

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
DECEMBER 14, 2010, 6:30 P.M.**

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

**1. CALL TO ORDER:**

**2. ROLL CALL:**

Joe Vinatieri, Council Member  
Owen Newcomer, Council Member  
Bob Henderson, Council Member  
Cathy Warner, Mayor Pro Tem  
J. Greg Nordbak, Mayor

**3. PLEDGE OF ALLEGIANCE:**

**4. PRESENTATIONS:**

**4.A Blue Star Presentations**

Michael Meza, Melissa Banuelos and Family  
John and Ruby Rios and Family  
Yvonne Banuelos and Family  
Margarita Cuadras and Francisco Aguilar

**4.B Pony Baseball Shetland World Series Champions**

**4.C Social Services Volunteers of the Year**

**4.D Businesses of the Month**

Presbyterian Intercommunity Hospital  
Shannon G's Flowers

**4.E Suburban Water – Park Irrigation**

**5. ORAL COMMUNICATIONS:** This is the time for the public to address the City Council, Redevelopment Agency or Utility Authority regarding any item of City, Agency or Authority business except for public hearing matters. Public hearing comments will be received during the hearings. Speakers must limit their comments to three minutes.

*(NOTE: Pursuant to State law, the City Council, Redevelopment Agency, and Utility Authority cannot take action or express a consensus of approval or disapproval on any oral communications which do not appear on the printed agenda.)*

- 6. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CONSENT CALENDAR:** All items on the Consent Calendar may be approved by a single motion followed by a roll call vote. If a Council Member, Agency Member or Utility Director wishes to discuss a Consent Calendar item, the item may be removed from the calendar at the request of any Council/Agency Member or Director.
- 6.A** It is recommended the City Council deny claims filed by Luis Gomez Lopez, Vicente Cano, Stacy Wilkinson, Eileen Ridge, Raymond Win, Kruse Properties LLC, Greg Stearns, Krystine Martinez, June Grainger, Mercury Insurance for Felissa Garcia, Marcos Barriga, Raul E. Lopez, Michael Romero, Mark Martinez, Mercury Insurance for Ramon R. Fernandez, and Toro Enterprises, Inc.
- 6.B** It is recommended the City Council, Agency Board and Board of Directors approve the Minutes of the Regular Meeting of November 23, 2010.
- 6.C** The Cultural Arts Commission recommends the City Council approve an Art in Public Places Project in the amount of \$85,000 in the Uptown Gallerias located in the 6500 and 6700 blocks of Greenleaf on the west side and 6500 and 7000 blocks of Greenleaf on the east side.
- 6.D** It is recommended the City Council receive and file the following Planning Commission action unless review is requested by a Council Member: Approval of Conditional Use Permit No. CUP91-013 (M-1) to upgrade an existing beer and wine license (Type 41) to a general alcohol license (Type 47) for on-site consumption, extend the hours of operation until 2:00 a.m., and allow limited live entertainment for an existing restaurant doing business as "Uptown Mexican Café" located at 7040 Greenleaf Avenue; Owner: Akarakian Theaters; Applicants: Humberto and Diane Rojo.
- 6.E** It is recommended the City Council award a contract for the Pool Replastering Project at the Palm Park for \$68,000, reject all other bids, and authorize the City Manager to execute the contract.
- 6.F** It is recommended the City Council receive and file an update on a donation from Southern California Edison via the Whittier Conservancy for the installation of an arbor structure at Palm Station on the Whittier Greenway Trail; and approve the Greenway Trail Council Subcommittee recommendation regarding wording for an acknowledgement plaque at the Station.

