

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
SEPTEMBER 22, 2009**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on September 22, 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  
Cathy Warner, 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

**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 (8:15 p.m.)  
Toni Maiques, Assistant City Clerk-Treasurer/  
Assistant Secretary-Treasurer

**3. PLEDGE OF ALLEGIANCE:**

Council Member Vinatieri led the Pledge of Allegiance.

**4.A BLUE STAR PRESENTATIONS:**

Mayor Henderson presented Paul and Connie Moore a Blue Star pin, decal and banner in recognition of their son, Paul Andrew Moore, currently serving in Iraq in the United States Army.

Mayor Henderson presented Irene and Henry Valdivia a Blue Star pin, decal and banner in recognition of their son, Angelo R. Soren, serving his second term in Iraq in the United States Marine Corps.

Mayor Henderson presented a Blue Star pin, decal, and banner to Angelina Segura-Wylie, in recognition of her husband Brian, who has completed one tour of duty in Iraq; and is currently stationed in El Segundo in the United States Air Force.

Mayor Henderson presented Alice Martinez with a Blue Star pin, decal and banner in recognition of her daughter Melissa Esquivel, who has served a term in Iraq; and is currently in Drill Instructor School in Perris Island, South Carolina in the United States Marine Corps.

Mayor Henderson presented a Blue Star pin, decal and banner to Melissa Esquivel in recognition of her ex-husband, Freddy A. Esquivel, who has served a term in Iraq; and is currently in Drill Instructor School in the United States Marine Corp.

Mayor Henderson said banners would be hung on Whittier Boulevard in recognition of these military personnel.

#### **4.B PROCLAMATION – AMERICAN RED CROSS**

In recognition of Preparedness Month, Mayor Henderson presented a Proclamation to Brittany Almaya and Shirley Oebel representing the American Red Cross, Rio Hondo Chapter. Ms. Oebel said the American Red Cross offers First Aid and CPR training, and aquatics classes; has a preparedness brochure prepared in English, Spanish and eleven other languages; and community disaster volunteers educate people on fire safety and heat waves, earthquake preparedness and pet safety at health fairs and other events. She said the three steps to prepare for a disaster are to get a kit; make a plan; and be informed about the types of disasters.

#### **5. CLOSED SESSION REPORT – SEPTEMBER 8, 2009**

City Attorney Jones reported that in response to a claim filed by Los Angeles County regarding discharge of storm water, in Closed Session on September 8, 2009 the City Council authorized the City Attorney to execute a tolling agreement to expire in March 2010; and he acknowledged that authorization and said his office would execute the agreement.

#### **6. ORAL COMMUNICATIONS:**

Mariannne Thielman-Williams said she was there at the request of her business due to signage issues and introduced Dick Hopkins. Mr. Hopkins, Kentucky Fried Chicken, said his business has been doing deliveries in the City for eight years to

increase sales; they use aluminum signs to assist with promoting their business at their locations on Leffingwell Road and Whittier Boulevard; he believes car dealers are given preeminent signage; his signs are clean, clear, light weight and do not pose any danger to the public; they include KFC's website and delivery phone number; last year they had \$85,000 in delivery business; they depend on the delivery income; and he requested assistance in being allowed to keep the signs.

Vicki M. Sosa, 7227 Comstock #D; representing the Homeowners Association of Comstock Village, said they have concerns about two issues-parking and homeless people living in their cars; she said it is a chore to find parking on Comstock; people leave their cars parked up to six days; homeless people live in their cars; she was shocked to find out the City does not have an ordinance to prevent homeless people from sleeping in their cars on the streets; she said the men living in their trolley stay on the street in their lounge chairs and loiter; residents find human waste on their properties; as a solution she recommended implementing a parking plan for permit parking on Comstock Sunday through Friday for Comstock residents with proof of residency; and implementing an ordinance that prohibits people from living and sleeping in their cars on City streets.

