oil) located at 12559 Lambert Road.

BACKGROUND

On January 6, 2020, the Planning Commission adopted Resolution No. P.C. 2020-01 approving Conditional Use Permit No. CUP16-001(M-1).

On January 14, 2020, Mayor Pro Tem Dutra requested the City Council's review of the Planning Commission action.

On February 11, 2020, the City Council voted 5-0 to uphold the Planning Commission decision to approve Conditional Use Permit No. CUP16-001(M-1) to allow the on-site sale of beer and wine for off-site consumption (Type 20 alcohol license) for a gas station and convenience market located at 12559 Lambert Road. The City Council then directed staff to bring back a resolution approving the project.

The attached resolution cites the findings for approval of the project.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ATTACHMENTS

A. Resolution No. 2020-07

RESOLUTION NO. 2020-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DETERMINING THAT THE ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROJECT ARE ADEQUATELY ADDRESSED UNDER A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM APPROVED FOR CONDITIONAL USE PERMIT NO. CUP16-001 AND APPROVING CONDITIONAL USE PERMIT NO. CUP16-001(M-1) TO PERMIT THE ON-SITE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH THE OPERATION OF A CONVENIENCE MARKET AND SELF-SERVICE GASOLINE STATION (G&M OIL) LOCATED AT 12559 LAMBERT ROAD (AIN 8170-036-013)

RECITALS

- A. On August 21, 2019, Conditional Use Permit No. CUP16-001(M-1) was submitted to the City of Whittier by Travis Companies, Inc., 4430 E. Miraloma Avenue, Suite F, Anaheim, CA 92807.
- B. On June 5, 2017, Conditional Use Permit No. CUP16-001 was approved to allow the use of a new 24-hour, 1,960-square foot convenience market with a new 2,184-square foot service canopy.
- C. In conjunction with Conditional Use Permit No. CUP16-001, a Mitigated Negative Declaration was adopted which determined that the proposed project could avoid and/or reduce potentially significant impacts to the environment associated with the service stations underground storage tanks. Under the approved Mitigation Monitoring and Reporting Program (MMRP), the applicant has been required to provide proof closure of the site by the Los Angeles Regional Water Quality Control Board in accordance with the SWRCB's Low-Threat Underground Storage Tank Case Closure Policy (LTCP) to the Building and Safety Manager, prior to the issuance of an occupancy permit.
- D. Conditional Use Permit No. CUP16-001(M-1) is a request to permit the on-site sale of beer and wine for off-site consumption under a Type 20 alcohol license for a gas station and a 1,960-square foot convenience market (D.B.A. G&M Oil) located at 12559 Lambert Road and more particularly described as Assessor's Identification Number 8170-036-013 in the City of Whittier.
- E. Conditional Use Permit No. CUP16-001(M-1) was submitted in accordance with the provisions of the Whittier Municipal Code.

- F. Conditional Use Permit No. CUP16-001(M-1) becomes null and void if the use is not commenced within two years of the effective date of the approval, as required per the Whittier Municipal Code Section 18.04.110.
- G. On January 6, 2020, the Planning Commission conducted a duly noticed public hearing and considered all public testimony and information submitted for Conditional Use Permit No. CUP16-001(M-1).
- H. On January 14, 2020, Mayor Pro Tem Dutra requested the City Council's review of the Planning Commission.
- I. On February 11, 2020, the City Council conducted a duly noticed de novo public hearing and considered all public testimony and information submitted for Conditional Use Permit No. CUP16-001(M-1) and directed staff to prepare a Resolution approving Conditional Use Permit No. CUP16-001(M-1).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this Resolution.

SECTION 2. The City Council finds and determines no additional environmental review is required for Conditional Use Permit No. CUP16-001(M-1) because potential environmental impacts were adequately addressed in a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) that were previously prepared and approved for Conditional Use Permit No. 16-001 and Development Review No. DRP16-015. The proposed project under Conditional Use Permit No. CUP16-001(M-1), a request to sell alcoholic beverages under a Type 20 license, will not result in any foreseeable environmental impacts or any increase in the severity of any previously identified impacts.

SECTION 3. Based upon the testimony and other evidence received at the de novo public hearing and upon the analysis and evidence contained in the staff report, the City Council hereby makes the following findings, as required by the Whittier Municipal Code, Section 18.52.040(B) and approves Conditional Use Permit No. CUP16-001(M-1) based on the following findings:

1. **FINDING:** *That the site proposed for the use is adequate in size, shape and topography.*

FACT: The site consists of a 19,014-square foot rectangular lot. The applicant has provided a site plan demonstrating that the size and shape of the lot is adequate for the uses being proposed and has designed the site layout to provide adequate drive-aisles utilizing the existing driveway approaches that

serve the existing gas station and convenience store use. The lot is a flat lot; therefore, the typography conditions for the development of the new service station and convenience store will be adequate as well.

2. **FINDING:** *That the site proposed for the use has sufficient access to streets, which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use.*

FACT: The site will provide adequate access for vehicular and pedestrian traffic from Lambert Road and Santa Fe Springs Road. The existing streets are adequate in width and pavement type to carry the quantity and quality of traffic generated by the convenience market and gas station. It is not anticipated that the proposed sale of beer and wine for off-site consumption will generate a significant increase in the amount of traffic to the project site.

3. **FINDING:** *That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding properties.*

FACT: The approval of Conditional Use Permit No. CUP16-001(M-1) is not expected to adversely interfere with the enjoyment of the surrounding properties. The Whittier Police Department has included conditions of approval for Conditional Use Permit No. CUP16-001(M-1) to help mitigate potential law enforcement concerns. The subject project is immediately adjacent to residential properties located on the north side. The business owner is responsible for monitoring the premises to prevent loitering as part of the conditions of approval. Therefore, the Conditions of Approval adopted for Conditional Use Permit No. CUP16-001(M-1) will ensure that the business is maintained consistent with the City's goals, policies and objectives contained within the Whittier General Plan. Therefore, the proposal is consistent with the intent of the General Plan and associated zoning regulations.

4. **FINDING:** *That the proposed use will be compatible with the permitted uses of surrounding adjacent properties.*

FACT: The project, as conditioned, will be compatible with the surrounding properties. As conditioned, no consumption of alcoholic beverages will be allowed on-site and the sale of beer and wine will be restricted to their original packaging which will prohibit the purchase of single-serving beverage containers. The business owner is responsible for monitoring the premises to prevent loitering as part of the conditions of approval. In addition, there will be adequate exterior lighting on the property and the applicant will be required to maintain the perimeter lighting to deter criminal activity and loitering.

5. **FINDING:** *That the use will, as to location, operation, and design, be consistent with the General Plan and the City of Whittier zoning regulations.*

FACT: The on-site sale of beer and wine (Type 20 alcoholic license) for off-site consumption in conjunction with an existing gas station and a convenience market is consistent with the C-2 (General Commercial) Zone and the City's General Plan. The sale of beer and wine for off-site consumption is an accessory use to the existing convenience market.

SECTION 4. To protect the public's health, safety and welfare, mitigate potential primary and secondary impacts associated with Conditional Use Permit No. CUP16-001(M-1), the following conditions of approval are adopted for Conditional Use Permit No. CUP16-001(M-1):

STANDARD CONDITIONS OF APPROVAL

1. The subject property shall be maintained in substantial compliance with Attachment C, except as modified below to the satisfaction of the Director of Community Development. Any deviation from the approved plans shall be reviewed and approved to the satisfaction of the Director of Community Development prior to building permit issuance. (Planning)
2. The applicant shall sign and remit to the City the "*Statement of Acceptance of Conditions*" form acknowledging and accepting all conditions of approval as set forth herein. (Planning)
3. These conditions of approval shall be printed conspicuously on the project construction drawings prior to the issuance of any building permits to the satisfaction of the Director of Community Development. (Planning)
4. The final construction plans shall clearly identify and list all deferred submittals on the cover sheet. All deferred submittals must be submitted prior to permit issuance, and approved prior to framing inspection. (Building/Planning)
5. All other applicable City, County, State and Federal regulations shall be complied with prior to the finalization of any building permits to the satisfaction of the Director of Community Development. (Planning)
6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of Whittier and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or City Planning Commission concerning this use. (Planning)
7. Conditional Use Permit No. CUP16-001(M-1) shall commence the use within two years of the date of approval. Failure (for any reason) to commence the use shall result in Conditional Use Permit No. CUP16-001(M-1) becoming null and void. Prior to the expiration date, the applicant may request a single, one-year, time extension (approval) for Conditional Use Permit No. CUP16-001(M-1) from the Director of Community Development, subject to submitting the appropriate

application fee and a letter requesting the time extension. The time extension request may be granted if the Director of Community Development determines that the original findings approving Conditional Use Permit No. CUP16-001(M-1) is still valid. The Director of Community Development shall have the discretion to add or modify these conditions of approval (as deemed appropriate) as part of any time extension approval. (Planning)

8. Approval of Conditional Use Permit No. CUP16-001 and its conditions of approval shall remain in effect, except as may be modified by the conditions of approval for Conditional Use Permit No. CUP16-001 (M-1).

SPECIAL CONDITIONS OF APPROVAL

9. Conditional Use Permit No. CUP16-001(M-1) is approved to allow the on-site sale of beer and wine (a Type 20 A.B.C. license) for off-site consumption only, for a gas station and a 1,960-square foot convenience market (D.B.A. G&M Oil). Any modifications to this approval shall require the prior review and approval of a new Conditional Use Permit by the Planning Commission. (Planning)
10. The applicant shall comply, at all times, with all regulations and conditions of approval prescribed by the Alcoholic Beverage Control (A.B.C.) for the on-site sale of beer and wine (Type 20 alcohol license) for off-site consumption to the satisfaction of the Director of Community Development and Alcoholic Beverage Control. (Planning)
11. The applicant shall comply at all times with the City of Whittier Noise Ordinance to the satisfaction of the Director of Community Development. (Planning)
12. The Conditional Use Permit shall be reviewed on a yearly basis by the Director of Community Development unless he/she chooses to defer the review to the highest approval authority for Conditional Use Permit No. CUP16-001(M-1). A written report detailing the business's compliance with all CUP conditions shall be submitted to the highest approval authority. If necessary, the highest approval authority may, at any time, consider requesting a public hearing to consider the addition, deletion or modification of any/all conditions of approval or the revocation of this Conditional Use Permit. The decision to request a hearing to add conditions to the CUP rather than to revoke it shall not preclude the highest approval authority from revoking the CUP in the future or from considering the facts supporting revocation as recited herein from being used in future review and/or revocation proceedings. In addition, the applicant shall pay the Conditional Use Permit monitoring fee of \$459.00 for the preparation of the initial CUP review. If any subsequent annual review reveals any CUP violations, police calls, or any other activities that would potentially result in the modification or revocation of the CUP, the applicant shall pay the Conditional Use Permit monitoring fee for that year in the amount as set forth by resolution. (Planning)

13. The applicant shall reimburse the City of Whittier at full cost recovery for all staff time, materials and resources associated with every review/revocation hearing concerning Conditional Use Permit No. CUP16-001(M-1). The applicant shall make full payment to the *City of Whittier* within thirty calendar days of being invoiced for each review/revocation hearing for Conditional Use Permit No. CUP16-001(M-1). Failure to do so, for any reason, shall constitute grounds to revoke Conditional Use Permit No. CUP16-001(M-1). (Police/Planning)
14. The person holding the business license for the subject premises shall be responsible for reimbursing the City of Whittier for all costs associated with extraordinary Police services required to ensure the safety of the community and/or patrons, resulting from incidents related to the approved on-site sale of alcoholic beverages. (Police)

Police Department

15. The sale of beer and wine is allowed only in their original package and the sale of individual single-serve alcoholic beverages such as 24 or 40-ounce bottles or cans is prohibited. (Planning)
16. The Whittier Police Department and the Director of Community Development reserve the right to review the business owner's compliance with the terms and conditions of this Conditional Use Permit at any time. If any security and/or public safety concerns develop in the future, the applicant shall work cooperatively (in a timely manner) with the Police Department to resolve the specific issue(s) of concern to the satisfaction of the Chief of Police. (Police)
17. The applicant and all employees shall comply with all applicable laws governing the sale of alcoholic beverages, including the prohibition of selling alcoholic beverages to minors. Signage stating this regulation shall be posted inside the business. (Planning/Police)
18. The applicant shall provide adequate staffing to properly supervise the premises and ensure the safety of patrons. A manager over the age of 21 shall be present during hours of operations. (Planning)
19. The applicant shall refuse alcoholic beverage sales to any patron appearing intoxicated. (Planning)
20. It shall be unlawful for any person who appears to be intoxicated or under the influence of any drug, chemical or substance to enter or remain on the applicant's premises, at any time, as set forth in Section 25602(a) of the Business and Professions Code. (Planning)
21. The manager or owner shall report immediately to the Whittier Police Department all incidents occurring within the licensed premises when observed by an

employee, or when reported to an employee by another person whereby an individual could be charged with a felony or misdemeanor. (Police)

22. The applicant/business operator shall install a burglary and robbery alarm system in each business to the satisfaction of the Director of Community Development and Chief of Police. The business operator shall provide the Police Department with after-hours contact information and post an alarm company contact number outside of the business in a conspicuous location prior to building occupancy. (Police Department)
23. The applicant/owner shall provide adequate lighting on the inside/outside of the buildings, walkways, outdoor areas, and the parking lot shall be required and maintained in order to provide security to patrons and deter criminal activity and it is recommended they follow minimum, Crime Prevention Through Environmental Design (CPTED) guidelines as follows:
 - a. Provide Lighting Systems for night time vision of motorists to increase the visibility of pedestrians, other vehicles and objects which should be seen or avoided.
 - b. Design lighting systems for pedestrians to see risks involved in walking at night.
 - c. Provide lighting systems which will enhance the ability for natural surveillance and observation.
 - d. Provide lighting systems that minimize glare, shadow, light pollution and light trespass.
24. The applicant may not tint any of the tenant building windows without the approval of the Chief of Police and the Director of Community Development. All windows shall be clear and remain transparent to the satisfaction of the Chief of Police and Director of Community Development. (Planning)
25. The applicant shall install on-site security cameras as required by the Police Department and Director of Community Development. (Police Department)

The video surveillance system on the premises must comply with the following standards:

- a. Visually records and monitors the parking lot area, all entrance(s) and exit(s)
- b. The surveillance system and recording device shall be in continuous operation.
- c. The system shall store and keep all video a minimum of 30 days for retrieval.
- d. Record 30 frames per second.
- e. 640 x 480 recording resolution
- f. Export videos to USB thumb drive
- g. Exports playable on standard Windows computer.

- h. Day/Night use.
- i. 600 TV lines resolution
- j. Pedestrian Entrance/Exit doors (filling video frame with door).

26. All landscaping including but not limited to, walkways planters and the parking lot, should follow the 2' x 6' rule in order to provide natural surveillance, as poor landscaping can reduce visibility. It is recommended all landscaping should meet the minimum, Crime Prevention through Environmental Design (CEPTED) Guidelines as follows:

- a. All shrubs or ground cover vegetation should be no higher than 2 feet in height.
- b. Tree canopies should be no lower than 6 feet in height.
- c. Avoid creating areas of potential concealment by using "lacy" vegetation.
- d. Avoid using vegetation that requires constant maintenance and upkeep as to avoid excessive growth potentially compromising the 2' x 6' rule.

27. There shall be no loitering allowed outside the business and in the parking lot areas. The business owner is responsible for monitoring the premise to prevent loitering. Minors are expressly forbidden from loitering in or around the business during school hours or between the hours of 10:00 p.m. and sunrise. (Police)

On-Site Maintenance

28. The applicant shall keep the trash enclosure adjacent to the building in a clean, well maintained, condition at all times. All trash and debris shall be kept within the trash enclosure at all times to the satisfaction of the Director of Community Development. (Planning)

29. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. and 10:00 p.m. (Planning)

30. All on-site deliveries to the applicant's business shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., daily. (Planning)

31. Any/all on-site building graffiti shall be removed as soon as possible but no later than within 72 hours to the satisfaction of the Director of Community Development. (Planning)

32. The property shall be kept clean and free of litter at all times to the satisfaction of the Director of Community Development. (Planning)

33. The applicant/property owner shall maintain all on-site landscaping, irrigation, walls, paving, parking lot striping, building materials and colors in good condition, at all times, to the satisfaction of the Director of Community Development. (Planning)

SECTION 5. The City Clerk shall forward a certified copy hereof to the applicant and any person requesting the same.

SECTION 6. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)



Agenda Report

City Council

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Conal McNamara, Director of Community Development
Don Dooley, Planning Services Manager
Luis G. Escobedo, Senior Planner

Subject: Conditional Use Permit No. CUP19-0003
14005 Whittier Boulevard (D.B.A. Shell)

RECOMMENDATION

Adopt Resolution No. 2020-08 determining the project is categorically exempt from the California Environmental Quality Act under Section 15301 (existing facilities) and approving Conditional Use Permit No. CUP19-0003 to permit the on-site sale of beer and wine for off-site consumption for an existing convenience market and self-service gasoline station (Shell) located at 14005 Whittier Boulevard.

BACKGROUND

On December 16, 2019, the Planning Commission adopted Resolution No. P.C. 2019-14 approving Conditional Use Permit 19-0003.

On January 14, 2020, Council Member Warner requested the City Council's review of the Planning Commission action.

On February 11, 2020, the City Council unanimously upheld the Planning Commission decision to approve Conditional Use Permit 19-000 to allow the on-site sale of beer and wine for off-site consumption (Type 20 alcohol license) for an existing gas station and convenience market located at 14005 Whittier Boulevard. The City Council directed staff to bring back a resolution approving the project.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ATTACHMENTS

A. Resolution No. 2020-08

RESOLUTION NO. 2020-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15301 (EXISTING FACILITIES) AND APPROVING CONDITIONAL USE PERMIT NO. CUP19-0003 TO PERMIT THE ON-SITE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION FOR AN EXISTING CONVENIENCE MARKET AND SELF-SERVICE GASOLINE STATION (SHELL) LOCATED AT 14005 WHITTIER BOULEVARD (AIN 8143-02-001)

RECITALS

- A. On March 3, 2019, Conditional Use Permit No. CUP19-0003 was submitted to the City of Whittier by Western States Engineering, 4887 E. La Palma Avenue Suite 707, Anaheim, CA 92807.
- B. Conditional Use Permit 19-0003 is a request to permit for the on-site sale of beer and wine for off-site consumption under a Type 20 alcohol license for an existing gas station and a convenience market (DBA Shell) located at 14005 Whittier Boulevard and more particularly described as Assessor's Identification Number 8143-021-001 in the City of Whittier.
- C. Conditional Use Permit 19-0003 was submitted in accordance with the provisions of the Whittier Boulevard Specific Plan.
- D. Conditional Use Permit 19-0003 becomes null and void if the use is not commenced within two years of the effective date of the approval, as required under Whittier Municipal Code Section 18.04.110.
- E. On December 16, 2019, the Planning Commission conducted a duly noticed public hearing and considered all public testimony and information submitted for Conditional Use Permit 19-0003.
- F. On January 14, 2020, Council Member Warner requested the City Council's review of the Planning Commission.
- G. On February 11, 2020, the City Council conducted a duly noticed *de novo* public hearing and considered all public testimony and information submitted for Conditional Use Permit 19-0003 and directed staff to prepare a Resolution approving Conditional Use Permit 19-0003.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this Resolution.