- 6.G** It is recommended the City Council approve a request from SPIRITT Family Services to provide a support letter for its two grant proposals to the Los Angeles County Department of Substance Abuse Prevention and Control.
- 6.H** It is recommended the City Council approve the Proposition A Grant Program Memorandum of Understanding (MOU) for Collecting and Reporting Data for the National Transit Database for Report Years 2005-06 and 2006-07 and authorize the City Manager to execute the MOU; and adopt Resolution No. 8330 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-11 Budget to add the National Transit Database Grant Revenue into the Transportation Proposition A Revenue Fund and authorizing the City Manager to execute the National Transit Database Memorandum of Understanding with Metro".
- 6.I** The Park, Recreation, and Community Services Commission recommends the City Council approve a fee waiver of \$108 and a request for usage of the Palm Park tennis courts for Whittier College.
- 6.J** It is recommended the City Council accept the completed "Smart" Irrigation System Upgrades at Parnell and Anaconda Parks funded by Suburban Water at a cost of \$31,900.
- 6.K** It is recommended the City Council receive and file the Gateway Cities Council of Governments' update for October 2010.
- 6.L** It is recommended the City Council receive and file a police construction project update report.
- 6.M** It is recommended the City Council adopt Resolution No. 8331 entitled, "A Resolution of the City Council of the City of Whittier, California, repealing Resolution No. 8200 and modifying Police Department monetary penalties associated with the unlawful standing and/or parking of vehicles," relating to a parking citation state surcharge.
- 6.N** It is recommended the City Council approve the draft plans and specifications for the La Cuarta Street Reconstruction from Whittier Boulevard to College Avenue, Federal Project No. ESPL-5111(054); and authorize the City Clerk-Treasurer to advertise for construction bids after the plans and specifications have been signed by the City Engineer.

- 6.O** It is recommended the City Council adopt Resolution No. 8332 entitled, "A Resolution of the City Council of the City of Whittier, California, approving program supplement to the Local Agency-State Agreement for Highway Safety Improvement Program Funded Project" for the Beverly Boulevard Safety Improvements Project No. HSIPL-5111(059), 605 Freeway to Norwalk Boulevard/Workman Mill Road; and authorize the City Manager to execute the agreement.
- 6.P** The Parking and Transportation Commission recommends the City Council adopt Resolution No. 8333 entitled, "A Resolution of the City Council of the City of Whittier, California, rescinding conflicting portions of Resolution Nos. 3552 and 3947, removing certain vehicular traffic restrictions relating to street parking on Chestnut Street and Carnell Street" to remove the 2-hour parking zone on Chestnut Street from 45 to 450 feet east of the centerline of Laurel Avenue and remove the "No Stopping Anytime" zone on the north side of Carnell Street from 65 to 145 feet east of the centerline of Laurel Avenue.
- 6.Q** It is recommended the City Council receive and file the Washington Avenue from Walnut to Penn Streets Two Way Traffic Flow and Parallel Parking report.
- 6.R** It is recommended the City Council approve Final Parcel Map No. 71246, relating to two parcels on the west side of Pioneer Boulevard approximately 100 feet south of Orange Grove Boulevard, including the 4 foot wide right-of-way dedication along Pioneer Boulevard; approve the Subdivision Improvement Agreement; and authorize the City Manager to execute the necessary documents.
- 6.S** It is recommended the City Council approve the draft plans and specifications for the replacement of mechanical equipment and boiler for the air conditioning system at the Central Library; and authorize the City Clerk-Treasurer to advertise for construction bids once the plans and specifications have been signed by the City Engineer.
- 6.T** It is recommended that the City Council receive and file the revised 2011 Forecasted Budget for the Whittier Uptown Association.
- 6.U** It is recommended the Agency Board approve the plans and specifications for demolition of the former Ricker Motors site located at 12540 Washington Boulevard; and authorize the Secretary-Treasurer to advertise for bids.

- 6.V** It is recommended the Agency Board adopt Resolution No. WRA-10-06 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency approving and ratifying a borrowing from the Low and Moderate Income Housing Fund to make the required Fiscal Year 2009-10 Supplemental Educational Revenue Augmentation Fund payment, and making determinations in connection therewith".
- 6.W** It is recommended the City Council approve leasing space to Royal Street Communications for ground equipment at Founders Park; approve Mobilitie to allow Royal Street Communications cellular antennas on the existing cellular tower at Founders Park; and authorize the City Manager to execute related lease agreements and other documents.
- 6.X** It is recommended the City Council adopt Resolution No. 8334 entitled, "A Resolution of the City Council of the City of Whittier, California, delegating authority to the City Controller/Human Resources Director to act on behalf of the City of Whittier" with regard to the California State Association of Counties-Excess Insurance Authority Workers' Compensation Program.
- 6.Y** It is recommended the City Council authorize the City Manager to dispose of 46 Police Department MP5 rifles for destruction.
- 6.Z** It is recommended the City Council adopt Resolution No. 8335 entitled, "A Resolution of the City Council of the City of Whittier, California, granting a transfer of a non-conforming use status between two properties at 12352 and 12252 Whittier Boulevard under common ownership in the Whittier Boulevard Specific Plan and establishing an amortization period".

