

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 10, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on February 10, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 6:32 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street.

2. ROLL CALL:

**COUNCIL MEMBERS/AGENCY
MEMBERS/AUTHORITY
DIRECTORS PRESENT:**

J. Greg Nordbak, Council Member/Agency
Member/Authority Director
Cathy Warner, Council Member/Agency
Member/Authority Director
Owen Newcomer, Council Member/Agency
Member/Authority Director
Bob Henderson, Mayor Pro Tem /Vice
Chair
Joe Vinatieri, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney/Authority/
Counsel
Toni Maiques, Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Warner led the Pledge of Allegiance.

4.A PROCLAMATION - AMERICAN HEART ASSOCIATION

Mayor Vinatieri presented American Heart Association Director of Advocacy Dora Gil a Proclamation in recognition of February as American Heart Month.

Ms. Gil thanked the Mayor for the recognition; she said that heart disease is the number one killer of women; and that heart attack symptoms are much different for women than men.

4.B SHUT YOUR TAP!

Bob Apodaca, Central Basin Water District, thanked the Mayor and the City for their support of the Shut Your Tap! Water Conservation Program; presented a Proclamation to the Mayor for support of the Program; and said the objective of the Program is to conserve water and exhibit good stewardship.

ANNOUNCEMENT:

Mayor Vinatieri made the following announcement regarding Guilford Hall Historic Review:

As part of its construction program, Whittier College requested a demolition permit for the building at 13501 Earlham Drive known as Guildford Hall. Due to the age of the structure, approval of the demolition permit was subject to the building being evaluated for eligibility to be listed on the Local Official Register of Historic Resources.

At a City Council meeting held December 30, 2008 Mayor Pro Tem Henderson requested City Council review of the Historic Resources Commission consideration of the Guilford Hall building and requested the City Council conduct a discretionary review of the possible historical nature of the property. Subsequently, Whittier College withdrew its request for a demolition permit and Mayor Pro Tem Henderson withdrew his request for City Council review of the matter. Therefore, at this time, no further action is scheduled regarding historic review of Guilford Hall.

Council Member Warner requested review of the City's Historic Resources ordinance.

Mayor Pro Tem Henderson said he had requested review of the Guilford Hall item to allow time to think about it before proceeding; he was glad to remove his request for consideration; and that Whittier College and the Whittier Conservancy had come to a consensus.

5. ORAL COMMUNICATIONS:

Gil Soto; American Legion Service Officer for VFW Post 51, presented a Certificate of Distinction to Mayor Vinatieri and Council Member Newcomer for judging the National Oratorical Speech Contest held at California High School; and announced Kimberly Borretto was the winner. He said the American Legion was chartered in 1919;

their post was the 51st post chartered in California; and Richard Nixon was a 51st Post Member.

Yahaira Ortiz, introduced herself as the area representative for Assemblyman Tony Mendoza; she reported that budget negotiations are continuing; she said there should be a vote on the budget by the end of week; and said that Leila Avila and Charlene Dimas-Peinado of Whittier are two District-wide Women of the Year finalists for Outstanding Leadership.

Maryanne Bokatich, Whittier Area Chamber of Commerce, announced the Wake Up Whittier Networking Breakfast at Fiesta Hall on February 11; the Silver Shield Banquet on February 20; and the Legislative meeting on February 27 with Christine Guerrero from the League of California Cities as the guest speaker.

Derek Alatorre, South Coast Air Quality Management District, said he will be attending the City Manager breakfast in March and the Gateway Cities Council of Governments (COG) May meeting to discuss the offset credit bank court ruling; and he announced a leaf blower exchange scheduled for this spring to encourage exchanging gas blowers for hybrid blowers.

Dorothea Boyd, 13503 Sycamore, Whittier, congratulated the City Council and City staff on completion of the Greenway Trail; and said that Whittier was rated "A" in Historic Preservation by the Los Angeles Conservancy.

Fred Hawthorne, Whittier, said the graffiti removal and Police Department budgets have increased; the drop out rate has increased; and the City needs to educate the public and allocate money for children in order to reduce graffiti.

