

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
FEBRUARY 23, 2010**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on February 23, 2010, 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 D. Jones, City Attorney/Authority  
Counsel  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer

**3. PLEDGE OF ALLEGIANCE:**

Council Member Vinatieri led the Pledge of Allegiance.

**4.A BLUE STAR PRESENTATIONS:**

Mayor Henderson and Mayor Pro Tem Nordbak presented Maria Govea and her family with a Blue Star flag and decal, and Blue Star pins in recognition of her husband, Francisco V. Govea, II, a Technical Sergeant in the United States Air Force Reserves, and said a Blue Star banner honoring Sgt. Govea would be hung on Whittier Boulevard.

Mayor Henderson and Mayor Pro Tem Nordbak presented Dr. and Mrs. Jose Rivas with Blue Star pins, banner and decal in recognition of their son, Matthew Rivas, a GSM 3 in the United States Navy, and announced a banner will also be prepared in his honor.

Mayor Henderson and Mayor Pro Tem Nordbak presented Howard Johnson and family members with a Blue Star banner and decal, and Blue Star pins in recognition of his grandson, Ryan M. Johnson's service as a Lance Corporal in the United States Marine Corps, and advised a banner will be prepared to honor his service.

## **5. ORAL COMMUNICATIONS:**

Richard Kreger, Whittier, said he would like better bus service in the City and suggested Montebello Bus Lines 10 and 40 go to Uptown and the Whittwood Mall and operate until midnight. He said he would like one of the two former automobile dealership locations on Whittier Boulevard near La Serna turned into a movie theater.

Nan Alvarez-Gray, Intercommunity Counseling Center Executive Director, said she was representing the Whittier Area Clergy Association and prayed for the City Council and community.

Dean Carlton, 10339 Maybrook Avenue, Whittier, submitted photographs of tree roots on his property, spoke regarding the standing water accumulating near the open-root system, and requested yellow caution-tape be installed around the area to keep people from walking through it. He said since the last City Council meeting a camera was put into his sewer line which identified tree roots that damaged his driveway.

Victor Flores, 10326 Maybrook Avenue, Whittier, inquired if the City Council had seen the report from the arborist who had visited the neighborhood, requested a copy of the report and asked when the City will address the Maybrook tree issue.

Robert Canales, Whittier, said he is a republican candidate for the United States House of Representatives, spoke regarding the people he has met as a candidate, said residents are concerned with healthcare and the economy; acknowledged the City is implementing a stimulus plan to help local businesses; expressed concern for a potential commercial real estate market collapse nation-wide and said there is a need for Congress to take action now.

Adrian Rivera, Lodosa Drive, Whittier, referenced the City's plans to pursue oil drilling in the hills and asked if Council Members are in support of the project.

Manual Ortiz, Whittier, invited the community to attend the Atomic Bomb Comedy Show planned for February 26, 2010.

Ralph Marsico, 7056 Washington Avenue, Whittier, spoke regarding having his name kept off the ballot, losing his home, having his bike stolen, and the Code Enforcement proceedings regarding that property he used to occupy.

Arlie Rosser, 8933 Santa Fe Springs Road, Whittier, spoke regarding the problem he is having with parking on the street and his vehicles being towed requiring him to pay fines; and said it is a violation of his constitutional rights because he has not been taken to court for someone to prove his vehicles are being abandoned.

Fred Hawthorne, Whittier, said he is a City Council candidate, Mayor Henderson's February 9, 2010 response to his statements was distasteful, spoke about the people injured and the person killed as a result of the Honolulu Terrace oil well fire, and expressed concern about the safety of the oil well operation proposed for the Whittier Hills which will be operated by the company.

Preston Rosser, Whittier, said he is still pursuing the parking issue his father is experiencing, they have not received a response from the City, and spoke regarding the community's responsibility to pray for their leaders.

George Poochigian, Whittier, said he is opposed to the oil drilling proposal, the hills should be left as a wilderness area; said he wants the City to resume control of Whittier Boulevard from the State because the City maintains its streets better than the State does; requested the City install a "Welcome to Whittier" and Los Angeles County boundary sign on Whittier Boulevard going west; and said he did not think Presbyterian Intercommunity Hospital should be relocating offices in the Uptown Area, they should stay near the hospital and leave the Uptown Area for retail shops.

