

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
AUGUST 25, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on August 25, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:30 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

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

Joe Vinatieri, Council Member/Agency
Member/Authority Director
Owen Newcomer, Council Member/Agency
Member/Authority Director
Greg Nordbak, Mayor Pro Tem /Vice
Chair
Bob Henderson, 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 L. Adams II, Deputy City
Attorney/Deputy Authority Counsel
Toni Maiques, Assistant City Clerk-Treasurer/
Assistant Secretary-Treasurer
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer (8:10 p.m.)

3. PLEDGE OF ALLEGIANCE:

Council Member Newcomer led the Pledge of Allegiance.

4.A BLUE STAR PRESENTATIONS

Mayor Henderson presented Michael and Judi Avalos with a Blue Star flag, decal and pins in recognition of their son Brian, a Private 2nd Class in the United States Army.

Mayor Henderson presented Mark and Cathy Bauknecht with a Blue Star flag, decal and pins in recognition of their son Scott, a Private 2nd Class in the United States Army.

Mayor Henderson said that banners will be hung on Whittier Boulevard in recognition of their service.

4.B LOS ANGELES FIRE DEPARTMENT CHIEF RICHARDSON

Los Angeles County Fire Department Chief Richardson introduced the community awareness fire prevention educational program Ready! Set! Go! and distributed Personal Wildfire Action Plan brochures. He thanked the City for assistance in providing public awareness through Ready! Set! Go! mailers sent to 900 area homes deemed to be located in high risk areas; and for posting information on the City website and local cable channel. He announced a Wildfire Safety Expo to be held Saturday, September 26 at the Senior Center from 10:00 a.m. to 4:00 p.m.; and provided the Los Angeles County Fire Department website: www.fire.lacounty.gov-visit where residents can access the Ready! Set! Go! brochures.

5. ORAL COMMUNICATIONS:

Louis Reyes, Whittier, representing Senator Ron Calderon, thanked the City Council for their leadership for the last five years regarding the Fred C. Nelles facility; said the senator will continue with his commitment for development of the site; announced a press conference on August 26 at the Nelles facility; and said the public was welcome to attend.

Amanda Jezin, 8918 Valley View Avenue, Whittier, spoke regarding the increase in dog licensing fees; she said her concern was the concept that license fees had tripled; and the City has the highest licensing fees in Los Angeles County.

Maryanne Bakotich, Whittier Area Chamber of Commerce, thanked Senator Calderon for his efforts regarding the Nelles facility; and announced a ten-chamber mixer on August 27 at Rose Hills Sky Chapel; the 31st Hathaway golf tournament on September 14 at Friendly Hills Country Club; and the Wake Up Whittier networking breakfast on September 9 at First Family Church.

Erica Maldonado, Oasis Tropical Fruits and Juices; 16545 Leffingwell Road, Whittier; said that since being allowed to post signs outside her business announcing specials, her business has increased 20%; and she thanked the Council for their commitment to supporting small businesses.

Vern Mathison., Associate Pastor, Cornerstone Celebration Center, thanked the City Council for their dedication to the city and its citizens; and prayed for the Council and the community.

Ginny Ball, representing the Assistance League of Whittier; distributed a brochure for The Greenway Trail-a-Thon walk, run, jog event on Saturday, October 10 starting and ending at Palm Park.

Joe Marsico, Whittier, said he met with Rodney at Bob & Dave's Towing and Police Captain Piper to get his trolley back; he wants an apology from the City for impounding the trolley; he said his family has been terrorized over last two years; he lives without water or electricity; he has been working since 1976 on street sweeping issues; and since 1985 to bring trolley cars to the City.

Ralph Marsico, Whittier, said he has received two tickets in last month while riding his bicycle; he thinks the validity and issuance of the tickets is questionable; and he will plead not guilty.

Chris Banda, 13034 Putnam Street, Whittier; said he has concerns about Charter Communication; he has received bad service from the cable company; the Federal Communications Commission (FCC) told him the City has input regarding cable companies; he inquired if there is a review process; and he inquired about starting a petition to get a new cable company.

