

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 8, 2011**

1. CALL TO ORDER:

The Whittier City Council met in regular session on February 8, 2011, 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
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Los Angeles County Fire Chief Freeman led the Pledge of Allegiance.

4.A PRESENTATION – FIRE CHIEF FREEMAN

Mayor Nordbak and Mayor Pro Tem Warner presented retiring Los Angeles County Fire Chief Michael Freeman with a framed certificate of commendation in honor of his many years of service to the citizens of Whittier. Personnel from Fire Station 28 joined the City Council in a recognition photograph. (The presentation took place during Oral Communications; see note below).

5. ORAL COMMUNICATIONS:

Joe Enrique, 14081 Sunrise Drive, Whittier, prayed for the City Council meeting.

George Poochigian, Whittier, spoke regarding Council Member Newcomer changing his position on the oil drilling project; said he opposes the proposed 7-Eleven Market approved by the Planning Commission because there are enough liquor stores in the City; and commented on the facts cited in the *Daily News* article regarding retiring police personnel.

(The presentation, Item 4.A, occurred at this point in the meeting).

Mary Gorman-Sullens, Whittier Conservancy President, spoke regarding the Greenway Trail Palm Park Station Project spearheaded by the Conservancy, funded by the grants obtained from Southern California Edison Company, and meeting the Conservancy's sustainability goal by reuse of historic columns from the Fred C. Nelles property, bricks from the Lindley Building and nails from the Southern Pacific rail line tracks. She noted the Conservancy has brought \$75,000 to the Greenway Trail Project.

Virginia Ball, Whittier, representing the Whittier Area Chamber of Commerce Board of Directors, announced upcoming events: Wake-Up Whittier, February 9, 2011; Ribbon Cutting for Pioneer High School's Printing Class, February 9, 2011; City Business Seminar, February 17, 2011; Tasty Tuesday, February 22, 2011; and Silver Shield Program, March 4, 2011. She thanked the City Council for its support of local businesses; said she appreciates the new reflective street signs; and complimented the City on the enhanced War Memorial.

Bob Floren, Lodosa Drive, Whittier, opposed oil drilling in the hills, reviewed the history of the hills property funded by taxes to be maintained as a park for use by citizens and as a wildlife habitat; said in 2008 the City leased 1,200 acres of the hills property to Matrix Oil for the purpose of raising royalties to mitigate a financial deficit; it has come to light that Clayton Williams owns 75% of Matrix Oil and that some of the revenue from the project may go to the County; and concluded that the citizens of Whittier have been betrayed.

Rosaura Lomeli and Alex Lomeli, A to Z Mart owners, 12734 Whittier Boulevard, Whittier, said the past few months they have been cited for placing furniture outside of their building, a practice that has been followed for the over 50 years of the business being at the current location; and they were frustrated in struggling in trying to comply with the law, but keep a viable business which is aided through displaying the merchandise as advertising. They said the citations may cause them to leave the City when their lease comes up for renewal in April, the property owner is also concerned with the citations but lives out of state and was not able to attend the meeting and asked for the City's assistance.

Kris Lobato, Western Avenue, Whittier, said A to Z Mart is a family business owned by her grandchildren, said it is an established business maintained to the best of their abilities, an investment in the City, and requested assistance so her family will not sell the business and leave the City.

Lupe Sahagun, Bronte Drive, Whittier, thanked the City for responding to the questions from the previous meeting; said she wanted to clarify the reference Ms. Ball made at the last Council meeting to the Coyote Country Club's Audubon certification and explained the title they hold is just a piece of paper, not recognition from the National Society.

Jon Traw, 14435 Eastridge Drive, Whittier, announced the Whittier Sunrise Rotary Club would be conducting its annual "Battle of the Bands" on March 4, 2011, invited the community to attend and advised event funds are used to fund the bands and send 15 high school students to Rotary Youth Leadership Camp.

Ralph Marsico, Whittier, noted Council Member Vinatieri had cited Constitutional Amendments at the last meeting, said he believed the City Council should know and follow the Constitution; and said he did not understand why the City had taken the actions it has against his family.

Roberta Reed, Fullerton, said a tree at the Senior Center is flagged for removal and she did not want it removed. She inquired if there will be shade trees at the Palm Park rest area on the Greenway Trail.

Joe Marsico, Whittier, said he was disappointed oral communication comments regarding the oil project will not be included as hearing testimony; requested Parking and Transportation Commission meetings be televised; said he anticipates having better communication with the Police Department now that some of the senior staff have retired; said City records of his comments regarding transportation have been destroyed; and he requested a public hearing on transportation at a Parking and Transportation Commission meeting.

