

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
OCTOBER 12, 2010, 6:30 P.M.**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on October 12, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:35 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 (11:25 p.m.)

**3. PLEDGE OF ALLEGIANCE:**

Assistant City Manager Mendez led the Pledge of Allegiance.

**4.A PRESENTATION – ASSISTANT FIRE CHIEF GERALD HEINZEL**

(See Page 4.)

#### **4.B BLUE STAR PRESENTATIONS**

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star pin, banner and window decal to Celia Chavez and numerous family members in recognition of her son, Army Sergeant Keith Chavez. Keith has served in Iraq, and has re-enlisted for six more years with his new assignment pending.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star pin, banner and window decal to Inez, Johnny and Patricia Horcasitas in recognition of their son and brother, E-3 Airman First Class John C. Horcasitas. John is currently stationed at Lackland Air Force Base in San Antonio, Texas completing technical school training for service in the Air Force Police.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star pin, banner and decal to Victoria and Roger Perez and numerous family and friends in recognition of their daughter E-4 Jessica E. Perez, United States Air Force. Jessica's first deployment was to Afghanistan, and she will be returning from Korea on October 31 before leaving for a three-year assignment in London.

Mayor Nordbak said Blue Star banners will be hung on Whittier Boulevard in honor of Keith, John and Jessica.

#### **4.C PRESENTATIONS - BUSINESS OF THE MONTH CERTIFICATES**

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Sandra Hahn, owner of Crepes & Grapes Café. He said the French café opened in 2004, employs twelve full-time and part-time employees; is a member of the Whittier Area Chamber of Commerce; and Sandra is the Vice President of the Whittier Uptown Association.

Mayor Nordbak recognized Trader Joe's as a Business of the Month. He said the store has been in Whittier since 1990; the store was recently expanded to 12,000 square-feet; and is one of the top 10 sales tax producers in the City.

#### **4.D DISABILITIES AWARENESS MONTH PROCLAMATION**

Mayor Nordbak and Mayor Pro Tem Warner presented a Proclamation to Accessibility Committee Chair Bob Ehlers in recognition of the Committee's contributions and recommendations to the City regarding accessibility issues.

#### **4.E WORLD POLIO DAY PROCLAMATION**

Mayor Nordbak and Mayor Pro Tem Warner presented a Proclamation to Council Member Newcomer, representing the Rotary Club, in recognition of their accomplishments in eradicating polio worldwide.

**OCTOBER 26, 2010 COUNCIL MEETING:**

Following discussion, it was determined the City Council would not meet on October 26, 2010 because there was not enough business to conduct a regular meeting; and as long as the meeting is noticed and the agenda is appropriately posted, adjourning the meeting due to a lack of quorum satisfies the requirements of the City Charter. Council Member Newcomer said he was in favor of two shorter meetings per month, which he believes would be more efficient.

**WHITTIER MAIN OILFIELD DEVELOPMENT PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) UPDATE:**

In response to Mayor Pro Tem Warner's request, City Manager Helvey stated there is a process to respond to the draft Environmental Impact Report (EIR) for the Mineral Extraction Project; comments must be on record at the appropriate time in order to have a legal impact; there will be a series of public meetings held to collect data relating to the project and the EIR; and any comments made during oral communications at the City Council meetings will not be included in the record or taken into consideration for the final decision.

Interim Assistant City Manager Collier said the draft EIR consists of two binders, one with the data on the project and one with all of the appendices for a total of approx 1,500 to 1,600 pages; there is a 60-day review period during which people can provide public comments for the record. He said on Monday, October 25, 2010 the consultant will do a presentation to explain the EIR document and inform the public how to provide their input; on Tuesday, November 30, 2010 the consultant, with a stenographer present, will conduct a meeting to allow the public to provide comments for the official record; the public can also provide comments via email or in written letter form during the review period; the draft EIR is available for review at both libraries or City Hall; the report can be purchased on CD for \$5.00 or from Sir Speedy Printers for approximately \$50.00 per binder; it is available on the City website; and the deadline to submit comments is at the end of business on Monday, December 6, 2010. He further stated that the environmental consultant will provide a response to each comment received, anticipated to be completed the latter part of March 2011. He said everyone's comments will receive a response at least 10 days prior to the Planning Commission public hearing, anticipated to be in early April 2011; and the City Council public hearing will probably be held in May 2011. He said the time-lime is controlled by environmental law, not the City Council; the public can submit their written comments to the Community Development Department or via email at [comdev@cityofwhittier.org](mailto:comdev@cityofwhittier.org); City Council and Planning Commission members may submit their comments or questions as residents; and if comments or questions are not presented within the 60-day review period they will be barred in the future.