SECTION 2. The City Council finds and determines that Conditional Use Permit 19-0003 constitutes a Class 1 (Section 15301 Existing Facilities) Categorical Exemption from the California Environmental Quality Act (CEQA) in that there would be negligible or no expansion of the existing or prior use with this project.

SECTION 3. Based upon the testimony and other evidence received at the de novo public hearing and upon the analysis and evidence contained in the staff report, the City Council hereby makes the following findings, as required by the Whittier Municipal Code, Section 18.52.040(B) and approves Conditional Use Permit 19-0003 based on the following findings:

1. **FINDING:** *That the site proposed for the use is adequate in size, shape and topography.*

FACT: The project site is developed as a 1,500-square foot convenience market on an 18,609-square foot lot. Since there will be no expansion of the floor area within the existing convenience market, the site is adequate in size, shape and topography for the on-site sale of beer and wine for off-site consumption.

2. **FINDING:** *That the site proposed for the use has sufficient access to streets, which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use.*

FACT: The site provides adequate access for vehicular and pedestrian traffic from Whittier Boulevard and Strub Avenue, as demonstrated by the current operation of the business. The existing streets are adequate in width and pavement type to carry the quantity and quality of traffic generated by the convenience market and gas station. It is not anticipated that the proposed sale of beer and wine for off-site consumption will generate a significant increase in the amount of traffic to the project site.

3. **FINDING:** *That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding properties.*

FACT: The approval of Conditional Use Permit 19-0003 is not expected to adversely interfere with the enjoyment of the surrounding properties. The Conditions of Approval adopted for Conditional Use Permit 19-0003 will ensure that the business is maintained consistent with the City's goals, policies and objectives contained within the Whittier General Plan. Therefore, the proposal

is consistent with the intent of the General Plan and associated zoning regulations.

- 4. FINDING:** *That the proposed use will be compatible with the permitted uses of surrounding adjacent properties.*

FACT: The project, as conditioned, will be compatible with the surrounding properties. As conditioned, no consumption of alcoholic beverages are allowed on-site and the sale of beer and wine is restricted to their original packaging which will prohibit the purchase of single-serving beverage containers. The business owner is responsible for monitoring the premises to prevent loitering as part of the conditions of approval. In addition, there is adequate exterior lighting on the property and the applicant is required to maintain the perimeter lighting to deter criminal activity and loitering. Finally, there is an existing eight-foot high block wall and a five-foot wide landscape planter between the residential homes to the north and the applicants business to act as a buffer between the uses.

- 5. FINDING:** *That the use will, as to location, operation, and design, be consistent with the General Plan and the City of Whittier zoning regulations.*

FACT: The on-site sale of beer and wine (Type 20 alcoholic license) for off-site consumption in conjunction with an existing gas station and a convenience market is consistent with the Whittier Boulevard Specific Plan, Center District, and the City's General Plan. The sale of beer and wine for off-site consumption is an accessory use to the existing convenience market.

SECTION 4. To protect the public's health, safety and welfare, mitigate potential primary and secondary impacts associated with Conditional Use Permit 19-0003 and to ensure appropriate development of the project site, the following conditions of approval are adopted for Conditional Use Permit 19-0003:

STANDARD CONDITIONS OF APPROVAL

1. The subject property shall be maintained in substantial compliance with Attachment C, except as modified below to the satisfaction of the Director of Community Development. Any deviation from the approved plans shall be reviewed and approved to the satisfaction of the Director of Community Development prior to building permit issuance. (Planning)
2. The applicant shall sign and remit to the City the "*Statement of Acceptance of Conditions*" form acknowledging and accepting all conditions of approval as set forth herein. (Planning)
3. These conditions of approval shall be printed conspicuously on the project construction drawings prior to the issuance of any building permits to the satisfaction of the Director of Community Development. (Planning)

4. The final construction plans shall clearly identify and list all deferred submittals on the cover sheet. All deferred submittals must be submitted prior to permit issuance, and approved prior to framing inspection. (Building/Planning)
5. All other applicable City, County, State and Federal regulations shall be complied with prior to the finalization of any building permits to the satisfaction of the Director of Community Development. (Planning)
6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of Whittier and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or City Planning Commission concerning this use. (Planning)
7. Conditional Use Permit 19-0003 shall commence the use within two years of the date of approval. Failure (for any reason) to commence the use shall result in Conditional Use Permit 19-0003 becoming null and void. Prior to the expiration date, the applicant may request a single, one-year, time extension (approval) for Conditional Use Permit 19-0003 from the Director of Community Development, subject to submitting the appropriate application fee and a letter requesting the time extension. The time extension request may be granted if the Director of Community Development determines that the original findings approving Conditional Use Permit 19-0003 is still valid. The Director of Community Development shall have the discretion to add or modify these conditions of approval (as deemed appropriate) as part of any time extension approval. (Planning)
8. Approval of Conditional Use Permit No. CUP19-0003 shall result in the previous approval of Conditional Use Permit Modification No. C96-0009 (M-1) becoming null and void.

SPECIAL CONDITIONS OF APPROVAL

9. Conditional Use Permit No. CUP19-0003 is approved to allow the on-site sale of general alcohol (a Type 20 A.B.C. license) for off-site consumption only, for an existing gas station and a convenience market (D.B.A. Shell). Any expansion to the applicant's business hours of operation, use, and/or floor area within of the building shall require the prior review and approval of a new Conditional Use Permit by the Planning Commission. (Planning)
10. The hours of operation for the convenience market shall be as follows:

Convenience Market:	6:00 A.M. to 12:00 A.M., daily.
Alcohol Sales:	6:00 A.M. to 12:00 A.M., daily.
Cashier Window:	24-Hours
Fuel Island:	24-Hours

Any future modification to these hours of operation shall require the prior written approval of the Director of Community Development. (Planning Commission)

11. The applicant shall comply, at all times, with all regulations and conditions of approval prescribed by the Alcoholic Beverage Control (A.B.C.) for the on-site sale of beer and wine (Type 20 alcohol license) for off-site consumption to the satisfaction of the Director of Community Development and Alcoholic Beverage Control. (Planning)
12. The following on-site improvements shall be completed by the applicant to the satisfaction of the Director of Community Development prior to the on-site sale of any alcohol beverages:
 - a. Obtain all required permits to legalize the increase in height of the block wall along the north property line from six feet to eight feet. If the block wall has to be replaced, the applicant shall construct a new eight-foot tall block wall with decorative block (split face or stucco covered) and incorporate block/stone pilasters (located at a maximum of 40 feet on center) with a decorative stone/block cap. The wall should be tooled and finished on both sides to the satisfaction of the Director of Community Development. The final material and location of the wall shall be reviewed and approved to the satisfaction of the Director of Community Development prior to issuance of building permits.
 - b. Install light shields on all freestanding light fixtures to avoid light spillage onto the adjacent residential property.
13. All exterior vending machines, propane tanks, etc., shall be limited to the east side of the building. The final location of the equipment shall be approved by the Director of Community Development prior to any on-site alcohol sales. (Planning)
14. The applicant shall comply with the City's Sign Ordinance at all times. (Planning)
15. The applicant shall comply at all times with the City of Whittier Noise Ordinance to the satisfaction of the Director of Community Development. (Planning)
16. The Conditional Use Permit shall be reviewed on a yearly basis by the Director of Community Development unless he/she chooses to defer the review to the highest approval authority for Conditional Use Permit 19-0003. A written report detailing the business's compliance with all CUP conditions shall be submitted to the highest approval authority. If necessary, the highest approval authority may, at any time, consider requesting a public hearing to consider the addition, deletion or modification of any/all conditions of approval or the revocation of this Conditional Use Permit. The decision to request a hearing to add conditions to the CUP rather than to revoke it shall not preclude the highest approval authority from revoking the CUP in the future or from considering the facts supporting revocation as recited herein from being used in future review and/or revocation proceedings. In addition, the applicant shall pay the Conditional Use Permit

monitoring fee of \$459.00 for the preparation of the initial CUP review. If any subsequent annual review reveals any CUP violations, police calls, or any other activities that would potentially result in the modification or revocation of the CUP, the applicant shall pay the Conditional Use Permit monitoring fee for that year in the amount as set forth by resolution. (Planning)

17. The applicant shall reimburse the City of Whittier at full cost recovery for all staff time, materials and resources associated with every review/revocation hearing concerning Conditional Use Permit 19-0003. The applicant shall make full payment to the *City of Whittier* within thirty calendar days of being invoiced for each review/revocation hearing for Conditional Use Permit 19-0003. Failure to do so, for any reason, shall constitute grounds to revoke Conditional Use Permit 19-0003. (Police/Planning)
18. The person holding the business license for the subject premises shall be responsible for reimbursing the City of Whittier for all costs associated with extraordinary Police services required to ensure the safety of the community and/or patrons, resulting from incidents related to the approved on-site sale of alcoholic beverages. (Police)

Landscape

19. The applicant shall replace all exiting damaged/topped trees with new 36-inch box crape myrtle, "Lagerstroemia" trees at a ratio of 1 per 1. The trees shall be replaced to the satisfaction of the Director of Community Development prior to the on-site sale of any alcohol beverages. (Planning)
20. The applicant shall install a new 36-inch box red oak, "Quercus Rubra" tree in the open tree well on Strub Avenue. The tree shall be installed to the satisfaction of the Director of Community Development prior to the on-site sale of any alcohol beverages. (Planning)
21. The applicant/property owner shall repair and/or replace all damaged/dead landscaping including the landscape planter along the west property line to the satisfaction of the Community Development Director. These improvements shall be completed prior to the on-site sale of any alcohol beverages. (Planning)
22. All new on-site shrubs shall be a minimum of 15-gallon in size and all new trees shall be a minimum of 36-inch box. All new on-site landscaping and irrigation shall be reviewed and approved to the satisfaction of the Director of Community Development and Director of Parks prior to the on-site sale of any alcohol beverages. (Planning)
23. All trees specified on the approved landscape plan must be allowed to reach their mature size and trimmed per ISA standards. Topping of trees shall be prohibited. (Planning)

24. The applicant/property owner shall comply with Ordinance 2591 “Water Conservation in Landscaping” which requires separate water meters for landscape and domestic water. The water meters shall be installed to the satisfaction of the Director of Parks Department prior to the on-site sale and consumption of any alcoholic beverages. (Parks Department)

Public Works

25. Prior to the on-site of any alcohol sales, the applicant shall remove and reconstruct damaged driveway approach on Strub Avenue to the satisfaction of the City Engineer. (Public Works)
26. The applicant shall obtain an Excavation Permit from the Public Works Department is required for any work in the public right-of-way, including, but not limited to, driveway construction. (Public Works)

Police Department

27. The sale of beer and wine is allowed only in their original package and the sale of individual single-serve alcoholic beverages such as 24 or 40-ounce bottles or cans is prohibited. (Planning)
28. The Whittier Police Department and the Director of Community Development reserve the right to review the business owner’s compliance with the terms and conditions of this Conditional Use Permit at anytime. If any security and/or public safety concerns develop in the future, the applicant shall work cooperatively (in a timely manner) with the Police Department to resolve the specific issue(s) of concern to the satisfaction of the Chief of Police. (Police)
29. The applicant and all employees shall comply with all applicable laws governing the sale of alcoholic beverages, including the prohibition of selling alcoholic beverages to minors. Signage stating this regulation shall be posted inside the business. (Planning/Police)
30. The applicant shall provide adequate staffing to properly supervise the premises and ensure the safety of patrons. A manager over the age of 21 shall be present during hours of operations. (Planning)
31. The applicant shall refuse alcoholic beverage sales to any patron appearing intoxicated. (Planning)
32. It shall be unlawful for any person who appears to be intoxicated or under the influence of any drug, chemical or substance to enter or remain on the applicant’s premises, at anytime, as set forth in Section 25602(a) of the Business and Professions Code. (Planning)

33. The manager or owner shall report immediately to the Whittier Police Department all incidents occurring within the licensed premises when observed by an employee, or when reported to an employee by another person whereby a individual could be charged with a felony or misdemeanor. (Police)
34. The applicant/business operator shall install a burglary and robbery alarm system in each business. The business operator shall provide the Police Department with after-hours contact information and post an alarm company contact number outside of the business in a conspicuous location prior to building occupancy. (Police Department)
35. The applicant/owner shall provide adequate lighting on the outside of the buildings, walkways, outdoor areas, and the parking lot shall be required and maintained in order to provide security to patrons and deter criminal activity and it is recommended they follow minimum, Crime Prevention Through Environmental Design (CPTED) guidelines as follows:
- a. Provide Lighting Systems for night time vision of motorists to increase the visibility of pedestrians, other vehicles and objects which should be seen or avoided.
 - b. Design lighting systems for pedestrians to see risks involved in walking at night.
 - c. Provide lighting systems which will enhance the ability for natural surveillance and observation.
 - d. Provide lighting systems that minimize glare, shadow, light pollution and light trespass.
36. The applicant may not tint any of the tenant building windows without the approval of the Chief of Police and the Director of Community Development. All windows shall be clear and remain transparent to the satisfaction of the Chief of Police and Director of Community Development. (Police/Planning)
37. The applicant shall install on-site security cameras as required by the Police Department and Director of Community Development. (Police Department)

The video surveillance system on the premises must comply with the following standards:

- a. Visually records and monitors the parking lot area, all entrance(s) and exit(s)
- b. The surveillance system and recording device shall be in continuous operation.
- c. The system shall store and keep all video a minimum of 30 days for retrieval.
- d. Record 30 frames per second.
- e. 640 x 480 recording resolution
- f. Export videos to USB thumb drive

- g. Exports playable on standard Windows computer.
- h. Day/Night use.
- i. 600 TV lines resolution
- j. Pedestrian Entrance/Exit doors (filling video frame with door).

38. All landscaping including but not limited to, walkways planters and the parking lot, should follow the 2' x 6' rule in order to provide natural surveillance, as poor landscaping can reduce visibility. It is recommended all landscaping should meet the minimum, Crime Prevention through Environmental Design (CEPTED) Guidelines as follows:

- a. All shrubs or ground cover vegetation should be no higher than 2 feet in height.
- b. Tree canopies should be no lower than 6 feet in height.
- c. Avoid creating areas of potential concealment by using "lacy" vegetation.
- d. Avoid using vegetation that requires constant maintenance and upkeep as to avoid excessive growth potentially compromising the 2' x 6' rule.

39. There shall be no loitering allowed outside the business and in the parking lot areas. The business owner is responsible for monitoring the premise to prevent loitering. Minors are expressly forbidden from loitering in or around the business during school hours or between the hours of 10:00 p.m. and sunrise. (Police)

On-Site Maintenance

40. The applicant shall keep the trash enclosure adjacent to the building in a clean, well maintained, condition at all times. All trash and debris shall be kept within the trash enclosure at all times to the satisfaction of the Director of Community Development. (Planning)
41. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. and 10:00 p.m. (Planning/Police)
42. All on-site deliveries to the applicant's business shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., daily. (Planning)
43. Any/all on-site building graffiti shall be removed as soon as possible but no later than within 72 hours to the satisfaction of the Director of Community Development. (Planning)
44. The property shall be kept clean and free of litter at all times to the satisfaction of the Director of Community Development. (Planning)
45. The applicant/property owner shall maintain all on-site landscaping, irrigation, walls, paving, parking lot striping, building materials and colors in good condition, at all times, to the satisfaction of the Director of Community Development. (Planning)

46. The business operator shall maintain and document an ongoing training process with the California Department of Alcoholic Beverage Control's Responsible Beverage Services (RBS) training or approved equal program, to include all servers and management staff. This documentation shall be furnished upon request to the Whittier Police Department. (City Council)

-End of Conditions-

SECTION 5. The City Clerk shall forward a certified copy hereof to the applicant and any person requesting the same.

SECTION 6. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)



Agenda Report

Date: February 25, 2020
To: Brian Saeki, City Manager
From: Paymaneh Maghsoudi, Director of Library Services
Subject: California State Library Grant

RECOMMENDATION

Adopt Resolution No. 2020-09 amending the Fiscal Year 2019-20 Budget to accept a grant from the California State Library in the amount of \$10,000 for the California State Library Grant, “Who-Kulele?” YOU-Kulele! Grant.

BACKGROUND

In November of 2019 the California State Library offered an opportunity for public libraries to apply for funding from the State Library to “copy” an effective, replicable project that can be accomplished in a nine-month period (January-September). These grants are intended to help libraries easily implement tried-and-tested programming and to extend the impact of previously funded, successful projects. Libraries had the opportunity to apply for one of eight innovative projects, which were identified by California State Library.

DISCUSSION

The new grant from the California State Library will provide funding to bring more interactive musical programs to the Library. The Library is replicating a very successful program from Los Angeles Public Library, “Uke Can Do It: Ukulele at the Los Angeles Public Library”. This program will engage the community by providing free access to musical instruments with wide appeal and ease of use to patron of all ages. Based on research, therapeutic outcomes of playing music include better communication skills, improved emotional release and decreased anxiety and agitation. Musical training promotes cognitive function, mental health and connection to others (Shipman, D. PhD, RN, 2016). The Library’s program will make ukuleles available for circulation at the Central Library. Both libraries will receive supporting recreational and instructional print and audio visual materials, and train staff to provide ukulele programming for library patrons of all ages.

FISCAL IMPACT

The attached resolution accounts for the grant from the California State Library and adds additional appropriations in the amount of \$10,000 to the Subventions and Grants Fund’s account (268-21-950-921 683505) (Attachment A). In addition, there is a corresponding increase in estimated revenues of \$10,000 in the Subventions and

Grants Fund account (268-21-950-921 427000). Therefore, the adoption of this resolution will not affect the 268 fund balance, as estimated revenues and supplemental appropriations will increase by the same amount of \$10,000.

