

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

1. CALL TO ORDER:

The Whittier City Council met in regular session on March 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
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:

Council Member Cathy Warner led the Pledge of Allegiance.

ANNOUNCEMENT:

Mayor Henderson announced that the City Council was soliciting applications for openings on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, and Personnel Board.

4.A PROCLAMATION – MONTH OF THE FAMILY

Mayor Henderson and Mayor Pro Tem Nordbak presented Max Jones, Broadoaks student government president, with a proclamation declaring April the Month of the Family.

Max Jones accepted the proclamation on behalf of Broadoaks School and the children of Whittier, thanked the City Council for the recognition and the community for its support all year long, and provided a calendar of the school Spring's events.

4.B PROCLAMATION – SEXUAL ASSAULT AWARENESS MONTH

Police Chief Singer described the Sexual Assault Response Team (SART) program which allows the victims of sexual assault to remain in the community and receive medical attention; and commended Presbyterian Intercommunity Hospital for donating the space, furniture, medical supplies, and medicine for SART to treat these victims.

Mayor Henderson and Mayor Pro Tem Nordbak presented Margo Kaatz, Presbyterian Intercommunity Hospital Administrator for Women's and Children's Services, with a proclamation declaring April Sexual Assault Awareness Month.

4.C PRESENTATION – BOYS AND GIRLS CLUB WEEK

Mayor Henderson and Mayor Pro Tem Nordbak presented Boys and Girls Club Board Members Paul Shirmer, Ray Corman, and Dave Singer, and Executive Director Sam Rideout with a proclamation declaring March 21 -27, 2010, Boys and Girls Club Week.

Boys and Girls Club Member Jewels Mesa, spoke about the value of the club in her life and invited the community to join them in celebrating the youth of Whittier on May 6, 2010.

4.D PRESENTATION – NATIONAL LIBRARY MONTH

Mayor Henderson and Mayor Pro Tem Nordbak presented Board of Library Trustee Members Rob Settlege, Eileen Bigalow, and Rubin Johnson with a proclamation declaring April National Library Month in Whittier.

4.E PRESENTATION – WHITTIER HOST LIONS CLUB AWARD

Mayor Henderson and Mayor Pro Tem Nordbak presented Whittier Host Lions Club President Al Campano and other Board Members with a California Park and Recreation Society Best-of-the-Best Community Services Award.

Community Services Director Shields reviewed a variety of projects the Whittier Host Lions Club has undertaken on behalf of the community including the recent donation of the miniature horse, Leo, and a barn for the City's zoo animals.

Whittier Host Lions Club President Campano thanked the City for its relationship with the Lions Club and thanked the community for its response to the Haiti earthquake relief fundraiser.

Mayor Henderson announced that the City had received the California Parks and Recreation Society Award of Excellence for the Greenway Trail.

5. ORAL COMMUNICATIONS:

Dawn Sullivan-Fielder, Greening, Whittier, announced Sierra High School was having an alumni reunion for all graduates with a homecoming event on October 2, 2010. She said an alumni foundation had been established and its first project would be restoration of the Viet Nam Veteran Memorial on the high school campus; and the City Council was invited to the rededication ceremony.

Dean Carlton, 10339 Maybrook Avenue, Whittier, spoke regarding the claim he submitted to the City for damage caused to his property by a ficus street tree; said he has asked staff members what else he needs to do to have the matter resolved and had been advised there is no further action to be taken; he spoke regarding his limited income sources and asked that the City be fair and resolve the claim.

Mrs. Carlton said her husband has been adversely affected by the ongoing effort to resolve their claim for street tree caused damage, which she believed had been thoroughly proven, and spoke regarding her husband's medical condition.

Derek Altoy, Air Quality Management District, 21865 Copely Drive, Diamond Bar, spoke regarding an upcoming event for youth on May 27, 2010, the Annual Lawnmower Exchange; funding available to government agencies to purchase alternative fuel vehicles; the annual Clean-Air Awards program; and submitted a DVD for the City to use to educate the public about how to make air quality complaints.

Chuck Garcera, 15720 Youngwood Drive, Whittier, owner of King Richard's Antique Center, said he has been working with the City's Business Development Manager and the Whittier Uptown Association on the Antique Festival to add new features and make it a family event.

Jose Ramos, founder and Chief Executive Officer of the Welcome Home Viet Nam Veteran's Day Program; thanked Council Members for attending the opening ceremony for the Dignity Memorial Viet Nam Wall; and advised 17 states have legislation pending to acknowledge Welcome Home Viet Nam Veteran's Day. He requested the City provide Dial-a-Ride shuttle service for veterans on March 28, 2010,

from the Welcome Home Viet Nam Veteran's Event at California High School to Rose Hills to see the Viet Nam Wall.

David Craig, 1238 Devonshire Lane, La Habra, announced the Whittier Mayor's Prayer Breakfast will be held April 9, 2010, and invited everyone to attend.