Council Member Newcomer was absent from the Council Chamber from 7:25 p.m. to 7:28 p.m.

**4.A PRESENTATION - ASSISTANT FIRE CHIEF GERALD HEINZEL (CONTINUED FROM PAGE 1)**

City Manager Helvey introduced Assistant Fire Chief Gerald Heinzl, newly appointed by Chief Freeman as the local fire chief. He is responsible for overseeing the Battalion Chief and staff assigned to the City; notifying the City of and responding to emergencies. Assistant Chief Heinzl introduced Battalion Chief Rock Schumacher; said the average response time is 15 to 20 minutes; said he is looking forward to serving the community and be involved in community programs. He was commended by Mayor Nordbak for the fire department response to the September 16 fire in the hills north of Mar Vista Street.

**5. ORAL COMMUNICATIONS:**

Joe Enriquez, 14081 Sunrise Drive, Whittier; prayed for the community.

Pastor Jim Ortiz, President Whittier Area Evangelical Ministerial Alliance, Whittier; encouraged the City Council to adopt a resolution opposing Proposition 19 which would legalize the recreational use of marijuana; said allowing recreational drug use is not beneficial to the community; and ministers are first responders to the tragedies and destructive consequences of drug addiction.

Ronald W. Tetro, 8238 Calmada Avenue, Whittier; said his driveway and his wrought iron gate set in concrete are sinking because of water; he cannot lock his gate or keep his dogs in the backyard; and he requested help from the City.

Barbara Ravello, 10606 El Rancho Drive, Whittier; extended an invitation to Rachel's Challenge, a community event on October 22 at Dexter Middle School at 6:00 p.m. started in honor of Rachel Scott, killed at Columbine in 1999. She said budget cuts have created safety issues for schools; issues discussed by the City Council are relevant to help students become better citizens; and she is honored to be part of the community.

The individuals listed below spoke in opposition to the proposed Whittier Main Mineral Extraction Project sighting the following issues: residents being ill informed about the project; noise; potential risks to special education students; proximity to schools; maneuvering meetings to control the amount of public input; lack of Council response to Whittier Hills Oil Watch (WHOW) questions; lack of town hall meetings; land use issues; potential harm to water; destruction to the environment; use of the hills that were designated for environmental and recreational purposes; alternative revenue resources; air quality issues; potential for fires and explosions; surface and groundwater damage; violation of Proposition A; significant unavoidable impacts to safety, air quality, noise and aesthetics as outlined in the draft Environmental Impact Report (EIR); why the mineral extraction project was started; construction of a processing plant; developmental and health issues for children; maintaining a clean environment; need for

greener lifestyle; concerns about significant and unavoidable impacts as outlined in the EIR that cannot be mitigated; gas transmission lines under Colima and potential for earthquake; putting fire and police personnel at risk; broken trust with residents; decline of quality of life and property values; DEIR letter sent to residents did not provide sufficient contact information; potential conflict of interest of City Attorney Jones; and preservation of the hills.