ATTACHMENTS

A. Resolution No. 2020-09

RESOLUTION NO. 2020-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2019-20 BUDGET TO ACCEPT A GRANT FROM CALIFORNIA STATE LIBRARY

RECITALS

- A. It is deemed desirable to increase the revenue with a \$10,000 grant from California State Library to the City Library
- B. It is desirable for this funding to be used for the programs and equipment for implementation of this grant;
- C. It is necessary to record the disposition of the funds received and amend the Fiscal Year 2019-20 Budget.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The following estimated revenue shall be added to the City’s Fiscal Year 2019-20 Budget.

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
268-21-950-921 427000	State Grants	\$10,000

SECTION 2. The following appropriations shall be increased to the City’s Fiscal Year 2019-20 Budget.

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
268-21-950-921 683505	“Who Kulele”	\$10,000

SECTION 3. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk



Agenda Report

City Council
Whittier Utility Authority

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Kyle Cason, Director of Public Works
Vicki L. Smith, Public Works Manager

Subject: National Pollution Discharge Elimination System (NPDES) - MS4 Program and Fats, Oils and Grease Control Program

RECOMMENDATION

Authorize the City Manager/Executive Director to extend the professional services agreement with John L. Hunter and Associates to assist the City with MS4 Permit compliance and implementing the Fats, Oils and Grease (FOG) control program for an additional year for a not-to-exceed amount of \$137,525.

BACKGROUND

At the July 10, 2018, City Council meeting, the City Council and WUA Board approved a professional services agreement with John L. Hunter and Associates (JLHA) to assist the City with MS4 Permit compliance and implementing the Fats, Oils and Grease (FOG) control program. John L. Hunter and Associates has completed all tasks in accordance with the schedule in the scope of services. The professional services agreement allows for an additional one-year extension upon written agreement from both parties.

DISCUSSION

JLHA is an environmental consulting firm that specializes assisting municipal agencies and regional watershed groups with environmental programs such as NPDES, storm water and water management, and industrial waste and FOG control. JLHA is uniquely qualified to continue to assist the City with MS4 permit compliance and implementing the FOG control program.

FISCAL IMPACT

Sufficient funds are available in the amount of \$39,510 in the Sewer Fund's other professional services (410-30-342-000 619000) for the FOG control program.

For the NPDES MS4 Program, sufficient funds are available in the amount of \$98,015 in County Stormwater Measure W Fund's NPDES (287-30-332-650 652190) for the cost of the program.

ATTACHMENTS

- A. Professional Services Agreement A18-108
- B. Extension Letter

**CITY OF WHITTIER
AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT, made and entered into this 10th day of July 2018, by and between the CITY OF WHITTIER, a municipal corporation located in the County of Los Angeles, State of California, hereinafter referred to as "CITY" and John L. Hunter & Associates with principal offices at Buena Park, CA hereinafter referred to as "CONSULTANT".

WITNESSETH

WHEREAS, CONSULTANT is an environmental sciences and engineering consulting firm, the principal members of which are fully qualified and registered as required under the laws of the State of California; and

WHEREAS, The CITY retains and employs CONSULTANT to act as such for CITY to perform such consulting services as may be requested of it by the CITY. CONSULTANT accepts the employment and agrees to render such services as CONSULTANT on the terms and conditions hereinstated.; and

WHEREAS, CONSULTANT is experienced in providing such services for municipal corporations and is able to provide personnel with the requisite experience and background to carry out these duties;

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises hereinabove stated, the parties hereto agree as follows:

1. **SERVICES TO BE PERFORMED**

CITY hereby engages CONSULTANT, and CONSULTANT hereby accepts such engagement, to perform the technical and professional services set forth in the scope of services attached hereto as a part of Exhibit "A" and incorporated herein by this reference.

2. **TIME FOR PERFORMANCE**

CONSULTANT shall begin work within ten (10) days following execution of this Agreement by CITY. CONSULTANT shall complete all tasks in accordance with the schedule included in the scope of services.

3. **PERFORMANCE TO SATISFACTION OF CITY**

CONSULTANT agrees to perform all work in the scope of services to the reasonable satisfaction of CITY and within the time hereinafter specified. If the quality of work is not satisfactory, CITY in its discretion, has the right to:

- a. Meet with CONSULTANT to review the quality of the work and resolve the matters of concern;
- b. Require CONSULTANT to repeat the work at no additional fee until it meets the requirements of the scope of services to the reasonable satisfaction of CITY; and/or
- c. Terminate the Agreement as hereinafter set forth.

4. COMPLIANCE WITH LAW

All services rendered hereunder shall be performed by CONSULTANT or under its direct supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized by or permitted under State or local law to perform such services.

5. FAMILIARITY WITH WORK

By execution of this Agreement, CONSULTANT warrants that

- (1) It has thoroughly investigated and considered the work to be performed, based on all available information.
- (2) It carefully considered how the work should be performed, and
- (3) It fully understands the difficulties and restrictions attending the performance of the work under this Agreement.
- (4) It has the professional and technical competency to perform the work and the production capacity to complete the work in a timely manner with respect to the schedule included in the scope of services.

6. COMPENSATION

A. SERVICES DESCRIBED IN PROPOSAL

For the provision of all services rendered under this Agreement in accordance with the scope of services, attached hereto as a part of Exhibit "A" and all expenses associated therewith, CITY shall pay CONSULTANT an amount that shall not exceed the authorized amount of ~~\$137,525.~~ as set forth in the fee schedule, attached hereto as a part of Exhibit "A", unless the CITY has given specific advance approval in writing.

B. ADDITIONAL SERVICES.

For any additional services, change orders or any additional compensation of any nature to be proposed for payment to CONSULTANT by CITY, such modification of this original Agreement be in the form of a written amendment to the Agreement signed by authorized representatives of both parties.

It is specifically understood that oral requests or approvals of such additional services, change orders or additional compensation and any approvals from CITY shall be barred and are unenforceable.

C. PAYMENT PROCEDURE.

Progress payments to CONSULTANT, if allowed, shall be in accordance with the fee schedule attached as a part of Exhibit "A". CONSULTANT shall submit invoices to the CITY no more frequently than monthly. When work is to be paid on a "time and materials not to exceed" basis, invoices shall be submitted monthly. When work is to be paid on a "lump sum" basis, progress invoices shall be submitted as tasks are completed as described in the scope of services as a part of Exhibit "A". Within ten (10) working days of receipt of such invoice, CITY shall determine whether CONSULTANT has satisfactorily performed the work described in the invoice. CITY shall thereafter pay CONSULTANT for that work which CITY deems to have been satisfactorily completed, minus a ten percent (10%) retention. Such retention shall be paid to CONSULTANT within thirty (30) days of CITY's determination that CONSULTANT has satisfactorily completed all required tasks.

7. TERMINATION

A. TERMINATION FOR CONVENIENCE.

Either the CITY or the CONSULTANT may terminate this AGREEMENT at any time without cause by giving thirty (30) calendar days written notice to the other of such termination and specifying the effective date thereof. If this AGREEMENT is terminated as provided herein, CONSULTANT will be paid a total amount equal to the service provided as of the termination date. In no event shall the amount payable upon termination exceed the total maximum compensation provided for in this AGREEMENT.

B. TERMINATION FOR CAUSE.

If for any reason, CONSULTANT shall fail to fulfill in a timely and proper manner its obligation under this AGREEMENT, or if

CONSULTANT shall violate any of the covenants or stipulations of this agreement, CITY shall then have the right to terminate this agreement by giving a five (5) calendar day written notice to CONSULTANT. The notice shall refer to this clause, shall specify the nature of the alleged default, and shall specify the effective date of the termination. The CONSULTANT will be paid a total amount equal to the service provided as of the termination date. In no event shall the amount payable upon termination exceed the total maximum compensation provided for in this AGREEMENT.

In the event of termination, CONSULTANT shall immediately stop rendering services under this Agreement unless directed otherwise by CITY, and shall deliver to CITY all plans, data, reports, summaries, floppy disks, and all such other information and materials as CONSULTANT may have accumulated in performing this Agreement.

8. COORDINATION OF WORK

A. Selection of Representatives

The following principal(s) of CONSULTANT are hereby designated as the principal(s) and representative(s) of CONSULTANT authorized to act in its behalf with respect to the work specified in this Agreement and to make all decisions in connection therewith:

<u>John L Hunter</u>	<u>President</u>
Representative	Title

_____ Representative	_____ Title
-------------------------	----------------

The foregoing principal(s) may not be changed by CONSULTANT without the express written approval of CITY.

B. Contract Officer

The Contract Officer shall be the CITY's Director of Public Works, or such other person as designated by the City Manager of the CITY. It shall be the CONSULTANT's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the CONSULTANT shall refer any decision which must be made by CITY to the Contract Officer. Unless otherwise specified herein, any approval of CITY required hereunder shall mean the approval of the Contract Officer.

9. INDEPENDENT CONTRACTOR

A. CONSULTANT Status

CONSULTANT is an independent contractor and not an employee of CITY. Neither CITY nor any of its employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT's employees, except as herein set forth and, CONSULTANT expressly warrants not to, in any time or in any manner, represent that CONSULTANT, or any of CONSULTANT's officers, employees or agents, are in any manner officers, employees, or agents of CITY. It is distinctly understood that said CONSULTANT is and shall at all times remain as to the CITY a wholly independent CONSULTANT, and that CONSULTANT's obligations to the CITY are solely such as are prescribed by this Agreement.

B. CONSULTANT's Personal Services - Inducement

This Agreement contemplates that the CONSULTANT's personal services and those of CONSULTANT's officers, employees, and agents are a substantial inducement to the CITY for entering into this Agreement. CONSULTANT may not assign any interest in this Agreement, except upon written consent of CITY.

Furthermore, unless expressly provided otherwise in CONSULTANT's proposal, CONSULTANT shall not subcontract any portion of the performance contemplated under this Agreement without the prior written approval of the CITY. Nothing in this Agreement shall be construed as preventing CONSULTANT from employing as many employees as CONSULTANT deems necessary for the proper and efficient execution of this Agreement.

10. PERS ELIGIBILITY INDEMNITY.

In the event that CONSULTANT or any employee, agent, or subcontractor of CONSULTANT providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of CITY, CONSULTANT shall indemnify, defend, and hold harmless CITY for the payment of any employee and/or employer contributions for PERS benefits on behalf of CONSULTANT or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of CITY.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, CONSULTANT and any of its employees,

agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by CITY, including but not limited to eligibility to enroll in PERS as an employee of CITY and entitlement to any contribution to be paid by CITY for employer contribution and/or employee contributions for PERS benefits.

11. INDEMNITY

CONSULTANT hereby agrees to protect, indemnify and hold CITY and its employees, officers and servants free and harmless from any and all losses, claims, liens, demands and causes of action of every kind and character including, but not limited to, the amounts of judgment, interests, court costs, legal fees and other expenses incurred by the CITY arising in favor of any party, including claims, liens, debts, personal injuries, including employees of the CITY, death or damages to property (including property of the CITY) and without limitation by enumeration, all other claims or demands of every character occurring or arising directly out of the negligence, recklessness or willful misconduct of CONSULTANT in the performance of its services under this Agreement. This provision is not intended to create any cause of action in favor of any third party against CONSULTANT or the CITY or to enlarge in any way the CONSULTANT'S liability but is intended solely to provide for indemnification of the CITY for liability for damages or injuries to third persons or property arising from CONSULTANT'S negligent performance hereunder.

12. INSURANCE

Throughout the term of this Agreement, CONSULTANT shall procure and maintain, at its own cost, the insurance as described below:

The CONSULTANT shall maintain throughout the duration of the term of the Agreement, liability insurance covering the CONSULTANT and, with the exception of Professional Liability Insurance and Workers Compensation, designating CITY including its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultant's, as additional insured against any and all claims resulting in injury or damage to persons or property (both real and personal) caused by any aspect of the CONSULTANT's work, in amounts no less than the following and with such deductibles as are ordinary and reasonable in keeping with industry standards. It shall be stated, in the Additional Insured Endorsement, that the CONSULTANT's insurance policies shall be primary as respects any claims related to or as the result of the CONSULTANT's work. Any insurance, pooled coverage, or self-insurance maintained by the CITY, its elected or appointed officials, directors, officers, agents, employees, volunteers, or CONSULTANTS shall be non-contributory.

Professional Liability Insurance \$1,000,000/\$2,000,000

General Liability:

- | | | |
|----|----------------------------------|-------------|
| a. | General Aggregate | \$2,000,000 |
| b. | Products Comp/Op Aggregate | \$2,000,000 |
| c. | Personal & Advertising Injury | \$1,000,000 |
| d. | Each Occurrence | \$1,000,000 |
| e. | Fire Damage (any one fire) | \$ 50,000 |
| f. | Medical Expense (any one person) | \$ 5,000 |

Workers' Compensation:

- | | | |
|----|----------------------------|------------------|
| a. | Workers' Compensation | Statutory Limits |
| b. | EL Each Accident | \$1,000,000 |
| c. | EL Disease - Policy Limit | \$1,000,000 |
| d. | EL Disease - Each Employee | \$1,000,000 |

Automobile Liability

- | | | |
|----|------------------------------------|-------------|
| a. | Any vehicle, combined single limit | \$1,000,000 |
|----|------------------------------------|-------------|

The CONSULTANT shall provide thirty (30) days advance notice to CITY in the event of material changes or cancellation of any coverage. Certificates of insurance and additional insured endorsements shall be furnished to CITY thirty (30) days after the effective date of this Agreement, and no payments for services provided by CONSULTANT under this agreement shall be made by CITY until it is in receipt of said certificates. Refusal to submit such certificates shall constitute a material breach of this Agreement entitling CITY to any and all remedies at law or in equity, including termination of this Agreement. If proof of insurance required under this Agreement is not delivered as required or if such insurance is canceled and not adequately replaced, CITY shall have the right but not the duty to obtain replacement insurance and to charge the CONSULTANT for any premium due for such coverage. CITY has the option to deduct any such premium from the sums due to the CONSULTANT.

Insurance is to be placed with insurers authorized and admitted to write insurance in California and with a current A.M. Best's rating of A-:VII or better. Acceptance of insurance from a carrier with a rating lower than A-:VII is subject to approval by CITY's Risk Manager. CONSULTANT shall immediately advise CITY of any litigation that may affect these insurance policies.

13. MISCELLANEOUS

A. Ownership of Documents

All deliverables described in the scope of services shall be the property of CITY and shall be delivered to CITY upon completion or termination of this Agreement. All hard copy documents and information in electronic files that are assembled or prepared by CONSULTANT shall be made available to CITY upon request to review or to copy, and CITY shall reimburse CONSULTANT for actual cost of reproduction of documents not included as deliverables in the scope of services. Copies and said documents and electronic information may be retained by CONSULTANT, but shall not be made available by CONSULTANT to any individual or organization without the prior written approval of CITY, except as required by law.

B. Notices

Any notices to be given under this Agreement shall be given by enclosing the same in the sealed envelope, postage prepaid, and depositing the same in the United States Postal Service, addressed as follows:

CITY:

City of Whittier
13230 Penn Street
Whittier, CA 90602
Attn: City Clerk

CONSULTANT:

*John L. Hunter and Associates
6131 Orangethorpe Ave Ste 300
Buena Park, CA 90620
Attn: Cameron McCullough*

C. Enforcement of Agreement

This Agreement shall be construed and interpreted as to both validity, and performance of the parties, in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and CONSULTANT covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

D. Disputes

In the event of any dispute arising under this Agreement, the injured Party shall notify the injuring Party in writing of its contentions by submitting a claim therefor.

The injured Party shall continue performing its obligations hereunder so long as the injuring Party cures any default within ninety (90) days after service of the notice, or if the cure of the default is commenced within thirty (30) days after service of said notice and is cured within a reasonable time after commencement; provided that, if the default is an immediate danger to the health, safety and general welfare, the CITY may take immediate action. Compliance with the provisions of this Section shall be a condition precedent to any legal action, and such compliance shall not be a waiver of any Party's right to take legal action in the event that the dispute is not cured.

E. Waiver

No delay or omission in the exercise of any right or remedy of a nondefaulting Party on any default shall impair such right or remedy or be construed as a waiver. CITY's consent or approval of any act by CONSULTANT requiring CITY's consent to or approval of any subsequent act of CONSULTANT or any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

F. Rights and Remedies are Cumulative

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

G. Attorney's Fees

If either Party commences an action against the other Party arising out of or in connection with this Agreement, the prevailing Party shall be entitled to recover reasonable attorney's fees and costs of suit from the losing Party.

H. Integration

This Agreement, together with the attached Exhibit identified herein supersede any and all other agreements, either oral or in writing, between the parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representation by any party, which is not embodied herein, nor any other agreement; statement or promise not contained in this Agreement shall be valid and binding. Any modification of the Agreement shall be effective only if it is in writing and signed by all parties.

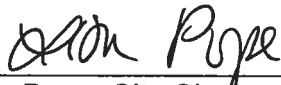
[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

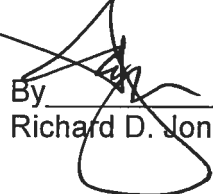
CITY OF WHITTIER

By  7-25-18
Jeffrey W. Collier, City Manager /Date

ATTEST:

By  7-25-18
Lisa Pope, City Clerk /Date

APPROVED AS TO FORM:

By  7/26/18
Richard D. Jones, City Counsel /Date

CONSULTANT:


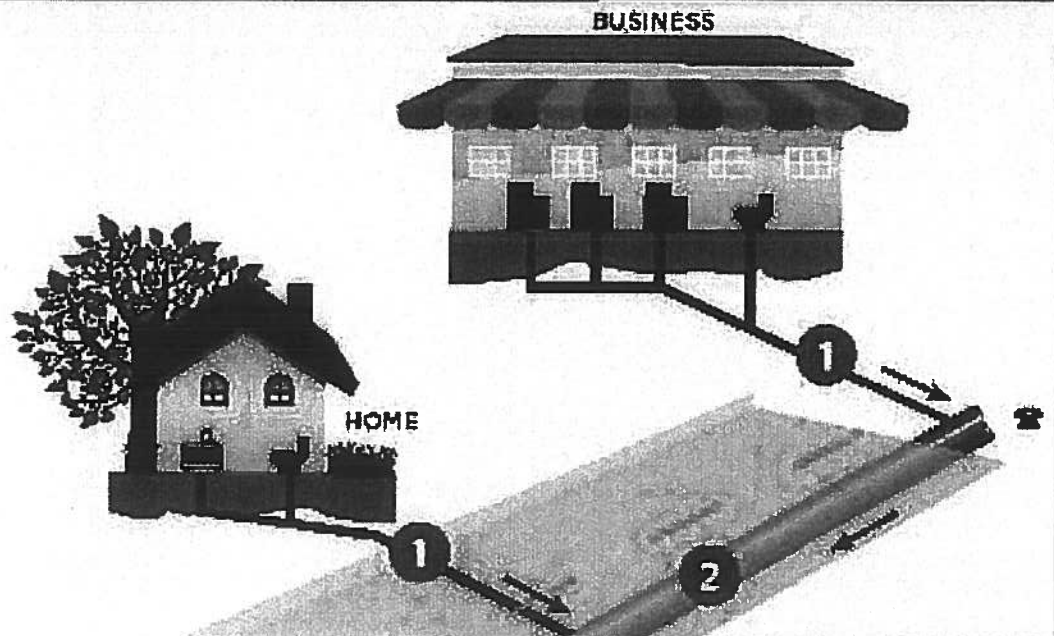
By  7/17/18
/Date

EXHIBIT "A"
SCOPE OF SERVICES AND FEE PROPOSAL

March 16, 2018

Proposal to Assist with FOG Control Program Services



Prepared By:

John L. Hunter and Associates
6131 Orangethorpe Ave., Ste. 300
Buena Park, CA 90620
Proposal contact: Cameron McCullough
cmccullough@jlha.net | (562) 802-7880 ext. 233

Prepared For:

Kyle A. Cason, PE
Assistant Director of Public Works
City of Whittier
13230 Penn St.
Whittier, CA 90602



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I. Qualifications and Experience

John L. Hunter and Associates, Inc. (JLHA) is an environmental consulting corporation established in 1985 that specializes in serving municipal clients. JLHA’s mission is to provide its clients with the expertise necessary to comply with mandated environmental programs, such as NPDES, stormwater and watershed management, industrial waste and fats, oils and grease (FOG) control, water conservation, and recycling. Services provided under these programs include program management, engineering, inspections, monitoring, grant administration, and public education.

