

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
DECEMBER 8, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on December 8, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Pro Tem Nordbak called the joint meeting to order at: 6:32 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 (7:32 p.m.)
Owen Newcomer, Council Member/Agency
Member/Authority Director
Greg Nordbak, Mayor Pro Tem /Vice
Chair
Bob Henderson, Mayor/Chair (6:55 p.m.)

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
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer (8:50 p.m.)

3. PLEDGE OF ALLEGIANCE:

City Attorney Jones led the Pledge of Allegiance.

4.A PRESENTATION – ASSEMBLYMAN CURT HAGMAN

Assemblyman Hagman introduced himself to the City Council and community; and said that budget issues will be worse in the new year than in 2009; he will fight for local resources; he commended the City administration and management team for their work; and he said he hopes to be a resource to the City and its residents.

4.B PRESENTATION – MISS WHITTIER, MISS TEEN WHITTIER AND COURTS

Miss Whittier and her court introduced themselves to the City Council and the community:

- Alyssa Barrios, Whittier College, Miss Whittier
- Sarah Barela, St. Paul High School, 1st Princess
- Corinna Garcia, Whittier High School, 2nd Princess

Miss Teen Whittier and her Court introduced themselves to the City Council and the community:

- Brittany Romero, La Serna High School, Miss Teen Whittier
- Amanda Pena, California High School, 1st Princess
- Claudia Malta, La Serna High School, 2nd Princess

ANNOUNCEMENTS:

Mayor Pro Tem Nordbak announced the City Council was seeking applicants for openings on the Parking and Transportation and Planning Commissions.

NEW BUSINESS

The City Council added discussion of one Closed Session item to discuss property negotiations with Southern California Edison relating to Whittier Hills property – Assessor Identification Numbers 8119-010-904 and 8119-010-905; City negotiator: Stephen Helvey.

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, with Mayor Henderson and Council Member Warner absent, to add Closed Session discussion pursuant to Government Code Section 54956.8 regarding real property negotiations with Southern California Edison relating to Whittier Hills property – Assessor Identification Numbers 8119-010-904 and 8119-010-905 with City Manager Helvey as the City's negotiator, because the need to act arose after the agenda was posted and cannot reasonably wait for the next regularly scheduled meeting.

5. ORAL COMMUNICATIONS:

Craig Alexander, 6008 Milton Avenue, Whittier; said the nearly \$1million allocated to replace 5,000 street signs could be spent on street repairs; and he believes the City should find better ways to spend money.

Mary Ann Bokatch, Whittier Area Chamber of Commerce, said the December Wake-Up-Whittier and Tasty Tuesday events would be dark due to the holidays; and tickets for the March 2010 Expo will be on sale next week.

Robert Canales, 6333 Milton Avenue, Whittier; said the City has no choice regarding street sign replacement because it is a federal mandate; the state needs new solutions for the budget crisis; the economy is nearly collapsed; education funding is needed; he is proposing a new state constitution; he would support the moratorium to prevent a proliferation of medical marijuana dispensaries; and restaurants are the City's strength.

Arthur Rock, Whittier; said people need to remain enthusiastic and look for the positive; and he encouraged people to get into the holiday spirit.

Mayor Henderson joined the meeting and took his seat at the dais at 6:55 p.m.

Virginia Ball, Whittier, invited the City Council and community to the First Day Keeping Families Together Home ribbon cutting on December 17 at 7916 Newlin Avenue; and thanked Supervisor Knabe, Presbyterian Intercommunity Hospital and the City for their support.

Richard Gill, Uptown Gym, 12129 Philadelphia Street, Whittier; said he wants the bus stop removed from in front of his business; he has lost memberships due to the lack of parking; the buses create fumes and dust; some of the negative affects are cigarette smoke, trash, loitering, graffiti, window damage; and interruptions from bus passengers needing change or to use the restrooms.

Joe Marsico, Whittier; said he is disturbed by the street sign information; his trolley has been invited to be in the Uptown Christmas Parade; and he wished the City Council happy holidays and a good new year.

James Sass; 6252 Washington Avenue, Whittier; said review of the Historic Resources Ordinance brings both hope and anxiety; the historic resources make the City unique; he encouraged strengthening the ordinance; and believes a committee involving stakeholders would be helpful.

George Poochigian, Whittier; said there is too much noise from car alarms; war veterans have hearing problems; lawn blowers are not allowed in Beverly Hills and San Marino; the City should do not allow lawn blowers; and he wished the Council a Merry Christmas and Happy New Year.

Council Member Vinatieri left the meeting at 7:10 p.m. due to illness.

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

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Nordbak and carried, by roll call vote, with Council Members Vinatieri and Warner absent, to approve the Consent Calendar as submitted, and that

Ordinance Nos. 2940, 2941, and 2942 and Resolution Nos. 8253, 8254, 8255, 8256, and 8257 be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2943 be read by title only, further reading be waived, and this be declared its first reading.