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

Council Members Henderson and Vinatieri advised they would recuse themselves from voting on Item 6.E because their businesses are located in the Uptown area.

Mayor Pro Tem Warner requested separate consideration of Item 6.T.

Council Member Vinatieri requested separate consideration of Items 6.D, 6.R, and 6.U.

It was moved by Council/Agency Member/Director Henderson and seconded by Mayor Pro Tem/Vice Chair Warner that the Consent Calendar be approved as submitted with the exception of Items 6.D, 6.R, 6.T and 6.U, including awarding construction contracts to EC Construction Co. (Item 6.N) and Fleming Environmental, Inc. (Item 6.Q); a demolition contract to Moine Brothers and Sons (Item 6.W); and that Resolution Nos. 8343 – 8349 and 8351 be read by title only, further reading be waived, and they be declared adopted.

It was moved by Mayor Pro Tem Warner, and seconded by Council Member Newcomer that Ordinance No. 2963 (Item 6.E) be read by title only, further reading be waived, and it be declared adopted.

The first motion carried unanimously by roll call vote.

The second motion carried by roll call vote, with Council Members Vinatieri and Henderson recusing themselves.

- 6.A** The City Council denied claims filed by Andrea Castillo, Gloria and Robert Ramos, Don J. Molter, Craig Hoss, State Farm Insurance for Francisco Chavez, Mercury Insurance for Clarine Smith Reed, and Erick Ramirez from Xtreme Tint.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of January 11, 2011.
- 6.C** The City Council, Redevelopment Agency Board, and Utility Authority Board of Directors reviewed and approved the 2011 Statement of Investment Policy.
- 6.E** The City Council conducted second reading and adopted Ordinance No. 2963 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 10.16 (STOPPING, STANDING AND PARKING) WITH THE ADDITION OF ARTICLE IV (UPTOWN WHITTIER PARK ONCE DISTRICT) AND AMENDING SECTION 10.16.100 (TWENTY MINUTE PARKING), REPEALING SECTION 10.16.120 (TWO HOUR PARKING) AND ADDING A NEW SECTION 10.16.120 (PARKING TIME UNLIMITED FOR METERED PARKING AREAS) OF ARTICLE II (LIMITED PARKING) OF CHAPTER 10.16 (STOPPING, STANDING AND PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE WHITTIER MUNICIPAL CODE," and authorized staff to do a summary publication of the Ordinance.

- 6.F** The City Council approved Whittier College's request to utilize \$10,000 of the reserved Art In Public Places funds to be donated to the Whittier Community Foundation for the Police Memorial Project; and adopted Resolution No. 8343 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-2011 BUDGET TO FUND THE REQUEST FROM WHITTIER COLLEGE TO SUPPORT THE COMMUNITY FOUNDATION'S POLICE MEMORIAL PROJECT," in the amount of \$10,000.
- 6.G** The City Council approved a special event permit for the Autism Society of America, Whittier Chapter walk along the Greenway Trail on April 16, 2011.
- 6.H** The City Council adopted Resolution No. 8344 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPOINTING THE AUTHORIZED AGENTS FOR THE 2010 EMERGENCY OPERATIONS CENTER GRANT."
- 6.I** The City Council approved the amended class specification for the position of Police Communications Supervisor; and adopted Resolution No. 8345 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SALARY RESOLUTION NO. 8328," deleting the flexible classification of Police Communications Supervisor I/II to a combined classification of Police Communications Supervisor.
- 6.J** The City Council received and filed the following Planning Commission action: approval of Conditional Use Permit No. CUP10-017 to allow the operation of a consumer product refurbishing, receiving and distribution center in an existing industrial building located at 12252 Whittier Boulevard; Applicant: Sohnen Enterprises, Inc.; Owner: L & P Property Management Company.
- 6.K** The City Council received and filed a brief update on the police construction project.
- 6.L** The Board of Directors accepted the work performed by Best Drilling and Pump Company for the Rehabilitation of Well No. 16 project; and authorized the Secretary-Treasurer to file the Notice of Completion.
- 6.M** The City Council approved the Special Event Permit request from the Bell Gardens Lions Club for its annual bike ride scheduled for Saturday, March 19, 2011, from 9:00 a.m. to 2:00 p.m.

