

**MINUTES
WHITTIER CITY COUNCIL
ADJOURNED SPECIAL MEETING
RADISSON HOTEL BALLROOM
7320 GREENLEAF AVENUE
NOVEMBER 9, 2011**

1. CALL TO ORDER:

The Whittier City Council met in an Adjourned Special Session on November 9, 2011. Mayor Warner called the meeting to order at 6:35 p.m. in the Radisson Hotel Ballroom, 7320 Greenleaf Avenue, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: J. Greg Nordbak, Council Member
Joe Vinatieri, Council Member
Bob Henderson, Council Member
Owen Newcomer, Mayor Pro Tem
Cathy Warner, Mayor

OTHER OFFICIALS PRESENT: Stephen W. Helvey, City Manager
Jeffrey W. Collier, Chief Assistant City
Manager
Richard D. Jones, City Attorney
Kathryn A. Marshall, City Clerk-Treasurer

3. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Newcomer led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS: None

5. CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP09-004 AND ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH2010011049); APPLICANT: MATRIX OIL CORPORATION; CITY-OWNED PROPERTY WITHIN THE PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY AREA GENERALLY LOCATED NORTH OF MAR VISTA STREET AND WEST OF COLIMA ROAD IN THE CITY OF WHITTIER

[A verbatim transcript is attached and made a part of these Minutes.]

6. ADJOURNMENT:

Mayor Warner adjourned the City Council meeting at 11:13 p.m. to Monday, November 14, 2011 at 6:30 p.m. in the Radisson Hotel Ballroom, 7320 Greenleaf Avenue, Whittier.

Respectfully submitted:

Kathryn A. Marshall
City Clerk-Treasurer

In the Matter of:)
)
WHITTIER CITY COUNCIL)
REDEVELOPMENT AGENCY)
PUBLIC HEARING)
_____)

TRANSCRIPT OF PROCEEDINGS
Whittier, California
Wednesday, November 9, 2011

REPORTED BY: Michelle Quinones
CSR No. 9985

1
2
3
4 In the Matter of:)
)
5 WHITTIER CITY COUNCIL)
REDEVELOPMENT AGENCY)
6 PUBLIC HEARING)

7
8
9
10
11
12
13 Transcript of Proceedings, taken before
14 Michelle Quinones, a Certified Shorthand Reporter
15 for the State of California, with principal office
16 in the County of Orange, commencing at 6:30 p.m.,
17 Wednesday, November 9, 2011, at the Raddison Hotel,
18 7320 Greenleaf Avenue, Whittier, California.
19
20
21
22
23
24
25

2

1 I N D E X
2
3 Page
4 CITY COUNSEL QUESTION AND ANSWER SESSION 11
5 OPEN SPACE LEGAL DEFENSE FUND PRESENTATION 45
6 PUBLIC COMMENT 52
7
8
9
10
11 E X H I B I T S
12 (None)
13
14
15
16
17
18
19
20
21
22
23
24
25

3

1 Whittier, California, Wednesday, November 9, 2011
 6:30 p.m. - 11:15 p.m.
2
3
4 MAYOR WARNER: Good evening. We'd like to begin
5 our meeting this morning -- this evening. Yesterday was
6 a long day. Today was a long day.
7 We'd like to ask you to take your seats so we
8 can begin our meeting.
9 As we begin our meeting this evening, I'd like
10 to outline several procedures to make sure each
11 individual who wishes to speak is heard, while also
12 moving our meeting along in an expeditious manner.
13 When you arrived this evening, you were offered
14 a speaker card. The card is intended to assist our court
15 reporter in transcribing the proceedings of this hearing.
16 When you come up to speak at the podium, we request that
17 you turn in a speaker card that is filled out, to one of
18 the staff members seated near the podium.
19 When speaking at the podium, we ask that you
20 speak at a normal pace and in a normal tone of voice.
21 The microphones are set to accommodate a normal
22 tone of voice. Speaking too loudly will skew the audio
23 portion of the television recording. Speaking too
24 rapidly will make it difficult for your testimony to be
25 recorded by our court reporter.