- 6.A** The City Council denied claims filed by Daniella Escobar, Richard I. Levy, John A. Gonzalez, Rosemary Miller, James Hernandez, Helen F. Miller, Coast National Insurance Co., James Mramor, Yolanda S. Hope, Patrick Aranda, Helen L. Alexander, The Masonry Group California, Inc. and Nicholas J. Garcia.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of October 27, 2009; November 10, 2009; and November 24, 2009.
- 6.C** The City Council received and filed the Gateway Cities Council of Governments' updates for October and November 2009.
- 6.D** The City Council conducted second reading and adopted 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 SECTION 18.10.060 (MINIMUM DWELLING UNIT SQUARE-FOOTAGE) TO THE WHITTIER ZONING CODE AND AMEND CHAPTER 18.06 (DEFINITIONS) TO ADD SECTION 18.06.044 (BEDROOM/SLEEPING AREA) OF THE WHITTIER ZONING CODE. (APPLICANT: CITY OF WHITTIER)."
- 6.E** The City Council conducted second reading and adopted 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."
- 6.F** The Board of Directors approved the Professional Services Agreement with Golder Associates, Inc., to install eight soil gas monitoring probes at Savage Canyon Landfill for a fee not to exceed \$140,792; and authorized the Executive Director to execute the agreement.
- 6.G** The City Council accepted the work performed by All American Asphalt for the Byron/Rivera Road Overlay from Washington Boulevard to West City Limits Project; and authorized the City Clerk to record the Notice of Completion.

- 6.H** The City Council approved the plans and specifications for intersection improvements on Mar Vista Street at California Avenue; and authorized the City Clerk to advertise for construction bids.
- 6.I** The City Council took the following actions regarding water efficient landscaping:
1. Conducted second reading and adopted 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"; and
 2. Adopted Resolution No. 8253 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING THE WATER EFFICIENT LANDSCAPE MANUAL."
- 6.J** The City Council adopted Resolution No. 8254 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-2010 BUDGET TO ACCEPT A GRANT FOR THE PURPOSE OF IMPLEMENTING PROGRAMS TO INCREASE BEVERAGE CONTAINER RECYCLING OPPORTUNITIES," in the amount of \$22,873.
- 6.K** The City Council approved the plans and specifications for the Painter Avenue Street Lighting Improvements Hadley Street to Beverly Boulevard and Ramona Drive east of Painter Avenue Project; and authorized the City Clerk to advertise for construction bids.
- 6.L** The City Council approved the plans and specifications for the replacement of mechanical equipment and boiler for the air conditioning system at the Whittwood Branch Library; and authorized the City Clerk to advertise for construction bids.
- 6.M** The City Council approved the plans and specifications for the following projects; and authorized the City Clerk to advertise the projects for construction bids:
1. Greenleaf Avenue Overlay and Class II Bike Lanes from Whittier Boulevard to south city limits,
 2. Mulberry/Slauson Resurfacing from east of Greenleaf Avenue to west city limits, and
 3. Greenleaf Avenue Slurry from La Cuarta Street to Whittier Boulevard.
- 6.N** The City Council approved the distribution of a revised "Request for Proposals" to public artists for the First Avenue and Leffingwell Road Art in Public Places project.

- 6.O** The City Council conducted first reading of Ordinance No. 2943 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING AND REPLACING CHAPTER 8.32 OF TITLE 8 (HEALTH AND SAFETY) RELATING TO NOISE DISTURBANCES"; and authorized staff to do a summary publication of the ordinance.
- 6.P** The City Council adopted the following resolutions regarding Election to Receive First Tier Pass-Through Payments:
1. Resolution No. 8255 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, MAKING AN ELECTION PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5 FOR THE WHITTIER COMMERCIAL CORRIDOR REDEVELOPMENT PROJECT AREA ADDED TERRITORY";
 2. Resolution No. 8256 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA MAKING AN ELECTION PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33607.5 AND 33607.7 FOR THE GREENLEAF AVENUE UPTOWN WHITTIER REDEVELOPMENT PROJECT AREA"; and
 3. Resolution No. 8257 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, MAKING AN ELECTION PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33607.5 AND 33607.7 FOR THE WHITTIER BOULEVARD REDEVELOPMENT PROJECT AREA."
- 6.Q** The City Council approved the following purchases for the new Police facility:
1. Furniture systems and seating for offices, shared work spaces, conference rooms, emergency operations center, lobby, interview rooms, and jail control, from Associated Purchasing in the amount of \$556,725; and
 2. Records, armory, forensics, jail, and general storage systems from McMurray Stern, Inc. in the amount of \$180,578.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:15 p.m.

8.A FICUS TREES ALONG MAYBROOK AVENUE:

Following discussion, staff was given direction to follow the City's Tree Manual regarding removal of the Maybrook trees and sidewalks; determine the condition of the trees to be removed; survey neighborhood residents regarding removing or replacing sidewalks; and return with a request for an appropriation not to exceed \$40,000 for the project.