Sergio Delgadillo, Sunrise Drive, Whittier  
Kathleen Maxwell, Catalina Avenue, Whittier  
Dan Duran, 8103 Catalina Avenue, Whittier  
Grace Nakamura, 8562 Catalina Avenue, Whittier  
Marta Borbon, Glennon Drive, Whittier  
Matt Berkelhammer, Whittier  
Bob Young, 8139 San Lucas Drive, Whittier  
Sheryl Torres, Whittier  
Jake, Whittier High School  
Lupe Sahagun, Bronte Drive, Whittier  
Nick Donovan, La Sierra Avenue, Whittier  
Barry Stone, Villaverde Drive, Whittier  
John Young, Honolulu Terrace, Whittier  
Susan Liska  
Dennis Shumila, California High School  
Fred Hawthorne, Franklin Avenue, Whittier  
Jesus Ramirez, Walnut Street, Whittier

K.J. Lodico, 12220 Whitley Street, Whittier; said she believes funds coming from parking tickets may be illegal; she received a parking ticket in the mail, not on her windshield; a police officer was taking license plate numbers of parents dropping children at Dexter Middle School and not parking; off-loading is allowed at LAX; she is not clear why she received the parking ticket; and she would like the City Council to consider what her ticket is about.

Council Member Vinatieri was absent from the Council Chamber from 8:03 p.m. to 8:04 p.m.

Mayor Nordbak recessed the meeting at 8:05 p.m. He reconvened the meeting at 8:33 p.m. with all Council Members present.

Shifon Berumen, Yolanda Garcia, Amy Brick, Sandra Hahn and Kim Wicker of the Whittier Uptown Association announced various Uptown events: October 24th 5<sup>th</sup> Annual Dia de Los Muertos; October 30th Halloween Capers; November 23rd Uptown Window Contest; December 3rd Grand Illumination; December 4th Holiday Sonata; and the December 11th Christmas Parade.

Gus Arriaza, Whittier Area Chamber of Commerce; announced upcoming Chamber events: October 13th Wake Up Whittier networking breakfast at 7:30 a.m. at the First Family Church; October 14th Legislative meeting at the Chamber of Commerce; October 14th Ribbon Cutting – Renaissance Jewelry Repair at 4:00 p.m.; October 20th Greg's Auto Body 40<sup>th</sup> Anniversary celebration; City and Chamber seminars on October 21st; and the October 28th Halloween Mixer at Salon Cheval.

Bill Marks, 8158 Ocean View Avenue, Whittier; Central East Whittier Property Owners Association said Council Member Henderson will be the guest speaker at the October 18th meeting at Ocean View School; there will be door prizes; the Whittier Police Department will provide a neighborhood watch update; and the meeting is open to the community.

Chuck Arsera, King Richard's, Whittier; announced the Whittier Uptown Association Antique Faire on October 23rd from 9:00 a.m. to 4:00 p.m.; and he said there will be local entertainment, antique and food vendors, a vintage fashion show, a silent auction, local bands, and the Long Beach Vintage Car Club.

Allan Nakken, new Executive Director of the Whittier Uptown Association; said he was grateful for this opportunity; he looks forward to working with City staff and the Police Department; and he announced Presbyterian Intercommunity Hospital President Jim West will be the Grand Marshall at the Uptown Christmas Parade.

Ralph Marsico, Whittier; said he liked the new Police facility; his father's trolley was impounded for tickets; he believes the police officers impounding the trolley were violent and his father sustained injuries; he said he will file a complaint against the three police officers; and he wants a hearing regarding the tickets.

Joe Marsico, Whittier, said the trolley tickets are because of parking; the tickets were issued at 3:00 a.m. when the trolley was parked in an industrial area; he paid the trolley registration in February but the tags are being held due to outstanding tickets; and he will be meeting with Whittier Police Internal Affairs to discuss various police officers.

George Poochigian, Whittier; said the City Council does not finish projects; he believes the Nelles and Greenway Trail projects were not finished; and he believes reducing the number of City Council meetings is a conspiracy.

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

Mayor Pro Tem Warner requested separate consideration of Items 6.S and 6.W.

Council Member Henderson declared a conflict of interest and recused himself from discussion and action on Items 6.I and 6.M.1 due to the location of the properties in relation to his business.

Council Member Vinatieri declared a conflict of interest and recused himself from discussion and action on Item 6.I due to the location of the properties in relation to his business.

Mayor Nordbak declared a conflict of interest and recused himself from discussion and action on Item 6.P because various participants in the Dia de Los Muertos Festival are customers of his business.

