

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
FEBRUARY 24, 2009**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on February 24, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 6:33 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  
Owen Newcomer, Council Member/Agency  
Member/Authority Director  
Bob Henderson, Mayor Pro Tem /Vice  
Chair  
Joe Vinatieri, Mayor/Chair

**COUNCIL MEMBER/AGENCY  
MEMBER/AUTHORITY  
DIRECTOR ABSENT:**

Cathy Warner, Council Member/Agency  
Member/Authority Director

**OTHER OFFICIALS PRESENT:**

Stephen W. Helvey, City Manager/  
Executive Director  
Richard D. Jones, City Attorney/Authority/  
Counsel  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer

**3. PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Henderson led the Pledge of Allegiance.

**4.A PRESENTATIONS: SILVER STAR PROCLAMATION**

Mayor Vinatieri announced that, on behalf of the City Council, he was proclaiming May 1<sup>st</sup> Silver Star Banner Day in Whittier to honor all those who have been wounded or died serving in the military.

Rear Admiral Mike Shatynski spoke regarding the importance of honoring military service and the impact it has in foreign countries. He thanked the veterans and service men and women, and their families for their contributions.

Mayor Vinatieri presented the Proclamation to Art Castro, President of the American Legion Post 51, and Jose Ramos.

Mr. Castro thanked the City Council and Admiral Shatynski for the recognition. Mr. Ramos noted the City of Whittier was the first city in the country to support the Welcome Home Viet Nam Veterans' Program and invited everyone to attend a March 29, 2009, Viet Nam Veterans' event.

#### **4.B PRESENTATION: BLUE STAR, FRAN SHIELDS**

Mayor Vinatieri presented Fran and Mike Shields, parents of Army Specialist, Sean Shields, and his daughters, Kaylee and Cheyenne, with a Blue Star Award in honor of his service.

Rear Admiral Shatynski presented the Shields family with a window banner, decal and lapel pins.

Mrs. Shields, Community Services Director, thanked the City Council for the recognition. She announced that Sarah Tillman, who has coordinated the City's Art in Public Places Program, was leaving her employment with the City.

#### **5. ORAL COMMUNICATIONS:**

Dana Vafiades, La Habra, speaking on behalf of Sunrise Drive residents, said the mainstream media is no longer camped out in the area to cover issues relating to the birth of Nadya Suleman's octuplets, but tabloid media are still in the area leaving trash, creating safety concerns and creating congestion on the streets; therefore, the residents were seeking help from the City Council.

Rick Robinson, Whittier, said he lives in the Sunrise Drive cul-de-sac which has been the subject of the media coverage; that the mainstream media was professional, but now the 10 to 15 people gathering in the cul-de-sac seem to be tabloid media and are creating problems by littering the flower beds and the street, and chasing members of the Suleman family in their cars.

Arthur Rock, Whittier, congratulated those who were honored by presentations tonight and at the Silver Shield Banquet the previous week; reported that Community Development Director Jeff Collier had assisted people who were injured in an automobile accident in Whittier; and said he had written to the newspaper proposing a recall in Whittier to encourage the City Council to try harder.

Jon Traw, 14435 Eastridge Drive, Whittier, presented the City Council with a summary of Whittier Sunrise Rotary Club activities and requested the community support the "Battle of the Bands" on March 6, 2009.

Ralph Marsico, Whittier, said his father is in jail after being hospitalized for medical treatment and requested people pray for him.

Michael Carcomas and Hector Lopez said they had formed a non-profit organization, Control of Sanitation of Shopping Carts (COSOSC), to test shopping cart conditions in order to protect the public health. They presented materials on their program to the City Council.

Mayor Pro Tem Henderson suggested the speakers contact the Los Angeles County Health Department because they handle health programs in the City.

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

Council Member Newcomer requested separate consideration of agenda Items 6.H and 6.N

Mayor Vinatieri pulled Item 6.G from the Consent Calendar.

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Henderson, and carried by roll call vote, with Council/Agency Member/Director Warner absent; to approve the Consent Calendar with the exception of Items 6.G, 6.H, and 6.N, including awarding a contract to Magicool, Inc.; and that Resolution Nos. 8184 and WRA-09-02, and WUA-09-01 be read by title only, further reading be waived, and they be declared adopted.

**6.A** The City Council denied claims filed by Yvette Sanchez, State Farm Insurance for insured John and Helen Koval, Wheels Inc., Mary Pappas, Kenneth Metzger, and Frank Henry Cruz.