Arthur Rock, Whittier, encouraged the public to vote at the upcoming City Council Election; spoke regarding the difficulties to be faced in the next City budget because of the revenue losses associated with the loss of auto dealers; and said change can be good and encouraged people to look for new ideas.

Robert Canales, Whittier, announced he was no longer a Republican candidate for the United States House of Representatives; he would be filing as a non-partisan candidate; said although Whittier is facing the same economic challenges as other cities, it has shown leadership in providing economic development programs; and said he has endorsed a new candidate for City Council and will not endorse an incumbent due to the positions they have taken on business issues.

Fernando Dutra, 14509 Cedarsprings Drive, Whittier, reported on the effort to gather support for the Washington Boulevard Metro Light Rail initiative; said 200 letters have been received, the Chamber of Commerce and school districts are being contacted for support, and Whittier College has expressed support; and reminded everyone that letters are due by April 14, 2010. He thanked Council Members Vinatieri and Newcomer for the work they are doing in support of the initiative.

Council Member Warner requested Mr. Dutra solicit support from Parent-Teacher Associations of the school districts and contact the Whittier Coordinating Council representing residents in the unincorporated County area.

Frank Rinaldi, 10446 Linde Drive, Whittier, said he owns the property at 15720 Hadley Street and that his property is being vandalized by people who patronize Sage Restaurant, the restaurant is offering club activities Thursday through Saturday nights and its patrons are graffitiing his building, breaking windows, and climbing on his building to retrieve personal items. He said he has contacted the Police Department about the activities and requested the City's assistance protecting his business and others in the area.

George Poochigian, Whittier, encouraged residents to register to vote in the upcoming City election, endorsed the non-incumbent candidates, said he would like new Council Members to finish the business that is underway; and that he opposes the incumbent candidates' comments about drilling for oil in the hills.

Ralph Marsico, Whittier, said the City pushed his landlord to evict him from the house he lived in; photographs taken of that property were not secured legally; asked if the property owner received a refund of the Code Enforcement fines he paid; and encouraged the public to vote for his father for City Council as a write-in candidate.

Joe Marsico, Whittier, spoke regarding a video tape of a Council meeting during which his son Henry inquired about the City's transportation system; said his request for a debate with the City Attorney regarding the City's transportation system was denied; said the City does not conduct debates and no longer has a transportation system.

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

Council Member Vinatieri requested separate consideration of Item 6.G.

It was moved by Council/Agency Member/Director Newcomer, seconded by Council/Agency Member/Director Warner and carried unanimously, by roll call vote, to approve the Consent Calendar with the exception of Item 6.G, including awarding contracts to Best Drilling and Pump, Inc., Item 6.F, and Nobest, Inc., Item 6.H, and that Resolution Nos. 8275 and 8276 be read by title only, further reading be waived, and they be declared adopted.

- 6.A** The City Council denied claims filed by Teri Duncan, Julia Rodriguez, Thomas L. Goforth, Allstate Insurance Co., Mohammad Al Jarrah, and Luis Sandoval and family members.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of March 9, 2010.
- 6.C** The City Council approved a special event permit for the Whittier Uptown Association's Spring Antique Street Faire scheduled for Saturday, April 24, 2010, on Philadelphia Street between Greenleaf and Painter Avenues.
- 6.D** The City Council adopted Resolution No. 8275 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING ITS 2010 NATURAL HAZARDS MITIGATION PLAN UPDATE."
- 6.E** The City Council received and filed the following Historic Resources Commission actions:
 - 1.** Approval of Certificate of Appropriateness 09-009 to remodel the interior of the existing residence and restore three previously removed windows in the master bedroom; install four new doors and four windows; and obtain approval to complete the installation of a partially constructed perimeter fence in the front yard for property located at

13713 Philadelphia Street (College Hills Historic District); Owner: Suren and Zandra Sakadjian.

2. Approval of Certificate of Appropriateness 09-021 regarding properties located at 7016A and 7016B Pierce Avenue: to construct a new 238 square-foot addition to the rear of Unit A; restore the exterior siding Units A and B; remodel the interior of Unit A; and complete a comprehensive window change-out to Units A and B; Applicant: Dennis Dickerson; Owners: Julio and Maria Hernandez.

- 6.F** The Board of Directors awarded the demolition contract to Best Drilling and Pump, Inc., in the amount of \$65,634 for the Rehabilitation of Well 16 Project; rejected all other bids; and authorized the Executive Director to execute the contract.
- 6.H** The City Council awarded the construction contract to Nobest, Inc., in the amount of \$56,052 for the Community Development Block Grant Target Area Surface Treatment at Redman Avenue project; rejected all other bids; and authorize the City Manager to sign the contract.
- 6.I** The City Council approved the specifications and standard plans for construction of access ramps at various locations per the Accessibility Committee priority list; and authorized the City Clerk to advertise for construction bids.
- 6.J** The City Council approved a special event permit for the P.M. Y's Men's Club of the YMCA of Greater Whittier Greenway Trail-A-Thon on Saturday, April 24, 2010.
- 6.K** The City Council adopted Resolution No. 8276 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING THE 2010 UPDATE TO THE CITY OF WHITTIER'S LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES."
- 6.L** The City Council adopted a fee schedule for commemorative trees and plaques on the Greenway Trail.

