

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
SEPTEMBER 14, 2010**

1. CALL TO ORDER:

The Whittier City Council met in regular session on September 14, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak 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
Owen Newcomer, Council Member/Agency
Member/Authority Director
Bob Henderson, Council Member/Agency
Member/Authority Director
Cathy Warner, Mayor Pro Tem /Vice
Chair
J. Greg Nordbak, Mayor/Chair

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 (9:17 p.m.)

3. PLEDGE OF ALLEGIANCE:

Sal Prisco led the Pledge of Allegiance.

4.A PRESENTATION – ELKS CERTIFICATE OF COMMENDATION

Mayor Nordbak and Mayor Pro Tem Warner presented a Certificate of Commendation to Elks Lodge Trustees Mike Roach, Bud Zerbe and Sal Prisco, for their contributions to the Children's Summer Reading Program and continued service to local children's programs.

4.B PRESENTATIONS – BUSINESS OF THE MONTH CERTIFICATES

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Jeen and Javier Jimenez, owners of Setá Dine. He said the restaurant, which opened in 2009, employs 18 to 25 full-time and part-time employees; and specializes in corporate fine dining with Spanish and Asian influences. The Jimenez's have invested over \$1million in the property, which has helped rebuild the Uptown area; and they are involved in programs with the Boys and Girls Club.

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Curt and Sally James, owners of Toyota of Whittier. He said the business is a member of the Chamber of Commerce; employs 52 full-time employees; is one of the top sales tax producers in the City; and sponsors Whittier High School softball and baseball.

5. ORAL COMMUNICATIONS:

The individuals listed below spoke in opposition to the proposed Whittier Main Mineral Extraction Project sighting the following issues: dissemination of the oil drilling draft Environmental Impact Report (EIR); request for five town hall meetings to allow public input and discussion of the EIR; placing a referendum on a ballot for the public to vote on the project; educating citizens about the proposed oil drilling; requesting interim and final reports with AECOM regarding the assessment of the socio-economic impact of the proposed project on the community; requesting a formal response from the City Council; secrecy about the project; pipelines are too porous to transport oil; increase in traffic; decrease in property values; air pollution; health hazards; need for preventive medicine to avoid health problems; possibility of an explosion similar to the Matrix Honolulu Terrace explosion five years ago that killed one worker and injured two others; environmental preservation; destruction of natural resources; value of revenue; diversity of constituents; taking risks for the community; preservation of the hills for future generations; property owners rights to make decisions about the hills; finding alternate ways to raise revenues; potential conflict of interest for Council Member Henderson; large vehicles used to transport equipment; calling for Council Member Henderson's resignation from the City Council and as Habitat Authority Chairman; Mayor Nordbak's personal relationship with someone involved in the project; payment to City Attorney Jones for advice he has provided regarding Proposition A funds; high school cross-country runners on Mar Vista Street inhaling gases; misinformation in the Matrix contract about the drilling site and the potential expansion of the project; no guarantee of royalties; gas lines running under Colima Road; preservation of streets; no tax for oil extraction; compromising hills for oil drilling will affect local hiking; no efforts to reach out to the community; inconsistencies in comments from Matrix representative Mike McCaskey and City representatives; and national parks are to remain clean and pristine.

Dan Duran, 8103 Catalina Avenue, Whittier
Matt Berkelhammer, Whittier area
Marta Borbon, 5228 Glennon Drive, Whittier
Barry Stone, Villaverde Drive, Whittier, submitted *Whittier Daily News* and *Los Angeles Times* articles about the oil drilling and the pipeline explosion in San Bruno, CA
Paul Breitman, 15433 Lodosa Drive, Whittier
John Young, Honolulu Terrace, Whittier
Ivy Han, Whittier College student
Darren Taylor, Bright Avenue, Whittier
Luán, Hacienda Heights resident, Whittier College Student
Patricia Lopez, 5531 Greenleaf Avenue, Whittier
Roy McKee, Davista Drive, Whittier
Fred Hawthorne, Franklin Avenue, Whittier
Eddie Diaz, Eldon Avenue, Whittier
Bebe Kevorkian, 8920 Colima Road, Whittier
Rosanna Cambron, La Forge Street, Whittier
Marilyn Warner, Pasada Drive, Whittier
Orlando Terrazas, Friends Avenue, Whittier
Lupe Sahaguen, Bronte Avenue, Whittier
Andrea Gordon, Turnbull Canyon
Adam Garcia, Boys Scouts of America