- 6.N** The City Council took the following actions regarding the Community Development Block Grant (CDBG) Target Area Surface Pavement Removal and Replacement on Bright Avenue project, between La Cuarta Street and Whittier Boulevard:
1. Awarded the construction contract in the amount of \$187,651.41;
 2. Rejected all other bids;
 3. Adopted Resolution No. 8346 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING A SUPPLEMENTAL APPROPRIATION TO THE FISCAL YEAR 2010-11 BUDGET FOR THE EXPENDITURE OF CDBG TARGET AREA PAVEMENT REMOVAL AND REPLACEMENT ON BRIGHT AVENUE PROJECT," in the amount of \$148,194; and
 4. Authorized the City Manager to execute the contract.
- 6.O** The City Council adopted Resolution No. 8347 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET TO APPROPRIATE FUNDS FOR THE PROFESSIONAL SERVICES AGREEMENT WITH CWA AIA, INC.," in the amount of \$126,816 for Whittwood Branch Library expansion and improvements.
- 6.P** The City Council adopted Resolution No. 8348 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, RESCINDING RESOLUTION NO. 8341, AND APPROVING CONDITIONAL USE PERMIT MODIFICATION NO. CUP10-006 (M-1) TO ALLOW THE OPERATION OF A 24-HOUR RESTAURANT WITH A 24-HOUR DRIVE-THRU SERVICE WINDOW FOR A NEW RESTAURANT (D.B.A. MCDONALD'S) LOCATED AT 8840 PAINTER AVENUE (APPLICANT: WARE MALCOMB; OWNER: MCDONALDS CORP.)."
- 6.Q** The City Council took the following actions regarding the Poured-in-Place Rubber Playground Surfacing Project at Palm Park:
1. Awarded the contract in the amount of \$108,000;
 2. Rejected all other bids;
 3. Authorized the City Manager to execute the contract;
 4. Approved the purchase and installation of a Miracle Recreation Equipment Kids Choice Play System in the amount of \$20,844; and
 5. Adopted Resolution No. 8349 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-2011 BUDGET TO FUND THE PALM PARK KIDS CHOICE PLAY SYSTEM PROJECT," in the amount of \$20,844.

- 6.S** The City Council approved Poured-In-Place Resilient Rubber Playground Surfacing Projects at Laurel and Central Parks; and adopted Resolution No. 8351 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010 – 2011 BUDGET TO FUND THE CENTRAL AND LAUREL PARKS POURED-IN-PLACE RESILIENT RUBBER PLAYGROUND SURFACING PROJECT," allocating \$47,375 in Designated Parkland funds.
- 6.V** The City Council and Agency Board approved the following agreements; and authorized the City Manager/Executive Director to execute the agreements:
1. City/Agency Agreement for Staff Support Services, Fiscal Year 2010-11 establishing compensation in an amount not to exceed \$135,161 for the Greenleaf Avenue/Uptown Whittier Redevelopment Project;
 2. City/Agency Agreement for Staff Support Services, Fiscal Year 2010-11 establishing compensation in an amount not to exceed \$135,161 for the Whittier Earthquake Recovery Redevelopment Project;
 3. City/Agency Agreement for Staff Support Services, Fiscal Year 2010-11 establishing compensation in an amount not to exceed \$306,280 for the Whittier Commercial Corridor Redevelopment Project; and
 4. City/Agency Agreement for Staff Support Services, Fiscal Year 2010-11 establishing compensation in an amount not to exceed \$132,659 for the Housing Assistance Program.
- 6.W** The Agency Board took the following actions regarding the "Former Ricker Motors Demolition" Project:
1. Waived the informality in the bid documentation submitted by Moine Brothers and Sons (Moine);
 2. Awarded the demolition contract in the amount of \$5,500 for the site located at 12450 Whittier Boulevard;
 3. Rejected all other bids; and
 4. Authorized the Executive Director to execute the contract.

6.D GREENWAY TRAIL – ELECTRIC BICYCLES

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, with Council Member Vinatieri dissenting, to approve the Parks, Recreation and Community Services Commission recommendation to approve the use of electric bicycles with speeds up to 15 mph on the Whittier Greenway Trail subject to ensuring the City has liability coverage.

6.R ART IN PUBLIC PLACES PROJECT – UPTOWN GALLERIAS

Following discussion, it was moved by Council/Agency Member Henderson, seconded by Council/Agency Member Vinatieri, and carried unanimously by roll call vote, to approve the following Cultural Arts Commission recommendations relating to the Uptown Galleries Art in Public Places Project:

1. The City Council approved \$91,627 for the Uptown Galleries Art in Public Places Project; adopted Resolution No. 8350 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR THE UPTOWN GALLERIAS ART IN PUBLIC PLACES PROJECT"; and authorized the City Manager to execute the Agreement.
2. The Agency Board authorized the use of Agency property located at 6724 and 6726 Greenleaf Avenue for one of the art pieces.