A. Relevant Firm Experience

Table 1 lists FOG Control services currently or recently provided by JLHA.

Table 1: Summary of FOG Control Services Recently or Currently Provided

Client	First year of service	Years of Service	Program Administration	Inspections	Public/Business Education	Enforcement	Overflow Response	Permitting	Plan Review	Clean Bay/Restaurant Program	City Staff Training
Arcadia	1995	23	x	x	x	x	x	x	x	--	x
Big Bear Lake	2004	14	--	x	x	x	--	--	--	--	--
Covina	2015	3	x	--	--	--	--	x	--	--	--
Hawthorne	2008	10	x	x	x	x	--	x	--	--	x
Inglewood	2015	2	--	x	x	--	--	--	--	x	--
Lynwood	2014	4	x	x	x	x	--	--	--	--	x
Manhattan Beach	2010	8	--	x	x	x	--	--	--	x	--
Rancho Palos Verdes	2010	8	x	x	x	x	x	--	--	x	x
Signal Hill	1985	33	x	x	x	x	x	x	x	--	x
South El Monte	1997	21	x	x	x	x	--	x	x	--	--
South Gate	1991	27	x	x	x	x	x	x	x	--	x
South Pasadena	2010	4	--	--	--	--	--	--	--	--	x
Stanton	2007	11	x	x	x	x	x	x	x	--	x
Whittier	2015	3	--	x	x	x	--	--	--	--	x
TOTALS out of 14 agencies			9	12	12	11	5	7	5	3	9

JLHA has been providing FOG Control services to municipal clients since its incorporation in 1985. Prior to the State Water Board’s 2006 Waste Discharge Requirements Order for Sanitary Sewer Systems (SSS WDR), FOG control was addressed under the broad scope of a City’s Industrial Waste (IW) Control Program, which was adopted to protect local sewer systems. Since 2006, JLHA has expanded the FOG element of its IW Control Programs to address the SSS WDR, including Food Service Establishment permitting, FOG-oriented inspections and education, hot spot identification and facility prioritization.

B. Track Record

Two JLHA FOG clients in the LA area—South Pasadena and Manhattan Beach—have received SSMP Program audits by the Los Angeles Regional Water Quality Control Board. These audits address all elements of an SSS WDR Enrollee’s SSMP program, including FOG source control. In both instances no deficiencies were noted in the FOG source control program

C. Staffing Capability and Current Work Load

JLHA staffing is at 25, consisting of 20 full-time staff and 5 part-time staff. This includes 1 principal, 2 directors, 5 project managers, 5 engineers, 7 field inspectors, 2 project analysts, and 3 administrative staff. All staff operate out of JLHA's office at 6131 Orangethorpe Ave, Suite 300, in Buena Park, California. JLHA subcontracts additional services as-needed such as water quality monitoring and laboratory analysis, outfall screening, construction management, and computational analysis. Subcontracted services are not required for this project. The Project Team listed in the following section will be available to provide the requested services throughout the term.

II. Proposed Team

A. Organization

Table 2 lists the roles of the Program Team.

Table 2. Program Team Roles

	Program Title	Team Member Information		
Core Team	Project Manager	Name	Cameron McCullough, MS, CPSWQ, QSD/P, IGP ToR	
		Roles	Point-of-contact, project oversight	
	Alternate Project Manager	Name	Jillian Brickey, MS, CPSWQ, QSD/P, CGP ToR	
		Roles	Point-of-contact, project oversight	
	Project Engineer	Name	Michelle Kim, MSE, CPSWQ, QSD	
		Roles	Plan review and approval	
	Project Analyst	Name	Hugo Garcia, CESSWI, QSP	
		Roles	Project development, field inspection support	
	Compliance Specialist	Name	Ricky Kloppe, CESSWI, QSP	
		Roles	Field compliance inspector	
	Extended	Principal-in-charge	Name	John Hunter, PE, REA
			Roles	As-needed project oversight and support
Senior Engineer		Name	Rosalinda Tandoc, PE	
		Roles	Plan review and approval	

III. References

Table 3 lists references from four cities that contract FOG-related services to JLHA.

Table 3: References

Client	Data Field	Reference Information
Arcadia	Contact/Title	Vanessa Hevener, Environmental Services Officer
	Address	11800 Goldring Rd, Arcadia, CA 91066
	Phone/email	(626) 305-5327, vhevener@arcadiaca.gov
Signal Hill	Contact/Title	Grissel Chavez, Deputy Director of Public Works
	Address	2175 Cherry Avenue, Signal Hill, CA 90775
	Phone/email	(562) 866-9771 ext. 2500, kvivanti@lakewoodcity.org
South Gate	Contact/Title	Arturo Cervantes, Public Works Director
	Address	8650 California Ave, South Gate, CA 90280
	Phone/email	(323) 563-9512, acervantes@sogate.org
Stanton	Contact/Title	Allan Rigg, Director of Public Works
	Address	7800 Katella Ave, Stanton, CA 90680
	Phone/email	(714) 890-4204, arigg@ci.stanton.ca.us

IV. Scope of Work

JLHA welcomes the opportunity to provide professional FOG control services to the City of Whittier. This section details the work plan for completing the scope of work requested by the City. The timeframe of this proposal is for a period of one year. The services provided may be extended for additional years upon written agreement by the City and JLHA. This proposal is valid for 90 days.

A. Compliance Inspections and Enforcement

JLHA will inspect FSEs under the FOG Control Program annually to verify conformance with the City's FOG Control Ordinance. The compliance inspections focus on employee education as well as verification of proper source control BMPs and grease trap/interceptor maintenance. An inspection report is completed and provided to the FSE contact. If corrections are required, the inspector lists them on the inspection report. The time frame of the follow-up will depend on the severity of the violation, and generally range from same-day to two weeks. Some common issues can be addressed via email, fax or phone, such as the need to provide updated yellow grease hauling/interceptor pump-out records. Some violations may take additional time to resolve. In these instances follow-ups will be conducted on a frequency of no less than 4 weeks. If repeated or egregious code violations are noted, the Project Team will prepare enforcement notices. Notices will be sent out only after City approval. If noncompliance persists, the Project Team will contact City staff to resolve the issue. This may include working with City Code Enforcement to issue citations, or to require the installation of a grease trap or interceptor.

B. Hot Spot Prioritization

If sewer clean-out records are available, JLHA can prioritize compliance efforts based on FOG hot spot areas in the City. Based on this prioritization actions taken may include an increased inspection frequency or interceptor clean-out schedule, enhanced enforcement actions for noncompliance, and the immediate requirement for the installation of a grease trap/interceptor if one is not installed on-site.

C. As-needed Assistance with Permitting, Plan Review, Invoicing, and other Program Administration activities

It our understanding that FOG Control Permitting, Plan Review, Invoicing, and other Program Administration activities are administered and implemented by in- in-house City staff. JLHA is available to assist the City with these services on an as-needed basis. A budgetary allotment has been included in the not-to-exceed cost estimate.

D. Record Keeping and Database Management

JLHA will update and maintain a program database(s) of FSE inventory, inspection, investigation, and enforcement records prepared under the scope of work. JLHA will modify the inspection checklist to determine FOG control facility at the City's request. JLHA will also update and maintain a dedicated program website for the City (whittier.jlha.net). The program website provides online access to relevant program documents and deliverables.

E. Program Management

The Project Team will assist the City in the continued development of a FOG Program designed to: 1) meet the requirements of the SSS WDR, 2) adhere to the City's SSMP and the City's existing FOG Control Program Code Chapter 30 – Article II, and 3) provide proof of effective implementation in the face of a program audit by the Regional Water Quality Control Board. There is little prescription in the SSS WDR—

and so a degree of flexibility—regarding FOG Control Program development and implementation. As such, the Project Managers will work with City staff to develop a program tailored to the City's interests.

The Project Team will be available as needed to discuss program status and provide status reports.

V. Rate Schedule and Estimated Costs

A. Rate Schedule

Principal	\$185/hr
Director	\$165/hr
Staff Engineer	\$165/hr
Project Manager	\$155/hr
Assistant Project Manager	\$145/hr
Project Engineer	\$145/hr
Environmental Compliance Specialist II	\$115/hr
Project Analyst II	\$115/hr
Environmental Compliance Specialist I	\$95/hr
Project Analyst I	\$95/hr
Administrative Assistant, Laborer (OSHA 40hr certified)	\$65/hr
State Certified Laboratory Analysis	Cost + 5%
Legal Consultation, Court Appearances/Document review, etc.	\$250/hr
Subcontracted equipment	Cost + 5%

Fee Schedule effective as of January 1, 2018

JLHA does not add charges for overhead items such as administrative copying or mileage in and around the city.

B. Estimated Not-to-Exceed Fee Proposal

An annual not-to-exceed cost for this project is included in Table 4. Additional information on the tasks listed are provided under the Scope of Work section of this proposal.

Table 4: Estimated Costs for FOG Control Program Assistance

Task name and number	Team*	Rate	Hours/Units	Cost	Totals
A. Compliance Inspections and Enforcement					\$32,200
A.1 Inspect FSE facilities (231 routine, 33 follow-ups)**	CS2	\$115	264	\$30,360	
A.2 Enforce at noncompliant facilities	CS2	\$115	16	\$1,840	
B. Hot-spot prioritization					\$2,460
	CS2	\$115	16	\$1,840	
	PM	\$155	4	\$620	
C. As-needed Assistance with Permitting, Plan Review Invoicing, Program Administration activities					\$0
D. Record Keeping and Database Management					\$2,215
	AA	\$65	27	\$1,755	
	PA2	\$115	4	\$460	
F. Program Management					\$2,635
	PM	\$155	17	\$2,635	
Total					\$39,510

* AA – Administrative Assistant, CS2 – Compliance Specialist II, PA2 – Project Analyst II, PM – Project Manager

** Estimate based on past JLHA experience.

Appendix A: Resumes

The following section includes the resumes and certifications of key personnel.

John L. Hunter, PE
Principal

Education

B.S. Chemical Engineering, CSULB
B.S. Biological Sciences, UCI

Certifications and Licenses

CA Professional Chemical Engineer, 4724
CA Registered Environmental Assessor, 0900
CA Hazardous Substance Removal, A3382
CA General Engineering License, A-582340

Mr. Hunter serves as the Principal of JLHA. He has 31 years of experience in municipal environmental programs and currently oversees: (1) elements of over 40 separate NPDES programs encompassing three counties that covers programs such as: watershed and stormwater management, TMDL implementation, plan reviews, industrial and construction inspections, public agency activities, public outreach, and monitoring/reporting; (2) eleven municipal FOG programs encompassing permitting, inspections and enforcement; (3) seven municipal Used Oil Recycling

programs; (4) three municipal Beverage Container Recycling programs; and (5) two water conservation programs. As of May 2016 Mr. Hunter serves as the chair for the LA Permit Group, which provides area-wide MS4 Permit updates to all affected parties under the LA Region MS4 Permit.

Related ExperienceWatershed Management

Lead consultant for the Lower Los Angeles River Watershed Group, the Lower San Gabriel River Watershed Group, the Peninsula Cities Watershed Group, and the Long Beach Near-shore watersheds. Oversaw preparation and oversees continued development of the Watershed Management Programs for these groups. Also participates in the Upper Los Angeles River Watershed Group, the Dominguez Channel Watershed Group, and the Los Cerritos Channel Watershed Group.

Total Maximum Daily Loads

Los Angeles River Metals TMDL: Developed the Reach 1 Metals TMDL Implementation Plan on behalf of nine local agencies. The Plan was used as a source document for the Compliance Schedule in the Lower LA River WMP.

Los Angeles River Trash TMDL: Administered Trash DGR studies and associated compliance reports for multiple cities since 2004. Negotiated client interests with Regional Board staff. Obtained grant funding for and prepared the Hamilton Bowl BMP Study. The study evaluated different end-of-pipe trash capture systems for the Cities of Signal Hill and Long Beach.

MS4 Permit Minimum Control Measures (MCMs)

Oversees MCM elements of MS4 Permits for 37 cities. MCM programs include business and construction site inspections, LID Plan and SWPPP reviews, BMP implementation for public agency activities, illicit discharge investigations, and public outreach.

Representation and advocacy

Represents client interests in meetings with Regional Board staff/members regarding (E)WMPs, TMDLs, and other Permit mandates. Has chaired the Los Angeles River Watershed Management Committee, Santa Monica Bay Bacterial TMDL J7 Subcommittee, and the LA Permit Group. Currently serves as technical lead for the Lower San Gabriel, Lower Los Angeles, and Peninsula Cities Watershed Management Groups.

Education

M.S., Applied Mathematics, CSULB
B.S., Physics, CSULB

Certifications

CPSWQ, Envirocert (#0842)
QSD/QSP, CASQA (#22706)
IGP Trainer of Record, CASQA (#079)

Affiliations

Phi Beta Kappa Society
Society for Industrial & Applied Math

Cameron McCullough, MS, CPSWQ, QSD/P, IGP ToR*Director*

Cameron McCullough has fourteen years of experience in the environmental compliance field, specializing in surface water quality regulation. His experiences include managing the development and implementation of municipal NPDES, TMDL, and FOG Control programs, assisting and training municipal staff in their in-house NPDES programs, and representing client interests in interactions with regulators and other stakeholders.

Recent Experience and Project Qualifications

Municipal NPDES Permit Management: Mr. McCullough serves as a Programs Manager of municipal NPDES Permit programs for multiple cities throughout the Southland. Permits managed include the NPDES stormwater permits—MS4, IGP, CGP—as well as non-stormwater permits and related orders such as those for drinking water system releases and sanitary sewer overflows. Permit programs address (1) stormwater quality for construction, industrial, and municipal activities and post-construction BMPs for development activities, (2) non-stormwater discharges to and from the MS4, (3) TMDLs for water bodies impaired by trash, metals, toxics, and bacteria, and (4) surface water quality monitoring. Through his program management activities, he has developed qualifications that meet those required to serve as the Project Manager for this project. Specific examples of these qualifications include:

- Serving as a Project Manager for contracted MS4 NPDES Program assistance for local cities. (Lomita, Glendale, Hawthorne, Monterey Park, Placentia, Stanton, Temple City, Villa Park, West Covina, and West Hollywood.) Responsibilities include serving as project point-of-contact, overseeing the Project Team, ensuring successful completion of the project, and representing the client in interactions with regulators and watershed groups.
 - Through these projects Mr. McCullough has served as Project Lead to all subordinate members of the team for this project. As such the team has developed a track record of working together effectively.
- Representing cities in MS4 NPDES Permit compliance audits from the Regional Water Quality Control Board. (Seal Beach 2006, 2010, Stanton 2010, 2014, Big Bear Lake 2007.)
- Developing 1) watershed-based compliance plans for wet and dry weather TMDLs for Metals, Toxics, Bacteria, and Trash (Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watersheds: 2013-2016), 2) municipal Stormwater Quality Management Programs (Stanton 2011, Villa Park 2015) and 3) SWPPPs (Downey, Norwalk, Lynwood, Pico Rivera, West Covina: 2011-2016).
- Leading hundreds of municipal training sessions in MS4, IGP, CGP, and Drinking Water System NPDES Permits, as well as SSO spill response and FOG control. (26 municipal clients from 2004-2016, covering 3 State Water Board Regions and 5 Phase I MS4 Permits.)

Watershed Management: Mr. McCullough served as a Project Manager for the development of the Watershed Management Programs (WMPs) for the Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watershed Groups (2013-2016). The WMPs were developed by MS4 Permittees with shared watershed boundaries, with the objective of achieving surface water quality standards. Tasks included identifying water quality priorities, evaluating existing control measures, developing new control measures and compliance schedules, and providing quantitative reasonable assurance to attain water quality standards. He has also lead multi-jurisdictional workshops and technical committees on watershed management program implementation, and engaged with Regional Water Quality Control Board members, staff and non-governmental organizations in support of contested issues regarding the watershed management compliance approach.

Through representation of municipal clients' stakeholder interests, Mr. McCullough has also participated in the development of watershed management programs and monitoring programs for the Los Cerritos Channel, Dominguez Channel, Upper Los Angeles River, and Upper San Gabriel River (2013-present).

Jillian Brickey, MS, CPSWQ, QSD/P, CGP ToR*Director***Education**

M.S., Environmental Science, CSUF
B.S., Zoology, Cal State Poly Pomona

Certifications

CPSWQ, Envirocert (#0845)
QSD/QSP, CASQA (#22731)
CGP Trainer of Record, CASQA

Jillian Brickey has eleven years of experience in environmental management, specializing in stormwater and watershed management and water conservation. Her relevant experiences include implementing and managing NPDES municipal Permit programs for Low Impact Development, Development Construction, and TMDL/watershed management. Tasks include includes plan review and approval, reporting, training municipal staff in program implementation, and representing client interests in interactions with regulators and other stakeholders.