George Poochigian, Whittier; said he has given up on Charter Communications; and he believes the City does nothing for their disabled veterans, such as offering discounts and utility user tax (UUT) exemptions.

Frank Scrow, 7612 Bright Avenue, Apt. D, Whittier; said there is no area in the City where a dog can run free off-leash; he drives to a dog park in Huntington Beach to let his dog off-leash; he believes a dog park will save tax dollars; he said people discard unsociable dogs; and he requested the City consider regulations for dog parks.

Lisa Dabbs, Mar Vista Heights, Whittier; invited the community to the annual Hispanic Outreach Taskforce (HOT) Arte y Musica Festival on August 30 to raise funds for students; she said there will be twelve artists exhibits; and art work will be for sale.

Arthur Rock, Whittier; said how we treat others is the yardstick of personal success; and during the next City election the candidates and issues will decide the election.

Okie, Storage Unit 25; said the cost of a digital converter box is \$40; some antennas do not have amplifiers; and he asked the City Council for help to pay for a converter box.

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

City Manager Helvey recommended removal of Item 6.G for separate consideration because action on the item required direction from the City Council.

Mayor Pro Tem/Vice Chair Nordbak requested separate consideration of Item 6.C.

It was moved by Council/Agency Member/Director Newcomer, seconded by Council/Agency Member/Director Vinatieri, and carried, by roll call vote, with Council/Agency Member/Director Warner absent, to approve the Consent Calendar, with the exception of Items 6.C and 6.G, and that Ordinance No. 2937 be read by title only, further reading be waived, and it be declared adopted.

- 6.A** The City Council denied claims filed by Carlos A. Sermenio; and Mercury Insurance for insured Larry Yslas.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of July 28, 2009, as amended; and August 11, 2009.
- 6.D** The City Council conducted second reading and adopted Ordinance No. 2937 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-011 TO ADD CHAPTER 18.49 (SMOKING LOUNGES) TO THE WHITTIER ZONING CODE AND AMEND SECTION 18.52.030(H) (USES CONDITIONALLY PERMITTED IN THE C-1 ZONE) OF THE WHITTIER ZONING CODE. (APPLICANT: CITY OF WHITTIER)," to establish a smoking lounge ordinance.
- 6.E** The City Council received and filed the following Historic Resources Commission actions:
 - 1. Approval of Certificate of Appropriateness 08-029 to replace an existing exterior staircase and construct a storage area beneath the staircase; construct a second story deck with a storage area beneath the deck at the rear of the property; and replace the garage door on an existing detached garage and remove the interior partition walls for a single family residence located at 12025 Broadway Avenue; Owners: Jose and Emilia Cuevas.
 - 2. Approval of Certificate of Appropriateness 09-008 to construct a 116 square-foot utility and bathroom addition in conjunction with remodeling and expanding an existing detached garage, for a single family residence located at 6036 Haviland Avenue; Owners: Michael and Yolanda O'Sullivan.

3. Approval of Certificate of Appropriateness 09-013 to construct an 828 square-foot addition at the rear of an existing single-family residence located at 11107 Dorland Street; Owner: Melinda Martinez.

6.F The City Council received and filed the Gateway Cities Council of Governments update for August 2009.

6.H The City Council approved Special Event Permits:

1. Assistance League of Whittier First Annual Greenway Trail-A-Thon on Saturday, October 10, 2009 beginning and ending at Palm Park; and
2. Hispanic Outreach Task Force (HOT) Back to School BBQ and Back Pack Give-Away on Saturday, August 29, 2009 at Lee Owens Park.

6.C MAINTENANCE OF IRRIGATION AND LANDSCAPE SYSTEMS

Mayor Pro Tem Nordbak said the City needs to consider installing artificial turf in street medians on Whittier Boulevard and on Colima Road north of Mar Vista Street, to save on water and maintenance costs; and he directed staff to agendaize the item for Council discussion to consider alternatives.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, by roll call vote, with Council Member Warner absent, to approve the specifications for maintenance of landscape and irrigation systems within various areas of the City; and authorize the City Clerk to advertise for bids.