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Warner and carried by roll call vote, to approve the Consent Calendar, except Items 6.S and 6.W, and that Resolution Nos. 8318 through 8320 and WUA-10-06; and Ordinance No. 2958 be read by title only, further reading be waived, and they be declared adopted, with Council/Agency Member/Director Henderson recusing on Items 6.I and 6.M.1, Council/Agency Member/Director Vinatieri recusing on Item 6.I, and Mayor/Chair Nordbak recusing on Item 6.P.

- 6.A** The City Council denied claims filed by Joshua Joel Cabrera, Luz Martinez, Patrick Delgado, Monti Mitchell, Angela Ceja, Richard Erven, Geico Insurance on behalf of Moise Jean-Baptiste, Marie Leon, and Mercury Insurance on behalf of Daniel E. Douglass Sr., Laura Lovato, and Kevin Curry.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of September 14 and September 28, 2010.
- 6.C** The City Council reviewed the proposed amendments to the Conflict of Interest Code for designated personnel; and adopted Resolution No. 8318 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING RESOLUTION NO. 8168 AND ESTABLISHING A CONFLICT OF INTEREST CODE FOR DESIGNATED CITY PERSONNEL."
- 6.D** The City Council conducted second reading and adopted 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.E** The City Council adopted Resolution No. 8319 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, SUMMARILY ORDERING THE VACATION OF A PORTION OF SANITARY SEWER EASEMENT LOCATED AT 14940 AND 14928 WHITTIER BOULEVARD"; and authorized the Mayor and the City Clerk to execute the Quitclaim Deed.
- 6.F** The City Council accepted the work performed by Silvia Construction, Inc. for the Greenleaf Avenue Overlay and Class II Bike Lanes, Mulberry/Slauson Resurfacing, and Greenleaf Avenue Slurry Project; and authorized the City Clerk-Treasurer to record the Notice of Completion.
- 6.G** The City Council received and filed an update on implementation of the Police Department 12-hour shift for patrol officers.
- 6.H** The City Council accepted the work performed by Nobest, Inc. for the Laurel Avenue Reconstruction and Overlay Project; and authorized the City Clerk-Treasurer to record the Notice of Completion.
- 6.I** The Board of Directors took the following actions regarding the Alley Pavement Rehabilitation – Alley Improvement Program Project:
1. Accepted Hardy & Harper, Inc.'s letter to withdraw their bid;
  2. Awarded the construction contract to the second lowest bidder, Terra Pave, Inc.;
  3. Rejected all other bids; and
  4. Authorized the Executive Director to sign the contract.
- 6.J** The Agency Board accepted a loan from the City for \$47,589 representing 50% of the sales tax generated by the Whittier Marketplace project during January to June 2010; and approved the reimbursement to Whittier Marketplace, Inc., of the April 2010 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$192,005.
- 6.K** The Agency Board accepted a loan from the City for \$167,247 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the first half of Fiscal Year 2009-10; and approved the reimbursement to TRC MM, LLC of the 2009-10 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$317,143.
- 6.L** The Agency Board approved \$242,015 in tax increment and sales tax reimbursement to Cole Real Estate Investments d.b.a. Cole MT Whittier CA pursuant to the Owner Participation Agreement for the Whittwood Town Center.