4

1 We will need to take periodic breaks to
2 accommodate our court reporter.
3 As with our normal public hearing process,
4 speakers will be given three minutes to provide
5 testimony. To help you determine when you need to
6 summarize your comments, there is a lighting system
7 similar to the one we have in the City Council chambers.
8 It is located on the table in front of the Council.
9 You will see a green light two minutes into your
10 testimony. A flashing green light will occur for the
11 next 30 seconds. And then a yellow light will appear for
12 your last 30 seconds, followed by a red light to indicate
13 your time is up.
14 When you see the yellow light, please begin to
15 summarize your comments. When the red light is
16 displayed, we'll ask that you complete your sentence so
17 the next speaker may begin.
18 The Council wishes to hear what each person has
19 to say; therefore, we ask that you be succinct in your
20 comments and request that you try not to repeat what
21 others have said before you. If you wish, you may
22 indicate whether or not you agree with the points raised
23 by those speaking before you.
24 The Council values your comments, and we look
25 forward to hearing from you.

5

| | |
|---|--|
| <p>1 We understand that this hearing matters a 2 subject of which all members of the audience are likely 3 to have strong opinions. As such, it is important that 4 we respect one another's rights to be heard in a fair and 5 respectful manner.</p> <p>6 To this end, we ask that everyone abide by the 7 following rules for this hearing: Please remain seated 8 during the hearings. Los Angeles County Fire Department 9 has requested that we keep aisleways and exit corridors 10 clear so we can comply with the Fire Code. Therefore, it 11 will be necessary for all guests in the room to remain 12 seated at all times, unless you are in the process of 13 entering or exiting the room.</p> <p>14 And staff, city staff has been asked to help 15 assist in that area.</p> <p>16 City staff members, consultants and members of 17 the television crew will not always be seated, as there 18 is a need for them to perform logistical functions 19 related to the meeting.</p> <p>20 If you need to speak with others during the 21 hearing, we request that you leave the hearing room to 22 continue your conversation outside so as to not distract 23 those around you.</p> <p>24 Once again, it will be necessary for staff 25 members to have periodic conversations with one another</p> <p style="text-align: right;">6</p> | <p>1 As we begin our meeting tonight, the City 2 Council will have the opportunity to continue to ask 3 questions. Then the Open Space Legal Defense Fund will 4 have the opportunity to make a presentation.</p> <p>5 As with the prior approach of the Planning 6 Commission hearing, they will have 20 minutes, subject to 7 seven speakers coming forward to identify themselves, and 8 acknowledging that they are donating their speaking time 9 for the presentation.</p> <p>10 We will then proceed into a time of public 11 comment with a three minute speaking time limit. 12 Thirty minutes will be given to those speaking in favor 13 of the application, and then 30 minutes to those speaking 14 in opposition to the application.</p> <p>15 We will ask that those speaking line up with 16 five persons at each of the two podiums, and staff will 17 assist with this. You do not need to line up in any 18 particular order. It is likely that we will receive 19 public testimony over several evenings, both for and 20 against the application.</p> <p>21 At the conclusion of receiving public testimony, 22 in accordance with our public hearing procedure, the 23 Applicant will be permitted to offer a rebuttal to those 24 points raised in opposition.</p> <p>25 After the rebuttal, city staff and the</p> <p style="text-align: right;">8</p> |
| <p>1 for logistical purposes and facilitating the meeting.</p> <p>2 If you have signs that you would like to display 3 during the hearing, out of courtesy for others in the 4 audience, we ask that you not wave your sign or hold it 5 up in a manner that may block the view of those behind 6 you.</p> <p>7 If members of the public wish to use a video 8 camera to record the proceedings or use a camera to take 9 pictures of the proceedings during the hearing, we ask 10 that you use one of the designated areas on either side 11 of the room for this purpose.</p> <p>12 No flash photography will be allowed. Members 13 of the press with full press credentials that are visible 14 may have general access to the room.</p> <p>15 Out of respect for others in the audience that 16 may have an opposing view from your own, we request that 17 you refrain applause, cheering, booing or making other 18 comments from the audience which may disrupt the flow of 19 the meeting.</p> <p>20 We began the proceedings last night with a 21 presentation by city staff, MRS, the EIR consultant. We 22 then moved into public testimony by those for and against 23 the project. First the applicant Matrix Oil made their 24 presentation. The City Council members then began to ask 25 questions.</p> <p style="text-align: right;">7</p> | <p>1 environmental consultant may present additional 2 clarification regarding points raised during the 3 testimony, and the Council then will have the opportunity 4 to ask questions, deliberate, and then make a 5 determination on the final EIR and the CUP application.</p> <p>6 The action on the final EIR is to either certify 7 or not certify the final EIR. The action options 8 regarding the CUP application would be to either approve, 9 approve with modifications or to deny the application.</p> <p>10 Mr. Jones, since we are adjourned from last 11 evening, should we go through the roll call as we did 12 last evening?</p> <p>13 MR. JONES: Yes, we should.</p> <p>14 MAYOR WARNER: Okay. So we'll go through our 15 roll call, and then we will have our pledge. I've asked 16 Mayor Pro Tem Newcomer to lead our pledge.</p> <p>17 MS. MARSHALL: Council Member Nordbak. 18 COUNCIL MEMBER NORDBAK: Here. 19 MS. MARSHALL: Council Member Vinatieri. 20 COUNCIL MEMBER VINATIERI: Here. 21 MS. MARSHALL: Council Member Henderson. 22 COUNCIL MEMBER HENDERSON: Here. 23 MS. MARSHALL: Mayor Pro Tem Newcomer. 24 MAYOR PRO TEM NEWCOMER: Here. 25 MS. MARSHALL: Mayor Warner.</p> <p style="text-align: right;">9</p> |

