

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
FEBRUARY 9, 2010**

**AMENDED  
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**1. CALL TO ORDER:**

The Whittier City Council met in regular session on February 9, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:34 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 D. Jones, City Attorney/Authority  
Counsel  
Toni Maiques, Assistant City Clerk Treasurer/  
Assistant Secretary-Treasurer  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer (8:26 p.m.)

**3. PLEDGE OF ALLEGIANCE:**

Council Member Newcomer led the Pledge of Allegiance.

#### **4. ORAL COMMUNICATIONS:**

Dean Carlton, 10339 Maybrook, Whittier; spoke regarding concerns about the ficus trees on Maybrook, including water needs; damage done to foundations and water pipes; and said the issue needs immediate attention.

Linda Veig, 6553 Newlin Avenue, Whittier; spoke in opposition to moving the bus stop on Philadelphia Street in front of the Uptown Gym; and said she relies solely on bus transportation.

Sue Dean, Whittier Area Chamber of Commerce, announced the Wake-Up-Whittier networking breakfast on February 10; and the Business Expo on March 18; and she thanked the City for support of the Silver Shield Police Officer awards banquet.

Gail Steir, 12242 Rose Court; Whittier; thanked the City Council for consideration of a reduced banner fee for the Hillcrest Congregational Church; and said the Church is able to reach out to the community through the festival.

Elevita de la Torre; introduced herself as the new Executive Director of the American Red Cross, Rio Hondo Chapter.

Fred Hawthorne, Whittier; said he has spoken to many City residents regarding oil drilling in the Whittier Hills; he is against the drilling; and asked the residents to vote for him for City Council on April 13.

George Poochigian, Whittier; said he believes two terms in any public office is sufficient; and he is against Presbyterian Intercommunity Hospital relocating 150 employees to the Uptown area because of parking issues.

Ralph Marsico, Whittier; thanked the City Manager and City Attorney for meeting with him to discuss the signature issues on his City Council nomination petition; he submitted an article about his father and street sweeping issues from the Quaker Campus newspaper from 1978; said needs to pay citations regarding his trolley car; and he requested another meeting with the City Manager.

Sharon Hertzberger, 13952 Summit Drive, Whittier, Whittier College President; said she had met with members of the Whittier Conservancy, and they had agreed to remove Guilford Hall from the petition for a potential Guilford/Earlham Historic District; there is no objection to including the Earlham property in the District; and she looks forward to a good partnership with the Conservancy.

Joe Marsico, Whittier; said he was upset that he and his son were rejected for the April 2010 election; he believes an elected City Clerk is needed; and he said he never took or spent any money in an election.

Council Member Newcomer left the Council Chamber at 6:54 p.m.; and resumed his seat at the dais at 6:56 p.m.

Arthur Rock, Whittier, announced Robert Canales is running for the U.S House of Representatives.

**5. 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, by roll call vote, with Council/Agency Member/Director Warner absent, to approve the Consent Calendar as submitted and that Resolution Nos. 8266 and 8267 be read by title only, further reading be waived, and they be declared adopted.

- 5.A** The City Council denied claims filed by Yvette Espinosa, Susan Toddy Garza, Edmund Dennis Tafoya, Marilyn Lopez, and Phillip Lance Lovoy.
- 5.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of January 26, 2010.
- 5.C** The City Council received and filed the following Planning Commission action: approval of Conditional Use Permit No. CUP09-011 to allow the on-site sale of beer and wine under a Type 41 license for an existing restaurant d.b.a. "Greenleaf Café", located at 7203 Greenleaf Avenue, Unit A; Applicant: George Castillo; Owner: Tsai Family Trust.
- 5.D** The City Council approved the plans and specifications for the Phase I - Bus Stop Improvement Plan; and authorized the City Clerk to advertise for construction bids.
- 5.E** The City Council approved an Agreement with the Whittier City School District to transfer ownership of the recreation building on the Lydia Jackson School campus to the District; and authorized the Mayor to execute the Agreement.
- 5.F** The Board of Directors approved the plans and specifications for the Rehabilitation of Well 16 Project located at the Nature Preserve, 530 N. Durfee Avenue; and authorized the City Clerk to advertise the project for construction bids.
- 5.G** The City Council awarded the contract to Pardess Air, Inc., for the Whittwood Branch Library Mechanical Equipment and Boiler Replacement Project; rejected all other bids; and authorized the City Manager to sign the contract.