- 6.M** The City Council received and filed the following Planning Commission actions:
1. Approval of Conditional Use Permit No. CUP 10-001 to allow the operation of a non-profit organization, community assembly use, and a Type 51 general alcohol beverage license for on-site consumption for property located at 6532 Greenleaf Avenue, Suite A; Owner/Applicant: Casa de España, Inc.
  2. Approval of Conditional Use Permit No. CUP 10-006 to allow the operation of a new restaurant with a drive-thru service window; and Development Review No. DRP 10-042 to construct a new 5,168 square-foot restaurant on an existing 31,048 square-foot lot for property located at 8840 Painter Avenue; Owner: McDonald's Corporation; Applicant: Ware Malcomb.
- 6.N** The City Council received and filed the following Historic Resources Commission actions:
1. Approval of Certificate of Appropriateness 10-005 to install a new 23 square-foot sign along the front façade of the former National Trust and Savings Bank Building located at 6754 Greenleaf Avenue (Local Landmark No. 21); Owner: Kyle Koestner; Applicant: Kyle Koestner DBA Fenix 5-4.
  2. Approval of Certificate of Appropriateness 10-010 to construct a new 840 square-foot, detached, garage with a 397 square-foot accessory living area above the garage for property located at 6012 Painter Avenue; Owners: Leroy and Vivian Schmaltz; Applicant: David Armendariz, Red River Builders.
  3. Approval of Certificate of Appropriateness 10-013 to add approximately 840 square-feet to an existing single-family residence in addition to new balconies and decks for property located at 13923 Summit Drive; Owner/Applicant: Achille Dattilo
- 6.O** The City Council approved a special event permit for the Whittier Uptown Association's Annual Fall Antique Street Faire on Philadelphia Street between Greenleaf and Painter Avenues on Saturday, October 23, 2010 from 9 a.m. to 4 p.m.
- 6.P** The City Council approved the special event permit for the Whittier Uptown Association's Dia de Los Muertos (Day of the Dead) Art and Music Festival on Greenleaf Avenue between Philadelphia and Hadley Streets on Sunday, October 24, 2010 from 11:00 a.m. to 5:00 p.m.
- 6.Q** The City Council approved a special event permit for the Whittier Uptown Association's Halloween Caper's Event at 6724 Greenleaf Avenue on Saturday, October 30, 2010 from 3:00 p.m. to 5:00 p.m.

- 6.R** The City Council received and filed the Gateway Cities Council of Governments update for September 2010.
- 6.T** The City Council and Board of Directors took the following actions regarding replacement of an automated refuse collection truck:
1. City Council adopted Resolution No. 8320 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-2011 BUDGET TO FUND REPLACEMENT OF AN AUTOMATED REFUSE COLLECTION TRUCK," in the amount of \$151,629; and
  2. Board of Directors adopted Resolution No. WUA-10-06 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF WHITTIER UTILITY AUTHORITY, AMENDING THE FISCAL YEAR 2010-2011 BUDGET TO FUND REPLACEMENT OF AN AUTOMATED REFUSE COLLECTION TRUCK," in the amount of \$162,916.
- 6.U** The City Council approved the renewal of the professional services agreement with AdminSure, Inc., for workers' compensation claims administration services from September 1, 2010 to August 31, 2013; and authorized the City Manager to sign the agreement.
- 6.V** The City Council approved the professional services agreement with Hogle-Ireland, in an amount not to exceed \$70,000 for a contract planner; and authorized the City Manager to sign the agreement.
- 6.X** The Board of Directors approved the professional services agreement with Golder Associates, Inc., to provide engineering design and permitting services for the Savage Canyon Landfill for a fee not to exceed \$269,293; and authorized the Executive Director to sign the agreement.

## **6.S AGGRESSIVE SOLICITATION ORDINANCE**

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously, that Ordinance No. 2959 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING CHAPTER 9.60 TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE WHITTIER MUNICIPAL CODE, RELATING TO AGGRESSIVE SOLICITATION," be read by title only, further reading be waived, and this be declared its first reading.

## **6.W FISCAL YEAR 2010-11 FIRST QUARTER BUDGET REVIEW**

Following brief discussion, it was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, to receive and file the budget review for the first quarter of Fiscal Year 2010-11.

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

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 9:45 p.m.

## **8.A PUBLIC HEARING – CONDITIONAL USE PERMIT MODIFICATION NO. C99-005(M1), 8201 GREENLEAF AVENUE**

City Manager Helvey announced it was the date and time set and duly noticed for a de novo public hearing to consider an appeal of the Planning Commission approval of Conditional Use Permit (CUP) Modification No. C99-005(M1) to allow the on-site sale of beer and wine for off-site consumption for Walgreens located at 8201 Greenleaf Avenue and more particularly described as Assessor's Parcel Nos. 8165-014-030 and 8165-014-031, in the City of Whittier; Appellants: Jaspal Sidhu, Harbhajan Randhawa, Harpreet Randhawa and Simrinjit Randhawa (Party Snacks Liquor); Property Owner/Applicant: Walgreens Corp.