Judy Gordon, Director of the Women and Children's Crisis Shelter; said the number of male domestic violence victims is growing; last year the Shelter handled 1,729 hot line calls; they sheltered 240 people; they have a teacher at the Shelter from the Whittier School District who provided 2,100 hours of schooling; the state eliminated the Domestic Violence Unit and funding to 94 emergency shelters which equated to \$207,000 per shelter, which is 20% of the Shelter's budget; the Shelter laid off six employees; provided services will suffer; the nearest shelters are located in Long Beach, East Los Angeles, Pasadena and Pomona; and she said the City's assistance is hugely appreciated.

Ted Knoll, 9233 Coachman Avenue; said the Whittier Area First Day Coalition had their 10<sup>th</sup> Anniversary lease signing; with the Keeping Families Together Program they will be opening a triplex for families and a transitional living center where families can stay for up to two years; he thanked Supervisor Knabe, the City, Presbyterian Intercommunity Hospital (PIH), Rio Hondo Foundation, the B.C. McCabe Foundation, and City staff for their assistance and collaboration on the program; he said they will have a ribbon cutting in November; and he acknowledged the partnership with PIH for the Community Benefits-Keeping our Promise to the Community.

David Littlehales, Executive Director of the Rio Hondo Temporary Home; said they were informed three weeks ago to vacate their current location by the end of the year; the seismic level of five creates a risk to families; they have been paying an economical rate since 1992; the facility houses 24 families; they have children and kitchen facilities; last year 32% of the total case load was for Whittier residents; they are

working with the State to alleviate the situation; they have formed an adhoc committee to work with the Board of Directors; and he thanked the City for its support.

Joe Carrillo; Whittier, said he joined the United States Navy 68 years ago; he is a World War II and Korean War veteran; and he is seeking consideration to establish an annual Veteran's Day event.

Robert Canales; Whittier; said Whittier has the lowest unemployment in Los Angeles County at 9%; surrounding cities have double digit unemployment; parking is a problem in the entire City; he said he approached the City about permit parking; out of area residents take up local parking; it is illegal by County and State law for people to sleep in their cars; he has concerns about water, spending, and education ; he said no more schools would close if he was Governor; and he is supporting Meg Whitman for Governor.

Arthur Rock, 7056 Washington Avenue, Whittier, said we are growing to new levels of achievement; in 2010 let's focus on dreams and visions; he said to ask others for their opinions and don't give orders; and he expects better investigative techniques for investigating a restaurant robbery in the Uptown area.

George Poochigian, Whittier, said the traffic congestion near the Senior Center is caused by the Police when they ticket drivers; the Sheriff took six parking stalls on Walnut to ticket drivers; he said Chief Singer is on a Latin American Commission; and he said commissions should include all residents not one group.

Jim Steele, 12625 McGee Drive, Whittier; said he lives in a R-1 neighborhood; the property across the street from him has a house in the back and a duplex in the front; the builder got a permit to add walls; the contractor that built the house had one of his employees living there; the owner did not live on the property; and he is waiting for a response from the City.

Ralph Marsico, said he lives in his trolley by the Coffee Bean and Tea Leaf; he apologized to the neighbors if there have been problems; he said he got a watchdog; he said he and his dad take care of their own problems; many of their problems have been put onto them; they are trying to get on their feet; the City needs to get drug dealers and addicts off street; there are new drugs on the street; the City needs to focus on real crime; his dad may be going to jail; and he needs help.

Ken Metzger, Whittier; said his community's second Neighborhood Watch Program was successful; they have added two more streets to the area; he thanked Mayor Henderson for attending; he said they have formed a Washington Avenue Neighborhood Alliance; they will meet in the spring; and he invited Mayor Pro Tem Nordbak to attend.

