

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
FEBRUARY 22, 2011**

1. CALL TO ORDER:

The Whittier City Council met in regular session on February 22, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:32 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
Cathy Warner, Mayor Pro Tem /Vice
Chair
J. Greg Nordbak, Mayor/Chair

**COUNCIL MEMBER/AGENCY
MEMBER/AUTHORITY
DIRECTOR ABSENT:**

Bob Henderson, Council Member/Agency
Member/Authority Director

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 (9:21 p.m.)

City Manager Helvey recommended Item 13.I be removed from Closed Session and carried over for discussion at the request of Council Member Henderson.

3. PLEDGE OF ALLEGIANCE:

Boy Scout Troop 780 members Chris Coppock and Jensen Cavish led the Pledge of Allegiance.

4.A PRESENTATION – LOS ANGELES COUNTY ECONOMIC DEVELOPMENT CORPORATION

Robert Swayze, Senior Vice President, Los Angeles County Economic Development Corporation, presented the City Council a scroll signed by Los Angeles County Supervisors recognizing the City as one of the five finalists for the Most Business Friendly City in the County; and acknowledged City staff, the Whittier Area Chamber of Commerce and the Whittier Uptown Association for the City's business friendly environment.

4.B PRESENTATIONS – BLUE STAR

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, decal and pins to John and Sandy Melendrez in recognition of their son Matthew Martinez, a Private 1st Class in the United States Army. Matthew, a 2009 graduate of La Serna High School and a Patriot Missile Maintenance Operator, graduated basic training in the top five of his class at Fort Sill, OK.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, decal and pins to Jesus Perez and Socorro Gutierrez in recognition of their son Anthony Perez, a United States Navy Fire Controlman stationed at Great Lakes Naval Base in Chicago, IL. Anthony, a 2008 La Serna High School graduate, is awaiting his ship orders for his next base.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, decal and pin to Mary Romero in recognition of her stepson Troy Cuellar II, an E-3 in the United States Navy. Troy, a 2007 La Serna High School graduate, is stationed on the USS Abraham Lincoln and was recently promoted from the flight deck to Military Authority.

Mayor Nordbak said Blue Star banners would be hung on Whittier Boulevard in recognition of Matthew, Troy and Anthony.

4.C PRESENTATION – BUSINESSES OF THE MONTH

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Whittier Uptown Association President Sandra Hahn and Executive Director Allan Nakken. He said the Uptown Association has over 400 businesses in the district; their mission is to improve economic stability and vitality in the district; and the Association sponsors the Uptown Antique Faire, the annual car show, and the annual Uptown Christmas Parade.

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Whittier Area Chamber of Commerce President Dean Harako and Co-Executive Directors Lyn Carty and Carol Crosby. He said the Chamber has served the community since 1914; has twenty-one Board Members and Directors; provides networking opportunities and legislative advocacy; and the Chamber is given rules and guidelines and is required to report annually to the City on its activities. This year the Chamber has partnered with the City to sponsor a series of seminars concentrating on small businesses.

PLANNING COMMISSION MEETING:

Assistant City Clerk-Treasurer Maiques announced that it was the date, time, and place for a regular meeting of the Planning Commission and declared the Planning Commission Meeting adjourned to Wednesday, February 23, 2011, at 7:00 p.m.

5. ORAL COMMUNICATIONS:

Lisa Dabbs, Whittier; Vice-Chair of the Library Board of Trustees and a member of the Whittier Area Literacy Council; said the Literacy Council had been serving the community since 1949 offering free tutoring and English language learning; and invited the City Council and the community to the 6th Annual Soup and Good Book event on March 19th, featuring Spanish Professor and Poet Mariano Zaro.

Anna Hinkle, Whittier Area Literacy Council Member, Whittier; thanked Whittier Village Cinemas and Lily's Cottage for donating two years in a row for the Soup and Good Book Event; and provided event flyers.

