

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

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on November 10, 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

**3. PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Nordbak led the Pledge of Allegiance.

**ANNOUNCEMENTS:**

Mayor Henderson announced the City Council was seeking applicants for an opening on the Planning Commission.

#### **4.A GOLD STAR PRESENTATIONS – ANN-MARIE MANNING AND HELEN DANDINI**

Mayor Henderson read a brief biography of Caleb Ruble Manning, United States Navy Aviation Machinist Mate III, who died in 2008, and presented his mother, Ann-Marie Manning, with a Gold Star pin and banner in honor of her son's service and sacrifice for his country.

Mayor Henderson presented a biography of Garret Dandini, United States Navy Fire Controlman E5/Recruiter, who died this year, and presented Helen and Harry Dandini with a Gold Star pin and banner in honor of their son's service and sacrifice on behalf of his country.

#### **NEW BUSINESS**

City Manager Helvey advised that after the agenda for the meeting was posted, it came to staff's attention that there is a need to consider action on two potential cases of litigation relating to receivership of real property located at 13524 Sycamore Drive and 12345 Beverly Drive; and advised that action on the items cannot reasonably wait for the next regularly-scheduled Council meeting.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried unanimously, by roll call vote, to add Closed Session discussion of potential litigation pursuant to Government Code Section 54956.9(c) relating to receivership of property located at 13524 Sycamore Drive and 12345 Beverly Drive, because the need to act arose after the agenda was posted and cannot reasonably wait for the next regularly scheduled meeting.

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

Dan Pryor, Plymouth Church pastor, 12058 Beverly Boulevard, Whittier, prayed for the City Council and the community.

Dominica Diaz, Nicholas Sanchez, Tonalli Gallegos, and Katerina Kennedy, Broadoaks Children's School, Whittier, invited the City Council and public to attend their annual auction fundraiser, November 20, 2009.

Risha Schodlbauer, Whittier Historic Neighborhood Association President, referenced a letter she had sent to City Manager Helvey in support of the replacement of street signs, in particular in the Historic District, and advised her association is offering financial assistance for the custom design of signs for their neighborhood.

Howard Payne, 13862 Philadelphia Street, Whittier, provided the City Council with a flyer regarding golf instruction and training made available by Veteran's Affairs for veterans, including those with sight disability. He spoke regarding the loss of military personnel at Fort Hood and requested everyone stand for a moment of silence in honor of the soldiers who were killed.

Richard Hopkins, representing two Kentucky Fried Chicken businesses in Whittier, submitted copies of a photograph of a sign he was recently required to remove; and asked the City Council for assistance with signage options available to businesses so that they can reinstate their former signage.

Cheryl Estee, State Farm Insurance, Whittier Chamber of Commerce President, announced Wake-Up Whittier would be held at Presbyterian Intercommunity Hospital on November 11, 2009; and Tasty Tuesday would be held on November 24, 2009, at Sage Restaurant; and, on behalf of the Chamber of Commerce, thanked veterans for their service.

Myra Hilliard, Whittier Historic Museum Executive Director, 5755 Newlin Avenue, Whittier, invited the community to their wine-tasting fundraiser, November 14, 2009, and said that the Museum would welcome a donation of historic City street signs.

Raymond Ramirez, 173<sup>rd</sup> Airborne Brigade, National Memorial Foundation Board Member, Georgia, said the purpose of his organization is to raise funds and build an airborne memorial for sky soldiers in Georgia by June 2010. He identified some of the soldiers who will be honored who were born and raised in the Whittier area; and said the country song, "Eighth of November," was written in tribute to sky soldiers.

Lieutenant Colonel retired Jim Wheeler, Director of Veteran's Outreach for Veterans' Healthcare, 10210 Orr and Day Road, Santa Fe Springs, thanked the City for its veterans celebration held at the Senior Center and announced the Department of Veterans' Affairs will be re-opening the Santa Fe Springs Healthcare Clinic on December 7, 2009.

George Poochigian, Whittier, said he is the Legislative Officer of Post 46 Disabled Veterans; presented Council Members with a forget-me-not in honor of disabled American veterans; and encouraged everyone to consider visiting a veteran who is currently hospitalized.

Ralph Marsico, Whittier, said since he has moved out of his house, the only mail he receives is citations from the Police Department and requested that they cease sending them.