Recent Experience and Project Qualifications

Municipal NPDES Permit Management: Ms. Brickey serves as a Programs Manager of municipal NPDES Permit programs for multiple cities throughout the Southland. NPDES Permits managed include all elements of the MS4 and CGP Permits, including erosion/sediment control and Low Impact Development (LID) for construction projects, and TMDL implementation for water bodies impaired by trash, metals, toxics, and bacteria. Through these management activities, she has:

- Represented cities in MS4 NPDES Permit New Development compliance audits from the Regional Water Quality Control Board. (Seal Beach: 2010, 2015, Stanton: 2010).
- Developed TMDL compliance plans for Metals, Toxics, Bacteria, and Trash. (Lower Los Angeles River, Lower San Gabriel River, Long Beach Nearshore Watersheds: 2013-2016.)
- Served as primary contact with clients and represented their interests when interacting with regulators. (Covina, La Habra, Seal Beach, South Pasadena, Stanton, Pasadena, West Hollywood).
- Developed Stormwater Quality Management Programs (Seal Beach: 2011), LID compliance guideline documents (Gateway cities, 2014), and LID ordinances (2014).
- Held CGP QSD/QSP training as a CGP ToR (Pasadena, 2016) and led over one hundred municipal training sessions in MS4 and CGP Permits. (Over 20 municipal clients: 2008-2016).
- Reviewed on behalf of municipal clients hundreds of LID Plans, WQMPs, and SWPPPs and verified proper installation and maintenance of hundreds of LID BMPs.
- Supervised JLHA plan checking staff.

Watershed Management: Ms. Brickey served as a Project Manager for the development of the Watershed Management Programs (WMPs) for the Lower Los Angeles River and Lower San Gabriel River Watershed Groups (2013-2016). The WMPs were developed by MS4 Permittees with shared watershed boundaries, with the objective of achieving surface water quality standards. Tasks included evaluating existing control measures and developing new control measures and compliance schedules to achieve water quality standards. She also oversaw the development and implementation of LID ordinances as required by the WMP development process. This included preparing a LID Ordinance Equivalency Demonstration for the City of Long Beach.

She has also lead multi-jurisdictional workshops and technical committees on watershed management program implementation, and engaged with Regional Water Quality Control Board members, staff and non-governmental organizations in support of contested issues regarding the watershed management compliance approach. Through representation of municipal clients' stakeholder interests, Ms. Brickey has also participated in the development of watershed management programs and monitoring programs for the Upper Los Angeles River, Upper San Gabriel River, and Peninsula Cities Watershed Groups (2013-present).

Michelle Kim, MSE, CPSWQ, QSD, EIT
Project Manager/Project Engineer

11 Years of Experience in Water Quality

Education

M.S., Civil Engineering, Loyola Marymount
 B.S., Environmental Science, UC Berkeley
 B.A., Public Health, UC Berkeley

Certifications

EIT, NCEES (#141554)
 CPSWQ, Envirocert (#1134)
 QSD, CASQA (#26504)
 Grade 3 Laboratory Analyst, CWEA (#130133001)

Michelle Kim has eleven years of experience in the water quality industry, which includes potable water, wastewater, and storm water. Her relevant experiences and tasks include implementing and managing NPDES municipal permit provisions such as watershed management, planning and land development, and TMDL compliance. She is involved in the development and review of Water Quality Management Plans (WQMPs), Low Impact Development (LID) Plans, and Standard Urban Stormwater Mitigation Plans (SUSMPs). Michelle’s past experience includes work with the Orange

County Sanitation District involving treatment processes, laboratory analyses, and monitoring of wastewater and source control.

Her current responsibilities include providing municipal NPDES plan checking services, conducting BMP verification and maintenance inspections, representing clients in meetings, and assisting in the implementation of Watershed Management Programs.

Michelle’s client-specific responsibilities at JLHA include:

- Reviewing LID Plans following the standards of the Los Angeles County area-wide MS4 Permit for the cities of Diamond Bar, Downey, Monterey Park, Norwalk, Pasadena, Santa Fe Springs, Signal Hill, and South Gate, and West Hollywood.
- Reviewing WQMPs following the standards of the North Orange County area-wide MS4 Permit for the cities of Buena Park, La Habra, Seal Beach, and Stanton. (WQMPs are the Orange County-equivalent of Los Angeles County’s LID Plans.)
- Serving as point-of-contact with project engineers for the LID Plan and WQMP review process.
- Conducting post-construction BMP inspections for the City of West Hollywood.
- Assisting in municipal TMDL compliance activities, including review of Bacteria TMDL monitoring data for Jurisdiction 7 of the Santa Monica Bay, reconsideration of the Machado Lake nutrients TMDL, and preparation of the final compliance report for the Machado Lake Trash TMDL.
- Assisting in MS4 Permit Project Management for the Cities of Hawthorne, Lomita, and Rancho Palos Verdes. Tasks include serving as a point-of-contact with City staff, representing city interests at watershed meetings and other NPDES-related meetings and hearings, and preparing the Individual Annual Report.

Assisting in Project Management of Watershed Management efforts under the LA County area-wide MS4 Permit. (Palos Verdes Peninsula Watershed Management Group.) Tasks include administering meetings, managing subcontractors, and preparing the Watershed Annual Report.

Hugo Garcia, CESSWI, QSP*Environmental Compliance Specialist II***Education**

B.S., Environmental Science, UCR

Certifications and Training

CESSWI, Envirocert (#4769)

QSP, CASQA (#26091)

Professional Certificate in GIS

24 Hour HAZWOPER

Basic Inspector Academy, Cal EPA

Spanish fluency

Hugo Garcia has six years of experience with John L. Hunter & Associates, specializing in NPDES and Industrial Waste/FOG Control regulations. His experiences include MS4 compliance of the Public Information and Participation, Industrial/Commercial, Construction, Public Agency, and Illicit Connections & Illicit Discharge Elimination Programs. In addition, Hugo provides assistance with TMDL implementation and serves as the lead GIS Specialist providing spatial analysis to clients in the Los Angeles and Orange counties.

Recent Experience and Project Qualifications

Mr. Garcia currently serves as an Environmental Compliance Specialist II whose responsibilities include field compliance inspections for local cities (Inglewood, La Habra, Pasadena, South Gate, and Whittier), and providing assistance with the implementation of the several Watershed Management Programs in the Los Angeles County. Specific examples of these and past qualifications include:

- Conducting over 2,000 NPDES compliance inspections at Industrial, Commercial (i.e. auto, restaurant, nursery), and Construction sites
- Assisting with the implementation and reporting of the LA River's Trash TMDL DGR Study
- Assisting with the development of a Stormwater Pollution Prevention Plan (SWPPP) for both Signal Hill and West Covina facilities, as required by the Statewide Industrial NPDES General Permit (IGP).
- Developing and maintaining GIS databases of 1) MS4 outfall locations with and without Non-Stormwater Discharges, 2) retrofitted catch basin storm drain systems, and 3) potential sites for multi-agency, multi-watershed low impact development (LID) regional projects throughout the Los Angeles River and San Gabriel River watersheds
- Reviewing preliminary plumbing plans for new development and tenant improvement projects at Industrial Waste/FOG facilities in the cities of Arcadia, Signal Hill, South El Monte, South Gate, and Stanton
- Preparing a Spill, Prevention, Control, and Countermeasure (SPCC) Plan for the City of South Gate's Corporation Yard and providing training

Rosalinda Tandoc, PE

Staff Civil Engineer

Overview

Ms. Tandoc has over 30 years of experience reviewing and approving structural and architectural plans. Her specialty lies in reviewing and approving such plans for compliance with Permits (including MS4), City ordinances (including LID and Green Streets/Fats, Oils, and Grease/Industrial Waste/Erosion Control), Building Codes, and other State Laws. At JLHA, she has been instrumental in expediting plan review and approval for issuance of permits, interacting with clients to troubleshoot project development problems, and expediently facilitating completion of client projects. She has done this for all of JLHA's past and current clients, which now includes 23 cities.

Education

Master of Science in Civil Engineering
California State University, Long Beach

Certifications and Licenses

CA Registered Civil Engineer

Related Experience

**With JLHA
 (Starting 2006)**

- Reviews structural and architectural plans and residential and large and complicated buildings for compliance with the MS4 Permit, City Ordinances and State Law.
- Interacts with developers to facilitate completion of their projects
- Worked with the Principal in investigating problems presented to them.
- Code Consultant

Prior Experience:

- Los Angeles County Department of Public Works Building and Safety Division (1979 – 2006)
- Coordinated with local agencies in expediting the issuance of permits
- Assisted Permit Technician in solving problems that he or she may have incurred in the processing of permits and other related problems that need to be resolved at the counter.
- Assisted the City in developing ways and methods of expediting the processing of plans for issuance of permits.
- Assisted the City in developing plans and methods for effective office organization in the City Building Department in working with the City Planning Department.

Personal Advancement Courses

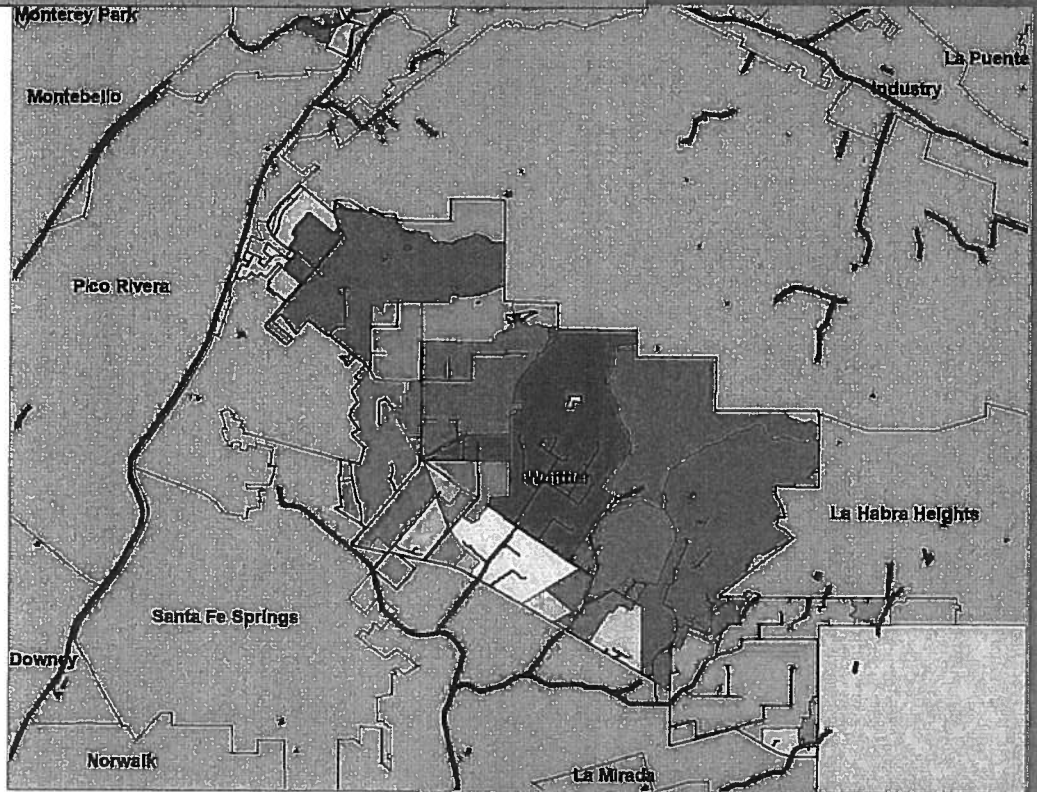
Engineering Management
 Communication
 Diversity Training
 Business and English Writings
 Supervisory Management

Achievements/Volunteer Works

Outstanding Woman of 1998, City of Cerritos
 Greater Long Beach Girl Scout Council
 Cerritos Senior Center, City of Cerritos
 St. Linus Parish, Norwalk, CA
 Cathedral of Our Lady of the Angels, Los Angeles

April 11, 2018

Proposal for Professional Services to Assist with NPDES MS4 Programs



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I. Qualifications and Experience

John L. Hunter and Associates, Inc. (JLHA) is an environmental consulting corporation established in 1985 that specializes in serving municipal clients. JLHA's mission is to provide its clients with the expertise necessary to comply with mandated environmental programs, such as NPDES, stormwater and watershed management, industrial waste and fats, oils and grease (FOG) control, water conservation, and recycling. Services provided under these programs include program management, engineering, inspections, monitoring, grant administration, and public education.

A. Relevant Firm Experience

Table 1 lists the municipal NPDES services currently or recently provided by JLHA to municipal clients. The following are summaries of JLHA's experience related to municipal NPDES Permit compliance.

1. Municipal NPDES Permit Compliance

JLHA has considerable experience in Municipal NPDES Permit compliance programs, beginning with the inception of the Phase I MS4 Permits in the 1990s. Currently JLHA implements elements of such programs for 45 cities in the Southland. Services include the following:

- 25 cities and 4 watershed groups: Program administration and/or technical support,
- 33 cities: Field services such as BMP compliance inspections,
- 23 cities: Plan review and approval (e.g., SUSMP/LID Plans, WQMPs, and SWPPPs),
- 32 cities and 3 watershed groups: Reporting (e.g., annual, TMDL, and/or watershed reports), and
- 32 cities and 3 watershed groups: Staff training.

Relevant and recent activities include:

- Representing cities in MS4 NPDES audits conducted by Regional Water Board staff,
- Obtaining and administering grants for stormwater capture and LID projects,
- Managing BMP inspection programs that cover in total approximately 10,000 sites,
- Developing watershed management programs under the area-wide LA MS4 NPDES Permit.

JLHA also served as the lead consultant for the development of the Watershed Management Programs (WMPs) for the Lower Los Angeles River (LLAR), Lower San Gabriel River (LSGR), City of Long Beach, and Peninsula Cities Watershed Groups, and served as a sub-consultant for the development of the WMP for the Los Cerritos Channel (LCC) Watershed Group. As part of WMP development, JLHA also oversaw the development of Coordinated Integrated Monitoring Programs (CIMPs) for the LLAR, LSGR, and Peninsula Cities Watershed Groups. All plans were approved by the Regional Board in 2015 and 2016. Together the member agencies of these Watershed Groups represent 20 MS4 NPDES Permittees.

JLHA serves as the consultant team lead for the LLAR, LSGR, and Peninsula Cities Watershed Groups. Services include administering monitoring activities, watershed annual reporting, technical committee meetings, and select implementation efforts such as feasibility studies. In this capacity JLHA also regularly interfaces with city councils and Regional Board staff and members. JLHA also represents twelve municipal clients in watershed management groups for the Upper Los Angeles River, Upper San Gabriel River, Dominguez Channel and Los Cerritos Channel. In Orange County JLHA represents six municipal clients in watershed management group planning activities, covering the Coyote Creek/San Gabriel River, Anaheim Bay/Huntington Harbour, and the Santa Ana River watersheds.

Table 1: Summary of Municipal NPDES Services Recently or Currently Provided

Client	First year of service	Years of service	MS4 Permit Control Measures						Watershed				General Services				
			Development	Construction	Municipal Activities	Industrial/Commercial	Illicit Discharge Detection	Public Outreach	Watershed Plan Development	Watershed Plan Implementation	Monitoring	Studies	Reporting	Training	Grants	Program Mgmt. or Support	
Arcadia	1995	23	..	x	x	x	x	x	x	..	..	..	x	x	..	..
Artesia	2014	4	..	x	x	x	x	x	x	..	x	x	x	..	x
Big Bear Lake	2004	14	x	x	x
Bellflower	2014	2	x
Cerritos	2015	3	..	x
Covina	2008	10	x	x	..	x	x
Diamond Bar	2007	11	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Downey	2011	7	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Fullerton	2017	1	..	..	..	..	..	..	..	..	..	..	x	x	..	x
Glendale	2013	5	..	..	x	..	..	..	..	..	..	x	x	x	..	x
Gateway Water Mgmt. Authority	2012	6	x
Hawaiian Gardens	2012	6	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Hawthorne	2000	18	..	x	x	x	x	x	..	..	..	..	x	x	..	x
Inglewood	2015	3	..	..	..	x	..	x	..	..	..	..	x	x	..	x
La Habra	2011	7	x	x	x	x	x	x	..	..	..	..	x	..	..	x
Lakewood	2014	4	x
Lomita	2015	3	..	x	x	x	x	x	..	x	..	..	x	x	..	x
Long Beach	2014	4	..	..	..	x	..	..	x	..	..	..	x	x	..	..
LCC Watershed Group	2013	5	..	..	..	..	..	..	x	x	x	..	..	x	..	x
LLAR Watershed Group	2013	5	..	..	..	..	..	..	x	x	x	..	x	x	..	x
LSGR Watershed Group	2013	5	..	..	..	..	..	..	x	x	x	..	x	x	..	x
Lynwood	2014	4	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Manhattan Beach	2010	8	x	x
Monterey Park	2005	13	x	x	x	x	x	x	..	x	..	x	x	x	x	x	x
Norwalk	2010	8	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Paramount	2014	4	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Pasadena	2015	3	x	..	..	x	..	..	..	x	..	..	x	x	..	x
Peninsula Watershed Group	2013	5	..	..	..	..	..	..	x	x	x	..	x	..	..	x
Placentia	2013	5	x	x	x	x	x	..	..	..	..	..	x	x	..	x
Rancho Palos Verdes	1994	24	x	x	x	x	x	x	..	x	..	..	x	x	..	x
Rolling Hills	2009	9	x	x
Santa Fe Springs	2016	2	x	x
San Gabriel	2017	1	..	..	x	..	..	x	..	..	..	..	x	x	..	x
Seal Beach	2005	13	x	x	x	x	x	x	x	x	x	x	x
Signal Hill	1985	33	x	x	x	x	x	x	..	x	..	x	x	x	..	x	
South El Monte	2017	1	x	..	x	x	x	x	..	x	..	x	x	x	..	x	
South Gate	1991	27	x	x	x	x	x	x	..	x	..	x	x	x	x	x	x
South Pasadena	2005	13	..	x	x	x	..	x	..	x	..	x	x	x	..	x	
Stanton	2007	11	x	x	x	x	x	x	x	x	x	x	x
Temple City	2003	15	x	x	x	x	x	x	..	x	..	x	x	x	..	x	
Villa Park	2013	5	x	x	x	x	x	x	..	..	..	..	x	x	..	x
West Covina	2015	3	x	x	x	x	x	x	..	x	..	..	x	x	..	x
West Hollywood	1995	23	x	x	x	x	x	x	..	x
Whittier	2014	4	..	x	x	x	x	x	..	x	..	..	x	x	..	x
TOTALS out of 44 agencies			22	27	28	33	25	25	5	22	4	10	35	35	5	32	

B. Track Record

JLHA has aided municipalities in compliance with NPDES MS4 Permit provisions since their first issuance in the 1990s. Since that time JLHA has maintained a track record of meeting project schedules and providing project deliverables on-time, on-budget, and to client’s satisfaction. This may be verified by contacting JLHA’s existing and past clients, including those listed in the References Section of this proposal. Another metric for JLHA’s ability to meet project schedules is through its success in representing clients in Regional Water Board NPDES Program audits. These audits included detailed reviews of records for NPDES sub-programs managed and implemented by JLHA Project Teams. Of the many Regional Water Board NPDES Program audits that JLHA personnel participated in, none resulted in enforcement actions. JLHA’s success in meeting project schedules is also evident in its existing clients’ previous NPDES annual reports, which tabulate program deliverables such as inspections, plan checks, and TMDL reporting.