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

City Manager Helvey reported Council Member conflicts of interest on the following items:

Council Member Warner on Item 7.C because one of the alleys is within 500 feet of her residence;

Mayor Henderson on Items 7.D and 7.K because the properties are within 500 feet of his business location; Items 7.H and 7.I because the Rio Hondo Temporary Home and Women's and Children's Crisis Shelter are his clients; and 7.J because his business is located in the Uptown Whittier Business Improvement Area; and

Council Member Vinatieri on Item 7.J because his business is located in the Uptown Business Improvement Area.

In response to Council Member Warner, City Attorney Jones said she may have a conflict depending on the size and scope of the alley pavement rehabilitation area; and rather than review all of the maps and the scope of the project he recommended she recuse herself from voting on the item.

Council Members Warner and Vinatieri and Mayor Henderson recused themselves from voting on these items based on the conflicts of interest.

Council Member Newcomer requested separate consideration of Item 7.H.

Council Member Vinatieri requested separate consideration of Item 7.L.

It was moved by Council/Agency Member/Director Newcomer, seconded by Vice Chair/Mayor Pro Tem Nordbak, and carried, by roll call vote, to approve the Consent Calendar, except Items 7.H and 7.L, and that Resolution Nos. 8235 and 8236 be read by title only, further reading be waived, and they be declared adopted, with Council Member Warner recusing herself on Item 7.C; Mayor Henderson recusing himself on Items 7.D, I, J and K; and Council Member Vinatieri recusing himself on Item 7.J.

**7.A** The City Council denied claims filed by Fabiola Hernandez, Michael and Esmeralda Levant, Jose Alfredo Recinos, and Victoria G. Salas.

**7.B** The City Council approved the Minutes of the Adjourned Regular Meeting of September 8, 2009.

- 7.C** The Board of Directors approved contract specifications for Alley Pavement Rehabilitation in Areas 2, 3, 4 & 5 located throughout the City; and authorized the Secretary-Treasurer to advertise for bids.
- 7.D** The City Council received and filed the following Historic Resources Commission action: approval of Certificate of Appropriateness 09-006 to demolish an addition to a duplex that was constructed without permits; comprehensively replace second story duplex windows; and construct a new four-car garage for property located at 6524 Bright Avenue; Owners: Robert and Mary Hohne; Applicant: Patrick Hart.
- 7.E** The Agency Board approved the funding agreement with the Whittier Area First Day Coalition in the amount of \$204,392 to support its transitional housing program and related services for homeless persons in Whittier from July 1, 2009 through June 30, 2010; and authorized the Executive Director to execute the agreement.
- 7.F** The Agency Board approved the Amended and Restated Parking Services Agreement with Greenleaf Hotel, Inc. for parking services at the Radisson Hotel, in the amount of \$12,000 per year, from July 1, 2009 through June 30, 2011; and authorized the Executive Director to execute the agreement.
- 7.G** The City Council received and filed the Local Economic Stimulus and Business Assistance Plan update.
- 7.I** The Agency Board approved the funding agreement with the Women's and Children's Crisis Shelter in the amount of \$34,000 to support its housing of homeless, battered women and their families from July 1, 2009, through June 30, 2010; and authorized the Executive Director to execute the agreement.
- 7.J** The City Council approved the Whittier Uptown Association Annual Report; adopted Resolution No. 8235 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE UPTOWN WHITTIER BUSINESS IMPROVEMENT AREA FOR CALENDAR YEAR 2010"; and set October 27, 2009 for the public hearing.
- 7.K** The City Council adopted Resolution No. 8236 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP09-007 TO ALLOW THE ON-SITE SALE OF BEER AND WINE UNDER A TYPE 41

ALCOHOL LICENSE, EXTENDED HOURS OF OPERATION AND LIVE ENTERTAINMENT FOR A NEW RESTAURANT (D.B.A. BAMBOOZE) LOCATED AT 6518-22 GREENLEAF AVENUE, SUITE 17 AND 18 (APPLICANT: CARLOS FERNANDEZ; OWNERS: KMS INVESTMENT, INC.).”