Arturo Cambron, La Forge Street, Whittier, said he is concerned about racist graffiti and the drop out rate; he said the Police and graffiti budgets have increased, yet crime and graffiti incidents are up; and he said he wants the City Council to take a proactive approach and meet with the community.

Andrea Bellamy, Freiberg Street, Whittier, said she is concerned about the City's image regarding public safety, vandalism, hate crimes, graffiti and murder, which affect property values; she wants a clean, safe environment; and she said the positives are diminished with focus on the negatives.

Allison Hicks, Mar Vista Street, Whittier, said she is concerned about economic development in the City; she wants to know if the City Council has a plan for development; and she submitted a list of suggestions for economic development.

Captain Will Ware; said he came to the Salvation Army in October; he announced the 11th Annual Whittier Prayer Summit; and he prayed for City leaders and the community.

Jack Carmichael, Battel's Hardware, Whittier; said he has obtained 560 signatures on a petition supporting Battel's regarding his Code Enforcement issue with storage containers; he said it has been a humbling experience; and he thanked the City Council for their support.

Arthur Rock, Whittier, said having authority does not give someone the right to treat people with disrespect.

Mayor Vinatieri left the Council Chamber at 7:08 p.m. He resumed his seat at the dais at 7:09 p.m.

Ralph Marsico; Whittier, said it is good to discuss the potential litigation regarding code enforcement and Battel's Hardware; he believes all of the things his father has done in the City are good; he said his father helped people in the City before First Day was established; and he is getting an education that money cannot buy.

George Poochigian, Whittier; said much of the graffiti people are complaining about is in the County area; the Police response time is not quick enough; he believes there is favoritism during Oral Communications; and he said all speakers should be given three minutes.

Matt Berkelhammer, 7515 Van Port Avenue; said he lives in the County area; he is part of the Whittier community; he shops in the Uptown area; racist graffiti at The Great Steak was designed to intimidate and harass the restaurant owner; the City cannot allow perpetrators of hate crime to get a hold in the community; and he believes the City Council needs to be proactive in educating the community.

Aaron Valdez, Sunrise Drive, Whittier, said he would like notification of events coming in the City; and he suggested including notification in water bills.

Joe Marsico, Whittier; requested a public hearing regarding street sweeping; he said trolleys pay for themselves; and he is excited about the prospect of trolleys in the City.

Ken Metzger; Whittier; said people needing containers similar to Battel's Hardware should consider a conditional use permit process; he thanked the Street department for cleaning the alleys; he said there is a problem with overflow trash; he is hoping for a recommendation to deal with trash overflow; he could not find information regarding City easements on private property; and he said the Police have been proactive in his neighborhood.

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

Council Member Warner requested separate consideration of Item 6.E.

It was moved by Mayor Pro Tem/Vice Chair Henderson, seconded by Council/Agency Member/Director Newcomer, and carried unanimously, by roll call vote, that the Consent Calendar, except Item 6.E, be approved as submitted including awarding contracts to Roy Allan Slurry Seal, Inc. and Savannah Tech (Item 6.D); and that Resolution No. 8183 (Item 6.C) and Ordinance Nos. 2918 (Item 6.F); 2919 (Item 6.G); and 2920 (Item 6.H) be read by title only, further reading be waived, and they be declared adopted.

- 6.A** The City Council denied claims filed by David G. Hendershot, Mariela Zabala, California Asset Portfolio, Edmund and Kim Granados, Ben Goldman, and Cheryl L. Lento.
- 6.B** The following actions were taken regarding minutes:
 - 1. City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of January 13, 2009; and
 - 2. City Council approved the Minutes of the Adjourned Regular Meeting of January 20, 2009.
- 6.C** The City Council adopted Resolution No. 8183 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) JOINT POWERS AGREEMENT (JPA)"; and authorized the City Manager to execute the Agreement.
- 6.D** The City Council awarded the construction contract to Roy Allan Slurry Seal, Inc., for the Pavement Surface Treatment on Various Streets Fiscal Year 2008-09 project and rejected all other bids; approved the construction inspection contract to Savannah Tech for the project; and authorized the City Manager to execute the contracts.
- 6.F** The City Council conducted second reading and adopted Ordinance No. 2918 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AMENDING TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE WITH THE ADDITION OF CHAPTER 18.47 (WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY) AND AMENDING TITLE 12 (STREETS SIDEWALKS AND PUBLIC PLACES) BY ADDING CHAPTER 12.56 (WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY, RELATING TO THE DEVELOPMENT AND REGULATION OF WIRELESS TELECOMMUNICATION FACILITIES ON PUBLIC AND PRIVATE PROPERTY IN ADDITION TO THE MANAGEMENT OF THE PUBLIC RIGHT-OF-WAY"; and authorized summary publication of the ordinance.

