

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

1. CALL TO ORDER:

The Whittier City Council met in regular session on March 9, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:33 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 (6:40 p.m.)
Toni Maiques, Assistant City Clerk Treasurer/
Assistant Secretary-Treasurer
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer (8:42 p.m.)

3. PLEDGE OF ALLEGIANCE:

Council Member Warner led the Pledge of Allegiance.

ANNOUNCEMENTS:

Mayor Henderson announced the City Council was seeking applicants for openings on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission and Personnel Board; and he announced a public meeting on

Wednesday, March 24, 2010, from 6:00 p.m. to 8:00 p.m. in the Council Chamber, to discuss the planning of the City's 2010-2015 Consolidated Plan

4.A PRESENTATION – SUPERVISOR KNABE LIBRARY FOUNDATION DONATION

A representative of Supervisor Don Knabe's office presented a \$25,000 donation to Ellie Buehle, Whittier Public Library Foundation President and Library Director Paymaneh Maghsoudi, supporting literacy, education and library access. Ms. Buehle introduced Ray Schmidt and Rose Mary Yetter of the Foundation Board. Ms. Yetter announced L.A. Noir is the Whittier Reads selection, and distributed a copy to each Council Member.

City Attorney Jones joined the meeting and took his place at the dais at 6:40 p.m.

4.B PRESENTATION – PROCLAMATION – ROSE HILLS VIETNAM VETERANS MEMORIAL WALL

Mayor Henderson presented a Proclamation to Bruce Lazenby, Director of Property Development and Patrick Monroe, President and CEO, of Rose Hills Memorial Park, in recognition of the Dignity Memorial Vietnam Wall that will be displayed at Rose Hills on March 23-31 honoring all members of the military. The display coincides with the City's Welcome Home Vietnam Veterans celebration.

4.C BLUE STAR PRESENTATIONS

Mayor Henderson and Mayor Pro Tem Nordbak presented John, Angelina and Lauren Wert with a Blue Star flag and decal, and Blue Star pins in recognition of their son and brother Garrett Wert, an E-5 in the United States Navy. Garrett took part in a South American Humanitarian Mission in April 2008 and is scheduled to go to Afghanistan in September. He is currently stationed at the Naval Weapons Station in Seal Beach. Mayor Henderson said a Blue Star banner honoring Garrett would be hung on Whittier Boulevard.

Mayor Henderson and Mayor Pro Tem Nordbak presented Carlos V. Solarza Jr. and his family with a Blue Star flag and decal, and Blue Star pins in recognition of his son Carlos V. Solarza III, an Airman First Class in the United States Air Force, who is currently stationed at Whiteman Air Force Base in Missouri. Mayor Henderson said a Blue Star banner honoring Carlos would be hung on Whittier Boulevard.

Mayor Henderson and Mayor Pro Tem Nordbak presented Jane Ashe and her family with a Blue Star flag and decal, and Blue Star pins in recognition of her son-in-law Matthew P. Paben, an E-4 in the United States Army. Matthew has served two tours in Iraq; and is currently stationed at Fort Carson, Colorado. Mayor Henderson said a Blue Star banner honoring Matthew would be hung on Whittier Boulevard.

5. ORAL COMMUNICATIONS:

Joseph Price, 6706 Worsham Drive, Whittier; Whittier College professor; on behalf of the President of Whittier College, he expressed their appreciation for the MTA presentations regarding the extension of the Metro Gold Line; he said Whittier College would be well served by the Washington Boulevard route by providing transportation to students and visitors to the College as well as volunteers providing public services to the community.

Richard Krieger; Goodhue Street; said he believes the Metro Gold Line service is a good idea; and wants to see bus service extended to east Whittier.

Robby Buff, Global Eagle Soil Solutions; said he was presenting a sub surface solution to solve water shortages by keeping roots underground and eliminating water run-off; and he presented a DVD to Council Members about this service.

Mary Ann Bakotich, Whittier Area Chamber of Commerce; announced the Wake-Up-Whittier networking breakfast on March 10 at the Community Center; the Business Expo on March 18 at the Radisson; and the Candidates' Forum on March 24 co-hosted by the Uptown Association at the Red Cross.

Robert Canales, 6333 Milton Avenue, Whittier; suggested the City get the Temptations and Supremes for a Concert in the Park event; and said he had a campaign event for his run for Congress.

Ken Metzger, Whittier; complimented the Whittier Police Department for their proactive role in his neighborhood; said his neighborhood has created the Washington Avenue Neighborhood Alliance; and asked for help in getting the streets and alleys swept regularly, and getting the alleys repaved.

Mary Jo Call, 11740 Beverly Boulevard, Whittier; said she supports the request to move the bus stop located in front of the Uptown Gym; and the gym contributes to health, fitness and well-being of people in the community.

Jack Call, 11740 Beverly Boulevard, Whittier; supported his wife's comments; said other business owners are against having the bus stop in front of their businesses; and it is not fair to have one business bear the cost.