Derek Alatorre, Air Quality Management District (AQMD); thanked the City for AB2766 funds to clean up the air; and announced the AQMD Annual Leaf Blower Exchange Program in February 2011 to exchange gas blowers for hybrid blowers.

James Sass, 6252 Washington Avenue, Whittier; said he supports the Washington Boulevard extension of the Metro Gold Line; credited the Washington Boulevard Coalition, City staff and Council Members Newcomer and Vinatieri for their leadership; and recommended the community stay informed about the project.

Frank Mendoza, 6045 Haviland Avenue, Whittier; said he supports the WHOW; his son plays T-ball at Murphy Ranch; his daughter plays softball at Whittier College; and he read a poem he wrote opposing the proposed oil drilling.

Julia Emerson, 12460 Mar Vista Street, Whittier; representing Southern California Gas Company, said she was available to answer questions regarding safety issues; the Gas Co. is separate from oil drilling in the City and from Pacific Gas & Electric (PG & E); said there is one high pressure gas line in the City, which is marked above ground; the line passed inspection in 2005 using the latest technology; she encouraged residents to call the Gas Co. at 811 at no cost to locate gas lines prior to digging; pressure in residential lines is 30lbs./square inch; the lines can withstand 60lbs./square inch; and the pressure in a home is 1/3 of 1 pound.

Ron Galarze; 6338 Greenleaf Avenue; announced that Guerra-Gutierrez Mortuaries is producing a Dia del los Muertos celebration; Guerra-Gutierrez has adopted non-profit agency The Whole Child to receive the proceeds from the celebration; there will be a fashion show, musical performances; a folklorico dance presentation and a display of altars; and he invited the City Council and community to the event on October 30 from 5:00 p.m. – 8:00 p.m.

Richard Krieger, Goodhue Avenue, Whittier; said the empty car lots on Whittier Boulevard could be converted to a theater complex; a Bob's Big Boy Restaurant would restore the past; funding is needed for Uptown buses; and bus lines should be extended to Beach Boulevard.

George Poochigian, Whittier; said the oil issue was hidden so it can be rushed through; spoke about conducting one Council meeting a month rather than two, as stated in the City Charter; he asked where the funding is from for the landscaping in the front of City Hall and the new Police facility; and he commented about the Friendly Hills Homeowners Association.

Heather Rouhana, representing Congressman Gary Miller, announced his Annual Academy Night to be held at the Nixon Library on October 21 for high school students that are interested in attending a military academy.

Joe Marsico, Whittier; submitted copies of a 1973 study regarding street sweeping; said residents are fearful of having their cars towed; and said it causes unnecessary suffering of the poor and defenseless.

Council Member Henderson said that by law, the EIR review period cannot exceed 60 days; the acreage will be addressed in the EIR; the amount of oil drilled will depend on revenues received; the City has control by the Conditional Use Permit; there will not be drilling if the funds will not benefit the City; the EIR will be on the City's website, and available at both libraries. He recommended interested parties read the Executive Summary then focus on areas of specific interest; all issues raised will be addressed in the EIR; and he anticipates the final EIR will be available in April 2011.

Mayor Nordbak commented that Mac MacFarland has been his Treasurer for four campaigns; and he has never contributed to Mayor Nordbak's campaign.

Mayor Nordbak recessed the joint meeting at 8:04 p.m. He reconvened the joint meeting at 8:30 p.m. with all Council Members present.