- 5.H** The Board of Directors accepted the work performed by Pavement Coatings Company for the Alley Pavement Rehabilitation in Areas 2, 3, 4 & 5 Project; and authorized the Secretary-Treasurer to record the Notice of Completion.
- 5.I** The City Council adopted the following resolutions relating to the Hazard Elimination Safety and Safe Route to School-Supplemental Agreements for Local Agency-State Agreements for the In-Roadway Crosswalk Warning Lights at Various Locations and Mills Avenue Sidewalk and Access Ramp Projects:
1. Resolution No. 8266 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTS TO THE LOCAL AGENCY-STATE AGREEMENT FOR HAZARD ELIMINATION SAFETY AND SAFE ROUTE TO SCHOOL FUNDED PROJECTS"; and
  2. Resolution No. 8267 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING A SUPPLEMENTAL APPROPRIATION TO THE FISCAL YEAR 2009-10 BUDGET FOR THE ALLOCATION OF HAZARD ELIMINATION SAFETY AND SAFE ROUTE TO SCHOOL FUNDS TO VARIOUS PROJECTS," in the amount of \$772,000.
- 5.J** The City Council approved the specifications for the Community Development Block Grant Target Area Pavement Surface Treatment at Redman Avenue Project; and authorized staff to advertise the project for construction bids.
- 5.K** The City Council approved extending the Tolling Agreement with the County of Los Angeles regarding alleged violations of water quality standards until March 12, 2011; and authorized the City Attorney to execute the extension.

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

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 6:59 p.m.

**7.A PUBLIC HEARING – ZONING CODE AMENDMENT 09-017, EMERGENCY SHELTERS**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-017; and adopt an ordinance pertaining to the regulation and development of emergency shelters.

Mayor Henderson opened the public hearing at 6:59 p.m.

Ted Knoll, Whittier First Day; commended City staff for the collaborative effort in developing the ordinance; said the ordinance meets a good balance between new and existing operations; and he supports the proposed ordinance.

Major Chuck Gilley, Salvation Army Director, Whittier; supported the proposed ordinance; said he was pleased with the process; and he commended City staff for their work.

There being no other speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, to close the public hearing at 7:03 p.m.

All Council Members thanked City staff for their collaborative efforts in working with homeless organizations; and concurred that the proposed ordinance will be a model ordinance.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Member Warner absent, that Ordinance No. 2948 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE PERTAINING TO THE REGULATION AND DEVELOPMENT OF EMERGENCY SHELTERS. (ZONING CODE AMENDMENT 09-017 - CITY OF WHITTIER)," be read by title only, further reading be waived, and this be declared its first reading.

## **7.B PUBLIC HEARING – ZONING CODE AMENDMENT 09-019, WIRELESS TELECOMMUNICATIONS**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-019 and adopt an ordinance regarding wireless telecommunications facilities on public and private property.

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

There being no speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, to close the public hearing at 7:08 p.m.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, that Ordinance No. 2949 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-019 TO AMEND CHAPTER 18.09 (OPEN SPACE) AND CHAPTER 18.47 (WIRELESS

TELECOMMUNICATIONS FACILITIES ON PUBLIC AND PRIVATE PROPERTY) 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.

### **7.C PUBLIC HEARING – ZONING CODE AMENDMENT 09-018, SECONDARY DWELLING UNITS**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 09-018 and adopt an ordinance regarding development and parking requirements for second dwelling units.

Mayor Henderson opened the public hearing at 7:09 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Member Warner absent, to close the public hearing at 7:09 p.m.