6.G CANDIDATE FORUM POLICY

Assistant City Manager Mendez presented a staff report, and said that after the 2008 General Municipal Election, the City received requests from various organizations requesting assistance from the City to host candidate forums on the City's cable access channel; after the 2008 election, the City Council directed staff to develop a Candidate Policy Forum; the proposed draft Policy outlines some basic considerations for the forums; and requested direction from the City Council on how to proceed.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, providing direction to staff to waive fees for the League of Women Voters Candidate Forum which may be co-sponsored with the University of Women; approve Candidate Forums for all other qualified organizations, requiring them to pay the appropriate fees; to provide equal air time during equal times of the day for all organizations; and that all forums are to be televised live.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor/Chair Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:49 p.m.

8.A ORDINANCE NO. 2927 - MINOR MODIFICATIONS TO APPROVED PROJECTS:

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, with Council Member Warner absent, that Ordinance No. 2927 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO AMEND CHAPTER 18.04.120 (MODIFICATION OF CONDITIONS-PERMITS AND OTHER APPROVALS) OF THE WHITTIER MUNICIPAL CODE BY ADDING TEXT THAT GIVES THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO ADMINISTRATIVELY APPROVE MINOR MODIFICATION(S) TO APPROVED PLANS FROM HIGHER APPROVAL AUTHORITIES. (ZONING CODE AMENDMENT 09-012-CITY OF WHITTIER)," be read by title only and further reading be waived.

It was moved by Council Member Vinatieri, seconded by Mayor Henderson, and carried, by roll call vote, with Council Member Newcomer dissenting and Council Member Warner absent, that Ordinance No. 2927 be declared adopted.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority in Joint Session with City Council at 7:50 p.m.

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

None requiring follow-up.

11. ADJOURN UTILITY AUTHORITY MEETING:

12. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended a Closed Session be held pursuant to:

12.A City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Hitt vs. City of Whittier.

- 12.B** City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, Whittier Police Officers Association, and unrepresented employees.
- 12.C** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:
1. L and P Property Management Company – Assessor Parcel Nos. (APN) 8170-026-009; 8170-026-010; 8170-026-011; and 8170-026-012;
 2. Paul Weil Whittier Properties – APN 8170-026-004
 3. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – APN 8170-026-006;
 4. State of California – APN 8170-013-904;
 5. Southern Pacific Transportation Co. SBE 872 19 254E PAR – APN 8170-013-815 and 8170-013-816;
 6. NWM Corporation – APN 8170-028-013; and
 7. Palm View Assembly of God – APN 8170-012-023
- 12.D** City Council – Government Code Section 54945.9(b)(1) to discuss one case of potential litigation which may ensue against the City due to a dispute with Los Angeles County over entitlement to the revenues to be generated from a mineral extraction lease with Matrix Oil Corporation; over a period of months the County has not accepted the City's view of entitlement to funds and many conversations have occurred with County representatives constituting a threat of litigation.
- 12.E** City Council – Government Code Section 54956.9(b) 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.
- 12.F** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 16249 Citrustree Road.

Mayor/Chair Henderson adjourned the joint meeting to Closed Session at 8:04 p.m. with City Clerk-Treasurer/Secretary-Treasurer Marshall replacing Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques.

13. RECONVENE IN OPEN SESSION:

Mayor/Chair Henderson reconvened the joint meeting in Open Session at 9:17 p.m.

14. CLOSED SESSION REPORT:

None.

15. ADJOURN REDEVELOPMENT AGENCY MEETING:

Chair Henderson adjourned the Redevelopment Agency meeting at 9:17 p.m.

16. ADJOURN CITY COUNCIL MEETING TO TUESDAY, SEPTEMBER 8, 2009 AT 5:30 P.M.:

At 9:17 p.m. Mayor Henderson adjourned the City Council meeting, in memory of Hilmi Ibrahim, to Tuesday, September 8, 2009, at 5:30 p.m.

Respectfully submitted:

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