

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
OCTOBER 25, 2011**

1. CALL TO ORDER:

The Whittier City Council met in regular session on October 25, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Warner 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:**

J. Greg Nordbak, Council Member/Agency
Member/Authority Director
Joe Vinatieri, Council Member/Agency
Member/Authority Director
Bob Henderson, Council Member/Agency
Member/Authority Director
Owen Newcomer, Mayor Pro Tem /Vice
Chair
Cathy Warner, Mayor/Chair

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/Executive
Director
Jeffrey W. Collier, Chief Assistant City
Manager/Deputy Director
Richard D. Jones, City Attorney/Authority
Counsel
Toni Maiques, Assistant City Clerk-Treasurer/
Secretary-Treasurer
Kathryn A. Marshall, City Clerk-
Treasurer/Secretary-Treasurer (8:23 p.m.)

3. PLEDGE OF ALLEGIANCE:

Whittier Area Chamber of Commerce Director Carol Crosby led the Pledge of Allegiance.

4. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Warner adjourned the Utility Authority meeting at 6:36 p.m.

5.A LA SERNA HIGH SCHOOL 50TH ANNIVERSARY

Mayor Warner presented a Proclamation to La Serna High School Principal Drew Passalacqua, in recognition of the school's 50th Anniversary and its many accomplishments.

5.B TEACHERS OF THE YEAR

Mayor Warner recognized Ken LaVigne, a La Serna High School English teacher; and James Tighe an East Whittier Middle School 8th grade teacher, for their selections as Los Angeles County Teacher of the Year finalists.

5.C CHAMBER OF COMMERCE REPORT

Heather Crawford, Chairperson of the Whittier Beautiful Committee, presented the Whittier Beautiful Award to the City for the beautification of the Civic Center entry plaza, including the new Police facility and the Police Memorial.

6.A APPROVAL OF AGENDA:

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Vinatieri, and carried unanimously, to approve the agenda as amended to add Item 16 Reconvene in Open Session; Item 17 Closed Session Report; and Item 15.D to discuss one case of potential litigation regarding property located at 12626 Philadelphia Street, as City Attorney Jones reported this item arose after posting of the agenda and could not wait for action until the next regular meeting.

7. ORAL COMMUNICATIONS:

The following Broadoaks School of Whittier College students spoke and announced the annual Broadoaks School holiday auction on Friday, November 18 at the Radisson Hotel at 7:00 p.m.:

- Isabel, 3rd grade
- Hannah, 7th grade
- Alyssa, 7th grade
- Dominica, 7th grade
- Ella

George Poochigian, Whittier; said he attended the Planning Commission meetings regarding mineral extraction in the Whittier Hills; and said he did not receive an investigation in response to a report he wrote to the Whittier Police Department.

Ted Knoll, 9233 Coachman Avenue; invited the community to the opening of the 1st Day Coalition expanded health care clinic on Friday, October 28 at 1:30 p.m.; and thanked the City for its assistance.

Luis Gonzalez; introduced himself as the new field representative for Senator Ron Calderon; he said he had a community services background; and he provided the phone number to his Montebello office 323-890-2790.

Sergio Cevalo, Exclusively Imports, 14029 Whittier Boulevard, Whittier; said he had been informed by Code Enforcement that no signage is allowed on building walls; he provides quality and professional services; he has been in business 13 years; and he requested consideration to leave a logo painted on his back building.

Allen Nakken, Whittier Uptown Association Executive Director, announced four Uptown holiday events: The Grand Illumination on December 2; the Christmas Parade on December 10; the Holiday Sonata on December 17; and an ice skating rink on Greenleaf Avenue from December 9 through December 17.

Pastor Burn Mathison; invited the City Council to attend an event at the Pasadena Rose Bowl on November 11 where representatives of various churches will be present for a day of prayer for California and local cities; and he prayed for the City Council for knowledge in making important decisions.

Christiane Pandoja, a Whittier High School Senator Commissioner; invited the City Council to a fund raiser to be held on October 27 at Shakeys on Washington Boulevard from 5:00 to 9:00 p.m.; and she said all proceeds will go to the Commission Service Club which tutors freshman.

Keenan Roarke, Whittier; said he is the owner of Half-Off Books and Secretary of the Whittier Uptown Association; he would like to see a focus on bringing youth to the Uptown area; and he announced a concert at Harmony Hall on October 29 from 6:00 p.m. to midnight.