| | |
|--|---|
| <p>1 MAYOR WARNER: Here.</p> <p>2 MAYOR PRO TEM NEWCOMER: Would you rise and join</p> <p>3 me in the flag salute. The flag is over here.</p> <p>4 (Whereupon the Pledge of Allegiance was lead</p> <p>5 by Mr. Newcomer.)</p> <p>6 MAYOR WARNER: Thanks, Owene.</p> <p>7 And, Mr. Jones, will you need to explain what</p> <p>8 will constitute the record for the matter before us again</p> <p>9 tonight?</p> <p>10 MR. JONES: We've already provided it at the</p> <p>11 beginning last night. We're not part of that process at</p> <p>12 this point in time.</p> <p>13 MAYOR WARNER: Okay. And do any of the Council</p> <p>14 Members need to restate their disclosures?</p> <p>15 MR. JONES: The answer's no.</p> <p>16 MAYOR WARNER: Okay. Thank you.</p> <p>17 MR. JONES: The record has been said.</p> <p>18 MAYOR WARNER: Okay. So with that, we will</p> <p>19 resume the questions. As I mentioned, City Council</p> <p>20 members were in the process of asking questions.</p> <p>21 Joe, I think we were on yours. And then based</p> <p>22 on the questions you had, I think the rest of us, if we</p> <p>23 had questions on that particular area, we would jump</p> <p>24 in.</p> <p>25 Would you like to follow that same process at</p> <p style="text-align: right;">10</p> | <p>1 Re-injection is something that happens typically</p> <p>2 as part of the process of producing oil and gas. And</p> <p>3 what happens is, is that there is certain amounts of</p> <p>4 water that come up with the production of the oil, that</p> <p>5 usually separate at the wellhead, the gas, the water and</p> <p>6 the oil.</p> <p>7 And then typically what happens is the water</p> <p>8 gets re-injected back into a well that is permitted by</p> <p>9 the division of oil and gas and geothermal resources as a</p> <p>10 way to dispose of that water.</p> <p>11 MAYOR PRO TEM NEWCOMER: So disposal's the main</p> <p>12 purpose?</p> <p>13 MR. PEREZ: Disposal's the main purpose.</p> <p>14 There was quite a bit of discussion on this</p> <p>15 issue at the Planning Commission, as to whether there</p> <p>16 would be recharging of aquifers and things of that sort</p> <p>17 with re-injecting wells.</p> <p>18 And what typically happens is the area where the</p> <p>19 re-injection wells are targeted are areas where -- are</p> <p>20 well below any usable aquifer and will not have any</p> <p>21 interference.</p> <p>22 There's usually lots of different layers of</p> <p>23 bedrock that are in the intervening areas. So there will</p> <p>24 be no relationship between that water and any water that</p> <p>25 may be nearer to the surface where it could be portable</p> <p style="text-align: right;">12</p> |
| <p>1 this time?</p> <p>2 COUNCIL MEMBER VINATIERI: Kathy, I'm a little</p> <p>3 bit concerned about doing that this evening, because as</p> <p>4 you know, I have a whole bunch of questions here. And we</p> <p>5 have the public here this evening, and they've all come</p> <p>6 with the idea of being able to testify. So let me ask</p> <p>7 you, let's assume that -- well, let me restate that.</p> <p>8 Will we have opportunity to ask questions after</p> <p>9 the public has their chance to speak?</p> <p>10 MAYOR WARNER: Mr. Jones?</p> <p>11 MR. JONES: The answer's yes.</p> <p>12 MAYOR WARNER: Okay. Owene, how about you?</p> <p>13 MAYOR PRO TEM NEWCOMER: Yes, I would have some</p> <p>14 questions. I can start now, or whatever process you --</p> <p>15 MAYOR WARNER: Okay.</p> <p>16 MAYOR PRO TEM NEWCOMER: And to the MRS group,</p> <p>17 what's the purpose of re-injecting the water? Is it</p> <p>18 disposal or pressure to get more oil, or what's the</p> <p>19 purpose?</p> <p>20 MR. PEREZ: I think I'm supposed to come up here</p> <p>21 to speak, not from the table.</p> <p>22 Good evening, Madam Mayor, Council Members.</p> <p>23 Luis Perez with MRS. With me tonight is Greg Chittick,</p> <p>24 project engineer, and also Ted Muellan, a biologist with</p> <p>25 our company.</p> <p style="text-align: right;">11</p> | <p>1 or usable.</p> <p>2 MAYOR PRO TEM NEWCOMER: Thank you. And in that</p> <p>3 same area -- don't go away. There's more. In that same</p> <p>4 area it talked about the processing that will go on on</p> <p>5 the site.</p> <p>6 What's being process? Is that the separation or</p> <p>7 what is it?</p> <p>8 MR. PEREZ: Well, it's a combination of things.</p> <p>9 You're right, there is separation that -- that goes on.</p> <p>10 And then they clean the oil to a certain level, and then</p> <p>11 the oil goes as crude -- it's still crude oil; and that</p> <p>12 is the crude that gets transported down to the crimson --</p> <p>13 crimson pipeline system, where then it goes to the</p> <p>14 refinery where actual refining and processing takes</p> <p>15 place.</p> <p>16 So the type of processing that they're doing</p> <p>17 is -- is fairly minor, and there's not a lot of activity</p> <p>18 that is going on there.</p> <p>19 MAYOR PRO TEM NEWCOMER: And in that same</p> <p>20 section there was a phrase that struck me as unusual, dry</p> <p>21 oil. What is dry oil?</p> <p>22 MR. PEREZ: Well, as I was saying sort of along</p> <p>23 the same lines as what we have been talking about, dry</p> <p>24 oil is oil that is devoid of water. So the water has now</p> <p>25 been separated from it, and it no longer contains water;</p> <p style="text-align: right;">13</p> |