- 7.M** The City Council received and filed the Fiscal Year 2008-09 Whittier Public Library Annual Report.

**7.H RIO HONDO TEMPORARY HOME**

Following discussion, it was moved by Agency Member Newcomer, seconded by Agency Member Warner, and carried, by roll call vote, with Chair Henderson recusing himself; to approve the funding agreement with the Rio Hondo Temporary Home in the amount of \$50,000 to support its housing of homeless persons and families from Whittier from July 1, 2009 through June 30, 2010; authorize the Executive Director to execute the agreement; and to send letters to the appropriate authorities stating the City supports the Temporary Home and requesting the authorities to work with the organization as much as possible to find suitable replacement lodging.

**7.L PROFESSIONAL SERVICES AGREEMENT – CB RICHARD ELLIS**

Following discussion, it was moved by Agency Member Warner, seconded by Vice Chair Nordbak, and carried unanimously, by roll call vote, to authorize an expenditure not to exceed \$45,000 for consulting services to conduct a market analysis associated with the redevelopment of the Fred C. Nelles Youth Correctional Facility; and direct the Agency Counsel to enter into a Professional Services Agreement with CB Richard Ellis for the consulting services.

**8. RECESS REDEVELOPMENT AGENCY MEETING:**

Mayor Henderson recessed the Redevelopment Agency meeting at 7:32 p.m.

**9.A UTILITY AUTHORITY PUBLIC HEARING – WATER REVENUE BONDS, 2009 SERIES A**

City Manager Helvey announced it was the date and time set and duly noticed for a Utility Authority public hearing to consider the financing of improvements by means of the issuance of Water Revenue Bonds, 2009 Series A (the “Bonds”) in an amount not-to-exceed \$10,000,000. The improvements to be financed with the proceeds of the Bonds include, but are not limited to, the replacement of water mains throughout the City. It was recommended the City Council and Authority Board of Directors take the actions regarding the Whittier Utility Authority Water Revenue Bonds.

Chair Henderson opened the public hearing at 7:34 p.m.

There being no speakers wishing to address the Utility Board of Directors, it was moved by Vice Chair Nordbak, seconded by Director Newcomer, and carried, to close the public hearing at 7:34 p.m.

It was moved by Director/Council Member Newcomer, seconded by Vice Chair/Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Resolution No. WUA-09-06 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,000,000 PRINCIPAL AMOUNT OF ITS WHITTIER UTILITY AUTHORITY WATER REVENUE BONDS, 2009 SERIES A, APPROVING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT AND A PRELIMINARY OFFICIAL STATEMENT, AUTHORIZING AND DIRECTING THE EXECUTION THEREOF AND AUTHORIZING ACTIONS RELATED THERETO"; and Resolution No. 8237 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE ISSUANCE AND SALE BY THE WHITTIER UTILITY AUTHORITY OF NOT TO EXCEED \$10,000,000 PRINCIPAL AMOUNT OF ITS WHITTIER UTILITY AUTHORITY WATER REVENUE BONDS, 2009 SERIES A, AND AUTHORIZING AND DIRECTING THE EXECUTION THEREOF AND AUTHORIZING ACTIONS RELATED THERETO," be read by title only, further reading be waived, and they be declared adopted.

**10. RECESS UTILITY AUTHORITY MEETING:**

Mayor Henderson recessed the Utility Authority meeting at 7:35 p.m.

**11.A CITY COUNCIL PUBLIC HEARING – CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approval of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2008 and ending June 30, 2009. It was recommended the City Council authorize the City Manager to submit the report, along with any public comments received, to the United States Department of Housing and Urban Development (HUD).

Mayor Henderson opened the public hearing at 7:36 p.m.

There being no speakers wishing to address the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, to close the public hearing at 7:36 p.m.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, unanimously, to approve the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2008 and ending June 30, 2009; and to authorize the City Manager to submit the report, along with any public comments received, to the United States Department of Housing and Urban Development (HUD).