Chief Assistant City Manager Collier said he approved the concert at Harmony Hall without a Conditional Use Permit because Mr. Roarke had already invested so much in the event; this was approved as a one-time event; under the Whittier Uptown Specific Plan he could not apply for a CUP at this venue; and all future events need to be in compliance with the Whittier Municipal Code.

Jacob Trammel, Whittier; said he is an artist and mural/sign painter; his trade is being destroyed by the media and computers; and he would like to see people take pride in murals.

8. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CONSENT CALENDAR

Council Member Henderson declared he had a conflict of interest on Item 8.G.2 because his business is located within 500 feet of the property and he recused himself from voting.

Council Member Vinatieri requested separate consideration of Items 8.C and 8.E.2.

It was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and carried unanimously by roll call vote, with the exception of Council Member Henderson's recusal on Item 8.G.2, and the exception of Items 8.C and 8.E.2; to approve the Consent Calendar, and that Resolution Nos. 8420 through 8422 (Item 8.H) and WRA-11-14 (Item 8.N) be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2982 (Item 8.H) be read by title only, further reading be waived, and this be declared its first reading.

City Council

- 8.A** The City Council denied claims filed by Juan Carlos Barahona, Anna Chao, Steve Khodavandi, State Farm Insurance for Victor Campos, Midnight C. Byrnedavis, John A. Huelsman, Lilly Orona and Nicholas Vazquez.
- 8.B** The City Council approved the Minutes of the Special Meeting of October 11, 2011.
- 8.D** The City Council approved the Special Event Permit request from the Whittier Uptown Association to hold their annual Halloween event on Saturday, October 29, 2011 from 11:00 a.m. to 5:00 p.m.
- 8.E** The City Council approved the Special Event Permit requests for the following Whittier Uptown Association 2011 Holiday Events:
 - 1. Grand Illumination to be held Friday, December 2, 2011 from 5:00 p.m. to 9:00 p.m.; and
 - 3. Holiday Sonata to be held Saturday, December 17, 2011 from 5:00 p.m. to 9:00 p.m.
- 8.F** The City Council approved the Special Event Permit request for the Whittier Uptown Association to have use of the City/Agency lot located at 6724 Greenleaf Avenue and adjoining driveway for a holiday ice skating rink from December 9 to 17, 2011.
- 8.G** The City Council received and filed the following Historic Resources Commission actions:
 - 1. Approval of Certificate of Appropriateness 11-016 to complete a window and door change-out; legalize various front porch modifications; and legalize two existing rear patio covers to a home located at 5524 Palm Avenue; (Applicant: Equity Exterior, Inc.; Owner: Rebecca J. Pacheco).

2. Approval of Certificate of Appropriateness 11-015 to legalize a 662 square-foot enclosed patio addition; a 196 square-foot deck; and a trellis cover to the rear of an existing single-family residence located at 13218 Hadley Street in the Hadley-Greenleaf Historic District; Applicants/Owners: Darrel and Anna Saucedo.

8.H The City Council took the following actions relating to conduct of the 2012 General Municipal Election:

1. Adopted Resolution No. 8420 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, APRIL 10, 2012, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY PROVISIONS OF THE CITY CHARTER";
2. Adopted Resolution No. 8421 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, APRIL 10, 2012";
3. Adopted Resolution No. 8422 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, APRIL 10, 2012";
4. Introduced Ordinance No. 2982 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING ELECTION PROCEDURES RELATING TO PRECINCT BALLOTS AND POLLING PLACES FOR THE 2012 ELECTION"; and
5. Selected Martin & Chapman Co. as the City's election supplier for 2012 and authorized the City Manager to execute an agreement with the contractor.

8.I The City Council received and filed the Gateway Cities Council of Governments update for July through September 2011.

8.J The City Council approved out-of-state travel for four School Resource Police Officers and their supervisor to attend the 13th Annual Safe School Conference in Las Vegas, Nevada, on November 28-29, 2011.

- 8.K** The City Council approved an agreement for acceptance of a grant from Central Basin Municipal Water District for installation of a Demonstration Garden at Laurel Station along the Greenway Trail and outreach education for the community; and authorized the City Manager to execute the agreement.

Redevelopment Agency

- 8.L** The Agency Board accepted a loan from the City for \$163,620 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 2010-11; and approved the reimbursement to TRC MM, LLC of the 2010-11 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$313,451.
- 8.M** The Agency Board accepted a loan from the City for \$50,522 representing 50% of the sales tax generated by the Whittier Marketplace project during January to June 2011; and approved the reimbursement to Whittier Marketplace, Inc. of the April 2011 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$188,688.
- 8.N** The Agency Board adopted Resolution No. WRA-11-14 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM."