| | |
|---|---|
| <p>1 therefore, it's considered dry.</p> <p>2 MAYOR PRO TEM NEWCOMER: Okay. And one of the</p> <p>3 items they mentioned at the site will be all the lighting</p> <p>4 will be shielded to keep -- you know, to reduce the</p> <p>5 reflection off site.</p> <p>6 Is that through all the phases? Will the</p> <p>7 shields on the lights be there for the testing, for the</p> <p>8 construction and for the operation, or just one of</p> <p>9 those?</p> <p>10 MR. PEREZ: That the intent, is they would have</p> <p>11 to use shielded lighting for all phases of the project.</p> <p>12 MAYOR PRO TEM NEWCOMER: Okay. And where are</p> <p>13 the berms going to be located?</p> <p>14 MR. PEREZ: I'm sorry?</p> <p>15 MAYOR PRO TEM NEWCOMER: The berms that will be</p> <p>16 used, where will they be located on the site?</p> <p>17 MR. PEREZ: There's no requirement -- well, let</p> <p>18 me back up.</p> <p>19 Originally there was some discussion when we</p> <p>20 were looking at a project that had the number of truck</p> <p>21 trips and approximately 140,000 cubic yards of excavated</p> <p>22 material that had to go somewhere, the Applicant was</p> <p>23 looking into the possibility of building berms, some</p> <p>24 fairly large berms that would surround the site in</p> <p>25 various areas, and in that way, dispose of some of that</p> <p style="text-align: right;">14</p> | <p>1 think that's where you said there might be a berm that</p> <p>2 eventually will hide it.</p> <p>3 MR. PEREZ: I think there's a combination of</p> <p>4 things that would eventually hide it. There is the</p> <p>5 requirement for the landscaping plan that would provide</p> <p>6 for vegetation in that area. There's also a significant</p> <p>7 amount of trees there, eucalyptus trees that would serve</p> <p>8 to shield some of that area.</p> <p>9 The reason you can see the tanks is because</p> <p>10 that's -- the oil tanks would be the closest thing to</p> <p>11 those -- to somebody standing in that particular area.</p> <p>12 MAYOR PRO TEM NEWCOMER: And the tanks would be</p> <p>13 visible over the fence, the eight to ten foot fence wall</p> <p>14 that will be in certain sections?</p> <p>15 MR. PEREZ: If there was no additional</p> <p>16 landscaping there, the tanks will be visible.</p> <p>17 MAYOR PRO TEM NEWCOMER: Okay. Can I take us to</p> <p>18 C10, and it's on stamped page 2 -- it looks like 230.</p> <p>19 MR. PEREZ: Yes, I believe it is.</p> <p>20 MAYOR WARNER: In the EIR or the staff report?</p> <p>21 MAYOR PRO TEM NEWCOMER: It's in the staff</p> <p>22 report, but it would be -- it's an awkward stamping, but</p> <p>23 I'm pretty sure it's 230. And it's C10.</p> <p>24 It's dealing with acreage. And I'm having a</p> <p>25 hard time keeping the acreage that will be disturbed</p> <p style="text-align: right;">16</p> |