Ed Hernandez, Whittier, spoke regarding moving into the City on the day of the 1987 earthquake; said he is pleased with the job the City Council does and enjoys living in the community; and inquired if anything could be done to get Joe Marsico's name put on the ballot.

Dave Carter, Whittier, said the City Council works hard for the community and is subject to people berating them in spite of their efforts to do what is required by the law, and said he likes living in Whittier.

Joe Marsico, Whittier, said he may go to court to get on the ballot and have a statement printed; otherwise, he will run as a write-in candidate. He spoke regarding his advertising plans for his campaign and said his son is upset over the way they lost their home.

Arthur Rock, Whittier, spoke regarding the sense of responsibility he expects City Council candidates to have, referenced a *Whittier Daily News* article regarding funds raised for the upcoming election; spoke about the campaign strategy candidates select; and said oil drilling may be an election issue.

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

City Manager Helvey announced that Agenda Item 6.B, minutes of the February 9, 2010, meeting had been amended with regard to Agenda Item 9.B to reflect an expanded statement regarding Council Member Vinatieri's conflict of interest with the historic district.

City Clerk-Treasurer Marshall spoke regarding Item 6.J, the 2010 Investment Policy and said Council Member Vinatieri contacted staff and requested the revised definition of Comprehensive Annual Financial Report (CAFR) include the term Generally Accepted Accounting Principles (GAAP) and staff recommended the City Council approve the Policy as amended to include that term.

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 with amendments to Items 6.B and 6.J, including awarding a construction contract to All American Asphalt and that Ordinances Nos. 2948; 2949; and 2950, and Resolution No. 8272 be read by title only, further reading be waived, and they be declared adopted. (See Page 9 for reconsideration of Item 6.D)

- 6.A** The City Council denied claims filed by Alfonso and Gloria Padilla, Elizabeth K. Asawa, Graham S. Kerr, Adam C. Libertoski, and John A. Sauzman.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of February 9, 2010.
- 6.C** The City Council approved the special event permit request from the Bell Gardens Lions Club for its annual bike ride scheduled for March 6, 2010, from 10:00 a.m. to 2:00 p.m.
- 6.D** The City Council awarded the construction contract to All American Asphalt for the Intersection Improvements on Mar Vista Street at California Avenue, Federal Project No. ESPL-5111 (056); rejected all other bids; and authorized the City Manager to execute the contract. (See Page 9 for further action.)
- 6.E** The City Council conducted second reading and adopted 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)."

- 6.F** The City Council conducted second reading and adopted 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)."
- 6.G** The City Council conducted second reading and adopted 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)."
- 6.H** The City Council approved a special event permit for the Walk 4 Life event sponsored by the Whittier Pregnancy Care Clinic on Saturday, March 6, 2010 starting at 8:30 a.m., beginning and ending at the Whittier Pregnancy Care Clinic, 16147 E. Whittier Boulevard.
- 6.I** The City Council adopted Resolution No. 8272 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2009-10 Budget related to the supplemental appropriations for the Justice Assistance Grant," in the amount of \$34,871 to purchase personal computers and computer monitors for use in the new Police facility.
- 6.J** The City Council, Redevelopment Agency Board, and Utility Authority Board of Directors approved the 2010 Statement of Investment Policy.
- 6.K** The City Council received and filed the Gateway Cities Council of Governments' updates for November 2009; and January and February 2010.
- 6.L** The City Council received and filed the following Planning Commission actions:
- 1.** Approval of Development Review DR06-697 to construct a new 24,500-square foot commercial building to be used for a Sprouts Farmers Market and the ancillary parking lot and landscaping; Variance No. VAR10-002 to reduce the usable open space requirement per the Whittier Boulevard Specific Plan, Shopping Cluster District; and Conditional Use Permit No. CUP10-003 to allow the on-site sale of beer and wine under a Type 20 alcoholic license for off-site consumption for property located at 15801 Whittier Boulevard; Applicant: Pickard Architects; Owners: Bright Properties and Centerfire, LLC.