- 6.G** The City Council conducted second reading and adopted Ordinance No. 2919 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO AMEND CHAPTER 18.44 (ADULT ENTERTAINMENT ESTABLISHMENTS) (CASE: ZONING CODE AMENDMENT 08-007)," to update adult entertainment business regulations; and authorized summary publication of the ordinance.
- 6.H** The City Council conducted second reading and adopted Ordinance No. 2920 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AMENDING TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE BY ADDING CHAPTER 18.99 ENTITLED, "PARKING STRUCTURE DEVELOPMENT STANDARDS AND DESIGN GUIDELINES" UNDER ZONING CODE AMENDMENT 08-008."
- 6.I** The City Council received and filed the Gateway Cities Council of Governments' 91/605/405 Major Corridor Study – January 2009 status report.
- 6.J** The City Council authorized staff to advertise for bids to install new playground equipment and resilient rubber surfacing at J. G. Whittier Park.
- 6.K** The City Council received and filed the 2007-2008 General Plan Annual Progress Report; and directed staff to forward a copy to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.
- 6.L** The City Council accepted the work performed by Del Terra Construction, Inc. for the Greenway Trail construction project; and authorized the City Clerk to record the Notice of Completion.

6.E AWARD OF CONTRACT – CITY HALL CARPET REPLACEMENT PROJECT

Council Member Warner said she had concerns regarding irregularities in the bids received; and requested that all bids be rejected and the project be re-bid. She said that she had been contacted by a local business that does this type of work but had not been contacted about the project; and she had concerns about allegations made regarding improprieties in the City's carpet bidding process.

Mayor Vinatieri said he had concerns about the bids; he believes that many of the smaller local retailers are not familiar with the bidding process for public projects; and due to so many irregularities in the bids received, he would like all the bids rejected and wants the project re-bid.

Based on Council Member Warner's comments regarding allegations of improprieties in the carpet bidding process, City Manager Helvey recommended the item be added to the agenda to be discussed in Closed Session prior to taking action.

It was moved by Mayor Pro Tem Henderson, seconded by Council Member Warner, and carried unanimously to add a Closed Session item to the agenda regarding agenda Item 6.E because the need to act arose after the agenda was posted and cannot reasonably wait for the next meeting.

City Attorney Jones advised that removing the item from the Consent Calendar for Closed Session discussion will not preclude the City Council from taking action on the item after the Closed Session.

Please see Page No. 10.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Vinatieri recessed the Redevelopment Agency and Utility Authority meetings at 7:34 p.m.

8.A CONSOLIDATION OF ADVISORY BOARDS

Assistant City Manager Mendez presented the staff report and stated that as part of the budget review, consolidation of some of the Boards and Commissions was one of the issues to be considered; that most of the fiscal impacts are related to staff costs regarding agenda and minutes preparation, and staffing meetings.; and the annual costs for the Historic Resources Commission (HRC) are \$17,200, based on last year's schedule.

In response to Council Members, Community Development Director Collier said the tiering code amendment being developed by staff would have come forward without the HRC; eliminating the Design Review Board (DRB) would reduce staff time for report preparation and meeting follow-up; the Planning Commission can be used for development review; and a staff administrative committee could be formalized to conduct over-the-counter reviews.

Following discussion, it was moved by Mayor Pro Tem Henderson, seconded by Council Member Nordbak, and carried unanimously, to direct staff to return with a report explaining how the functions of the Design Review Board will be internalized and carried out by staff, with some of the functions merged into the Planning Commission; and to leave all other Boards and Commissions in tact.