Council Member Vinatieri stated that even though he did not believe he had a conflict of interest, as an abundance of caution due to a potential issue with his law firm, he declared a conflict and left the Council Chamber at 9:47 p.m.

Planning Services Manager Adams presented a staff report and stated that the Planning Commission had approved the Conditional Use Permit modification with the conditions of public convenience and necessity; the appellant had concerns about not being notified about the Planning Commission public hearing and potential economic loss; the Planning Commission public hearing was properly noticed to property owners within a 300-foot radius of the subject property; the property owner listed on the County database is Jaspal Sidhu; the modification meets the Whittier Boulevard Specific Plan regulations; and the City Council had the option to approve, deny or modify the Planning Commission decision and provide direction to staff.

Mayor Nordbak opened the public hearing at 9:50 p.m.

R. J. Comer, legal counsel representing Walgreens, said the store has had a perfect record since opening in 2002; it often provides the first work experience for high school students; the conditions recommended by the Police department relating to alcohol sales were incorporated into the CUP; 4% of the store floor area would be used for alcohol sales; alcohol sales is a necessity for customers shopping for other goods;

the Planning Commission made the findings of convenience; and he would like an arborist to study the health of the trees that the Planning Commission conditioned (Item 10) for removal and provide a report.

Appellant Simrinjit Randhawa spoke on behalf of Party Snacks Liquor and said the her family took ownership of the business on October 13, 2006; 75-80% of their business is beer sales and 5% is wine sales; approval of the CUP would result in the loss of their business; her husband Harpreet (Sunny) Randhawa had contacted the City numerous times about being notified of the Planning Commission public hearing and was told they would be notified; she was concerned that they did not receive notification; there is a limitation on the number of establishments that can sell alcohol for off-site consumption; there is a substantial overconcentration of these establishments in the area; it is not a public necessity for Walgreens to sell alcohol; the cities of Gardena and Santa Fe Springs have denied Walgreens for alcohol sales; the City had previously denied alcohol sales for Valero on Whittier Boulevard and she asked the City to be consistent with that denial; and she presented a letter from owner Jaspal Sidhu stating he did not receive notification of the Planning Commission public hearing.

Sunny Randhawa, Party Snacks Liquor, said the City needs to recognize the number of beer and wine licenses in the area; and that Greenleaf Avenue is full of liquor stores.

The following individuals spoke in favor of the appellants:

James Siciliano, Whittier; said Party Snacks Liquor was blighted before the appellants took ownership; and the City needs to save and keep small businesses.

Fred Hawthorne, Franklin Avenue, Whittier; said there is a high density of alcohol sales in the City; he shops at Walgreens because they do not sell alcohol; the area is disenfranchised; and he does not want to see liquor advertised on Walgreens marquis.

In response to the comments, Mr. Comer stated the area is not unduly over-concentrated with liquor licenses; Walgreens has conditions on alcohol sales that no sales person under 21 can sell alcohol; any customer under 40 years old purchasing alcohol is required to provide identification; customer drivers licenses are swiped through the register terminal; and the alcohol is located in the back of the store to prevent stealing.

In response to Mayor Nordbak's question as to why Walgreens wants to start selling alcohol, Mr. Comer said a focus group had said they wanted alcohol sold at the stores in order to shop at one establishment.

In response to Mayor Pro Tem Warner, store manager Allan Young said the landscaping condition was because the gardener had topped off the trees, which violated the original CUP. Mr. Comer said the condition was to maintain landscaping, and did not apply just to tree topping.

There being no other speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, with Council Member Vinatieri absent, to close the public hearing at 10:15 p.m.

Following discussion, there was City Council concurrence that the request from Walgreens for an alcohol license did not meet the requirements of public necessity and convenience; and when originally approved, it was not intended for Walgreens to sell alcohol.