Martin Camero, HLC Mortgage, Inc., Whittier; said he was previously a Whittier Uptown Association Director; and he submitted a list of concerns he has regarding the current Whittier Uptown Association Board of Directors.

Richard Krieger, 15208 Goodhue Street, Whittier; presented a picture of a house located at the corner of Scott Avenue and Fernview Street that he believes needs work; he said he is happy about the Uptown Whittier car show and the Founders Day celebration; and he believes the empty car lots on Whittier Boulevard would be good locations for a movie theatre and Bob's Big Boy restaurant.

Reverend Geoff Nelson, Whittier Presbyterian Church, 13750 Walnut Street, Whittier; said he had started hiking in the Whittier Hills; it is a blessing to have the hills; and he prayed for the City Council and community.

Arthur Rock, Whittier; spoke regarding a *Whittier Daily News* article that said the City was facing a budget deficit in excess of \$1 million; he commented that bus stops on Pickering Avenue have been vandalized with graffiti; and he said that a senior was recently asked to leave the Senior Center.

Roy McKee, Whittier Hills Oil Watch (WHOW) Vice President; voiced his opposition and concerns relating to the proposed Whittier Mineral Extraction Project citing the following issues: Matrix Oil contact information posted on the City's website; hiring of an attorney to review Proposition A issues without concurrence of Los Angeles County; potential health problems and destruction to the Whittier Hills; prematurely signing a lease agreement with Matrix Oil; and hesaid being an environmentalist and industrialist cannot be merged.

Dr. Luis Lovato, A to Z Mart, 12734 Whittier Boulevard, Whittier; said his business was cited for Municipal Code Section 18.24.030 violations regarding unauthorized outside displays even though the business has followed the Code; the Code has a clause that allows for exceptions to sales and outside displays for uses that are customarily conducted outside; they have conducted the business this way for over 50 years; they have been threatened with criminal prosecution; and the citations are a misunderstanding of the law by Code Enforcement officers.

Rosario Lomeli and Alex Lomeli, owners of A to Z Mart, 12734 Whittier Boulevard, Whittier, said they had reviewed the Municipal Code regarding violations they have received; they have been doing business the same way for 50 years and it should be considered customary; they do not display merchandise on the sidewalk; they can display merchandise without infringing on the parking lot; they received positive feedback from the public for the article in the *Whittier Daily News*; as a struggling business, their sales have been affected; and they requested assistance.

Ricardo Melendrez, resident of unincorporated Los Angeles County; said he understands the enforcement of the Municipal Code; issuing citations may give the impression the City does not support small business; and he asked the City Council to consider clemency for A to Z Mart and other small businesses, stating small businesses are the backbone of country.

James Sass, 6252 Washington Avenue, Whittier; Whittier Historic Neighborhood Association; said the historic districts offered to pay additional materials fees for historic designation on new street signs; there was no report back from the sub-committee members; and he requested an official response to his request.

At Mayor Nordbak's request, City Manager Helvey responded the sub-committee had publicly given direction regarding street signs; and the Uptown area was the only area designated for special signs.

Rob Robertson, Beverly Boulevard, Whittier; commended the City on its commitment to business development; said he is concerned about lowering the standards to bring in new businesses; he believes the Planning Commission bent some rules to approve a new 7-Eleven convenience store; and he said corporate profits from the 7-Eleven go out of the City.

Bob Floren, Lodosa Drive, Whittier; said the proposed oil project is based on desire that began with Proposition A that was approved by voters in 1995 and endorsed by environmental groups; the Draft Environmental Impact Report (DEIR) has been criticized by environmental organizations; and he read part of a statement from the Los Angeles County Department of Parks and Recreation that said the oil drilling project is incompatible with specified uses of the land and would constitute a disposal of the land acquired with Proposition A funds.

George Poochigian, Whittier; said the Veteran's Memorial does not honor veterans that survived; he believes anti-oil drilling signs on Beverly Boulevard were taken by Matrix Oil; and he resents the proposed 7-Eleven convenience store in his neighborhood.