Steve Garcia, 8211 Calmada Avenue, Whittier; said moving the bus stop from in front of the Uptown Gym will have a favorable effect on gym patrons and other businesses and would contribute to the revival of the Uptown area; and the bus stop was moved 17 years ago without a public hearing to attract a retail user for an existing building.

Steve Scott, Uptown Gym trainer and Manager; said his clientele is intimidated and harassed by bus patrons; 75% of his female clientele have asked him to relocate and train elsewhere; and he requested more police patrol in the area around the gym to protect patrons.

Richard Gill, Uptown Gym; said he had submitted a petition with 200 signatures requesting moving the bus stop from in front of the gym; his business should be considered more important than the vacant Bank of America building; and other locations have more room for bus access than the gym.

Dennis Martin, Whittier; said he was supporting Item 6.E on the agenda regarding installing a traffic signal on Santa Gertrudes Avenue at Starbuck Street.

Devin Iimoto; 6256 Western Avenue, Whittier; said as a Whittier College faculty member, he supports the Gold Line; he believes it will benefit the faculty and students; and will make travel easier and more convenient.

Fernando Dutra, 14509 Cedar Springs Drive, Whittier; spoke in favor of the Metro Gold Line Washington Boulevard alignment; said the focus of the Washington Boulevard Coalition is taking information to City residents, and said the Coalition is looking for endorsements of the City and residents.

Jon Traw, 14435 Eastridge Drive, Whittier; announced the March 19 Battle of the Bands (high school bands) at the Whittier High School Vic Lopez Auditorium; and said that 20 students will be sent to a leadership awards program.

Amanda, Whittier College, representing the Business Leadership Group, announced the Greener Miles Ahead event on March 13 at the Whittier College Campus Center; she said there would be demonstrations on keeping cars efficient; and they will be distributing log books.

Joe Marsico, Whittier; said he attended the March 8 Candidates' Forum; he is shocked that video tapes of Council meetings were destroyed; he said the tapes are not fully restored; and he wants to know who authorized destruction of the tapes.

Fred Hawthorne, Whittier; said he is a City Council candidate; said he reviewed the City's budget; last year the City Manager received a raise even though there were budget cuts; and he asked people to send letters and contact local officials about the closure of City parks.

Ralph Marsico, Whittier; said he attended the Candidates' Forum; his family's eviction was because of transactions with the landlord, the City Attorney and the Police department; and he believes they were illegally evicted.

Mayor Pro Tem Nordbak responded to Ralph Marsico's comments and said he had spoken with Joe Marsico on the telephone; Mr. Marsico had assured him the code violations had been corrected; he contacted the City Manager; and when the Police went to the residence, none of the violations had been corrected.

City Manager Helvey stated there had been a Code Enforcement action on the property where the Marsico's resided; the City does not own the property; and the landlord went to court and chose eviction.

Ken Walters, E.C. Construction, South El Monte; spoke regarding Item 8.A on the agenda; and encouraged the Council to evaluate E.C. Construction's submittal and consider overturning staff's recommendation for awarding the contract because of a minor discrepancy.

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

Council Member Warner requested separate consideration of Items 6.G and 6.H

It was moved by Council/Agency Member/Director Newcomer, seconded by Council/Agency Member/Director Vinatieri and carried, by roll call vote, to approve the Consent Calendar, except Items 6.G and 6.H; including awarding construction contracts to Silvia Construction, Inc. (Item 6.C) and Steiny and Company, Inc. (Item 6.E).

- 6.A** The City Council denied claims filed by Joan F. Allison, Martha Barba, Ronald Munson, Angela Huerta, and the City of Alhambra.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of February 23, 2010.
- 6.C** The City Council awarded the construction contract to Silvia Construction Inc., for the Greenleaf Avenue Overlay and Class II Bike Lanes Federal Project No. ESPLHSIP-5111(046), Mulberry/Slauson Resurfacing Federal Project No. ESPL-5111(055), and Greenleaf Avenue Slurry Project, in the amount of \$816,322; rejected all other bids; and authorized the City Manager to sign the contract.
- 6.D** The City Council approved the plans and specifications for the Laurel Avenue Reconstruction from Whittier Boulevard to Lambert Road Federal Project No. ESPL-5111(053) and Laurel Avenue Overlay from Lambert Road to the south City limits Project; and authorized the City Clerk to advertise for construction bids.