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

City Manager Helvey stated that the Fiscal Impact on Item 6.H needed amending because Suburban Water Systems had not yet paid the franchise fee as stated, however the City would collect the fee from Suburban if so acted upon by the City Council; and that Item 6.J needed amending to show that the current Whittier Union High School Community Facility Use Agreement expired on June 30, 2010 rather than June 30, 2005 as reported.

Council Member Henderson declared a conflict of interest on Items 6.E and 6.F because his business is located in the Uptown Whittier Business Improvement Area (Item 6.E) and in Uptown Parking District No. 2 (Item 6.F); and recused himself from discussion and action on these items.

Council Member Vinatieri declared a conflict of interest on Items 6.E and 6.L because his business is located in the Uptown Whittier Business Improvement Area (Item 6.E) and Presbyterian Intercommunity Hospital is a client of his law firm (Item 6.L); and recused himself from discussion and action on these items.

Mayor Nordbak declared a conflict of interest on Item 6.L because Presbyterian Intercommunity Hospital is a client of his business; and recused himself from discussion and action on this item.

It was moved by Mayor Pro Tem/Vice Chair Warner, seconded by Council/Agency Member/Director Newcomer and carried by roll call vote, to approve the Consent Calendar and that Resolution Nos. 8311, through 8317 be read by title only, further reading be waived, and they be declared adopted; and that Ordinance Nos. 2957 and 2958 be read by title only, further reading be waived, and this be declared their first reading, with Items 6.H and 6.J amended; Council Member Henderson recusing on Items 6.E (Resolution No. 8312) and 6.F (Resolution No. 8313); Council Member Vinatieri recusing on Items 6.E (Resolution No. 8312) and 6.L; and Mayor Nordbak recusing on Item 6.L.

- 6.A** The City Council denied claims filed by James and Carleen Perkins, Sandy Ly, Rafael David Field, Richard Quesada, and Michael Montoya.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of August 10 and August 24, 2010.
- 6.C** The City Council received and filed the Gateway Cities Council of Governments updates for March through August 2010.

- 6.D** The City Council adopted Resolution No. 8311 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL CALPERS SERVICE CREDIT"; and approved certifications to implement the service credits for eligible designated positions in the Police Department to encourage reduction in the Police force pursuant to the Fiscal Year 2010-11 Budget.
- 6.E** The City Council approved the Whittier Uptown Association Annual Report as presented; adopted Resolution No. 8312 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE UPTOWN WHITTIER BUSINESS IMPROVEMENT AREA FOR CALENDAR YEAR 2011"; and set October 12, 2010 for the public hearing.
- 6.F** The City Council adopted Resolution No. 8313 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING TAXATION DISTRICTS AND LEVYING AN AD VALOREM ASSESSMENT ON ALL LAND AND IMPROVEMENTS WITHIN THE UPTOWN PARKING DISTRICT NO. 2 FOR FISCAL YEAR 2010-11."
- 6.G** The City Council approved the issuance of a Contract Change Order to Nobest, Inc; and adopted Resolution No. 8314 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR THE ALLOCATION OF FUNDS FOR LAUREL AVENUE RECONSTRUCTION PROJECT," in the amount of \$77,107.
- 6.H** The City Council took the following actions regarding the Suburban Water Systems Franchise:
1. Adopted Resolution No. 8315 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENT TO CONSIDER THE GRANTING OF A FRANCHISE TO SUBURBAN WATER SYSTEMS," to install, operate and maintain certain pipelines and appurtenances for the transportation and distribution of water in the City; and set October 12, 2010 for the public hearing; and
 2. Conducted first reading of Ordinance No. 2957 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, GRANTING TO SUBURBAN WATER SYSTEMS, A FRANCHISE TO INSTALL, OPERATE AND MAINTAIN CERTAIN PIPELINES AND APPURTENANCES FOR THE TRANSPORTATION AND DISTRIBUTION OF WATER IN THE CITY OF WHITTIER."