Mayor Vinatieri recessed the City Council meeting at 8:05 p.m. He reconvened the meeting at 8:16 p.m. with all Council Members present.

8.B PLANNING COMMISSION VACANCY

Following discussion, staff was directed to contact the three current Design Review Board Members offering them the opportunity to submit applications for the Planning Commission vacancy; and to return with a report on February 24, 2009 for City Council consideration for filling the vacancy.

9.A BUS STOP IMPROVEMENT TRANSIT SUBCOMMITTEE

Following brief discussion, the City Council concurred not to establish a Bus Stop Improvement subcommittee.

9.B 2009 INDEPENDENCE DAY CELEBRATION

Following discussion, staff was directed to return with a report with options for a lower-cost Independence Day Celebration without fireworks.

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

Mayor Vinatieri reconvened the Redevelopment Agency and Utility Authority in joint session with the City Council at 8:25 p.m.

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

All Council Members congratulated staff on the successful Greenway Trail grand opening event.

Council Member Nordbak requested staff notify landscape contractors in the City about the Air Quality Management District (AQMD) leaf-blower exchange program.

Council Member Warner requested that review of the conditional use permit (CUP) for Steve's BBQ be scheduled for consideration before the scheduled six-month review in May 2009.

Mayor Pro Tem Henderson said he would make a motion for reconsideration of the Steve's BBQ CUP in Council Member Warner's absence, if necessary.

Council Member Newcomer requested the AQMD leaf blower exchange program be broadcast on Channel 6 to inform landscapers and residents.

Mayor Vinatieri reported he spoke with City legislators and the State Librarian in Sacramento last week, and discussed the Nelles property, the Library site, and the State budget situation.

Mayor Vinatieri read a biography of Lily Jean Friedhoff and announced he would adjourn the meeting in her memory.

12. ADJOURN UTILITY AUTHORITY MEETING:

13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended the City Council go into Closed Session to discuss five items including Item 13.E, the potential litigation matter added relating to Agenda Item 6.E.

13.A City Council - Government Code Section 54956.9(b) to discuss one case of potential litigation based on a letter received from Jack Carmichael on January 20, 2009 relating to property located at 13238 E. Whittier Boulevard.

13.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with RGH Holdings regarding price and terms of payment for properties located at 12423 and 12425 Whittier Boulevard; City/Agency negotiator: Jeffrey Collier.

NOTE: Mayor Vinatieri and Council Members Nordbak and Warner have conflicts of interest on Item 13.B. At a blind draw held on December 9, 2008, Mayor Vinatieri was drawn back into the discussions of the item; Council Members Nordbak and Warner will not participate in discussion due to the conflicts of interest.

13.C City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, the Whittier Police Officers' Association and unrepresented employees.

13.D City Council - Government Code Section 54956.9(a) to discuss two cases of litigation:
1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.

13.E. City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation regarding the proposed contract to Reliable Floor Covering, Inc. for the City Hall Carpet Replacement Project.

Mayor Vinatieri recessed the joint meeting to Closed Session at 8:45 p.m.

14. RECONVENE IN OPEN SESSION:

Mayor Vinatieri reconvened the joint meeting in Open Session at 9:17 p.m.

15. CLOSED SESSION REPORT:

Please see Page No. 7.

6.E CITY HALL CARPET REPLACEMENT

City Manager Helvey reported that any issue of potential wrongdoing on Item 6.E had been clarified and resolved; he read the Item into the record to waive the informality in the bid documentation submitted by Reliable Floor Covering, Inc.; award the City Hall Carpet Replacement project to Reliable Floor Covering, Inc. and reject all other bids; and authorize the City Manager to sign the contract.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Henderson, and carried, by roll call vote, with Council Member Warner and Mayor Vinatieri dissenting, to waive the informality in the bid documentation submitted by Reliable Floor Covering, Inc.; award the City Hall Carpet Replacement Project contract to Reliable Floor Covering, Inc. and reject all other bids; and authorize the City Manager to sign the contract.

16. ADJOURNMENT:

Mayor Vinatieri adjourned the joint meeting at 9:19 p.m. in memory of Lily Jean Friedhoff.

Respectfully submitted,

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