In response to Council Member questions, Community Development Director Collier stated that the not to exceed 30% living area for lots 20,000 square feet and larger has always been included; removing it from the ordinance will not have a significant impact; second dwelling units are mandated by state law; and the City can regulate the size of the structure.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried, with Council Member Warner absent, that Ordinance No. 2950 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-018 TO AMEND SECTION 18.10.020(I) (SECONDARY DWELLING UNITS) AND AMENDING SECTION 18.48.020 (SCHEDULE OF PARKING REQUIREMENTS [FOR SECONDARY DWELLING UNITS]) 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 delete the not to exceed 30% living area requirement for lots 20,000 square feet and larger.

### **8.A BOARDS AND COMMISSIONS ANNUAL REAPPOINTMENT AND PLANNING COMMISSION VACANCY**

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Member Warner absent, to reappoint the following advisory board members to terms ending July 1, 2014: Rob Settlege to the Board of Library Trustees, Bruce Wood to the Cultural Arts Commission, David Lowery to the Park and Recreation Commission, Al Martinez and James Snedden to the Parking and Transportation Commission, John Olvera to the Personnel Board, Fernando Dutra and Eduardo Hernandez to the Planning Commission, and Charlene Dimas-Peinado and

Carolyn Sigall to the Social Services Commission. The City Council concurred to set May 10, 2010 and May 24, 2010 as the two meeting dates for interviews for new candidates for July 1<sup>st</sup> appointments.

City Attorney Jones reported that R.D. McDonnell was eligible for appointment to the Planning Commission for an unexpired term ending July 1, 2013. He said the Municipal Code states an advisory board member cannot serve more than two consecutive terms, the member must leave the board for a six-month period; Mr. McDonnell's term expired July 1, 2009; he had been serving since that time on an interim basis as an accommodation to the City; the six-month separation period had lapsed; and he is now eligible for appointment.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, with Council Member Warner absent, to appoint R.D. McDonnell to the Planning Commission for an unexpired term ending July 1, 2013.

#### **9.A BUS STOP AT PHILADELPHIA STREET AND COMSTOCK AVENUE**

Following discussion, the City Council concurred, with Council Member Warner absent, to direct staff to present the issue to the Parking and Transportation Commission for discussion to consider retaining the bus stop at the current location; or consider relocating the bus stop to Philadelphia Street west of Bright Avenue in front of the City owned parking lot, as outlined in Option 3 of the staff report.

#### **9.B POTENTIAL FORMATION OF A HISTORIC DISTRICT**

**Council Member Vinatieri stated it was not clear if he had a conflict of interest because of the relationship between Whittier College and his law firm; he is not convinced there is a conflict of interest; however due to the way his business is set up as a legal partnership, he declared a conflict of interest for this evening only, and he left the Council Chamber at 7:48 p.m.**

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Members Warner and Vinatieri absent, to refer the potential formation of a historic district for selected homes on Earlham Drive and Penn Street to the Historic Resources Commission for consideration; and to not authorize hiring a consultant to study the issue.

Council Member Vinatieri resumed his seat at the dais at 7:54 p.m.

#### **9.C ECONOMIC STIMULUS PLAN FOR THE WHITTIER BOULEVARD SPECIFIC PLAN AREA**

Council Member Newcomer stated he believes this is the wrong direction for the Whittier Boulevard Specific Plan (WBSP); it will take longer than six months to provide

the economic stimulus needed; the WBSP is a good plan; and new construction is not likely in the WBSP area in the next six months. He also stated that adoption of the Urgency Ordinance requires four affirmative votes; he discussed the issue with Council Member Warner, who is supportive of the economic stimulus plan; and even though he does not support the issue, he would, as a courtesy, cast an affirmative vote on her behalf in order to adopt the Urgency Ordinance.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried, by roll call vote, with Council Member Warner absent, that Urgency Ordinance No. 2951 entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING A TEMPORARY OVERLAY ZONE FOR THE WHITTIER BOULEVARD SPECIFIC PLAN AREA"; approving a six-month economic stimulus for the Whittier Boulevard Specific Plan Area, be read by title only further reading be waived; and it be declared adopted; and that Ordinance No. 2952 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING A TEMPORARY OVERLAY ZONE FOR THE WHITTIER BOULEVARD SPECIFIC PLAN AREA," approving a six-month economic stimulus for the Whittier Boulevard Specific Plan area with the ability for Council to extend the life of the ordinance in six-month increments, as necessary, be read by title only, further reading be waived, and this be declared its first reading.