Joe Marsico, Whittier, spoke regarding a hoax relating to his oldest son, healthcare, and liability insurance issues. He said he has requested that Parking and Transportation Commissioners contact him, but they have not done so.

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

It was moved by Mayor Pro Tem/Vice Chair Nordbak, seconded by Council/Agency Member/Director Newcomer and carried unanimously, by roll call vote, to approve the Consent Calendar as submitted, and that Resolution Nos. 8247 and 8248, and Ordinance No. 2939 be read by title only, further reading be waived, and they be declared adopted.

- 6.A** The City Council denied claims filed by Rosalie Alegre, James and Lena Daily, Keith Williams, and Del Terra Construction Services.
- 6.B** The City Council approved the Special Event Permit request for the Whittier Uptown Association 2009 Holiday Events—Grand Illumination on December 4, Christmas Parade on December 12, and Holiday Sonata on December 19.
- 6.C** The City Council adopted Resolution No. 8247 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-2010 BUDGET TO ACCEPT AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FROM THE UNITED STATES DEPARTMENT OF ENERGY,” in the amount of \$768,300.
- 6.D** The City Council adopted Resolution No. 8248 entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE INSTALLATION OF BIKEWAYS ON VARIOUS STREETS.”
- 6.E** The City Council approved an encroachment license agreement with the Friendly Hills Property Owners Association to renovate signs at various locations in the public right-of-way; and authorized the Mayor to sign the Agreement.
- 6.F** The City Council conducted second reading and adopted Ordinance No. 2939 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO ADD CHAPTER 18.67 (TRANSPORTATION DEMAND MANAGEMENT) TO THE WHITTIER MUNICIPAL CODE WHICH INCLUDES REGULATIONS FOR IMPROVING TRAFFIC CONGESTION AND AIR QUALITY IN THE CITY OF WHITTIER AS REQUIRED UNDER THE LOS ANGELES COUNTY CONGESTION MANAGEMENT PLAN. (ZONING CODE AMENDMENT 09-014 – CITY OF WHITTIER).”

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

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:04 p.m.

**8.A PUBLIC HEARING – CUP C02-018(M-4), 7007 GREENLEAF AVENUE, SUITE 101**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approving modifications to Conditional Use Permit No. C02-018 to extend the hours of operation for a restaurant operation and allowable hours for live entertainment for the property located at 7007 Greenleaf Avenue, Suite 101, Owner: Donald J. Lomont; Applicant: Steve Hernandez, Steve's BBQ.

Community Development Director Collier reviewed the applicant's request to change the hours of operation for the restaurant from Sunday through Thursday, 7:00 a.m. to 1:00 a.m., and Friday and Saturday, from 7:00 a.m. to 2:00 a.m., to Monday through Sunday, 7:00 a.m. to 2:00 a.m.; and change the live entertainment hours of operation from Sunday through Thursday, 7:00 a.m. to 12:30 a.m., and Friday and Saturday, 7:00 a.m. to 1:30 a.m., to Monday through Sunday, 7:00 a.m. to 1:30 a.m.; and noted that if the City Council chose to approve the CUP, that action would be taken by a resolution which should be amended to reflect that this is modification number 4, rather than number 3 as indicated on the draft resolution. He responded to questions from Council Member Warner and said the current hours of operation for the business have been in place for approximately a year; a majority of the restaurants in the Uptown Area do not have the hours requested by this applicant; the Police Department has not reported any issues with facilities near Steve's BBQ operating with the hours proposed for this location; and that no concerns have been expressed recently by residents at the Hoover Hotel, the closest residential property to the subject location.

Mayor Henderson opened the public hearing at 7:08 p.m.

Steven Hernandez, 7007 Greenleaf Avenue, Whittier, owner of Steve's BBQ, thanked the Police Department for working with them during the past year to provide advice regarding operation of the business; thanked the property owner, and restaurant staff for working with him; and thanked the City Council for considering the request for him to resume later hours of operation. He said he wants his business to be well-run and be welcome in the City.

There being no one else wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried to close the public hearing at 7:10 p.m.

Council Member Warner advised that since the last time the CUP for this location was before the City Council, she had visited the business to view the operation. Mayor Pro Tem Nordbak and Council Member Vinatieri said they had also been to the business.