6.G CITY HALL WINDOW REPLACEMENT REJECTION OF BIDS

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously to reject all bids for the City Hall Window Replacement Project and authorize the City Clerk to re-advertise for construction bids.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:44 p.m.

8.A PRESBYTERIAN INTERCOMMUNITY HOSPITAL BANNER FEE WAIVER REQUEST

City Manager Helvey announced that Mayor Pro Tem Nordbak and Council Member Vinatieri had business conflicts of interest with Presbyterian Intercommunity Hospital; therefore, would not participate in the discussion. Mayor Pro Tem Nordbak and Council Member Vinatieri left the Council Chamber at 7:45 p.m.

Following discussion, it was moved by Mayor Henderson, seconded by Council Member Warner, and carried with Mayor Pro Tem Nordbak and Council Member Vinatieri absent, to waive the banner hanging fee for the Presbyterian Intercommunity Hospital Foundation event based on the following findings: they are a highly philanthropic group benefiting Presbyterian Intercommunity Hospital and the money they raise is returned to the community through health services through the hospital; therefore, they provide a social benefit; and Presbyterian Intercommunity Hospital is holding its Grand Opening for its office location in Uptown Whittier this week so the timing is appropriate to allow them to put up a banner to recognize them and serve as an introduction to the Uptown Area.

Mayor Pro Tem Nordbak and Council Member Vinatieri resumed their seats at the dais at 7:51 p.m.

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

Council Member Warner requested staff solicit individual school board members to write letters of support if there is not sufficient time for the school boards to take action.

Following discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, to receive and file the update report on the status of informing the public of the City's advocacy effort in support of the Washington Boulevard alignment for the proposed Metropolitan Transportation Eastside Gold Line Phase II Light Rail Project.

NEW BUSINESS – GATEWAY CITIES COUNCIL OF GOVERNMENT ALTERNATE REPRESENTATIVE

Mayor Pro Tem Nordbak advised a matter has risen which cannot wait for the next City Council meeting to be addressed, that being the next Gateway Cities Council of Governments' (COG) meeting will occur before the next City Council meeting on a date that he cannot attend and that, since Council Members Newcomer and Vinatieri will represent the City to make a presentation, attendance of the City's alternate to the COG, Council Member Warner, would have a quorum of the City Council present. Therefore, he recommended the City Council add an item to the agenda to temporarily appoint Council Member Newcomer or Council Member Vinatieri as an alternate for this month. It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Warner, and carried unanimously to add an item to the agenda to discuss a temporary alternate to the COG and find that the need arose after the agenda was posted and cannot wait for the next City Council meeting.

It was moved by Council Member Vinatieri, seconded by Council Member Warner, and carried unanimously to appoint Council Member Newcomer the City's alternate to the COG for the next meeting.

9.A PARKING AND TRANSPORTATION COMMISSION APPOINTMENT (Items 9.A – 12 – See Page 9)

13. CITY COUNCIL CLOSED SESSION:

City Manager Helvey recommended the City Council conduct the following Closed Session discussions:

- 13.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.
- 13.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.
- 13.C** City Council – Government Code Section 54956.9(a) to discuss the claim of Del Terra Construction vs. the City of Whittier.
- 13.D** City Council – Government Code Section 54956.9(a) to discuss the claim of Thomas vs. the City of Whittier.

Mayor Henderson adjourned the meeting to Closed Session at 8:05 p.m.

14. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the meeting in Open Session at 8:20 p.m.

15. CLOSED SESSION REPORT:

None.

9.A PARKING AND TRANSPORTATION COMMISSION APPOINTMENT

(Continued from Page 8)

The City Council interviewed Parking and Transportation Commission applicants John McCandless, Julia Kahn, Angelina Jungo, and Mark Gutierrez.

City Manager Helvey was present during Ms. Jungo's interview.

Following discussion, it was moved by Council Member Warner, seconded by Council Member Vinatieri, and carried unanimously to appoint John McCandless to the Parking and Transportation Commission for a term expiring July 1, 2013.

10. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Henderson reconvened the Redevelopment Agency and the Utility Authority meetings in joint session with the City Council at 9:28 p.m.

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

Council Member Warner requested staff respond to Mr. Ramos' request for Dial-a-Ride service.

12./16. ADJOURN MEETINGS:

Mayor Henderson adjourned the joint meeting at 9:25 p.m.

Respectfully submitted,

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