#### **9.D BANNER FEE DISCOUNT – HILLCREST CONGREGATIONAL CHURCH**

Following brief discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried, with Council Member Warner absent, to charge a discounted banner fee, in the amount of \$405, which was the amount of the 2009 banner fee, as requested by the Hillcrest Congregational Church.

#### **9.E UNITED STATES CENSUS USE OF CITY-OWNED MEETING ROOMS**

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, with Council Member Warner absent, to approve a request from the United States Census to use City owned meeting rooms for Census staff training at no cost.

#### **9.F PARKING DISTRICT NOS. 1 AND 2 PARKING FEES**

Mayor Henderson declared a conflict of interest because his business is located within the Parking District.

Mayor Pro Tem Nordbak declared a conflict of interest because Presbyterian Intercommunity Hospital is a client of his business; however he does not have a conflict regarding parking.

Council Member Vinatieri declared a conflict of interest with the parking issue, however not with Presbyterian Intercommunity Hospital.

City Attorney Jones conducted a blind draw between Mayor Henderson, Mayor Pro Tem Nordbak and Council Member Vinatieri with three pieces of paper, two of which had an "X" on marked on them. Utilizing the blind draw, Mayor Pro Tem Nordbak and Council Member Vinatieri were drawn back into the discussion and deliberation on the issue relating to Parking District Nos. 1 and 2 Parking Fees. City Attorney Jones explained that Mayor Pro Tem Nordbak and Council Member Vinatieri had no liability per state law; and that both of them would participate in discussion and actions on this issue until Council Member Warner returns.

Mayor Henderson left the Council Chamber at 8:03 p.m.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, by roll call vote, with Mayor Henderson and Council Member Warner absent, that the following resolutions be read by title only, further reading be waived, and they be declared adopted:

Resolution No. 8268 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING PARKING FEES AND REGULATIONS FOR CITY-OWNED PARKING STRUCTURE AND REPEALING CONFLICTING PORTIONS OF RESOLUTION NO. 7889";

Resolution No. 8269 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING PARKING FEES AND REGULATIONS FOR CITY OWNED OR LEASED PARKING LOTS AND FACILITIES AND REPEALING CONFLICTING PORTIONS OF RESOLUTION NO. 7178";

Resolution No. 8270 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-2010 BUDGET OF THE MULTI-DECK PARKING STRUCTURE (PARKING DISTRICT NO. 1)," in the amount of \$14,800; and

Resolution No. 8271 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-2010 BUDGET FOR CITY OWNED OR LEASED PARKING LOTS AND FACILITIES (PARKING DISTRICT NO. 2)," in the amount of \$15,200.

Mayor Henderson resumed his seat at the dais at 8:14 p.m.

**10. 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 the City Council at 8:14 p.m.

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

Mayor Pro Tem Nordbak requested that staff research the possibility of local restaurants painting decorative murals on the walls of the Uptown parking structure; and to meet with business owners regarding code violations when the business is inspected for glass etching repair.

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

**13. CITY COUNCIL CLOSED SESSION:**

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

**13.A** City Council - Government Code Section 54956.9(a) to discuss the claim of the Natural Resources Defense Council, Inc. et al. vs. the County of Los Angeles.

**13.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.

**13.C** 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.

Mayor Henderson adjourned the meeting to Closed Session at 8:24 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

**14. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the meeting in Open Session at 9:45 p.m.

**15. CLOSED SESSION REPORT:**

None

**16. ADJOURNMENT:**

Mayor Henderson adjourned the meeting at 9:45 p.m.

Respectfully submitted,

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