Mayor Pro Tem Nordbak and Council Member Vinatieri spoke regarding Mr. Hernandez's improved operation of his business and supported his hours of business being extended.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried unanimously that Resolution No. 8249 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. C02-018(M-4) TO ALLOW MODIFICATIONS TO THE HOURS OF OPERATION FOR RESTAURANT OPERATION AND ALLOWABLE HOURS FOR LIVE ENTERTAINMENT FOR THE PROPERTY LOCATED AT 7007 GREENLEAF AVENUE, SUITE 101. (OWNER: DONALD J. LOMONT, APPLICANT: STEVE HERNANDEZ, STEVE'S BBQ)," be read by title only, as amended, and further reading be waived.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried, by roll call vote, with Council Member Newcomer and Mayor Henderson dissenting, that Resolution No. 8249 be adopted as amended.

Mayor Henderson said his vote was not a reflection on Mr. Hernandez, he does not believe that a 2:00 a.m. closing time is needed during weekdays because restaurants become more of a bar during the late hours.

## **8.B PUBLIC HEARING – ZONING CODE AMENDMENT 09-015, MINIMUM DWELLING UNIT SQUARE FOOTAGE**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider a recommendation of the Planning Commission to approve Zoning Code Amendment 09-015 to amend the Municipal Code to establish minimum residential dwelling unit sizes for all new units constructed in the City of Whittier.

Community Development Director Collier advised the Zoning Code does not address minimum unit size, a common standard for cities to have in place to reflect the community intent as to what is compatible in neighborhoods, generally based on the number of bedrooms; reported the Planning Commission approved the proposed Zoning Code amendment establishing minimum residential unit sizes, on a 3-0 vote, with amendments; said the proposed ordinance is intended to establish minimum unit sizes for single-family detached, attached, and semi-attached units as has been done in the Uptown Whittier Specific Plan. He referred to a chart of proposed minimum dwelling unit's square footage and pointed out that there are different standards for

senior-housing units, multiple-family units, and single-family residential units; and noted that under the City's density bonus program, a developer can apply to develop reduced-sized units as part of a residential or mixed-use affordable housing project. He responded to a question from Council Member Newcomer and agreed the City would be in a better position to negotiate with a developer, to avoid having very small units which are incompatible with the community, if it has minimum unit size standards in place.

Council Members raised issues relating to lofts which staff had not considered; exits which are specified in the building code; and how the single-family home 1,500 square foot minimum was proposed for general neighborhood compatibility.

Mayor Henderson opened the public hearing at 7:23 p.m.

There being no one wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously to the close the Public Hearing.

Council Member Newcomer said he did not believe the 1,500 square foot minimum was appropriate for a single-family residence, he thought 1,200 square feet would be adequate. Council Members discussed the need for a variance to make an exception to the minimum size of a single-family residence; considered establishing a tiered approach based on lot size, or foregoing the minimum single-family home size and leaving it to the market conditions; questioned regulations for replacing houses if the home burns down; and concurred to have the ordinance go forward with a 1,200 square foot minimum for new detached single-family dwelling units.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried unanimously, by roll call vote, that Ordinance No. 2940 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-015 TO ADD CHAPTER 18.10.060 (MINIMUM DWELLING UNIT SQUARE-FOOTAGE) TO THE WHITTIER ZONING CODE AND AMEND SECTION 18.06 (DEFINITIONS) TO ADD SECTION 18.06.044 (BEDROOM/SLEEPING AREA) OF THE WHITTIER ZONING CODE. (APPLICANT: CITY OF WHITTIER)," be read by title only, further reading be waived and this be declared its first reading, as amended to reflect a 1,200 square foot, single-family detached dwelling unit minimum.

## **9.A CITY OF WHITTIER STREET NAME SIGNS**

Following discussion of staff's recommendation for street name signs, the Mayor ordered that a City Council subcommittee comprised of Council Member Vinatieri and Mayor Pro Tem Nordbak meet for the purpose of considering the issues of sign size, whether or not to incorporate the City Seal, community branding, and other variables relating to the proposed new City of Whittier street name sign standards and report back at the City Council's first meeting in December.