- 6.I** The City Council conducted first reading of Ordinance No. 2958 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE WHITTIER MUNICIPAL CODE TO ESTABLISH THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT AND COMMISSION."
- 6.J** The City Council approved the Community Facility Use Agreement with the Whittier Union High City School District; and authorized the City Manager to execute the agreement.
- 6.K** The City Council received and filed the Housing Programs Activity Report for Fiscal Year 2009-10; and reviewed and approved recommended revisions to the Home Improvement Loan and Home Improvement Grant Programs.
- 6.L** The City Council accepted the traffic signal improvements done by Presbyterian Intercommunity Hospital as complete at the intersections of Washington Boulevard and Putnam Street; and Whittier Boulevard and Pacific Place.
- 6.M** The City Council received and filed the following Planning Commission actions:
1. Approval of Conditional Use Permit C10-010 to allow the on-site sale of alcoholic beverages under a Type 41 license (beer and wine), extended hours of operation until 2:00 a.m., and live entertainment for a restaurant d.b.a. "Fenix 5-4" located at 6754 Greenleaf Avenue; Owner: Etehad LLC; Applicant: Kyle Koestner.
 2. Approval of Conditional Use Permit C01-009 (M-1) to allow the on-site sale of beer and wine under a Type 20 license for off-site consumption for an existing pharmacy/retail store (d.b.a. Walgreens) with a finding of Public Convenience or Necessity in accordance with the requirements of the State Department of Alcoholic Beverage Control (ABC) for property located 11604 Whittier Boulevard; Owner: Sidney and Ruth Pilot Properties LP; Applicant: Walgreens Corporation.
- 6.N** The City Council adopted Resolution No. 8316 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET RELATED TO SUPPLEMENTAL APPROPRIATIONS FOR THE OFFICE OF TRAFFIC SAFETY SELECTIVE ENFORCEMENT TRAFFIC PROGRAM GRANT."

- 6.0** The City Council adopted Resolution No. 8317 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING RESOLUTION NO. 7676 AND PROVIDING FOR THE ANNUAL SELECTION OF MAYOR," establishing a policy of City Council reorganization on any Tuesday in April of odd-numbered years.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 8:34 p.m.

8.A CITY COUNCIL PUBLIC HEARING – CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FY 2009-2010

City Manager Helvey announced it was the date and time set and duly noticed for a City Council public hearing to consider approval of the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2009 and ending June 30, 2010. It was recommended the City Council authorize the City Manager to submit the report, along with any public comments received, to the United States Department of Housing and Urban Development (HUD).

Mayor Nordbak opened the public hearing at 8:36 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously, to close the public hearing at 8:36 p.m.

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried, unanimously, to approve the Consolidated Annual Performance and Evaluation Report (CAPER) for the period beginning July 1, 2009 and ending June 30, 2010; and to authorize the City Manager to submit the report, along with any public comments received, to the United States Department of Housing and Urban Development (HUD).

9.A LEAGUE OF CALIFORNIA CITIES' ANNUAL BUSINESS MEETING PROPOSED RESOLUTIONS

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, to take positions on Resolutions 1, 2, and 4 – 6; and authorize Council Member Newcomer to vote as follows at the League of California Cities' Annual Business Meeting on September 15 – 17, 2010:

- Resolution No. 1 – “Resolution relating to League Bylaws Amendments” – Vote “Yes”
- Resolution No. 2 – “Resolution Relating to the National Let’s Move Campaign” – Vote “Yes”
- Resolution No. 4 – “Resolution relating to Responsible Banking” – Vote “No”
- Resolution No. 5 – “Resolution relating to Unfunded State Mandates” – Vote “Yes”
- Resolution No. 6 – “Resolution related to enhancing public safety while driving a motor vehicle” – Vote “Yes”

Following discussion, it was moved by Council Member Newcomer and seconded by Council Member Henderson to vote “No” on Resolution No. 3 – “Resolution Opposing the Board of Directors’ decision to defer action on AB 32 and SB 375 and to adopt the Board-appointed Task Force recommendations.” The motion failed, with Council Member Vinatieri, Mayor Pro Tem Warner and Mayor Nordbak dissenting.