C. Staffing Capability and Current Work Load

JLHA staffing is at 25, consisting of 20 full-time staff and 5 part-time staff. This includes 1 principal, 2 directors, 5 project managers, 5 engineers, 7 field inspectors, 4 project analysts, and 3 administrative staff. All staff operate out of JLHA’s office at 6131 Orangethorpe Ave, Suite 300, in Buena Park, California. JLHA subcontracts additional services as-needed such as water quality monitoring and laboratory analysis, outfall screening, construction management, and computational analysis. The Project Team listed in the following section will be available to provide any requested services throughout the term.

D. Relevant Staff Credentials

Staff credentials include certified professionals in engineering, stormwater quality, BMP (Best Management Practice) inspection, erosion control, SWPPP development and implementation, and environmental assessment. Table 2 lists specialized credentials that are held by JLHA staff. The experience, credentials and education of the key staff members are included in the Resumes Section of this proposal.

Table 2: Specialized Credentials held by JLHA Staff

Credential	Credential Description
CPSWQ	Certified Professional in Stormwater Quality
CESSWI	Certified Erosion, Sediment and Stormwater Inspector
QSD	Qualified SWPPP Developer (Construction)
QSP	Qualified SWPPP Practitioner (Construction)
QISP	Qualified Industrial Stormwater Practitioner
CGP ToR	Trainer of Record for the NPDES Construction General Permit
IGP ToR	Trainer of Record for the NPDES Industrial General Permit
ECI	Environmental Compliance Inspector

E. Proposed Team

Table 3 lists the roles of the Project Team. Detailed qualifications of the Project Team are included in the Resume section.

Table 3. Program Team Roles

Program Title		Team Member Information	
Core Team	Project Manager	Name	Cameron McCullough , MS, CPSWQ, QSD/P, IGP ToR
		Roles	Point-of-contact, project oversight and delivery
	Project Manager	Name	Jillian Brickey , MS, CPSWQ, QSD/P, CGP ToR
		Roles	Point-of-contact, oversight of Construction/Development services
	Assistant PM/ Project Engineer	Name	Michelle Staffield , MSE, CPSWQ, QSD
		Roles	Point-of-contact, plan review and approval
	Project Analyst II	Name	Hugo Garcia , CESSWI, QSP
		Roles	Project development, field inspection support
Compliance Specialist	Name	Ricky Kloppe , CESSWI, QSP, ECI	
	Roles	Field compliance inspector	
Extended	Principal-in-charge	Name	John Hunter , PE, REA
		Roles	As-needed project oversight and support
	Senior Engineer	Name	Rosalinda Tandoc , PE
		Roles	Plan review and approval

F. References

Table 4 is a list of client references. JLHA provides NPDES MS4 services to each of the references listed. Additional references are available at the request of the City.

Table 4: References

Agency Name	Data Field	Reference Information	JLHA Project Manager
Downey	Name/Title	Mohammad Mostahkami, Director of Public Works	Michelle Staffield
	Address	11111 Brookshire Ave, Downey, CA 90241	
	Phone/email	(562) 904-7102, mmostahkami@downeyca.org	
Long Beach	Contact/Title	Melissa You, Stormwater Compliance Officer	Jillian Brickey
	Address	333 W Ocean Blvd, Long Beach, CA 90802	
	Phone/email	(562) 570-5524, Melissa.You@longbeach.gov	
Signal Hill	Contact/Title	Grissel Chavez, Deputy Director of Public Works	Jillian Brickey/ Michelle Staffield
	Address	2175 Cherry Avenue, Signal Hill, CA 90775	
	Phone/email	(562) 989-7251, gchavez@cityofsignalhill.org	
South Gate	Contact/Title	Arturo Cervantes, Public Works Director	Michelle Staffield
	Address	8650 California Ave, South Gate, CA 90280	
	Phone/email	(323) 563-9512, acervantes@sogate.org	
Stanton	Contact/Title	Allan Rigg, Director of Public Works	Cameron McCullough
	Address	7800 Katella Ave, Stanton, CA 90680	
	Phone/email	(714) 890-4204, arigg@ci.stanton.ca.us	
Temple City	Contact/Title	Andrew Coyne, Management Analyst	Cameron McCullough
	Address	9701 Las Tunas Dr, Temple City, CA 91780	
	Phone/email	(626) 285-2171 ext. 4344	

II. Scope of Work and Approach

JLHA welcomes the opportunity to provide professional MS4 NPDES services to the City of Whittier. This section details the approach to complete the Scope of Work (SOW). The timeframe of this proposal is for a period of one year. The services provided may be extended for additional years upon written agreement by the City and JLHA. This proposal is valid for 90 days.

The tasks listed in the following tables include "Task Detail" information that describe and approach and methods the Project Team will use to meet the contract requirements. The Project Team does not anticipate any significant concerns or problems during the term of this contract. The primary concern is budgeting, as annual variability in workload within the SOW is an unknown, within certain limits. However from past experience, the Project Team expects the not-to-exceed (NTE) annual estimate provided in the proposal to be sufficient for the services provided.

A. Programs Management

Table 5 lists the SOW and approach for the management of all programs provided.

Table 5. Programs Management

Task #	Task
A.1.a	<p>Provide program updates</p> <p>Task detail: This includes assessing and reporting on the status of program compliance, holding program update meetings, preparing program update and summary reports, and corresponding with city staff and elected officials regarding program updates.</p>
A.1.b	<p>Serve as MS4 NPDES Program representative (as-needed)</p> <p>Task detail: This includes representing the City: 1) at relevant area-wide NPDES meetings, 2) in interactions and negotiations with regulating agencies, non-governmental agencies, and the public, 3) in compliance audits, 4) in responding to enforcement actions, and prepare summary reports. It also includes providing Project Team office hours at City Hall.</p>
A.1.c	<p>Update/revise City's Storm Water Management Program (SWMP)</p> <p>Task detail: Update SWMP forms, templates, and other documentation based on annual assessment of SWMP effectiveness.</p>
A.1.d	<p>Provide general assistance with NPDES programs implementation (as-needed)</p> <p>Task detail: This includes as-needed assistance for tasks within the project scope but not itemized in this SOW. Examples include providing guidance on compliance strategies, providing assistance with compliance with other NPDES Permits and non-stormwater discharges, and assisting in the development of fees to fund the City's NPDES programs.</p>
A.1.e	<p>Assure quality on services provided, including review of prepared documents</p> <p>Task detail: This includes review and revisions by the Project Manager of documents and deliverables prepared under the SOW for content and accuracy</p>

B. Watershed Management Program Assistance

The City is a member of the Lower San Gabriel River Watershed Management Group (LSGR WMG), which includes contributing funds (separate from this proposal) for the implementation of Coordinated Integrated Monitoring Programs (CIMPs) as well as the continued development of the LSGR Watershed Management Program (WMP) and CIMP. The WMP is the City’s planning framework to comply with the LA Countywide MS4 NPDES Permit, which is driven in large part by the Total Maximum Daily Loads (TMDLs). Table 6 lists the scope of work for WMP assistance.

Table 6. Watershed Management Program Assistance

Permit §	Task #	Task
VI.C	B.1.a	Represent City at WMG meetings and prepare meeting update reports
	B.1.b	Prepare WMP/CIMP compliance progress reports and updates
	B.1.c	Update inventory and prioritization of candidate retrofit projects Task detail: The Project Team will update the inventory of prioritized potential public projects—originally developed in the 2015 WMP—for review and consideration by city staff.
	B.1.d	Assist with project selection, development, and implementation (as-needed) Task detail: Should the City decide to develop a concept or design plan, or construct a stormwater management project, or partner on a project with other agencies, the Project Team will be available to assist in project selection, development, and implementation.
	B.1.e	Assist with WMP Adaptive Management process and Permit renewal Task detail: Adaptive Management is led by the WMG, which is a service separate from this SOW. However input from the City will be needed to complete the process. The Project Team will assess the City’s MS4 NPDES Program and provide recommended changes to City staff for incorporation into the Adaptive Management process.
	B.1.f	Assist with project grant applications (as-needed) Task detail: Project Team members have assisted in the application and management of Prop 84 and Prop 1 stormwater grants, and can provide similar application and management assistance at the request of the City.
	B.1.g	Assist with other WMP-related tasks (as-needed)
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

C. TMDL Programs Assistance

The City is under Total Maximum Daily Loads (TMDLs) for bacteria, metals and toxics, and is also under the provisions of the Statewide Trash Amendments. (Although technically not a TMDL, the Trash Amendments in effect act as a Trash TMDL.) Table 7 lists the scope of work for assistance with compliance planning, implementation, and reporting for TMDLs and the Trash Amendments.

Table 7. TMDL Programs Assistance

Permit §	Task #	Task
VI.E	C.1	General TMDL assistance
	C.1.a	Assist with TMDL planning, implementation, and reporting Task detail: The bacteria, metals, and toxics TMDLs are addressed through the Watershed Management Program (WMP). See the WMP SOW section for additional information. The Toxics TMDL only requires monitoring at this point and is addressed through monitoring and reporting under the Coordinated Integrated Monitoring Program (CIMP). See the Monitoring and Reporting SOW section for additional information.
	C.1.b	Assist with other TMDL-related tasks (as-needed)
VI.E	C.2	Statewide Trash Amendments implementation
	C.2.a	Assist with Statewide Trash Amendments implementation Task detail: The Project Team will prepare and submit the required GIS maps to Regional Board prior to the 2/18/2019 deadline stated in the 13383 Order. This will include corresponding with City staff to obtain information needed to complete maps. The Project Team will also provide general assistance with planning, implementation, and reporting.
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

D. Planning and Land Development Program

Table 8 lists the scope of work for the Planning and Land Development Program, which focuses on the review and approval of Low Impact Development (LID) Plans and conducting LID BMP inspections as-needed.

Table 8. Scope of Work for Planning and Land Development Program

Permit §	Task #	Task
VI.D.7.d	D.1	LID Plan Review
ii	D.1.a	Review LID plans Task Detail: This includes verifying conformance with the criteria of MS4 Permit section VI.D.7.b-c, providing correction sheets to indicate corrections required to achieve conformance, meeting and corresponding with project applicants and engineers, and approving the plans. Turn-around time for LID plan review is two weeks.
VI.D.7.d	D.2	LID BMP Inspections
iv.(1).(b)	D.2.a	Conduct BMP verification inspections (as-needed) Task Detail: This includes verifying the proper construction and installation of LID Plan BMPs. JLHA will be available to conduct these verification inspections upon receiving notice from the city to inspect.
iv.(1).(c)	D.2.b	Notify existing LID Plan sites of maintenance requirements (as-needed) Task Detail: This includes sending notification letters and corresponding with owners and operators of LID Plan BMPs.
iv.(1).(c)	D.2.c	Conduct BMP maintenance inspections (as-needed) Task Detail: This includes verifying the proper operation and maintenance of existing installed LID Plan BMPs. JLHA will be available to conduct these maintenance inspections upon receiving notice from the city to inspect.
iv.(1).(e)	D.2.d	Conduct follow-up activities at non-compliant projects (as-needed) Task Detail: This includes follow-up activities related to the detection of BMPs that are improperly constructed, installed, or maintained. This may include follow-up inspections, corresponding with the LID BMP owner/operator, and issuing enforcement actions.
	D.3	Green Streets Policy
	D.3.a	Provide guidance to City staff and design consultants (as-needed)
Staff Training is included in the Training SOW section		
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

E. Development Construction Program

Table 9 lists the scope of work for the Development Construction Program. The Program focuses on inspections and SWPPP review for construction sites under the statewide general NPDES Permit.

Table 9. Scope of work for Development Construction Program Assistance

Permit §	Task #	Task
VI.D.8.d		Sites less than one acre: Track and inspect sites at request of city
VI.D.8.g	E.1	Inventory state-permitted Construction sites
g.i	E.1.a	Review and update site inventory Task detail: This includes reviewing city and Water Board records and on-site conditions to update the site inventory—including all information field required—and reviewing existing site information and regulatory history prior to inspection.
VI.D.8.h	E.2	Review and Approval Construction SWPPPs Task detail: This includes SWPPP review by a JLHA staff Qualified SWPPP Developer (QSD) following a review checklist based on MS4 Permit requirements. Turn-around time for review is two weeks.
VI.D.8.j	E.3	Inspect ≥1 acre Construction Sites
	E.3.a	Inspect sites for proper BMP implementation Task detail: Inspections follow the standard operating procedures listed in the MS4 Permit, which includes 1) determining the facility’s impact on stormwater quality through proper BMP implementation and illicit discharge elimination, 2) determining the need for corrective actions and setting up a follow-up inspection dates, and 3) completing an inspection form. Routine inspections are conducted monthly per the MS4 Permit’s requirement.
	E.3.b	Correspond with site operators Task detail: This includes scheduling inspections as-needed, discussing corrective actions required, and providing program education as-needed.
	E.3.c	Conduct follow-up inspections at non-compliant sites
VI.D.2	E.4	Enforce at Noncompliant Sites
2.a.i	E.4.a	Prepare enforcement notices for non-compliant sites Task detail: For egregious or repeated cases of non-compliance, enforcement notices will be prepared following city ordinances and the MS4 Permit’s progressive enforcement requirements. Notices will be sent out only after City approval, and within one week. If noncompliance persists, the Project Team will work with City enforcement staff to resolve the issue.
2.a.ii	E.4.b	Provide other as-needed enforcement assistance
Staff Training is included in the Training SOW section		
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

F. Industrial/Commercial Facilities Program

Table 10 lists the tasks for the Industrial/Commercial Facilities Program. The scope is limited to tracking, educating, inspecting, and ensuring compliance at industrial/commercial facilities.

Table 10. Tasks for the Industrial/Commercial Facilities Program

Permit §	Task #	Task
VI.D.6 b.i, ii, iii	F.1	Track Critical Industrial/Commercial Facilities
	F.1.a	Review and update industrial/commercial facility inventory Task detail: This includes reviewing city records and facility records to update the facility inventory—including all information field required—and reviewing existing facility information and regulatory history prior to inspection.
VI.D.6 c.i	F.2	Educate Industrial/Commercial Facility Operators
	F.2.a	Notify facility operators of program requirements Task detail: This includes sending a letter to facility operators explaining the inspection program’s basic requirements, with an enclosed educational brochure. During inspections program requirements are also explained to operators.
	F.2.b	Implement a Business Assistance Program Task detail: This task is primarily addressed by tasks F.2.a and F.3.b
VI.D.6 d,e,f	F.2.c	Develop and print educational materials to distribute to facilities
	F.3	Inspect Critical Industrial/Commercial Facilities
	F.3.a	Inspect industrial/commercial facilities for proper BMP implementation Task detail: This includes 1) inspecting facility layout to locate the storm drain system and/or stormwater drainage path, storage areas, process, areas, and heavy equipment wash and maintenance areas, and stormwater sampling locations, if applicable, 2) determining the facility’s impact on stormwater quality through proper BMP implementation and illicit discharge elimination, 3) verifying industrial classification, 4) determining the need for corrective actions and setting up a follow-up inspection dates, and 5) completing an inspection form.
d,e,f	F.3.b	Correspond with facility operators Task detail: This includes scheduling inspections as-needed, discussing corrective actions required, and providing program education as-needed.
	F.3.c	Conduct follow-up inspections at non-compliant facilities Task detail: The time frame of the follow-up will depend on the severity of the violation, and generally range from same-day to two weeks. Some violations may take additional time to resolve. In these instances follow-ups will be conducted on a frequency of no less than 4 weeks.
VI.D.2 2.a.ii	F.4	Enforce at Noncompliant Facilities
	F.4.a	Prepare enforcement notices for non-compliant facilities Task detail: For egregious or repeated cases of non-compliance, enforcement notices will be prepared following city ordinances and the MS4 Permit’s progressive enforcement requirements. Notices will be sent out only after City approval. If noncompliance persists, the Project Team will work with City enforcement staff to resolve the issue.
2.a.ii	F.4.b	Provide other as-needed enforcement assistance
Staff Training is included in the Training SOW section		
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

G. Public Agency Activities Program

Table 11 lists the scope of work for the Public Agency Activities Program. Most activities in this program are conducted by in-house city staff, or other city contractors, such as street sweeping, catch basin cleaning, and pesticide and fertilizer application.

Table 11. Scope of work for Public Agency Activities Program

Permit §	Task #	Task
VI.D.9.b		Public Construction Activities Task detail: Public Construction is addressed by the Development Construction Program. See the Development Construction SOW section.
VI.D.9.c	G.1 G.1.a	Inventory Public Facilities Update inventory of public facilities (as-needed)
VI.D.9 d.ii, iii		Inventory Existing Development Retrofit Opportunities Included in the Watershed Management Program SOW section
VI.D.9 e.iii, vi e.iv g.ii h	G.2 G.2.a G.2.b G.2.c G.2.d	Public Agency Facility and Activity Management Update BMP fact sheets for activities listed in Table 18 of the MS4 Permit Task Detail: SWMP document updates are addressed in the Program Management SOW section Update language to require contractors to implement BMPs from VI.D.9.e.iii Task Detail: SWMP document updates are addressed in the Program Management SOW section Update Integrated Pest Management procedures Task Detail: SWMP document updates are addressed in the Program Management SOW section Storm drain operation and maintenance Task Detail: These tasks are in-house City tasks outside the scope of this proposal. Program guidance is addressed in the Program Management SOW section.
Statewide Trash Amendment compliance assistance is included in the TMDL SOW section		
Staff Training is included in the Training Scope of Work section		
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

H. Public Information and Participation Program

Table 12 lists the scope of work for the Public Information and Participation (Outreach) Program. The program includes incorporating stormwater pollution prevention education into city events, and distributing educational materials to the public through a variety of methods.

