

**AGENDA  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
MARCH 22, 2011, 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** 1960 California High School Football Team
  - 4.B** Certificates of Commendation – Ashley Colbern and Bruce Wyatt
  - 4.C** Mothers Against Drunk Driving Recognition – Officer James Wright
  - 4.D** Businesses of the Month
    - Greg’s Auto Body
    - Sargent’s Sporting Goods
- 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 Stacy Castillo, Mercury Insurance for Eric A. Nelson, Mary Josie Lira, and Graciella Grace Castillo Jayme.
- 6.B** It is recommended the City Council receive and file the Gateway Cities Council of Governments update for March 2011.
- 6.C** It is recommended the City Council adopt Resolution No. 8363 entitled, "A Resolution of the City Council of the City of Whittier, California rescinding Resolution No. 7496 and designating the City's representatives for the purpose of obtaining federal and/or state disaster financial assistance."
- 6.D** It is recommended the City Council approve a special event permit for the Whittier Uptown Association's Annual Spring Antique Street Faire scheduled for Saturday, April 23, 2011 on Philadelphia Street between Greenleaf and Painter Avenues.
- 6.E** It is recommended the City Council approve the first amendment to Encroachment License Agreement A10-266 for ExxonMobil Oil Corporation for two groundwater monitoring wells installed in December 2010 along the 10700 block of Beverly Boulevard; and authorize the Mayor to execute the amendment.
- 6.F** It is recommended the City Council accept the public improvements as complete for the Whittier Area Community Church; accept the public sidewalk easement; and authorize the City Clerk to execute the easement document.
- 6.G** It is recommended the City Council adopt Resolution No. 8364 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2010-2011 Budget to fund the early replacement of police vehicles," in the amount of \$150,165.

- 6.H** It is recommended the City Council conduct first reading of Ordinance No. 2964 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Sections 8.12.040, 8.26.020 and 8.26.030 of Title 8 (Health and Safety), and Sections 13.08.010 and 13.08.020 of Title 13 (Public Services) of the Whittier Municipal Code regarding the fixing of utility rates and charges."
- 6.I** It is recommended the City Council conduct first reading of Ordinance No. 2965 entitled, "An Ordinance of the City Council of the City of Whittier, California, amending Municipal Code Section 5.12.010 to permit nonprofit organizations to conduct fundraisers using controlled games as a funding mechanism."

Proposed Motion: I move that the Consent Calendar be approved as submitted and that Resolution Nos. 8363 (Item 6.C) and 8364 (Item 6.G) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance Nos. 2964 (Item 6.H) and 2965 (Item 6.I) be read by title only, further reading be waived, and this be declared their first reading.

#### 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 public hearing to consider the recommendation of the Historic Resources Commission to approve Certificate of Appropriateness 09-020 and the recommendation of the Planning Commission to approve Zoning Code Amendment 10-004, for the proposed Earlham Historic District located 13416, 13420, 13504, 13510, 13518, 13522 Earlham Drive and 13521 Penn Street; Applicant: Whittier Conservancy; Owners: Multiple Ownerships. It is recommended the City Council adopt the following:
1. "An Ordinance of the City Council of the City of Whittier, California, to codify the Earlham Historic District by adopting Chapter 18.86 to the Whittier Municipal Code and approve the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefor; (Case No. Zoning Code Amendment 10-004; Applicant: The Whittier Conservancy)"; and

2. "A Resolution of the City Council of the City of Whittier, California, approving Certificate of Appropriateness 09-020 to form the Earham Historic District and place it in the City of Whittier's Local Official Register of Historic Resources and to approve the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefor."

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

Proposed Motion: I move that Ordinance No. 2966 be read by title only, further reading be waived, and this be declared it first reading; and that Resolution No. 8365 be read by title only, further reading be waived, and it be declared adopted.

### ROLL CALL

- 8.B** This is the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-016 and adopt an ordinance entitled, "An Ordinance of the City Council of the City of Whittier, California, approving Zoning Code Amendment 09-016 to amend Section 18.10.030(d) (Walls, Fences and Retaining Walls) of the Whittier Municipal Code. (Applicant: City of Whittier)," pertaining to the development standards and design requirements for walls, fences and retaining walls. It is recommended the City Council authorize staff to do a summary publication of the Ordinance.