#### **12.A CONDITIONAL USE PERMIT C02-08(M-3), STEVE'S BBQ**

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried unanimously, to receive and file the six-month review; and direct staff to return in one year for a follow-up review for Conditional Use Permit for Steve's BBQ located at 7007 Greenleaf Avenue.

The City Council directed staff to return with a report to determine if the City Council wants to consider extending the closing hours for Steve's BBQ to 2:00 a.m.

The City Council directed staff to return with a report to discuss changing the rule for adding items to the agenda.

#### **12.B RELINQUISHMENT OF PORTIONS OF WHITTIER BOULEVARD FROM CALTRANS**

Following discussion, the City Council reached consensus not to consider pursuing relinquishment of portions of Whittier Boulevard from CalTrans, with Council Member Newcomer dissenting.

#### **12.C APPROVE PURCHASES AND SERVICES FOR NEW POLICE FACILITY**

It was moved by Council Member Warner, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to approve the following purchases and services for the new police facility:

1. Communication Center consoles from Russ Bassett Corporation in the amount of \$144,786;
2. Radio system workstation upgrade, microwave relocation, and communications antennas from ComSerCo in the amount of \$130,311;
3. 911 Public Safety Answering Point System (PSAP) from Verizon in the amount of \$272,351; and
4. Logging voice recorder system relocation by Goserco, Inc. in the amount of \$5,175.

**13. 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.

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

Council Member Vinatieri reported he attended the League of California Cities Revenue and Taxation Committee meeting in San Jose on September 16, 2009; the committee opposed the proposal regarding taking money out of banks not willing to do mortgage modifications; he inquired how to proceed regarding Mr. Carrillo's request for a City sponsored Veteran's Day celebration; and directed staff to contact and follow-up with Vicki Amsosa regarding her comments about parking on Comstock Avenue.

Council Member Newcomer reported he attended the League of California Cities Conference in San Jose. He said the League acted on two resolutions that were presented by petition; the League endorsed a resolution to support a proposition for the November 2010 ballot restricting the State from taking or borrowing funds from local governments; and opposed a resolution relieving Southern California Edison of obligation to underground vaults where utilities are underground. He said the proposed Resolution regarding withdrawing funds from banks was withdrawn after it was rejected by the Revenue and Taxation Committee; and passed a Resolution regarding underage drinking as amended to support local efforts against underage drinking.

Mayor Pro Tem Nordbak directed staff follow-up regarding the Sheriff's Department parking at the Senior Center; directed staff to return with a report regarding proposed changes to the Accessibility Committee; and requested the City make a 49<sup>th</sup> Anniversary Presentation to Russ Basset Corporation.

**15. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**

**16. CITY COUNCIL CLOSED SESSION:**

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

**16.A** City Council – Government Code Section 54956.8 to discuss real property negotiations with Kris von Hoetendorff, Anthem Telecommunications, relating to price and terms of payment relating to a proposal to market City-owned properties throughout the City for cellular location sites; City negotiator: Stephen Helvey.

- 16.B** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Gonzalez-Mejia Properties, Inc.
- 16.C** City Council – Government Code Section 54956.8 to discuss real property negotiations with Chuck Gillies, Salvation Army, relating to price and terms of payment, for a portion of the Greenway Trail property adjacent to 7926 Pickering Avenue, AIN #8141-021-900; City negotiator: Stephen Helvey.
- 16.D** City Council - Government Code Section 54956.9(a) to discuss one case of litigation; Hitt vs. City of Whittier.
- 16.E** City Council – Government Code Section 54956.9(b) to discuss the claim of Jones vs. City of Whittier.

Mayor Henderson adjourned the meeting to Closed Session at 8:07 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

**17. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the meeting in Open Session at 9:00 p.m.

**18. CLOSED SESSION REPORT:**

None.

**19. ADJOURNMENT:**

Mayor Henderson adjourned the meeting at 9:00 p.m.

Respectfully submitted:

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