Table 12. Scope of work for the Public Information and Participation Program

Permit §	Task #	Task
VI.D.5.c	H.1	Public Participation
	H.1.a	Assist in a City event to promote public involvement in pollution prevention Task detail: The Project Team will discuss with City staff opportunities to participate in at least one City event. JLHA staff attending the chosen event(s) will educate the public in stormwater pollution through discussion, demonstrations, and material distribution.
VI.D.5.d	H.2	Residential Outreach Program
d.i.(1)	H.2.a	Prepare article for City media outlet at the City's request
d.i.(2)	H.2.b	Update educational materials Task detail: Material topics include brochures vehicle, house, yard, pesticide, animal, and construction wastes. Updates to the content can be made at the City's request.
d.i.(3)	H.2.c	Distribute materials to points of purchase Task detail: Point of purchase locations include automotive, home improvement, gardening, and pet stores. JLHA staff will visit select stores and provide brochures specific to these industries to be displayed for distribution. The program will be implemented once per reporting year.
d.i.(4)	H.2.d	Update stormwater website (as-needed)
d.i.(5)	H.2.e	Provide educational materials to school children Task detail: This task is primarily addressed by existing county programs. JLHA staff can supplement this effort by providing K-12 schools within the City's jurisdiction with educational materials.
d.i.(6)	H.2.f	Provide educational materials in English, Spanish, Mandarin, and Korean
Reporting and Record Keeping is included in the Monitoring and Reporting SOW section		
Program Management is included in the Programs Management SOW section		

I. Illicit Discharge Detection and Elimination Program

Table 13 lists the scope of work for the Illicit Discharge Detection and Elimination Program. JLHA understands that this Program is administered and implemented by in-house City staff. As such these services are provided on an as-needed basis.

Table 13. Scope of work for Illicit Discharge Detection and Elimination Program Assistance (As-needed)

Permit §	Task #	Task
VI.D.10	I.1	Investigate Illicit Discharges (as-needed)
b.ii	I.1.a	Investigate illicit discharge complaints and prepare investigation reports Task Detail: Complaints received will be investigated within the timeframes provided in the MS4 Permit's Progressive Enforcement procedures (MS4 Permit VI.D.2.a). Enforcement actions will be undertaken following these procedures. If needed, within normal working hours inspection staff will be available to respond to any complaint within two hours.
	I.1.b	Correspond with responsible parties and complainants Task detail: This includes scheduling inspections as-needed, discussing corrective actions required, and providing program education as-needed
b.iv.(1)	I.1.c	Conduct follow-up investigations to verify elimination of illicit discharges
VI.D.2	I.2	Enforce cases of noncompliance
2.a.i	I.2.a	Prepare enforcement notices for non-compliance following city ordinances Task detail: For egregious or repeated cases of non-compliance, enforcement notices will be prepared following city ordinances and the MS4 Permit's progressive enforcement requirements. Notices will be sent out only after City approval. If noncompliance persists, the Project Team will work with City enforcement staff to resolve the issue.
2.a.ii	I.2.b	Provide other as-needed enforcement assistance
VI.D.10.e		Spill Response Plan Update Spill Response Plan Task Detail: SWMP document updates are addressed in the Program Management SOW section
		Staff Training is included in the Training SOW section
		Reporting and Record Keeping is included in the Monitoring and Reporting SOW section
		Program Management is included in the Programs Management SOW section

J. Training

Table 14 lists the scope of work to train applicable City staff and contractors in elements of the Planning and Land Development Program, Development Construction Program, Public Agency Activities Program, and Illicit Discharge Program. At the request of the City, JLHA can provide additional in-depth staff training (beyond the one-to-two hour standard training scope) on any component of the MS4 NPDES program.

Table 14. Scope of work for the Training Program

Permit #	Task #	Task
VI.D.7-10		Prepare materials and hold training sessions for targeted city staff positions in:
	7.d	J.1.a LID Plan review process and BMP verification and maintenance inspections Task detail: Intended for plan reviewers and permitting staff. Training includes a slide presentation led by members of the Project Team, Q&A with City staff, and key program forms, templates, and documentation from the revised SWMP. All materials are stored for review and download on JLHA's website for the City.
	8.I.ii.(1)	J.1.b Construction BMP standards and SWPPP review Task detail: Intended for plan reviewers and permitting staff. Training includes a slide presentation led by members of the Project Team, Q&A with City staff, and key program forms, templates, and documentation from the revised SWMP. All materials are stored for review and download on JLHA's website for the City.
	8.I.ii.(2)	J.1.c Construction BMP standards and SWPPP requirements Task detail: Intended for inspection and enforcement staff. Training includes a slide presentation led by members of the Project Team, Q&A with City staff, and key program forms, templates, and documentation from the revised SWMP. All materials are stored for review and download on JLHA's website for the City.
	9.k	J.1.d Applicable elements of the Public Agency Activities Program Task detail: Intended for O&M staff for public facilities and activities. Training includes a slide presentation led by members of the Project Team, Q&A with City staff, and key program forms, templates, and documentation from the revised SWMP. All materials are stored for review and download on JLHA's website for the City.
	10.f.iii	J.1.e Illicit discharge detection, elimination, clean-up, reporting, documentation Task detail: Intended for code enforcement and field staff. Training includes a slide presentation led by members of the Project Team, Q&A with City staff, and key program forms, templates, and documentation from the revised SWMP. All materials are stored for review and download on JLHA's website for the City.
	J.1.f	Other MS4 NPDES training topics as requested by the City

K. Monitoring and Reporting Program

Table 15 lists the scope of work for the Monitoring and Reporting Program. This includes preparation of the Annual Report, record keeping, and database management.

Table 15. Scope of work for the Monitoring and Reporting Program

Permit #	Task #	Task
MRP	K.1	Reporting
	K.1.a	<p>Prepare Individual MS4 NPDES Annual Report</p> <p>Task detail: JLHA will develop Annual Report information request forms and provide them to City staff in August. Completed forms will be reviewed with City staff in September and city data and comments will be incorporated into the Draft Annual Report. JLHA will also collect relevant JLHA program record data and incorporate it into the Draft Annual Report. The County's WRAMPS.ORG database will be updated with LID data and volumetric management results will be incorporated into the Draft Annual Report. Based on data incorporated, responses to program status and assessment elements of the Draft Annual Report will be prepared. The final Draft Annual Report will be reviewed with the City by November 15th. The Individual Annual Report will be submitted prior to the December 15th deadline.</p>
	K.1.b	<p>Assist in preparation of Watershed MS4 NPDES Annual Report</p> <p>Task detail: Preparation of the Watershed MS4 NPDES Annual Report is led by the WMG, which is a service separate from this SOW. The report does requires the submittal of some data from the Individual Annual Report. This task includes compiling and submitting this data, as well as reviewing and providing comments on draft versions of the Watershed MS4 NPDES Annual Report.</p>
VI.D 6.b.i-iii, 7.d.iv, 8.g.i.ii, 10.d.v	K.2	Record Keeping and Database Management
	K.2.a	<p>Update and maintain online GIS database(s) of program records</p> <p>Task detail: This includes records for all programs provided under the scope of work, such as monitoring sites and monitoring results, project and BMP location data, and industrial/commercial facility and construction site inventories, inspection results, investigations, and enforcement actions. The City's MS4Front NPDES database management system will be used for much of this record keeping, and ArcGIS online will be used as a supplemental tool. The Project Team is familiar with MS4Front and its capabilities—such as the creation of customizable forms—through several years of regular use for a number of clients. The Project Team will also update and maintain a website of key program records at whittier.jlha.net to facilitate easy access at any time by City staff.</p>
MRP	K.3	Monitoring
	K.3.a	<p>Review water quality monitoring and outfall screening results</p> <p>Task detail: Water quality monitoring and outfall screening is led by the WMG, which is a service separate from this SOW. However the Project team will review monitoring results as they are provided by the LSGR WMG and update the City with an analysis of the results through correspondence and reports. Results may be incorporated into the Individual Annual Report if they are specific to the City's discharges.</p>

III. Rate Schedule, Assumptions, and Estimated Costs

A. Rate Schedule

Principal	\$185/hr
Director	\$165/hr
Staff Engineer	\$165/hr
Project Manager	\$155/hr
Assistant Project Manager	\$145/hr
Project Engineer	\$145/hr
Compliance Specialist II	\$115/hr
Project Analyst II	\$115/hr
Industrial/commercial facility inspection	\$115/unit
Compliance Specialist I	\$95/hr
Project Analyst I	\$95/hr
Administrative Assistant, Laborer (OSHA 40hr certified)	\$65/hr
State Certified Laboratory Analysis	Cost + 5%
Legal Consultation, Court Appearances/Document review, etc.	\$250/hr
Subcontracted equipment	Cost + 5%

B. Assumptions for Cost Estimate

Table 16 lists the program assumptions proposed for one year of services. These assumptions are used to calculate the annual not-to-exceed fee. If through program implementation it is determined that these quantities are underestimates, the City will be informed. In this event additional work will not be conducted without written approval from the City.

Tables 16. Annual Scope of Work Assumptions

Track	388	industrial/commercial facilities
Conduct	231	industrial/commercial facilities
Conduct	24	follow-ups at industrial/commercial facilities
Prepare	12	enforcement actions at industrial/commercial facilities
Track/review/approve	14	LID Plan projects
Conduct	--	LID BMP verification inspections (as-needed)
Conduct	--	LID BMP maintenance inspections (as-needed)
Conduct	--	LID BMP verification/maintenance follow-up inspections (as-needed)
Review/approve	4	SWPPPs
Track/inspect	8	CGP sites monthly (96 per year)
Conduct	48	follow-ups at construction sites
Prepare	9	enforcement actions at construction sites
Hold	2	staff training sessions on five topics

C. Estimated Not-to-Exceed Fee Proposal

The annual not-to-exceed cost for this project is included in Table 17. Information on the tasks listed are provided under the Scope of Work section of this proposal.

Table 17. Estimated Costs for MS4 NPDES Programs Services

Task name	Team*	Rate	Hours	Cost	Totals
A. Programs Management					\$9,750
A.1 Manage programs	PM	\$155	54	\$8,370	
	PA2	\$115	12	\$1,380	
B. Watershed Management Program Assistance					\$4,975
B.1 Watershed Management Program Assistance	PM	\$155	20	\$3,100	
	PA1	\$115	10	\$1,150	
	PE	\$145	5	\$725	
C. TMDL Programs Assistance					\$2,750
C.1 & C.2 TMDL assistance (including Trash Amendments)	CS1	\$95	16	\$1,520	
	PM	\$155	2	\$310	
	PA2	\$115	8	\$920	
D. Planning and Land Development Program					\$26,390
D.1 LID Plan review	PE	\$145	182	\$26,390	
D.2 LID BMP inspections (as-needed)	PE	\$145	--	--	
E. Development Construction Program					\$23,015
E.1 Inventory state-permitted construction sites	CS2	\$115	4	\$460	
E.2 Review and approve Construction SWPPPs	PE	\$145	12	\$1,740	
E.3 Inspect ≥1 acre sites	CS2	\$115	173	\$19,895	
E.4 Enforce at noncompliant sites	CS2	\$115	8	\$920	
F. Industrial/Commercial Facilities Program					\$20,915
F.1 Track facilities	PA2	\$115	12	\$1,380	
F.2 Educate facility operators	PA1	\$95	4	\$380	
F.3 Inspect facilities	CS2	\$115	255	\$29,325	
FOG Control services discount		(\$50)	231	(\$11,550)	
F.4 Enforce at noncompliant facilities	CS2	\$115	12	\$1,380	
G. Public Agency Activities Program (most services incorporated into other programs)					--
G.1 Inventory public facilities (as-needed)	PA1	\$95	--	--	
G.2 Public agency facility and activity management (as-needed)	PA2	\$115	--	--	
H. Public Information and Participation Program					\$2,090
H.1 Public Participation	CS1	\$95	10	\$950	
H.2 Residential Outreach Program	CS1	\$95	12	\$1,140	
I. Illicit Discharge Detection and Elimination Program (as-needed)					--
I.1 Investigate illicit discharges (as-needed)	CS2	\$115	--	--	
I.2 Enforce cases of noncompliance (as-needed)	CS2	\$115	--	--	
J. Training Program					\$1,620
J.1 Staff Training	PM	\$155	6	\$930	
	PA2	\$115	6	\$690	
K. Monitoring and Reporting Program					\$6,510
K.1 Reporting	PA1	\$95	24	\$2,280	
	PM	\$155	10	\$1,550	
K.2 Record keeping	AA	\$65	9	\$1,300	
	PM	\$155	1	\$1,380	
Total					\$98,015

* AA: Admin. Assistant, CS1/2: Compliance Specialist 1/2, PA1/2: Project Analyst 1/2, PE: Project Engineer, PM: Project Manager

IV. Resumes

The following section includes the resumes of the Project Team.

John L. Hunter, PE

Principal

Education

B.S. Chemical Engineering, CSULB
B.S. Biological Sciences, UCI

Certifications and Licenses

CA Professional Chemical Engineer, 4724
CA Registered Environmental Assessor, 0900
CA Hazardous Substance Removal, A3382
CA General Engineering License, A-582340

Mr. Hunter serves as the Principal of JLHA. He has 31 years of experience in municipal environmental programs and currently oversees: (1) elements of over 40 separate NPDES programs encompassing three counties that covers programs such as: watershed and stormwater management, TMDL implementation, plan reviews, industrial and construction inspections, public agency activities, public outreach, and monitoring/reporting; (2) eleven municipal FOG programs encompassing permitting, inspections and enforcement; (3) seven municipal Used Oil Recycling

programs; (4) three municipal Beverage Container Recycling programs; and (5) two water conservation programs. As of May 2016 Mr. Hunter serves as the chair for the LA Permit Group, which provides area-wide MS4 Permit updates to all affected parties under the LA Region MS4 Permit.

Related Experience

Watershed Management

Lead consultant for the Lower Los Angeles River Watershed Group, the Lower San Gabriel River Watershed Group, the Peninsula Cities Watershed Group, and the Long Beach Near-shore watersheds. Oversaw preparation and oversees continued development of the Watershed Management Programs for these groups. Also participates in the Upper Los Angeles River Watershed Group, the Dominguez Channel Watershed Group, and the Los Cerritos Channel Watershed Group.

Total Maximum Daily Loads

Los Angeles River Metals TMDL: Developed the Reach 1 Metals TMDL Implementation Plan on behalf of nine local agencies. The Plan was used as a source document for the Compliance Schedule in the Lower LA River WMP.

Los Angeles River Trash TMDL: Administered Trash DGR studies and associated compliance reports for multiple cities since 2004. Negotiated client interests with Regional Board staff. Obtained grant funding for and prepared the Hamilton Bowl BMP Study. The study evaluated different end-of-pipe trash capture systems for the Cities of Signal Hill and Long Beach.

MS4 Permit Minimum Control Measures (MCMs)

Oversees MCM elements of MS4 Permits for 37 cities. MCM programs include business and construction site inspections, LID Plan and SWPPP reviews, BMP implementation for public agency activities, illicit discharge investigations, and public outreach.

Representation and advocacy

Represents client interests in meetings with Regional Board staff/members regarding (E)WMPs, TMDLs, and other Permit mandates. Has chaired the Los Angeles River Watershed Management Committee, Santa Monica Bay Bacterial TMDL J7 Subcommittee, and the LA Permit Group. Currently serves as technical lead for the Lower San Gabriel, Lower Los Angeles, and Peninsula Cities Watershed Management Groups.

Education

M.S., Applied Mathematics, CSULB
 B.S., Physics, CSULB

Certifications

CPSWQ, Envirocert (#0842)
 QSD/QSP, CASQA (#22706)
 IGP Trainer of Record, CASQA (#079)

Affiliations

Phi Beta Kappa Society
 Society for Industrial & Applied Math

Cameron McCullough, MS, CPSWQ, QSD/P, IGP ToR

Director

Cameron McCullough has fourteen years of experience in the environmental compliance field, specializing in surface water quality regulation. His experiences include managing the development and implementation of municipal NPDES, TMDL, and FOG Control programs, assisting and training municipal staff in their in-house NPDES programs, and representing client interests in interactions with regulators and other stakeholders.

Recent Experience and Project Qualifications

Municipal NPDES Permit Management: Mr. McCullough serves as a Programs Manager of municipal NPDES Permit programs for multiple cities throughout the Southland. Permits managed include the NPDES stormwater permits—MS4, IGP, CGP—as well as non-stormwater permits and related orders such as those for drinking water system releases and sanitary sewer overflows. Permit programs address (1) stormwater quality for construction, industrial, and municipal activities and post-construction BMPs for development activities, (2) non-stormwater discharges to and from the MS4, (3) TMDLs for water bodies impaired by trash, metals, toxics, and bacteria, and (4) surface water quality monitoring. Through his program management activities, he has developed qualifications that meet those required to serve as the Project Manager for this project. Specific examples of these qualifications include:

- Serving as a Project Manager for contracted MS4 NPDES Program assistance for local cities. (Lomita, Glendale, Hawthorne, Monterey Park, Placentia, Stanton, Temple City, Villa Park, West Covina, and West Hollywood.) Responsibilities include serving as project point-of-contact, overseeing the Project Team, ensuring successful completion of the project, and representing the client in interactions with regulators and watershed groups.
 - Through these projects Mr. McCullough has served as Project Lead to all subordinate members of the team for this project. As such the team has developed a track record of working together effectively.
- Representing cities in MS4 NPDES Permit compliance audits from the Regional Water Quality Control Board. (Seal Beach 2006, 2010, Stanton 2010, 2014, Big Bear Lake 2007.)
- Developing 1) watershed-based compliance plans for wet and dry weather TMDLs for Metals, Toxics, Bacteria, and Trash (Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watersheds: 2013-2016), 2) municipal Stormwater Quality Management Programs (Stanton 2011, Villa Park 2015) and 3) SWPPPs (Downey, Norwalk, Lynwood, Pico Rivera, West Covina: 2011-2016).
- Leading hundreds of municipal training sessions in MS4, IGP, CGP, and Drinking Water System NPDES Permits, as well as SSO spill response and FOG control. (26 municipal clients from 2004-2016, covering 3 State Water Board Regions and 5 Phase I MS4 Permits.)

Watershed Management: Mr. McCullough served as a Project Manager for the development of the Watershed Management Programs (WMPs) for the Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watershed Groups (2013-2016). The WMPs were developed by MS4 Permittees with shared watershed boundaries, with the objective of achieving surface water quality standards. Tasks included identifying water quality priorities, evaluating existing control measures, developing new control measures and compliance schedules, and providing quantitative reasonable assurance to attain water quality standards. He has also lead multi-jurisdictional workshops and technical committees on watershed management program implementation, and engaged with Regional Water Quality Control Board members, staff and non-governmental organizations in support of contested issues regarding the watershed management compliance approach.

Through representation of municipal clients’ stakeholder interests, Mr. McCullough has also participated in the development of watershed management programs and monitoring programs for the Los Cerritos Channel, Dominguez Channel, Upper Los Angeles River, and Upper San Gabriel River (2013-present).