- 6.E** The City Council awarded the construction contract to Steiny and Company, Inc., for the Santa Gertrudes Avenue at Starbuck Street Traffic Signal Installation Federal Project No. ESPL-5111(049) in the amount of \$143,336; rejected all other bids; and authorized the City Manager to sign the contract.
- 6.F** The City Council declared the following vehicles and equipment surplus and be sold at public auction to the highest bidder:
1. 2001 Buick Century, Equipment No. 11557
 2. 1994 Ford F-250 Truck, Equipment No. 16607
 3. 1997 Ford F-350 Chassis, Equipment No. 20213
 4. 1999 Volvo Refuse Truck, Equipment No. 20217
 5. 1991 GMC Aerial Truck, Equipment No. 22105
 6. 1987 Ford C-800 Dump Truck, Equipment No. 25488
 7. 1987 Ford C-800 Dump Truck, Equipment No. 25489
 8. 2004 Hydro-Tek Trailer Mounted Pressure Washer, Equipment No. 39525

**6.G SIX MONTH REVIEW – CONDITIONAL USE PERMIT CUP 09-007
“BAMBOOZE: RESTAURANT, 6518-22 GREENLEAF AVENUE**

Following brief discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, to receive and file the six-month review and direct staff to return six months after the beginning of operations for a follow-up review of Conditional Use Permit CUP 09-007 for “Bambooze” restaurant, located at 6518-22 Greenleaf Avenue, Suites 17 and 18; Applicant: Carlos Fernandez; Owner: KMS Investment, Inc.

**6.H PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY
CONSERVATION EASEMENTS**

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried, to approve a conservation easement on one-half acre of old Chevron property APN 8291-005-900 in the Whittier Hills relating to Brea Power mitigation; approve a conservation easement on 15.8 acres of old Chevron property APN 8291-005-900 in the Whittier Hills relating to Orange County Waste and Recycling landfill expansion; and authorize the City Manager to execute agreements for such conservation easements.

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

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:47 p.m.

8.A INTERSECTION IMPROVEMENTS ON MAR VISTA STREET AT CALIFORNIA AVENUE

City Attorney Jones explained that the two lowest bidders for the Intersection Improvements on Mar Vista Street at California Avenue, Federal Project No. ESPL-5111 (056) had been disqualified by staff due to bid irregularities; E.C. Construction was the potential low bidder; their bid had a \$90 error; the third lowest bid was an additional \$23,000; E.C. Construction submitted a protest letter in a timely manner; the letter was received by City staff prior to the February 23, 2010 Council meeting; the issue in the protest letter is legitimate allowing the Council to deliberate the issue; and the Council had the authority to override the staff recommendation and award the contract to E.C. Construction, who was the original low bidder; sustain the prior action and staff recommendation and award the contract to All American Asphalt, or reject all bids and re-advertise the project for construction bids.

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, to overrule the staff recommendation; declare the E.C. Construction bid error was not substantive; award the construction contract to E.C. Construction; and authorize the City Manager to execute the contract.

8.B METRO EASTSIDE GOLD LINE PHASE II LIGHT RAIL PROJECT

Representatives of the Los Angeles County Metropolitan Transit Authority (Metro) presented a power point presentation on the Metro Eastside Gold Line Phase II light rail project, and said the project had been narrowed down to two possible routes, the Washington Boulevard route and the SR-60 route; and they were starting the scoping period which ends April 14, 2010.

Council Members Newcomer and Vinatieri reported they had attended numerous meetings regarding the project; both Council Members supported the Washington Boulevard route, and encouraged City residents to support it.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to receive and file an update for the Metro Eastside Gold Line Phase II light rail project; and that Resolution No. 8274 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, STATING THE CITY'S SUPPORT OF THE METROPOLITAN TRANSPORTATION AUTHORITY EASTSIDE GOLD LINE TRANSIT CORRIDOR PHASE II," approving the Metro Eastside Gold Line Phase II Transit Subcommittee activities, be read by title only, further reading be waived, and it be declared adopted.

9. 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 8:20 p.m.

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

Council Member Vinatieri requested staff keep Richard Gill informed of the process and progress regarding the relocation of the bus stop currently located in front of the Uptown Gym on Philadelphia; and reported that on a law firm business trip to Sacramento, he met with State Senator Ron Calderon and Assemblymen Charles Calderon to solicit support for the Metro Gold Line Phase II project, as part of the Metro Gold Line subcommittee.

Council Member Newcomer reported he had a conversation with Assemblyman Mendoza regarding the Metro Gold Line Phase II project; and directed staff to provide an update on alley projects.

Mayor Pro Tem Nordbak said the Metro Gold Line Phase II project will be on the agenda for the April 7 Gateway Cities Council of Governments (COG) meeting; and asked Council Member Warner to attend the meeting because he has a City Council Candidate forum that evening; and he asked that either Council Member Vinatieri or Newcomer attend the COG meeting as a member of the City's subcommittee.

11. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

12. CITY COUNCIL CLOSED SESSION:

City Manager Helvey recommended the City Council conduct a Closed Session pursuant to:

12.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.

12.B City Council – Government Code Section 54956.9(b) 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.

Mayor Henderson adjourned the City Council meeting to Closed Session at 8:35 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

13. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the City Council meeting in Open Session at 9:01 p.m.

14. CLOSED SESSION REPORT:

None

15. ADJOURN CITY COUNCIL MEETING TO TUESDAY, MARCH 23, 2010 AT 5:00 P.M.

At 9:01 p.m., Mayor Henderson adjourned the City Council meeting to Tuesday, March 23, 2010, at 5:00 p.m.

Respectfully submitted:

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