Proposed Motion: I move that the Consent Calendar be approved as submitted, including awarding a contract to California Commercial Pools (Item 6.E); and that Resolution Nos. 8330 (Item 6.H), 8331 (Item 6.M), 8332 (Item 6.O), 8333 (Item 6.P), WRA-10-06 (Item 6.V), 8334 (Item 6.X), and 8335 (Item 6.Z) be read by title only, further reading be waived, and they be declared adopted.

#### ROLL CALL

#### 7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

**8. PUBLIC HEARINGS:**

**8.A** This is the date and time set and duly noticed for a continued public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 10-003 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Chapter 18.76 (Sign Construction and Placement Requirements) of the Whittier Municipal Code pertaining to Zoning Code provisions for institutional use signage. (Case No. Zoning Code Amendment 10-003; Applicant: City of Whittier)." It is also recommended the City Council authorize staff to do a summary publication of the ordinance. The public hearing was closed on and continued from November 9, 2010.

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

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

**8.B** This is the date and time set and duly noticed for a public hearing to consider adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Lot Line Adjustment No. LLA10-002 to consolidate two lots into one lot, in the City of Whittier (Applicant: Ware Malcomb; Owner: McDonalds Corp.)," for property located at 8840 Painter Avenue.

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

Proposed Motion: I move that Resolution No. 8336 be read by title only, further reading be waived, and it be declared adopted.

**ROLL CALL**

**8.C** This is the date and time set and duly noticed for a public hearing to consider adopting a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, approving Lot Line Adjustment No. LLA10-003 to relocate a property line between the properties located at 12252 Whittier Boulevard and 12352 Whittier Boulevard (Applicant: Thienes Engineering, Inc.; Owner: L & P Property Management)".

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

Proposed Motion: I move that Resolution No. 8337 be read by title only, further reading be waived, and it be declared adopted.

**ROLL CALL**

**8.D** This is the date and time set and duly noticed for a public hearing to consider the following actions relating to adoption of the 2010 California Building Standards Code:

1. Determine that adoption, by reference, of the 2010 California Building Standards Code with errata and amendments thereto is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and authorize staff to file a Notice of Exemption with the County of Los Angeles within five (5) days of adoption of the ordinance;
2. Adopt Resolution No. 8338 entitled "A Resolution of the City Council of the City of Whittier, California, setting forth findings with respect to local conditions within the City of Whittier which make certain modifications and changes to the 2010 California Building Code, the 2010 California Residential Code, and the 2010 California Green Building Standards Code with errata and as amended by the State of California reasonably necessary";
3. Adopt Ordinance No. 2961 entitled "An Ordinance of the City Council of the City of Whittier, California, amending Title 15 of the Whittier Municipal Code, adopting by reference the 2010 California Building Code, the 2010 California Residential Code, and the 2010 California Green Building Standards Code with errata and amendments thereto" to update various provisions of the Whittier Municipal in accordance with the procedures identified in California Government Code Title 5, Division 1, Part 1 (Building Standards Bulletin 99-01); and
4. authorize staff to publish a summary of Ordinance No 2961 and to file a notice of the changes and modifications with the California Building Standards Commission.

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

Proposed Motion: I move to determine that adoption of the 2010 California Building Standards Code with errata and amendments is exempt from CEQA review; authorize staff to file a Notice of Exemption with Los Angeles County; that Resolution No. 8337 be read by title only, further reading be waived, and it be declared adopted; that Ordinance No. 2961 be read by title only, further reading be waived, and this be declared its first reading; authorize summary publication of the ordinance; and authorize staff to file a notice of the changes and modifications with the California Building Standards Commission.

**ROLL CALL**

- 8.E** This is the date and time set and duly noticed for a public hearing to consider adoption of an Urgency Ordinance entitled, "An Urgency Ordinance of the City Council of the City of Whittier extending an interim Urgency Ordinance that established a citywide moratorium on the establishment and operation of medical marijuana dispensaries for an additional period of twelve (12) months" extending the moratorium on establishing and operating medical marijuana dispensaries for one year.