6.T 2009-2010 GENERAL PLAN ANNUAL PROGRESS REPORT

During discussion with staff, Mayor Pro Tem Warner requested that the addition of optional elements to the General Plan be considered during the next Plan review and that the City Council be provided with an update on the Regional Housing Needs Assessment in the next Newsletter.

It was moved by Mayor Pro Tem Warner, seconded by Council Member Newcomer, and carried unanimously, to approve the Planning Commission recommendation to receive and file the 2009-2010 General Plan Annual Progress Report, and direct staff to forward a copy of the report to the Governor's Office of Planning and Research, and the State Department of Housing and Community Development.

6.U 2010-11 OPERATING LOAN AGREEMENTS

Following discussion, it was moved by Council/Agency Member Vinatieri, seconded by Council/Agency Member Henderson, and carried unanimously by roll call vote to approve and authorize execution by the City Manager/Executive Director of the following City/Agency loan agreements for FY10-11: Greenleaf Avenue/Uptown Whittier Redevelopment Project Area in an amount not to exceed \$200,000; Whittier Boulevard Redevelopment Project Area in an amount not to exceed \$30,000; and Commercial Corridor Redevelopment Project Area in an amount not to exceed \$150,000.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 7:32 p.m.

8.A BOARDS AND COMMISSIONS REAPPOINTMENTS

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried unanimously to reappoint the following Advisory Board Members for four-year terms ending July 1, 2015: Roberto Chavez to the Cultural Arts Commission; Steven Castellanos to the Historic Resources Commission; Douglas Halliday to the Parking and Transportation Commission; and Theresa Goetz and Thomas Hunter to the Parks, Recreation and Community Services Commission.

The City Council discussed possible Board and Commission candidate interview dates and directed staff to communicate with them via email to arrange the interview dates.

9.A WHITTIER GREENWAY TRAIL PALM STATION

Greenway Trail Expansion Council Subcommittee Members Henderson and Newcomer provided a report of their review of the acknowledgment plaque proposed for the Southern California Edison and Whittier Conservancy's contributions to the Whittier Greenway Trail Palm Park Station.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried with Mayor Pro Tem Warner dissenting, to approve the Greenway Trail Expansion Subcommittee's recommendation for acknowledgment of the Palm Station Arbor on the Greenway Trail donation by Southern California Edison via the Whittier Conservancy with the draft plaque modified to present the City of Whittier's name in the same size font as the other organizations.

9.B DEPOT PARK DESIGNATION

Following discussion regarding the selection of the name for the proposed park at the Whittier Historic Depot at 7333 Greenleaf Avenue and designation of the green space south of the Depot as a City park, the City Council concurred to defer naming the park and addressing veterans' recognition.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Warner, and carried unanimously by roll call vote, that Resolution No. 8352 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, OFFICIALLY DEDICATING THE PARK AT 7333 GREENLEAF AVENUE," 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 meetings in joint session with the City Council at 7:55 p.m.

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

Council Member Vinatieri requested staff follow-up on options for addressing the concerns expressed by the owners of A to Z Mart, and Council Members concurred the matter should be brought back at a future Council Meeting for discussion.

Council Member Vinatieri requested a copy of the code enforcement letter the City issues referencing criminal prosecution.

Mayor Nordbak inquired if the City had relaxed restrictions on licensed vendors and florists for Valentine's Day sales. He requested a report on the cost to the City for the 2010 Uptown Association Weekly Festival.

12. ADJOURN UTILITY AUTHORITY MEETING:

13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION: It is recommended a Closed Session be held pursuant to:

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

13.A 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.B City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:

1. Brookfield Homes – AIN 8170-013-904 (Nelles property);
2. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – AIN 8170-026-006 (Altec Motors); and
3. Southern Pacific Transportation Co. SBE 872 19 254E PAR – AIN 8170-013-815 and AIN 8170-013-816.

13.C City Council – Government Code Section 54956.9(a) to discuss one case of litigation; Case No. BS128995, Open Space Legal Defense Fund, a non-profit organization; Heriberto Diaz and Daniel Duran vs. City of Whittier, et al.

Mayor Nordbak adjourned the meeting to Closed Session at 8:08 p.m.

14. RECONVENE IN OPEN SESSION:

Mayor Nordbak reconvened the joint meeting in Open Session at 9:35 p.m.

15. CLOSED SESSION REPORT:

None.

16. ADJOURNMENT:

Mayor Nordbak adjourned the joint meeting at 9:35 p.m.

Respectfully submitted,

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