2. Approval of Conditional Use Permit CUP09-013 to upgrade an existing beer and wine license (Type 41) to a general alcohol license (Type 47) for on-site consumption for an existing restaurant doing business as "Vintage Café" located at 6741 Bright Avenue; Applicants: Sam Ortiz and Mariaelena Cervantes; Owner: Ed Ortiz, Ortmac, LLC.
- 6.M The City Council approved a fee waiver for the usage of City equipment at the Welcome Home Vietnam Veterans' Day event at California High School on Sunday, March 28, 2010 from 11:00 a.m. to 6:00 p.m.
- 6.N The City Council ratified the decision of the Board of Directors of the Gateway Cities Council of Governments to accept delegation under SB 375 for the preparation of a sub-regional Sustainable Communities Strategy.
- 6.O The City Council accepted a donation from the Whittier Host Lions Club for the purchase and construction of barns at the Parnell Park Zoo.

**7. RECESS UTILITY AUTHORITY MEETING:**

Mayor Henderson recessed the Utility Authority meeting at 7:15 p.m.

**8.A PUBLIC HEARING – POLICE STATION FUNDING**

City Manager Helvey announced it was the time for a City Council public hearing to consider consenting to the use of Redevelopment Agency funds for construction of the police facility at 13200 Penn Street, following which the Redevelopment Agency Board would consider resolutions approving the use of the funds and allocating the funds.

Mayor Henderson opened the public hearing at 7:17 p.m.

Kenneth Walters said he had wanted to speak on Agenda Item 6.D regarding a protest letter he submitted earlier in the day.

Mayor Henderson advised the item had already been acted on by the City Council and asked Mr. Walters to address his concerns to staff.

There being no one wishing to testify on the matter 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 7:18 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried by roll call vote with Council Member Warner absent, that Resolution No. 8273 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONSENTING TO THE USE OF WHITTIER REDEVELOPMENT AGENCY FUNDS FOR THE CONSTRUCTION OF A POLICE STATION LOCATED AT 13200 PENN STREET AND MAKING CERTAIN DETERMINATIONS IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679," be read by title only, further reading be waived, and it be declared adopted.

It was moved by Agency Member Newcomer, seconded by Vice Chair Nordbak, and carried by roll call vote with Agency Member Warner absent, that Resolution No. WRA-10-01 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AUTHORIZING THE EXPENDITURE OF WHITTIER REDEVELOPMENT AGENCY FUNDS FOR THE CONSTRUCTION OF A POLICE STATION LOCATED AT 13200 PENN STREET AND MAKING CERTAIN DETERMINATIONS IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679," and Resolution No. WRA-10-02 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR THE PURPOSE OF FUNDING CONSTRUCTION OF A POLICE STATION LOCATED AT 13200 PENN STREET," be read by title only, further reading be waived and they be declared adopted.

**9. RECESS CITY COUNCIL MEETING:**

**10.A UPTOWN WHITTIER PARKING MANAGEMENT PLAN PARKING CONSULTANT**

Chair Henderson said he reviewed the Uptown Whittier parking management plan project area, that he will be precluded from voting on the plan itself; however, because the award of contract is a procedural matter, he will not recuse himself now.

Agency Member Vinatieri said his business is located in an office building, only half of which is situated in the proposed parking district, so he may have a conflict of interest voting on the project but could also vote on the contract award. He requested staff review his business's parcel and any other parcels partially contained in the district to clarify the district boundaries and said he would determine later whether he would then have a conflict for voting on the plan.

Following discussion it was moved by Vice Chair Nordbak, seconded by Agency Member Newcomer, and carried with Council Member Warner absent, to approve a professional services agreement in substantially the form provided for BPS&J Consulting to develop the Uptown Whittier Parking Management Plan for a fee of \$179,850; approve a contingency fund in the amount of \$25,000 to be used, if needed,

for additional community outreach or additional consultant time, subject to the approval of the Executive Director; and authorize the Executive Director to execute the agreement.

**11. RECONVENE CITY COUNCIL MEETING AND RECESS REDEVELOPMENT AGENCY MEETING:**

Mayor Henderson reconvened the City Council meeting and recessed the Redevelopment Agency meeting at 7:34 p.m.