| <p>1 additional soil.</p> <p>2 Since -- and we went through the Appendix O</p> <p>3 design modification yesterday. And with that design</p> <p>4 modification, there's not going to be any substantial</p> <p>5 amounts of excess soil that could be used for berms.</p> <p>6 Having said that, as part of the aesthetics, and</p> <p>7 I think aesthetic condition 1A, there is a requirement</p> <p>8 for a landscaping plan. And within that landscaping</p> <p>9 plan, there is also a provision for the inclusion of</p> <p>10 berms if those berms would serve to shield areas.</p> <p>11 And the area in particular that we were looking</p> <p>12 at was the area that I share with you at the head of the</p> <p>13 Loop Trail Road, where the facility will be the most</p> <p>14 visible for that passerby or for that person using that</p> <p>15 area for recreation.</p> <p>16 So there was a small berm that we had envisioned</p> <p>17 as being useful for the purposes of reducing aesthetic</p> <p>18 impacts there.</p> <p>19 MAYOR PRO TEM NEWCOMER: Okay. And that segues</p> <p>20 nicely to another question. On the visual that we had</p> <p>21 that you showed us -- and it's in the Section O. And</p> <p>22 it's from the Loop Trail, the tanks are visible.</p> <p>23 Are the tanks visible because from the Loop</p> <p>24 Trail I'm at a higher elevation looking over the fencing</p> <p>25 and the shielding, or why were the tanks visible? And I</p> <p style="text-align: right;">15</p> | <p>1 separate from the acreage that will replace it, because</p> <p>2 sometimes there's a replacement of two acres for every</p> <p>3 acre that's disturbed, or three acres for every acre</p> <p>4 that's disturbed, and I can't get the math to work out.</p> <p>5 Can you clarify which of those are the</p> <p>6 replacement acreage that includes more -- you know,</p> <p>7 three acres for one, maybe, and which is the original</p> <p>8 acreage that was disturbed?</p> <p>9 MR. PEREZ: I think the best thing -- the best</p> <p>10 way to do this is we actually have a PowerPoint slide</p> <p>11 that we can bring up and try to walk through that.</p> <p>12 Okay. So if we can set up the PowerPoint, and</p> <p>13 then we can try to find which one it is.</p> <p>14 MAYOR PRO TEM NEWCOMER: That's fine.</p> <p>15 MR. PEREZ: I know the Mayor is looking at me.</p> <p>16 I'm gonna put up PowerPoints, and it's hopefully not</p> <p>17 gonna go on forever.</p> <p>18 MAYOR PRO TEM NEWCOMER: Okay. That would be</p> <p>19 fine.</p> <p>20 MR. PEREZ: While they're finding that, there's</p> <p>21 a couple of things that came up last night that, if you</p> <p>22 desire, we can go through them at some point. They have</p> <p>23 to do with responses that were actually responded by the</p> <p>24 Applicant's biologist with regards to gnatcatchers, and</p> <p>25 also with regards to bobcat issues. Our biologist is</p> <p style="text-align: right;">17</p> |