Jillian Brickey, MS, CPSWQ, QSD/P, CGP ToR*Director***11 Years of Experience in Water Quality****Education**

M.S., Environmental Science, CSUF

B.S., Zoology, Cal State Poly Pomona

Certifications

CPSWQ, Envirocert (#0845)

QSD/QSP, CASQA (#22731)

CGP Trainer of Record, CASQA

Jillian Brickey has eleven years of experience in environmental management, specializing in stormwater and watershed management and water conservation. Her relevant experiences include implementing and managing NPDES municipal Permit programs for Low Impact Development, Development Construction, and TMDL/watershed management. Tasks include includes plan review and approval, reporting, training municipal staff in program implementation, and representing client interests in interactions with regulators and other stakeholders.

Recent Experience and Project Qualifications

Municipal NPDES Permit Management: Ms. Brickey serves as a Programs Manager of municipal NPDES Permit programs for multiple cities throughout the Southland. NPDES Permits managed include all elements of the MS4 and CGP Permits, including erosion/sediment control and Low Impact Development (LID) for construction projects, and TMDL implementation for water bodies impaired by trash, metals, toxics, and bacteria. Through these management activities, she has:

- Represented cities in MS4 NPDES Permit New Development compliance audits from the Regional Water Quality Control Board. (Seal Beach: 2010, 2015, Stanton: 2010).
- Developed TMDL compliance plans for Metals, Toxics, Bacteria, and Trash. (Lower Los Angeles River, Lower San Gabriel River, Long Beach Nearshore Watersheds: 2013-2016.)
- Served as primary contact with clients and represented their interests when interacting with regulators. (Covina, La Habra, Seal Beach, South Pasadena, Stanton, Pasadena, West Hollywood).
- Developed Stormwater Quality Management Programs (Seal Beach: 2011), LID compliance guideline documents (Gateway cities, 2014), and LID ordinances (2014).
- Held CGP QSD/QSP training as a CGP ToR (Pasadena, 2016) and led over one hundred municipal training sessions in MS4 and CGP Permits. (Over 20 municipal clients: 2008-2016).
- Reviewed on behalf of municipal clients hundreds of LID Plans, WQMPs, and SWPPPs and verified proper installation and maintenance of hundreds of LID BMPs.
- Supervised JLHA plan checking staff.

Watershed Management: Ms. Brickey served as a Project Manager for the development of the Watershed Management Programs (WMPs) for the Lower Los Angeles River and Lower San Gabriel River Watershed Groups (2013-2016). The WMPs were developed by MS4 Permittees with shared watershed boundaries, with the objective of achieving surface water quality standards. Tasks included evaluating existing control measures and developing new control measures and compliance schedules to achieve water quality standards. She also oversaw the development and implementation of LID ordinances as required by the WMP development process. This included preparing a LID Ordinance Equivalency Demonstration for the City of Long Beach.

She has also lead multi-jurisdictional workshops and technical committees on watershed management program implementation, and engaged with Regional Water Quality Control Board members, staff and non-governmental organizations in support of contested issues regarding the watershed management compliance approach. Through representation of municipal clients' stakeholder interests, Ms. Brickey has also participated in the development of watershed management programs and monitoring programs for the Upper Los Angeles River, Upper San Gabriel River, and Peninsula Cities Watershed Groups (2013-present).

Michelle Staffield, MSE, CPSWQ, QSD
Water Resources Engineer

11 Years of Experience in Water Quality

Education

M.S., Civil Engineering, Loyola Marymount
B.S., Ecology, Behavior, & Evolution, UCSD

Certifications

EIT #141553, NCEES
CPSWQ, Envirocert (#1136)
QSD, CASCA (#26529)

Michelle Staffield has managed a variety of water quality improvement programs throughout Southern California. Her relevant experiences and tasks include implementing and managing NPDES municipal permit provisions such as watershed management, planning and land development, TMDL compliance, public information and participation, and representing clients at meetings. She is also involved in the development and review of Water Quality Management Plans (WQMPs), Standard Urban Stormwater Mitigation Plans

(SUSMPs), and Watershed Management Programs.

Her current responsibilities include providing municipal NPDES plan checking services, conducting BMP verification and maintenance inspections, representing clients in meetings, and assisting in the implementation of Watershed Management Programs.

Michelle's client-specific responsibilities at JLHA include:

- Reviewing LID Plans following the standards of the Los Angeles County area-wide MS4 Permit for the cities of Diamond Bar, Downey, Monterey Park, Norwalk, Pasadena, Santa Fe Springs, Signal Hill, South Gate, and West Hollywood.
- Reviewing WQMPs following the standards of the North Orange County area-wide MS4 Permit for the cities of Buena Park, La Habra, Seal Beach, and Stanton. (WQMPs are the Orange County-equivalent of Los Angeles County's LID Plans.)
- Serving as point-of-contact with project engineers for the LID Plan and WQMP review process.
- Conducting post-construction BMP inspections for the City of West Hollywood.
- Assisting in municipal TMDL compliance activities, including the preparation of Trash TMDL studies and compliance reports.
- Assisting in MS4 Permit Project Management for the Cities of South Gate and Signal Hill. Tasks include serving as a point-of-contact with City staff, representing city interests at watershed meetings and other NPDES-related meetings and hearings, and preparing the Individual Annual Report.

Assisting in Project Management of Watershed Management efforts under the LA County area-wide MS4 Permit. (Lower Los Angeles River and Lower San Gabriel River Watershed Management Groups.) Tasks include administering meetings, managing subcontractors, and preparing the watershed Annual Report.

Hugo Garcia, CESSWI, QSP
Environmental Compliance Specialist II

Education

B.S., Environmental Science, UCR

Certifications and Training

CESSWI, Envirocert (#4769)

QSP, CASQA (#26091)

Professional Certificate in GIS

24 Hour HAZWOPER

Basic Inspector Academy, Cal EPA

Spanish fluency

Hugo Garcia has six years of experience with John L. Hunter & Associates, specializing in NPDES and Industrial Waste/FOG Control regulations. His experiences include MS4 compliance of the Public Information and Participation, Industrial/Commercial, Construction, Public Agency, and Illicit Connections & Illicit Discharge Elimination Programs. In addition, Hugo provides assistance with TMDL implementation and serves as the lead GIS Specialist providing spatial analysis to clients in the Los Angeles and Orange counties.

Recent Experience and Project Qualifications

Mr. Garcia currently serves as an Environmental Compliance Specialist II whose responsibilities include field compliance inspections for local cities (La Habra, South Gate, and Whittier), and providing assistance with the implementation of the several Watershed Management Programs in the Los Angeles County. Specific examples of these and past qualifications include:

- Conducting over 2,000 NPDES compliance inspections at Industrial/Commercial (i.e. auto, restaurant, nursery), and State-permitted construction sites
- Assisting with the implementation and reporting of the LA River's Trash TMDL DGR Study
- Assisting with the development of the Lower LA River Watershed Management Group Trash Monitoring Reporting Plan (TMRP).
- Assisting with the development of a Stormwater Pollution Prevention Plan (SWPPP) for both Signal Hill and West Covina facilities, as required by the State's Industrial General Permit (IGP) program.
- Developing and maintaining GIS databases of 1) MS4 outfall locations with and without Non-Stormwater Discharges, 2) retrofitted catch basin storm drain systems, and 3) potential sites for multi-agency, multi-watershed low impact development (LID) regional projects throughout the Los Angeles River and San Gabriel River watersheds
- Reviewing preliminary plumbing plans for new development and tenant improvement projects at Industrial Waste/FOG facilities in the cities of Arcadia, Signal Hill, South El Monte, South Gate, and Stanton
- Preparing a Spill, Prevention, Control, and Countermeasure (SPCC) Plan for the City of South Gate's Corporation Yard and providing training

Rosalinda Tandoc, PE
Staff Civil Engineer

Overview

Ms. Tandoc has over 30 years of experience reviewing and approving structural and architectural plans. Her specialty lies in reviewing and approving such plans for compliance with Permits (including MS4), City ordinances (including LID and Green Streets/Fats, Oils, and Grease/Industrial Waste/Erosion Control), Building Codes, and other State Laws. At JLHA, she has been instrumental in expediting plan review and approval for issuance of permits, interacting with clients to troubleshoot project development problems, and expediently facilitating completion of client projects. She has done this for all of JLHA’s past and current clients, which now includes 23 cities.

Education

Master of Science in Civil Engineering
California State University, Long Beach

Certifications and Licenses

CA Registered Civil Engineer

Related Experience

**With JLHA
 (Starting 2006)**

- Reviews structural and architectural plans and residential and large and complicated buildings for compliance with the MS4 Permit, City Ordinances and State Law.
- Interacts with developers to facilitate completion of their projects
- Worked with the Principal in investigating problems presented to them.
- Code Consultant

Prior Experience:

- Los Angeles County Department of Public Works Building and Safety Division (1979 – 2006)
- Coordinated with local agencies in expediting the issuance of permits
- Assisted Permit Technician in solving problems that he or she may have incurred in the processing of permits and other related problems that need to be resolved at the counter.
- Assisted the City in developing ways and methods of expediting the processing of plans for issuance of permits.
- Assisted the City in developing plans and methods for effective office organization in the City Building Department in working with the City Planning Department.

Personal Advancement Courses

Engineering Management
 Communication
 Diversity Training
 Business and English Writings
 Supervisory Management

Achievements/Volunteer Works

Outstanding Woman of 1998, City of Cerritos
 Greater Long Beach Girl Scout Council
 Cerritos Senior Center, City of Cerritos
 St. Linus Parish, Norwalk, CA
 Cathedral of Our Lady of the Angels, Los Angeles



City of Whittier

13230 Penn Street, Whittier, California 90602-1772
(562) 567-9500

DRAFT

February 26, 2020

John L. Hunter, President
John L. Hunter and Associates
6131 Orangethorpe Ave., Ste. 300
Buena Park, CA 90620

Subject: Extension of Professional Services Agreement (A18-108)

Dear Mr. Hunter:

This letter serves as approval to extend the current Professional Services Agreement (A18-108) for an additional year for the continued assistance with MS4 Permit compliance and implementation of the FOG control program. A purchase order will be prepared for a total not-to-exceed amount of \$137,525 (\$39,510 for the FOG control program and \$98,015 for MS4 Permit compliance activities). The extension will expire on February 26, 2021.

The Certificate of Liability Insurance the City has on file expires August 5, 2020 and your business license expires May 31, 2020. Please plan to update these documents before the expiration dates.

Should you have any questions, please contact Ms. Vicki Smith, Public Works Manager, at vsmith@cityofwhittier.org or (562) 567-9506.

Sincerely,

Brian Saeki
City Manager



Agenda Report

City Council

Date: February 25, 2020

To: Brian Saeki, City Manager

From: Kyle Cason, Director of Public Works
Isaac Bravo, Civil Engineering Assistant

Subject: Uptown Whittier Parking Structure - Additional Mitigation Measures for Uptown Whittier Businesses

RECOMMENDATION

Adopt Resolution No. 2020-10 adopting mitigation measure for the Uptown Whittier Parking Structure project by approving Uptown Whittier Businesses immediately impacted by construction permits for parking at the multi-deck parking structure.

BACKGROUND

On November 12, 2019, the City Council awarded a construction contract to Largo Concrete Inc. to build a 3.5 level structure on City owned Surface Lot 7 located between Bailey Street and Philadelphia Street on Comstock Avenue. The Uptown Whittier Parking Structure will have 351 parking stalls, electric vehicle charging stations, be solar ready, and automated.

DISCUSSION

The new parking structure is in construction on City-owned Surface Lot 7, which formerly held 104 parking stalls. In anticipation of the parking structure project and loss of the 104 stalls on Lot 7, the City constructed a 127-stall temporary parking surface lot on a City-owned lot a block away located between Hadley Street and Bailey Street on Comstock Avenue. At the October 8, 2019 and November 12, 2019 Council Meetings the Uptown Whittier Association stated that businesses continue to be impacted even with the existing mitigation.

On February 11, 2020, the Association met with City staff to discuss additional mitigating measures for the businesses located in the immediate area of the parking structure project. The Association proposed allowing businesses impacted to have monthly or annual passes issued for employees to use at the multi-deck at a reduced or no cost.

Impacted businesses are identified as businesses within 300' of the parking structure project which do not have sufficient on-site parking or have no other City lot located nearby. Attachment B shows a diagram of the 300' area, the businesses within the area, and provides a list of Assessor's Identification No. (AIN) of properties which would be eligible for no-fee parking passes for the multi-deck. Should Council approve the no-fee

Agenda Item No. 13.A.

February 25, 2020

passes, staff will work with the Uptown Association on an allocation and distribution method for the impacted businesses.

The multi-deck rate structure currently offers monthly passes at a rate of \$40 for Level 1 parking and \$20 for Levels 2 - 6. Presbyterian Intercommunity Hospital (PIH) has reserved parking on half of Level 6 and on Levels 7 and 8 from 8:00 AM to 5:00 PM Monday through Friday. The rate was established with Resolution No. 2019-40 and in accordance with Section 271 of Ordinance No. 2240 for annual assessment of Parking District No.1 in the Uptown area.

FISCAL IMPACT

This mitigation measure carries a maximum potential loss of revenue of \$31,200 over the next 12 months.

ATTACHMENTS

- A. Resolution No. 2020-10
- B. Impacted Businesses Information

RESOLUTION NO. 2020-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING MITIGATION MEASURES FOR THE UPTOWN WHITTIER PARKING STRUCTURE PROJECT BY APPROVING UPTOWN WHITTIER BUSINESSES IMMEDIATELY IMPACTED BY CONSTRUCTION PERMITS FOR PARKING AT THE MULTI-DECK PARKING STRUCTURE

RECITALS

- A. The City Council of Whittier, California awarded a construction contract to Largo Concrete Incorporated, of Tustin, California.
- B. Construction of the Whittier Uptown Parking Structure is expected to last a year.
- C. The City Council wishes to mitigate the impact of construction to Uptown Whittier businesses immediately impacted by the construction of the parking structure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this resolution.

SECTION 2. In order to qualify for no fee permits the applicant must provide a current and active City business license, and have a business within the approved impacted businesses area identified in Section 3.

SECTION 3. Impacted Businesses Area:



SECTION 4. A total of 130 parking permits for the Uptown Whittier Multi-Deck Parking Structure will be offered to businesses at no fee with a maximum of five permits per business on a first-come first-serve basis.

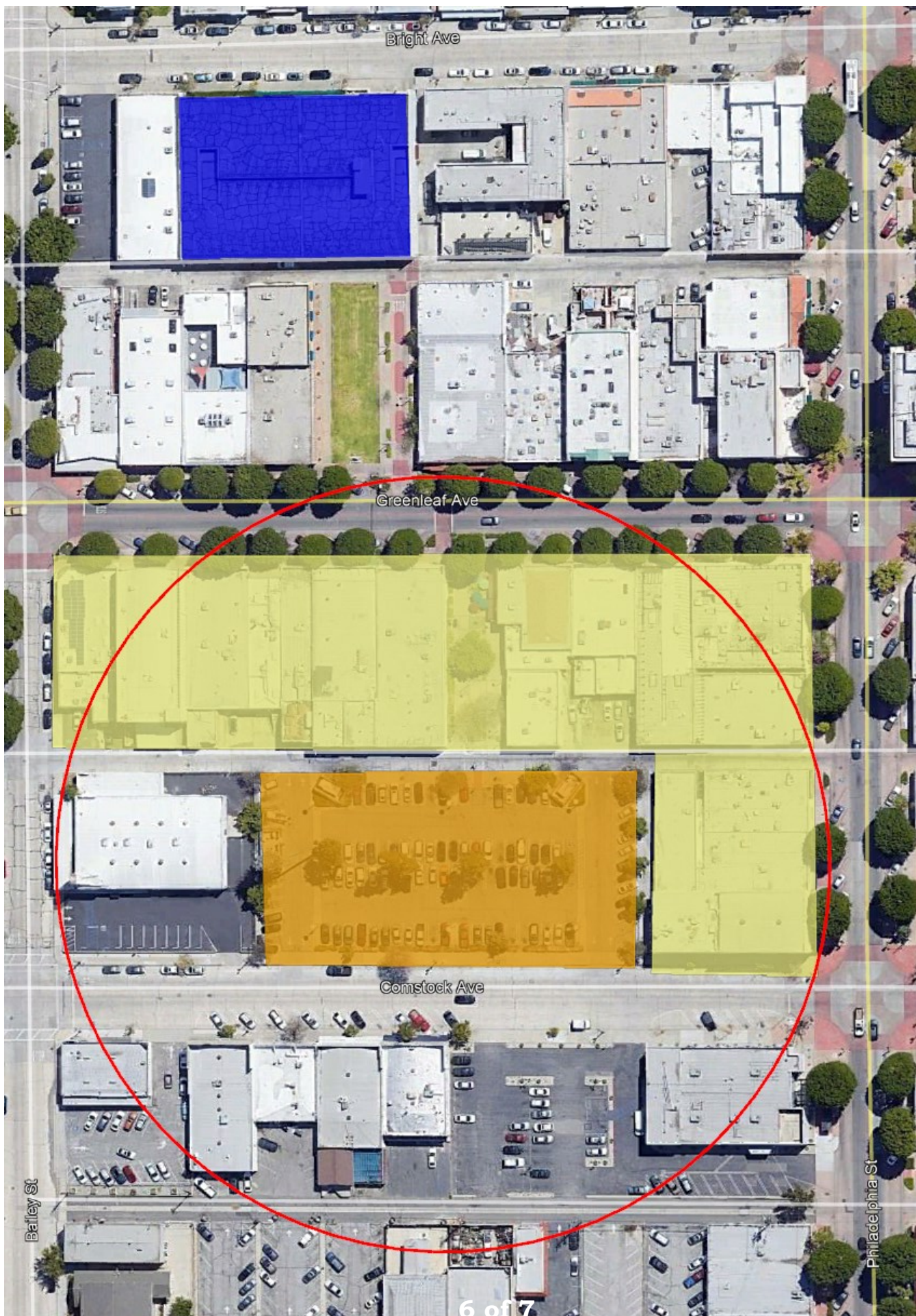
SECTION 5. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 25th day of February 2020.

JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)



Multi-Deck Parking

Impacted Businesses

Construction Zone



AIN's of Impacted Businesses		
6705 Greenleaf Ave	Whittier, CA	90601
6709 Greenleaf Ave	Whittier, CA	90601
6713 Greenleaf Ave	Whittier, CA	90601
6717 Greenleaf Ave	Whittier, CA	90601
6719 Greenleaf Ave	Whittier, CA	90601
6723 Greenleaf Ave	Whittier, CA	90601
6727 Greenleaf Ave	Whittier, CA	90601
6729 Greenleaf Ave	Whittier, CA	90601
6733 Greenleaf Ave	Whittier, CA	90601
6745 Greenleaf Ave	Whittier, CA	90601
6757 Greenleaf Ave	Whittier, CA	90601
12901 Philadelphia St	Whittier, CA	90601
12911 Philadelphia St	Whittier, CA	90601