8.C ECONOMIC DEVELOPMENT QUARTERLY UPDATE REPORT – JULY THROUGH SEPTEMBER 2011

Council Member Vinatieri requested staff report back at the November 22, 2011 meeting regarding Item 52 on the Business Outreach List, discussions with California Manufacturing Technology Consulting regarding opportunities for assistance to Whittier's manufacturing businesses.

Following brief discussion, it was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously, to receive and file the Economic Development Quarterly Update Report for July through September 2011.

8.E.2 58TH ANNUAL UPTOWN WHITTIER CHRISTMAS PARADE

Following discussion, it was moved by Council Member Nordbak, seconded by Mayor Pro Tem Newcomer, and carried by roll call vote, with Council Member Henderson recusing, on City Attorney's advice, because he is a member of the Whittier Uptown Association, to approve the Special Event Permit for the Christmas Parade to be held Saturday, December 10, 2011 from 10:00 a.m. to 12:00 p.m.; and to waive the \$42 fee for use of the parking structure.

9. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Warner recessed the Redevelopment Agency meeting at 7:33 p.m.

10.A RESIDENTIAL HISTORIC RESOURCES SURVEY

It was moved by Council Member Henderson, seconded by Mayor Pro Tem Newcomer, and carried unanimously, by roll call vote, to approve a professional services agreement with Chattel Architecture, Planning and Preservation, Inc. in the amount of \$60,000 for the continuation of the Residential Historic Resources Survey; authorize the City Manager to execute the agreement; reject all other bids; and authorize staff to organize a Historic Resources sub-committee for the Survey.

10.B GOLD LINE LIGHT RAIL EXTENSION

Following discussion, it was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously, to receive and file an update report on the Gold Line light rail extension process; and direct the subcommittee members to explore options regarding hiring an outside consultant; and report back to the Council on their findings.

10.C CANARY ISLAND PINE TREES

By order of the Chair, and with City Council concurrence, staff was directed to return with a report including plans for the Whittwood Branch Library expansion project for review before making a decision on the relocation or removal of the Canary Island Pine trees located on the north side of the Library; and directed to obtain additional quotes for the relocation of the trees.

11.A BOARD AND COMMISSION TERM LIMITS ORDINANCE

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously that Ordinance No. 2981 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 2.05 (BOARDS AND COMMISSIONS) OF THE WHITTIER MUNICIPAL CODE," relating to Board and Commission term limits be read by title only, and further reading be waived.

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried, by roll call vote, with Council Member Nordbak dissenting, that Ordinance No. 2981 be declared adopted. Council Member Nordbak stated that he supported the ordinance, however he was not satisfied with the legal counsel explanation at the October 17, 2011 Council meeting, therefore he voted no.

11.B WATER SERVICE RATES ORDINANCE

Following discussion, it was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried unanimously, that Ordinance No. 2983 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FIXING RATES AND CHARGES FOR WATER SERVICE FURNISHED BY THE WHITTIER UTILITY AUTHORITY FOR FISCAL YEAR 2011-2012 AND FISCAL YEAR 2012-2013," be read by title only, further reading be waived, and this be declared its first reading.

12. RECONVENE REDEVELOPMENT AGENCY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Warner reconvened the Redevelopment Agency in joint session with the City Council at 8:08 p.m.

13. COUNCIL/AGENCY MEMBER COMMENTS AND CONFERENCE REPORTS:

Council Member Nordbak received Council concurrence to agendaize discussion regarding placement of the Twin Towers piece currently displayed in the City Hall lobby.

14. ADJOURN REDEVELOPMENT AGENCY MEETING:

Mayor Warner adjourned the Redevelopment Agency meeting at 8:16 p.m.

15. CITY COUNCIL CLOSED SESSION:

Chief Assistant City Manager Collier recommended the City Council conduct a Closed Session relating to:

- 15.A** 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.
- 15.B** City Council – Government Code Section 54957(b) to consider the appointment of a Community Development Director.
- 15.C** City Council - Government Code Section 54956.9(a) to discuss the claim of Mary Kennan vs. City of Whittier.
- 15.D** City Council - Government Code Section 54956.9(b) to consider potential litigation relating to property at 12626 Philadelphia Street.

Mayor Warner recessed the meeting to Closed Session at 8:17 p.m.

16. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the meeting in Open Session at 8:41 p.m.

17. CLOSED SESSION REPORT:

None

18. ADJOURNMENT:

Mayor Warner adjourned the City Council meeting at 8:41 p.m.

Respectfully submitted:

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