Lorraine Gallardo, 6237 Greenleaf Avenue, Whittier; said she is disappointed about the proposed oil project; she appreciates the wildlife; she is proud to see signs opposed to oil drilling and to protect the hills; Proposition A funds were to protect the hills; and she asked the City Council to take citizens comments to heart.

Carole Reza, Bridge of Faith Executive Director, Whittier; announced one of her residents who is a 5 ½ year resident is graduating from Rio Hondo College in May; and is getting married.

John Traw, 14435 Eastridge Drive, Whittier, announced the Whittier Sunrise Rotary Club would be conducting its annual "Battle of the Bands" on March 4, 2011; said a Whittier College service club is collecting 5,000 lbs. of canned goods by dispensing bags throughout the City to collect the foods; and said Interim Police Chief Piper spoke to his Rotary about events in the City.

Ralph Marsico, Whittier; said a charity organization had provided a room for his family for one week; his family has always helped others; he plans to bring his trolley back to the City to have a place to stay; and he submitted a letter to the City Manager and City Council asking for financial assistance.

Joe Marsico, Whittier; said his son Ralph had been on Channel 2 to talk about illegal street sweeping.

Mayor Nordbak recessed the meeting at 7:55 p.m. At 8:13 p.m. he reconvened the meeting with all Council Members, except Council Member Henderson, present.

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

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Warner and carried, by roll call vote, with Council/Agency Member/Director Henderson absent, to approve the Consent Calendar as submitted; and that Resolution No. 8353 be read by title only, further reading be waived, and it be declared adopted.

- 6.A** The City Council denied claims filed by Tina Hutton, Ruben Valverde, Sandra Alfonso, Georgina Sanchez, and Paul Alexander Hernandez.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of January 25 and February 8, 2011.
- 6.C** The City Council approved a special event permit for the Walk 4 Life event sponsored by the Whittier Pregnancy Care Clinic on Saturday, March 5, 2011 from 8:30 to 10:00 a.m. beginning and ending at the Whittier Pregnancy Care Clinic, 16147 E. Whittier Boulevard.
- 6.D** The City Council received and filed the Gateway Cities Council of Governments updates for February 2011.
- 6.E** The City Council received and filed the following Historic Resources Commission actions:
 - 1. Approval of Certificate of Appropriateness 10-020 to complete a comprehensive window replacement/repair and façade remodel to an existing single-family residence located at 11548 Beverly Boulevard; Owner: Lucero Asset Group; Applicant: Maria R. Pulido-Lucero.
 - 2. Approval of Certificate of Appropriateness 10-015 to complete a comprehensive window repair and window change-out to an existing single-family residence located at 13122 Oak Street; Owner: Simple Properties, LLC; Applicant: Wilson Ruiz, Gallant Realty, Inc.
- 6.F** The City Council authorized staff to submit a grant application to the Department of Resources Recycling and Recovery (CalRecycle) for rubberized surfacing at several Whittier parks; and adopted Resolution No. 8353 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FOR AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)," authorizing the Assistant City Manager to sign the grant application.

- 6.G** The City Council approved the plans and specifications for the Community Development Block Grant (CDBG) funded Central Library Americans with Disabilities Act (ADA) Ramp improvements; and authorized the City Clerk to advertise the project for construction bids.
- 6.H** The City Council approved extending the Tolling Agreement with the County of Los Angeles regarding alleged violations of water quality standards until March 12, 2013; and authorized the City Attorney to execute the extension.
- 6.I** The City Council approved an agreement with Meyers Nave to provide legal assistance regarding the CEQA review document for the Whittier Hills Mineral Extraction Project; and authorized the City Manager to execute the agreement.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 8:14 p.m.