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Warner, and carried, with Council Members Newcomer and Henderson dissenting, to vote “Yes” on Resolution No. 3.

9.B NEW STREET NAME SIGNS

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously to utilize 18” signs on streets with 40 MPH speeds or greater; 12” signs on streets with speeds between 0 to 39 MPH; and 9” signs wherever possible on residential streets with speeds of 25 MPH or lower; and to work with the Community Development department to design street signs that are architecturally compatible in the Whittier Uptown area.

Following further discussion, it was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, to approve a policy to sell existing blue porcelain street signs at a cost of \$75 per sign; or a cost of \$50 per sign with the purchase of three or more signs.

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

Mayor Nordbak reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 9:05 p.m.

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

Following brief discussion, there was City Council concurrence for Council Member Vinatieri to attend the Rail-Volution light rail conference in Portland, Oregon with travel expenses to be paid from City Transit funds.

Mayor Pro Tem Warner reported she attended the Southern California Association of Governments (SCAG) meeting where a recommendation was made to the California Air Resources Board (CARB) regarding lowering emissions; and she attended state mandated Ethics training.

12. ADJOURN UTILITY AUTHORITY MEETING:

13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey stated that it had been determined after posting of the agenda that Item 13.G was not appropriate for Closed Session discussion at this time and he removed the item from the Closed Session agenda; and recommended the City Council and Redevelopment Agency conduct a Closed Session pursuant to:

- 13.A** City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.
- 13.B** City Council - Government Code Section 54956.9(a) to discuss the claim of Alvarez vs. City of Whittier.
- 13.C** City Council - Government Code Section 54956.9(a) to discuss the claim of Chapin vs. City of Whittier.
- 13.D** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 11757 Hadley Street; City/Agency negotiator: Stephen Helvey.
- 13.E** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with LINC Community Development Corporation relating to price and terms of payment for property located at 12524 Philadelphia Street; City/Agency negotiator: Stephen Helvey.
- 13.F** City Council – Government Code Section 54956.8 to discuss real property negotiations with Southern California Edison relating to price and terms of payment for properties described as APNs 8119-010-904 and 8119-009-905; City negotiator: Stephen Helvey.

~~13.G City Council/Redevelopment Agency — Government Code Section 54956.8 to discuss real property negotiations with Brookfield Homes relating to price and terms of payment for the former Nelles property described as AIN 8170-013-904; City/Agency negotiator Stephen Helvey.~~

Mayor Nordbak adjourned the meeting to Closed Session at 9:10 p.m. with City Clerk-Treasurer/Secretary-Treasurer Marshall replacing Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques.

14. RECONVENE IN OPEN SESSION:

Mayor Nordbak reconvened the joint meeting in Open Session at 10:31 p.m.

15.A LINC COMMUNITY DEVELOPMENT CORPORATION CLOSED SESSION REPORT

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously, by roll call vote, to commit 2009-10 and 2010-11 Community Housing Development Organization (CHDO) set aside funds to LINC Community Development Corporation for their use in developing or rehabilitating an affordable apartment community; replace and supersede the previous funding agreement with LINC approved June 24, 2009 into a new agreement that includes the funding commitments from 2009-10 and 2010-11; approve a predevelopment loan of up to \$25,000 to LINC for predevelopment expenses related to the conceptual development of an affordable apartment community within one of the Redevelopment Agency's Redevelopment Project Areas; and authorize the City Manager to execute the appropriate documents.

16. ADJOURNMENT:

Mayor Nordbak adjourned the joint meeting at 10:32 p.m.

Respectfully submitted,

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