| | |
|---|--|
| <p>1 here tonight, and he can respond to that.</p> <p>2 The other issue that we had pending, Council</p> <p>3 Member Henderson had asked some questions about the issue</p> <p>4 of noise and the traffic speeds of 10 to 15 mile per</p> <p>5 hour. We have prepared three or four slides that discuss</p> <p>6 and provide you some studies, and I think it's important</p> <p>7 for you to -- to hear some of those.</p> <p>8 MAYOR PRO TEM NEWCOMER: I would appreciate</p> <p>9 that.</p> <p>10 MR. PEREZ: So as we're getting this, I just</p> <p>11 took the opportunity to ask you if we can give you that</p> <p>12 information.</p> <p>13 MAYOR PRO TEM NEWCOMER: And while you're coming</p> <p>14 up with that, let me ask a few other questions.</p> <p>15 Section C14 talks about pools of fluids that'll</p> <p>16 be used from washing the trucks and from different</p> <p>17 operations, and that these will either be drained at</p> <p>18 night or covered up at night. And my question would be:</p> <p>19 Why wouldn't they be covered up during the day? Why</p> <p>20 wouldn't they be drained immediately? Why is it okay to</p> <p>21 have the open pools of fluid during the day but not</p> <p>22 overnight?</p> <p>23 MR. PEREZ: I think it's not that it's okay to</p> <p>24 keep those -- those during the day. I think the idea is</p> <p>25 that if anything is occurring, you've got to make sure</p> <p style="text-align: right;">18</p> | <p>1 you see that additional number there. For that that is</p> <p>2 affected by noise, you have a one to one ratio of</p> <p>3 restoration. It's supposed to be a lesser type of</p> <p>4 effect, and as such requires a lesser type of</p> <p>5 restoration.</p> <p>6 MAYOR PRO TEM NEWCOMER: Okay.</p> <p>7 MR. PEREZ: And so it goes with all of the</p> <p>8 different ones. And I am hopeful that with that, and</p> <p>9 then our totals at the bottom, that it gives you a better</p> <p>10 understanding of the total acreage both affected, and</p> <p>11 then the total acreage that would have to be restored for</p> <p>12 the different portions of habitats that would be affected</p> <p>13 as a result of the project.</p> <p>14 MAYOR PRO TEM NEWCOMER: And which chart or what</p> <p>15 page was this on in ours, because I do not remember</p> <p>16 seeing this?</p> <p>17 MR. PEREZ: I believe this is a charge that</p> <p>18 is -- there are -- this information is within the</p> <p>19 environmental document in different sections. We</p> <p>20 compiled this for the purposes of illustrating this,</p> <p>21 thinking that this will be useful.</p> <p>22 But as such, this particular chart does not</p> <p>23 exist in the environmental documents.</p> <p>24 MAYOR PRO TEM NEWCOMER: If I could request at</p> <p>25 some time to get a printed copy of this --</p> <p style="text-align: right;">20</p> |