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

Proposed Motion: I move that Urgency Ordinance No. 2962 be read by title only, further reading be waived, and it be declared adopted.

**ROLL CALL**

**9. BOARDS AND COMMISSIONS:**

- 9.A** It is recommended the City Council declare Julie Gonzales' Cultural Arts Commission office vacant; and make an appointment to the vacancy, select applicants for interviews, and/or direct further advertising for the vacancy.

Proposed Motion: I move to declare Julie Gonzales' Cultural Arts Commission office vacant; and\_\_\_\_\_.

**10. CITY STAFF REPORT:**

- 10.A** It is recommended the City Council discuss the potential public safety issues at the Whittier Historic Depot and provide direction to staff on the recommendations provided.

Proposed Motion: I move to \_\_\_\_\_.

**ROLL CALL**

**11. RECESS CITY COUNCIL MEETING AND RECONVENE REDEVELOPMENT AGENCY MEETING:**

**12. AGENCY STAFF REPORT:**

- 12.A** It is recommended the Agency Board approve the Uptown Whittier Parking Management Plan's Park Once District.

Proposed Motion: I move to \_\_\_\_\_.

**13. RECONVENE CITY COUNCIL AND UTILITY AUTHORITY MEETINGS IN JOINT SESSION WITH AGENCY BOARD:**

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

**15. ADJOURN UTILITY AUTHORITY MEETING:**

**16. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:

- 16.A** City Council - Government Code Section 54956.9(a) to discuss the claim of Ellis vs. City of Whittier.

- 16.B** City Council - Government Code Section 54956.9(b) to discuss the claim of Jones vs. City of Whittier.

- 16.C** City Council – Government Code Section 54956.8 to discuss real property negotiations with Delta Engineering representing Verizon relating to price and terms of payment to lease property at 8228 Michigan Avenue; City negotiator: Stephen Helvey.

- 16.D** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 12524 Philadelphia Street; City/Agency negotiator: Stephen Helvey.
- 16.E** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with Ashwood Construction, Inc. and Davila Properties, LLC relating to price and terms of payment for property located at 7017 Milton Avenue; City/Agency negotiator: Stephen Helvey.
- 16.F** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with Ashwood Construction, Inc. and Davila Properties, LLC relating to price and terms of payment for property located at 14640 Whittier Boulevard; City/Agency negotiator: Stephen Helvey.
- 16.G** City Council – Government Code Section 54956.8 to discuss real property negotiations with Southern California Edison relating to price and terms of payment for properties described as APNs 8119-010-904 and 8119-009-905; City negotiator: Stephen Helvey.
- 16.H** City Council – Government Code Section 54947.6, labor negotiations between negotiator Stephen Helvey and unrepresented employees.
- 16.I** City Council – Government Code Section 54956.9(a) to discuss one case of litigation; Case No. BS128995, Open Space Legal Defense Fund, a non-profit organization; Heriberto Diaz and Daniel Duran vs. City of Whittier, et al.

**NOTE:** Council Member Henderson may have a potential conflict of interest on part of Item 16.I and may not participate in full discussion of the item.

- 17. RECONVENE IN OPEN SESSION:**
- 18. CLOSED SESSION REPORT:**
- 19. ADJOURNMENT:** In memory of Herbert Sussman

**Disability-related aids or services are available to enable persons with a disability to participate in this meeting, consistent with the federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the Reception Desk in the downstairs lobby. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk at least 24 hours in advance of the meeting at 562/464-3330.**

**NOTE:** On Saturdays prior to Whittier City Council Meetings, the entire Whittier City Council agenda package is available for review, upon request, at the reference desk in the Central Library (7344 Washington Avenue) and the Whittwood Branch Library (10537 Santa Gertrudes Avenue). The entire agenda package is also available in the City Clerk-Treasurer Department on Mondays prior to Whittier City Council Meetings. Any meeting related writings or documents provided to the majority of the City Council after distribution of the agenda package will be made available in the City Clerk-Treasurer Department, Whittier City Hall, 13230 Penn Street. Any person with questions regarding items on the agenda should contact the City Clerk-Treasurer Department at 562/464-3330.