It was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, with Council Member Vinatieri absent, to uphold the appeal filed by Party Snacks Liquor, and direct staff to return with an implementing resolution reflecting the consensus of the City Council.

Mayor Nordbak recessed the City Council meeting at 10:30 p.m. He reconvened the meeting at 10:42 p.m. with all Council Members present.

## **8.B PUBLIC HEARING – SUBURBAN WATER SYSTEMS’ FRANCHISE**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to hear testimony regarding Suburban Water Systems’ request for a water franchise; and to consider adopting an ordinance granting 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 of Whittier.

Mayor Nordbak opened the public hearing at 10:43 p.m.

Craig Gott, Suburban Water Systems, said Suburban agrees with the terms of the franchise; and supports renewal of the existing franchise agreement.

There being no other speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, to close the public hearing at 10:44 p.m.

It was moved by Council Member Henderson, seconded by Mayor Pro Tem Warner, and carried unanimously, by roll call vote, that 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," be read by title only, further reading be waived, and it be declared adopted.

#### **8.C PUBLIC HEARING – UPTOWN BUSINESS IMPROVEMENT AREA LEVY FOR FY 2011**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the Uptown Business Improvement Area levy for calendar year 2011, confirm the Annual Report as submitted by the Uptown Association, and adopt a resolution confirming the Annual Report and levy of assessments for the Uptown Whittier Business Improvement Area for calendar year 2011.

Council Members Henderson and Vinatieri declared conflicts of interest because their businesses are members of the Business Improvement Area and they pay assessments; and they left the Council Chamber at 10:46 p.m.

Mayor Nordbak opened the public hearing at 10:46 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Warner, and carried, with Council Members Henderson and Vinatieri absent, to close the public hearing at 10:47 p.m.

It was moved by Mayor Pro Tem Warner, seconded by Council Member Newcomer, and carried, by roll call vote, with Council Members Henderson and Vinatieri absent, that Resolution No. 8321 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CONFIRMING THE ANNUAL REPORT AND LEVY OF ASSESSMENTS FOR THE UPTOWN WHITTIER BUSINESS IMPROVEMENT AREA FOR CALENDAR YEAR 2011," be read by title only, further reading be waived, and it be declared adopted.

#### **9.A STATE PROPOSITION NO. 22**

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously, by roll call vote, that Resolution No. 8322 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, SUPPORTING STATE PROPOSITION 22, THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010," be read by title only, further reading be waived, and it be declared adopted.

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

Mayor Nordbak reconvened the Redevelopment Agency and Utility Authority in Joint Session with City Council at 10:54 p.m.

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

Council Member Vinatieri requested the City Council consider adding an urgency item to the agenda to oppose Proposition 19. It was moved by Mayor Pro Tem Warner and seconded by Council Member Vinatieri to make a finding of urgency to add the item to the agenda for discussion because the Council had decided earlier in the meeting not to have a Council meeting on October 26, 2010; and this item needed to be acted upon before the next City Council meeting. The motion to add the urgency item to the agenda failed, with Council Members Newcomer and Henderson dissenting.

Council Member Newcomer did not receive Council consensus on his request for consideration of Propositions 20, 23, 25 and 27 to be added to the October 26, 2010 agenda.

Mayor Nordbak directed staff to look into and report back to the City Council regarding the condition of trees on Whittier Boulevard; the increase in shopping carts on Whittier Boulevard; the condition of the Board Ford property; and skateboarding in the Uptown area. He requested a budget study session be scheduled in January 2011.

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

**13. CITY COUNCIL CLOSED SESSION:**

City Manager Helvey recommended the City Council meet in 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.

Mayor Nordbak adjourned the meeting to Closed Session at 11:21 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

**14. RECONVENE IN OPEN SESSION:**

Mayor Nordbak reconvened the City Council meeting in Open Session at 11:35 p.m.

**15. CLOSED SESSION REPORT:**

None

**16. ADJOURNMENT:**

Mayor Nordbak adjourned the City Council meeting at 11:35 p.m.

Respectfully submitted,

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