| <p>1 you have everything tightened up during the day, so --</p> <p>2 you know, at night things are a lot harder to see. But I</p> <p>3 don't -- I don't know that the -- the reading should be</p> <p>4 as literal as --</p> <p>5 MAYOR PRO TEM NEWCOMER: Okay.</p> <p>6 MR. PEREZ: -- as all that.</p> <p>7 MAYOR PRO TEM NEWCOMER: Okay.</p> <p>8 MR. PEREZ: We have the -- the figure up. I</p> <p>9 don't know if it's helpful to you. I don't know if you</p> <p>10 could see it well enough.</p> <p>11 It has -- it has a series of numbers in it, and</p> <p>12 it gives you a description of the requirements for the</p> <p>13 actual effected areas. And then we have proposed project</p> <p>14 in Appendix O. It may be easier to simply focus on</p> <p>15 Appendix O, since that's the design modification.</p> <p>16 So moving away from the first two columns there,</p> <p>17 so as you go into the Appendix O columns for Bio 1A, you</p> <p>18 have -- I believe it's the coastal sage scrub habitat</p> <p>19 that will be affected, so the actual will be 4.84 acres.</p> <p>20 And then where it says they're ratio'd, that's</p> <p>21 what it would have to be restored to, based on the</p> <p>22 three to one ratio for that particular habitat type.</p> <p>23 And then as you move down, again for Bio 1A,</p> <p>24 there is some coastal sage scrubs that get affected as a</p> <p>25 result of operations and noise. And so then that's how</p> <p style="text-align: right;">19</p> | <p>1 MR. PEREZ: Be happy to do that.</p> <p>2 COUNCIL MEMBER HENDERSON: Can I make a request</p> <p>3 on that, too. In our actuals, you have not totaled</p> <p>4 those -- you have not footed those totals, those columns.</p> <p>5 Could you do that? It will be useful for some other</p> <p>6 things we're doing.</p> <p>7 MR. PEREZ: Yes. I can tell you that for the</p> <p>8 proposed project, it's 30.6. And for the Appendix O, it</p> <p>9 is 28.1.</p> <p>10 COUNCIL MEMBER HENDERSON: I thought so, too.</p> <p>11 I've seen those figures separately. But if you could</p> <p>12 have that printed and available to us, it would be</p> <p>13 helpful.</p> <p>14 MAYOR WARNER: And, Mr. Jones, how will we have</p> <p>15 that available for the public?</p> <p>16 MR. JONES: It will be available if you want a</p> <p>17 copy of it, through the City Clerk.</p> <p>18 MAYOR WARNER: All right. Thank you.</p> <p>19 MAYOR PRO TEM NEWCOMER: And just a few more.</p> <p>20 These are both kind of visualizations. On the</p> <p>21 accident section it talks about spills outside of the</p> <p>22 containment area. And my question would be: How big</p> <p>23 would those spills potentially be? And secondly, how</p> <p>24 would they be cleaned up if they are outside the</p> <p>25 containment area?</p> <p style="text-align: right;">21</p> |