8.C 2009 PARK NEEDS STUDY

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Members Vinatieri and Warner absent, to receive and file the 2009 Park Needs Study, as amended, to include a separate list of additional parks and final totals for buildings, maintenance and equipment

Council Member Warner joined the meeting and took her seat at the dais at 7:32 p.m.

8.E CENTENNIAL CLOCK LOCATION

Following discussion, the City Council concurred and by order of the Chair, with Council Member Vinatieri absent, to keep the Centennial Clock in storage until other opportunities are available to consider for relocation.

8.B MEDICAL MARIJUANA DISPENSARIES MORATORIUM URGENCY ORDINANCE

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, by roll call vote, with Council Member Vinatieri absent, that Interim Urgency Ordinance No. 2944 entitled, "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING AND IMPOSING A CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES," be read by title only, further reading be waived, and it be declared adopted, with direction to staff that the moratorium ordinance to be brought back for City Council consideration only address overconcentration and proliferation of medical marijuana dispensary locations.

8.D HISTORIC RESOURCES ORDINANCE REPORT

City Manager Helvey stated that Council Member Vinatieri had confirmed he would support a receive and file motion for the Historic Resources Ordinance report.

Community Development Director Collier presented a staff report and said that as part of the City's Work Plan, revisions to the City's Historic Resources ordinance would be presented to the Council in 2010 to include a discussion on tiering, age of homes, and establishing consistency for the City's three historical districts.

City Attorney Jones clarified that the Historic Resources Commission (HRC) is an advisory board to the City Council; HRC decisions are not binding on the City Council; the HRC can make recommendations regarding historical issues; and the City's Historic Resources ordinance does not give guidance on California Environmental Quality Act (CEQA) issues, which are state law.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Vinatieri absent, to receive and file a Historic Resources Ordinance report.

8.F CAMPAIGN FINANCE DISCLOSURE ORDINANCE

Mayor Pro Tem Nordbak stated he would not participate in the discussion and vote on this item.

Mayor Henderson stated that campaign finance is very controlled by the State; this amendment would reduce reporting requirements for candidates; and he would participate in the discussion and vote.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote, with Council Member Vinatieri absent and Mayor Pro Tem Nordbak abstaining, that Ordinance No. 2945 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING WHITTIER MUNICIPAL CODE SECTION 2.54.060 RELATING TO CAMPAIGN FINANCE DISCLOSURE," to follow state law and increase to \$1,000 the threshold requiring campaign finance reports during the late reporting period, be read by title only, further reading be waived, and this be declared its first reading.

8.G SANTA FE SPRINGS POLICING CONTRACT AND OTHER SUBCOMMITTEE CHANGES

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Vinatieri absent, to extend the Santa Fe Springs Policing Contract, Uptown Association and Library subcommittees each for twelve months. The Santa Fe Springs Policing and Uptown Association subcommittees will expire December 31, 2010; and the Library subcommittee will expire January 31, 2011. Mayor Pro Tem Nordbak said he would like to sit on the Library subcommittee when an opening is available.

9. 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 8:35 p.m.

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

Mayor Pro Tem Nordbak requested Mr. Gill's request regarding removal of the bus stop in front of his business on Philadelphia Street be agendized for further discussion.

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 the claim of Avila vs. City of Whittier.

12.B City Council – Government Code Section 54956.8 to discuss real property negotiations for acquisition of a perpetual easement along the Union Pacific Railroad (UPRR) right-of-way for the Greenway Trail from Mills to the eastern city limits at Valley Home; City negotiator: Stephen Helvey.

12.C City Council – Government Code Section 54956.8 to discuss real property negotiations regarding lease agreements with Clearwire for antenna installations at Palm Park, located at 5703 Palm Avenue; and at the Whittier Boulevard greenbelt identified as Assessor Parcel Nos. 8130-004-900 through 8130-004-905; City negotiator: Stephen Helvey.

12.D City Council - Government Code Section 54956.9(a) to discuss the claim of Boyd vs. City of Whittier.

12.E City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 10905 Valley Home Avenue.

12.F City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group, LLC and Presbyterian Intercommunity Hospital regarding temporary parking lot improvements for properties located at 12802 Hadley Street; 12813 Bailey

Street; and 6541 to 6557 Comstock Avenue (Alpha Beta site);
City/Agency negotiator: Stephen Helvey.

Mayor Henderson adjourned the joint meeting to Closed Session at 8:44 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

13. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the joint meeting in Open Session at 9:29 p.m.

14. CLOSED SESSION REPORT:

City Attorney Jones reported that during the Closed Session the City Council, with Council Member Vinatieri absent, took action authorizing his office to file a petition with the court for receivership of real property located at 10905 Valley Home Avenue.

Mayor Pro Tem Nordbak left the meeting at 9:30 p.m. due to a conflict of interest on item 12.F.

Mayor Henderson reconvened the meeting in Closed Session at 9:30 p.m.

15. ADJOURNMENT:

Mayor Henderson adjourned the joint meeting at 9:48 p.m.

Respectfully submitted,

Toni Maiques
Assistant City Clerk-Treasurer/
Assistant Secretary Treasurer