**6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of January 27, 2009.

**6.C** The Board of Directors approved the agreement with the Central Basin Municipal Water District (CBMWD) to operate the CBMWD water treatment plant; and adopted Resolution No. WUA-09-01 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY, AMENDING THE FISCAL YEAR 2008-09 BUDGET FOR ADDITIONAL FUNDS IN TEMPORARY PART-TIME WAGES FOR ADDITIONAL LABOR NEEDED TO PROVIDE OPERATION AND MAINTENANCE SERVICES TO THE CENTRAL

BASIN MUNICIPAL WATER DISTRICT TREATMENT PLANT,” in the amount of \$10,800.

- 6.D** The City Council awarded the Senior Center Air Conditioner Replacement Project (Final Phase) to Magicool, Inc., rejected all other bids, and authorized the City Manager to sign the contract.
- 6.E** The City Council approved the Right-of-Way Use Agreement with Sunesys, LLC, in substantially the form submitted, for the installation of underground conduit and fiber optics for East Whittier City School District in multiple locations within the public right-of-way throughout the City; and authorized the City Manager to execute the Agreement.
- 6.F** The City Council approved the specifications and standard plans for the construction of access ramps per the Accessibility Committee priority list; and authorized the City Clerk to advertise for construction bids.
- 6.I** The Agency Board and City Council took the following actions regarding the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area:
  - 1. Adopted Resolution No. WRA-09-02 entitled, “A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL ON THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA”; and
  - 2. Adopted Resolution No. 8184 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ACKNOWLEDGING RECEIPT FROM THE WHITTIER REDEVELOPMENT AGENCY OF THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA AND THE REPORT TO THE CITY COUNCIL CONCERNING THE AMENDMENT.”
- 6.J** The City Council approved a special event permit for the Whittier Uptown Association’s Spring Antique Street Faire on Saturday, April 25, 2009 from 8:00 a.m. to 4:00 p.m., on Philadelphia Street between Greenleaf and Painter Avenues.
- 6.K** The City Council approved a special event permit for the Walk 4 Life event sponsored by the Whittier Pregnancy Care Clinic on Saturday, March 7, 2009 starting at 8:30 a.m., beginning and ending at the Whittier Pregnancy Care Clinic, 16147 E. Whittier Boulevard

- 6.L** The City Council approved a special event permit for the Whittier Area Community Church Prayer for the City on Saturday, March 28, 2009 from 7:00 a.m. to 8:00 a.m. in front of City Hall.
- 6.M** The City Council approved a special event permit request for the 2009 Whittier Uptown Association's weekly Wednesday Night Family Fair from 5:00 p.m. to 9:00 p.m. on Greenleaf Avenue between Hadley and Philadelphia Streets, beginning March 4, 2009 and ending October 28, 2009.
- 6.O** The City Council received and filed the following Historic Resources Commission action: Approval of Certificate of Appropriateness 08-008 to construct a 1,075 square-foot addition; construct a detached two-car garage; convert an existing garage to an accessory living area; and do a comprehensive window change-out for a single-family residence located at 15932 Russell Street; Owners: Marco and Christina Morales.

#### **6. G MILITARY VETERAN PARKING ORDINANCE**

It was moved by Mayor Vinatieri and seconded by Council Member Newcomer that Ordinance No. 2921, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING WHITTIER MUNICIPAL CODE CHAPTER 10.16 RELATED TO THE PARKING OF MILITARY VETERAN VEHICLES IN METERED PARKING SPACES," be read by title only, further reading be waived and this be declared its first reading.

Mayor Pro Tem Henderson confirmed with Public Works Director Pelser that qualified veteran drivers are subject to all parking regulations, but do not pay parking fees. He requested staff make sure metered lots have a time break so that vehicles cannot be parked permanently in a lot

The motion carried with Council Member Warner absent.

#### **6.H CONDITIONAL USE PERMIT NO. C07-003, 13033 PHILADELPHIA STREET**

Council Member Newcomer requested review of the Planning Commission's approval of Conditional Use Permit No. C07-003 to permit the daily hours of operation for a proposed restaurant known as "Setá" located at 13033 Philadelphia Street to 2:00 a.m.; Applicant/Owner Javier Jimenez.

#### **6.N AGREEMENT FOR MARKET ANALYSIS AND RETAIL RECRUITMENT STUDY**

Agency Member Newcomer said he requested separate consideration of the item because he planned to vote against the contract.

It was moved by Vice Chair Henderson, seconded by Agency Member Nordbak, and carried, with Agency Member Warner absent and Agency Member Newcomer dissenting, that the Agency Board approve a Professional Services Agreement with Buxton Company for \$70,000.00 to conduct an analysis to determine unmet retail demand that may be met by local small businesses and by new retailers that would potentially locate in Whittier, and authorize the Executive Director to execute the agreement.