8.A PUBLIC HEARING – WHITTIER HEALTH FACILITY REVENUE BONDS (PRESBYTERIAN INTERCOMMUNITY HOSPITAL) SERIES 2011

City Manager Helvey said that the public hearing item required three Council Members to participate; and with the absence of Council Member Henderson, it would be necessary to pull either Mayor Nordbak or Council Member Vinatieri back into the discussion, even though they both have a conflict due to their business relationships with the hospital. In a blind draw conducted by City Attorney Jones, Council Member Vinatieri was drawn into the discussion.

City Attorney Jones explained that the applicant was asked if they wanted to continue the hearing or proceed; and they chose to proceed with the hearing. He said that law provides that if it is necessary to create a majority, a Council Member with a conflict is allowed to participate in a blind draw; and will then participate in all items as if he or she had been eligible at the beginning of the process.

Mayor Nordbak left the Council Chamber at 8:16 p.m.

City Attorney Jones stated three affirmative votes were required for the item to pass because it involved the adoption of a resolution.

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the issuance of City of Whittier Health Facility Revenue Bonds (Presbyterian Intercommunity Hospital) Series 2011.

In response to Council Members, City Controller Hill said this process was to utilize the City's tax exempt filing status; there was no risk to the City; this was common practice with prior bond issues in 1995, 2002, 2007, and 2009; and the majority of the bonds are still outstanding.

Mayor Pro Tem Warner opened the public hearing at 8:19 p.m.

There being no one wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried with Council Member Henderson and Mayor Nordbak absent, to close the Public Hearing at 8:20 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, by roll call vote, with Council Member Henderson and Mayor Nordbak absent, that Resolution No. 8354 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CERTAIN REVENUE BONDS TO FINANCE CERTAIN HEALTH FACILITIES FOR THE BENEFIT OF INTERHEALTH CORP., PRESBYTERIAN INTERCOMMUNITY HOSPITAL, INC. AND IHC MANAGEMENT CORP., AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH," in an amount not to exceed \$44,000,000, be read by title only, further reading be waived, and it be declared adopted.

Mayor Nordbak resumed his seat at the dais at 8:22 p.m.

9.A OUTSIDE DISPLAY

Following discussion, it was moved by Mayor Nordbak, seconded by Mayor Pro Tem Warner, and carried, with Council Member Henderson absent and Council Member Vinatieri abstaining, to allow the owners of A to Z Mart to file an appeal to the Planning Commission within 60 days regarding their Code Enforcement violations and possible ambiguities in the Municipal Code regarding outside displays; stay any further enforcement while the appeal is in process; and direct staff to return with a report to discuss consideration of waiving the appeal fee.

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 9:11 p.m.

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

Council Member Vinatieri requested agendaing a discussion regarding the policy relative to street signs in historic neighborhoods in response to James Sass' comments and received concurrence from the City Council to bring it back for discussion.

12. ADJOURN UTILITY AUTHORITY MEETING:

13. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION:

City Manager Helvey recommended the City Council/Agency Board consider the following items in Closed Session:

- 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.
- 13.D** 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.E** City Council – Government Code Section 54957, City Manager evaluation.
- 13.F** City Council - Government Code Section 54956.9(a) to discuss the claim of the Natural Resources Defense Council, Inc. et al. vs. the County of Los Angeles.

- 13.G** Government Code Section 54956.9(b)(1), to discuss one case of potential litigation relating to the design build concept relating to the Branch Library located at 10537 Santa Gertrudes Avenue.
- 13.H** City Council – Government Code Section 54956.8 to discuss real property negotiations with Delta Groups representing Verizon relating to price and terms of payment to lease property at 5703 Palm Avenue; City negotiator: Stephen Helvey.
- 13.I** City Council – Government Code Section 54956.9(b)(1) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.

Mayor Nordbak adjourned the joint meeting to Closed Session at 9:18 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 to Open Session at 10:41 p.m.

15. CLOSED SESSION REPORT:

None

16. ADJOURNMENT:

Mayor Nordbak adjourned the joint meeting at 10:41 p.m.

Respectfully submitted,

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