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

Proposed Motion: I move that Ordinance No. 2967 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.C** This is the date and time set and duly noticed for a public hearing to receive public comments on non-profit agencies capable or willing to provide the same level of transportation services to senior citizens and people with developmental disabilities by the City of Whittier at a comparable cost to the public; adopt a resolution entitled, "A Resolution of the City Council of the City of Whittier, California, certifying eligibility to apply for Federal Transit Administration Section 5310 Grant funds," for replacement Dial-A-Ride vehicles for the door-to-door program operating in the City; and authorize the City Manager to execute the final grant application.

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

Proposed Motion: I move that Resolution No. 8366 be read by title only, further reading be waived, and it be declared adopted; and to authorize the City Manager to execute the final grant application.

### ROLL CALL

#### 9. BOARDS AND COMMISSIONS:

**9.A** It is recommended the City Council consider filling a vacancy on the Parking and Transportation Commission for an unexpired term ending July 1, 2012.

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

#### 10. STAFF REPORTS:

**10.A** It is recommended the City Council consider approval of a special event permit for the 2011 Whittier Uptown Association's weekly Wednesday Family Fair beginning Wednesday, April 6, 2011 through September 28, 2011.

Proposed Motion: I move to approve the Wednesday Family Fair special event permit.

**10.B** It is recommended the City Council consider approval of the special event permit for a weekly Whittier Uptown Association Sunday Market Place from 8 a.m. to 2 p.m. at the City parking lot between 6517 and 6531 Greenleaf Avenue, provided the Association pays for City services related to the weekly event.

Proposed Motion: I move to approve the Sunday Market Place special event permit, provided the Whittier Uptown Association pays for related City services.

**10.C** It is recommended the City Council reconsider its previous action regarding City of Whittier street name signs; and provide direction to staff.

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

- 10.D** It is recommended the City Council receive an update for the Metro Eastside Gold Line Phase II light rail project; and provide direction regarding future efforts.

Proposed Motion: I move to receive the update report; and direct staff to \_\_\_\_\_.

**11. RESOLUTIONS:**

- 11.A** It is recommended the City Council take the following actions regarding a proposed convenience store located at 10737 Beverly Boulevard (d.b.a. 7-Eleven):

1. Adopt Resolution No. 8367 entitled, "A Resolution of the City Council of the City of Whittier, California, denying Development Review No. DRP10-070 to construct a new 2,500-square foot convenience store (d.b.a. 7-Eleven) located at 10737 Beverly Boulevard (Applicant: Cadence Capital Investments, Terri Dickerhoff; Owner: Sami Othman)";
2. Adopt Resolution No. 8368 entitled, "A Resolution of the City Council of the City of Whittier, California, denying Variance No. VAR10-003 to allow partial intrusion of the building and parking area into the required front and street side yard setbacks and reduce the required driveway throat in conjunction with a convenience store (d.b.a. 7-Eleven) located at 10737 Beverly Boulevard (Applicant: Cadence Capital Investments, Terri Dickerhoff; Owner: Sami Othman)"; and
3. Adopt Resolution No. 8369 entitled, "A Resolution of the City Council of the City of Whittier, California, denying Conditional Use Permit No. CUP10-014 to allow the operation of a new convenience store with 24-hour operation (d.b.a. 7-Eleven) located at 10737 Beverly Boulevard. (Applicant: Cadence Capital Investments, Terri Dickerhoff; Owner: Sami Othman)."

Proposed Motion: I move that Resolution Nos. 8367 through 8369 be read by title only and further reading be waived.

Proposed Motion: I move that Resolution Nos. 8367 through 8369 be declared adopted.

**ROLL CALL**

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

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

14. **ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**
15. **CITY COUNCIL CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
  - 15.A City Council – Government Code Section 54957, City Manager evaluation.
  - 15.B City Council – Government Code Section 54956.9(b)(1) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
  - 15.C 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.
16. **RECONVENE IN OPEN SESSION:**
17. **CLOSED SESSION REPORT:**
18. **ADJOURNMENT:**
19. **NEXT MEETING:** Tuesday, April 12, 2011 at 6:30 p.m.

**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.