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

Mayor Vinatieri recessed the Redevelopment Agency and Utility Authority meetings at 7:21 p.m.

**8. A CONTINUED PUBLIC HEARING – VARIANCE V08-004, 14856 MAR VISTA STREET**

City Manager Helvey advised it was the date and time set and duly noticed for a continued de novo public hearing to review the decision of the Planning Commission to deny Variance V08-004, to allow an over height (up to 15 feet in certain locations) and view obscuring masonry wall for a single-family residence at 14856 Mar Vista Street; Applicant: Hugo Gutierrez. He advised the public hearing was originally set for January 27, 2009, was continued to February 24, 2009, and at the applicant's request, staff was recommending it be continued to Tuesday, March 24, 2009, at 6:30 p.m.

It was moved by Mayor Pro Tem Henderson, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, to continue the public hearing to Tuesday, March 24, 2009, at 6:30 p.m.

**9.A BOARD AND COMMISSION APPOINTMENTS**

City Manager Helvey announced that Council Member Warner had requested the City Council continue discussion on filling the Planning Commission and Cultural Arts Commission vacancies until she could be present, but supported the City Council proceeding with consideration of reappointment of eligible incumbent Board and Commission Members.

It was moved by Council Member Nordbak, seconded by Mayor Pro Tem Henderson, and carried, with Council Member Warner absent, to reappoint the following advisory board members to terms ending July 1, 2013: Eileen R. Bigelow to the Board of Library Trustees; Joan Meister to the Cultural Arts Commission; Jane Gothold to the Historic Resources Commission; Todd T. DeVoe to the Park and Recreation Commission; and Charles D. Flack to the Personnel Board.

The City Council set dates for Board and Commission interviews for June 2, 2009, and June 16, 2009, at 7:00 p.m.

**10.A CONSIDER EARLY REVIEW OF STEVE'S BBQ CONDITIONAL USE PERMIT**

Mayor Pro Tem Henderson said he had agreed, in Council Member Warner's absence, to move for reconsideration of early review of the Conditional Use Permit (CUP) for Steve's BBQ.

It was moved by Mayor Pro Tem Henderson, seconded by Council Member Nordbak, and carried with Council Member Warner absent and Council Member Newcomer dissenting, to bring back review of Steve's BBQ CUP conditions on March 10, 2009.

**10.B FOURTH OF JULY CELEBRATION**

Following brief discussion, the City Council concurred that due to the budget reduction effort, there would not be a Fourth of July celebration in 2009.

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

Mayor Vinatieri reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 7:33 p.m.

**12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**

Council Member Nordbak requested staff look into the enforcement of laws addressing the Sunrise Drive problems and confirmed with City Manager Helvey that affected residents could request restricted parking on their street. He said discussion regarding reuse of auto dealer property in the Whittier Boulevard Specific Plan area needs to be agendized in light of economic conditions.

Mayor Vinatieri said he agreed the City Council should look at the reuse of property under the Whittier Boulevard Specific Plan and if staff believes more action needs to be taken to address the Sunrise Drive issues, the City Council should look at it.

**13. ADJOURN UTILITY AUTHORITY MEETING:**

**14. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:**

City Manager Helvey recommended the City Council and Agency Board conduct the following Closed Sessions:

- 14.A** 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 14.A. 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.

- 14.B** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Pacific Crest Holdings, LLC regarding price and terms of payment for properties located at 12900 Philadelphia Street and the adjacent Assessor's Parcel No. 8139-023-028 located on the southeast corner of Philadelphia Street and Comstock Avenue; Agency negotiator: Stephen Helvey.

- 14.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.

- 14.D** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.

- 14.E** City Council - Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Gonzalez-Mejia Properties, Inc.

- 14.F** City Council - Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. MBK Homes.

- 14.G** 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.

Mayor Vinatieri adjourned the joint meeting to Closed Session at 7:45 p.m.

Council Member Nordbak left the meeting at 8:56 p.m. due to a potential conflict of interest with Item 14.B.

**15. RECONVENE IN OPEN SESSION:**

Mayor Vinatieri reconvened the joint meeting in Open Session at 9:03 p.m.

**16. CLOSED SESSION REPORT:**

None.

**17. ADJOURNMENT:**

Mayor Vinatieri adjourned the joint meeting at 9:03 p.m. in memory of former Building and Safety Director Del Dick.

Respectfully submitted,

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Kathryn A. Marshall  
City Clerk-Treasurer/  
Secretary Treasurer