## **10.A 2010 GENERAL MUNICIPAL ELECTION**

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, with Mayor Henderson and Mayor Pro Tem Nordbak abstaining, that Resolution No. 8250 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, APRIL 13, 2010, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY PROVISIONS OF THE CITY CHARTER"; Resolution No. 8251 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, APRIL 13, 2010"; and Resolution No. 8252 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, APRIL 13, 2010," as amended to reflect a \$700.00 candidate statement fee, be read by title only, further reading be waived and they be declared adopted; and that Ordinance No. 2941 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING ELECTION PROCEDURES RELATING TO PRECINCT BALLOTS AND POLLING PLACES FOR THE 2010 ELECTION" be read by title only, further reading be waived and this be declared its first reading; and selecting Martin & Chapman Co. as the City's election supplier for the 2010 General Municipal Election and authorizing the City Manager to execute the agreement.

Mayor Henderson said he recused himself from voting on principle because he is a potential candidate for the election.

## **10.B POTENTIAL EARLHAM HISTORIC DISTRICT**

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried with Council Member Warner dissenting, to instruct staff to return a report by the first Council meeting in January, providing legal advice on time constraints for undertaking the study of a potential Earlham Historic District, and identifying the costs and processes associated with formation of a historic district.

## **10.C EASTSIDE GOLD LINE PHASE II TRANSIT SUBCOMMITTEE**

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried unanimously, to appoint Council Members Vinatieri and Newcomer as a City Council Subcommittee to address Eastside Gold Line Phase II Transit issues with a sunset date of November 2010.

## **10.D WATER EFFICIENT LANDSCAPE ORDINANCE**

Following discussion regarding effects of the proposed water efficient landscaping ordinance and resolution, it was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Ordinance No. 2942 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING CHAPTER 13.43 TO TITLE 13 OF THE MUNICIPAL CODE ESTABLISHING REQUIREMENTS FOR WATER EFFICIENT LANDSCAPING," be read by title only, further reading be waived and this be declared its first reading and that enforcement of the ordinance is dependent upon adoption of the Water Efficient Landscape Manual and that staff is directed to come back to the City Council with a report following further study of the manual.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 8:46 p.m.

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

Council Member Newcomer requested the City Council add an item to a future agenda to consider raising the threshold for late campaign reporting; Council Members Vinatieri and Warner concurred in the request.

Mayor Pro Tem Nordbak requested staff put an announcement regarding the reopening of the Santa Fe Springs' Veterans' Affairs Healthcare Clinic on the Cable Message Board.

**13. ADJOURN UTILITY AUTHORITY MEETING:**

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

City Manager Helvey recommended the City Council and Agency Board conduct a Closed Session on the following matters:

- 14.A** City Council – Government Code Section 54956.9(a) to discuss the case of Warner vs. City of Whittier, Case Number WH 09S00838.
- 14.B** 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.C** Potential litigation and/or property negotiations regarding 14359 Whittier Boulevard:
  - 1. City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Gonzalez-Mejia Properties, Inc.
  - 2. City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with TMG Properties, Inc., regarding terms of payment relating to the Owner Participation Agreement for property located at 14359 Whittier Boulevard (Whittier Mitsubishi); Agency negotiator: Stephen Helvey.
- 14.D** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with Centerfire LLC and Bright Properties, Ltd. regarding price and terms of payment for properties located at 15733 and 15801 Whittier Blvd; City/Agency negotiator: Stephen Helvey.
- 14.E** City Council – Government Code Section 54957 to discuss the employment of the City Manager.
- 14.F** City Council – Government Code Section 54956.9(c) two cases of potential litigation regarding receivership of property located at 13524 Sycamore Drive and 12345 Beverly Drive.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:02 p.m.

Mayor Pro Tem Nordbak and Council Member Vinatieri left the Closed Session at 9:48 p.m. due to a conflict of interest on Item 14.D.

**15. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the joint meeting in Open Session at 10:08 p.m. with all Council Members present

**16. CLOSED SESSION REPORT:**

City Attorney Jones advised that during the Closed Session, the City Council authorized his office to proceed with the receivership of property located at 13524 Sycamore Drive and 12345 Beverly Drive, with the caveat that they will first contact the families in an attempt to mitigate the situation with their assistance before proceeding to filing the court action.

Mayor Henderson requested the City Council add an item to the next agenda to consider a moratorium on the location of medical marijuana clinics, so that staff can study limiting the concentration of the businesses; all other Council members concurred to add this item to the agenda.

**17. ADJOURNMENT:**

Mayor Henderson adjourned the joint meeting at 10:10 p.m.

Respectfully submitted,

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Kathryn A. Marshall  
City Clerk-Treasurer/  
Secretary Treasurer