**12.A TELEPHONE SYSTEMS AND SERVICES – POLICE DEPARTMENT FACILITY, BRANCH LIBRARY, AND CITY YARD**

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried by roll call vote, with Council Member Warner absent, to reprogram the City's Mitel telephone system to allow it to service the new Police Department building as well as the Branch Library and City Yard (\$72,500); replace the Octel VMX voice mail system with an AVST voice mail system (\$36,200); replace the telephone switches at the Branch Library and City Yard (\$39,000); and change the service from the telephone company into City Hall, purchase five blocks of Direct Inward Dial (DID) telephone numbers, and change City telephone numbers to a sequential plan (\$5,100).

**13.A WHITTIER BOULEVARD SPECIFIC PLAN AREA TEMPORARY OVERLAY – ORDINANCE ADOPTION**

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried with Council Member Warner absent 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," be read by title only and further reading be waived.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried by roll call vote, with Council Member Newcomer dissenting and Council Member Warner absent, to adopt Ordinance No. 2952.

**14. 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 7:40 p.m.

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

**6.D MAR VISTA STREET AT CALIFORNIA AVENUE INTERSECTION IMPROVEMENTS – AWARD OF CONTRACT**

(See Page 4)

It was moved by Mayor Pro Tem Nordbak, seconded by Mayor Henderson, and carried to reconsider approval of Consent Calendar Item 6.D, awarding a contract to All American Asphalt for the Mar Vista Street at California Avenue Intersection Improvement Project.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried to direct staff and the City Attorney to review the factors relating to the protest letter E.C. Construction submitted to staff that day and, if there is a need to reconsider award of the contract, that the matter be agendaized for March 9, 2010, otherwise staff should proceed with implementation of the award to All American Asphalt.

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

Mayor Pro Tem Nordbak inquired about the City Council's interest in discussing leaving Washington Avenue as a one-way street in the Civic Center following construction of the police facility. Mayor Henderson and Council Member Newcomer said they were not interested in discussing the topic.

Mayor Pro Tem Nordbak said enforcement is needed with regard to panhandling in the Uptown Area.

Mayor Henderson referenced Mr. Rivera's public comments about the City Council's position on the oil drilling project and City Attorney Jones advised Council Members cannot predetermine their position on a project which will come before them in the future and that, while candidates have more latitude in what they say, incumbent candidate Council Members should use caution in how specific they are in their comments to avoid disqualifying themselves.

**16. ADJOURN UTILITY AUTHORITY MEETING:**

**17. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION:**

City Manager Helvey recommended the City Council and Agency Board conduct the following Closed Sessions:

- 17.A** 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.
- 17.B** City Council – Government Code Section 54956.9(b) to discuss three cases 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.
- 17.C** City Council – Government Code Section 54956.9(a) to discuss the claim of Nordquist vs. City of Whittier.
- 17.D** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:
1. Toyota of Whittier - 14577 Whittier Boulevard
  2. Community Honda - 13839 Whittier Boulevard
- 17.E** City Council – Government Code Section 54956.8 to discuss real property negotiations with the Puente Hills Landfill Native Habitat Preservation Authority regarding a potential conservation easement on one-half (0.5) acre of old Chevron property identified as APN 8291-005-900 in the Whittier Hills; City negotiator Stephen Helvey.
- 17.F** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard (Gables project); Agency negotiator: Stephen Helvey.
- 17.G** City Council – Government Code Section 54956.8 to discuss real property negotiations with Matrix Oil Company regarding terms of payment for lease of properties identified as Assessor Parcel Nos. (APN's) 8137-021-902; 8137-021-907; 8289-007-909; and 8289-021-904; City negotiator Stephen Helvey.

Mayor Pro Tem Nordbak advised he cannot participate in a portion of the discussion listed as Item 17.D and requested the dealerships be listed separately if property negotiations should come forward again in the future.

Mayor Henderson adjourned the joint meeting to Closed Session at 8:02 p.m.

**18. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the joint meeting in Open Session at 9:12 p.m.

**19. CLOSED SESSION REPORT:**

None.

**20. ADJOURNMENT:**

Mayor Henderson adjourned the joint meeting at 9:12 p.m.

Respectfully submitted,

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Kathryn A. Marshall  
City Clerk-Treasurer/  
Secretary-Treasurer