| | |
|--|---|
| <p>1 MR. PEREZ: We spoke a little bit yesterday 2 about spills, and how within the oil facility, for 3 example, there's a requirement for berms to be around 4 them; and they are essentially called secondary 5 containment areas that are required to be a minimum, 6 110 percent of the total volume of the tanks that are 7 within that -- that area. So the intent is that those 8 secondary containment areas would contain any spill that 9 happens and then some.</p> <p>10 I think I provided you with some assumptions 11 where the tank has to be absolutely full, which is a 12 rarity. And then you have to spill -- you have to have 13 some sort of catastrophic rupture of the tank or the tank 14 explodes in such a way that all contents of the tank are 15 spilled into secondary containment. Both of those are 16 relatively rare.</p> <p>17 However, we do plan for worse case scenarios, 18 and so that's why you have -- you have that. The 19 likelihood of having a spill go off site from the tanks 20 itself is -- is relatively low.</p> <p>21 MAYOR PRO TEM NEWCOMER: Okay. And that 22 accident outside the containment area would be a pipe 23 that leaks or bursts?</p> <p>24 MR. PEREZ: So when we're talking about spills, 25 they're more likely to come from the pipelines that are</p> <p style="text-align: right;">22</p> | <p>1 there's a differential in pressure, they have to shut 2 down and try to investigate why are we having this 3 differential in pressure.</p> <p>4 It usually is or sometimes is the evidence of an 5 oil spill. And that's how those are detected, to prevent 6 the oil spill from reaching higher magnitudes.</p> <p>7 MAYOR PRO TEM NEWCOMER: Okay. And visual. The 8 70-foot trucks that permitted, whether they be the cement 9 trucks or the flatbed trucks or the oil trucks, do we 10 have photos so I can see what a 70-foot truck looks like?</p> <p>11 MR. PEREZ: Why don't we move on to that, Greg, 12 and we can show the pictures of the trucks. I don't know 13 where 70 foot -- I don't know where that came from, 14 but --</p> <p>15 MAYOR PRO TEM NEWCOMER: It's on the EIR 224.</p> <p>16 MR. PEREZ: Is that -- do we have that? Okay. 17 So I think here what we have is a dump truck. And then 18 we have a couple of oil trucks. And I think Greg can 19 tell you a little bit more about the size.</p> <p>20 MR. CHITTICK: Madam Mayor, members of the City 21 Council, Greg Chittick with MRS. The 70 foot is the 22 maximum length of truck allowed by Caltrans. And we just 23 pulled some representative of -- representative 24 pictures -- pictures here of a couple of gasoline trucks 25 on the bottom and on the right, and then a 16 cubic yard</p> <p style="text-align: right;">24</p> |
| <p>1 en route off the -- off the site, and then onto 2 Colima Road.</p> <p>3 MAYOR PRO TEM NEWCOMER: Okay. And how would 4 they be cleaned up if such were to happen?</p> <p>5 MR. PEREZ: Oil spills that -- that happen like 6 that is, you know -- if they're on the ground, they're 7 relatively easy to clean up. What happens is you take 8 absorbent pads, and you throw them on the -- on the oil. 9 You also bring equipment in that essentially picks up 10 the -- the soil and the oil that is mixed within it, 11 and -- and all that soil is then taken away to a -- to a 12 disposal site.</p> <p>13 MAYOR PRO TEM NEWCOMER: Okay.</p> <p>14 MR. PEREZ: So it's fairly straightforward when 15 you have -- I mean, some of the vegetation obviously will 16 be affected if there's vegetation involved in the areas.</p> <p>17 Now, keep in mind the pipelines will be located 18 underneath existing roads. If -- if there is a spill, 19 it's likely to affect the areas that are in close 20 proximity to where the pipeline is located.</p> <p>21 There are leak detection systems that are 22 required which -- which have the ability to detect oil 23 spills. If there is a differential in pressure and those 24 are monitored by a computerized electronic system that 25 measures pressure at different variant times, so if</p> <p style="text-align: right;">23</p> | <p>1 dump truck on the top left that -- that they would use.</p> <p>2 MAYOR PRO TEM NEWCOMER: That helps. Thank 3 you.</p> <p>4 MAYOR WARNER: Are all those 70 feet?</p> <p>5 MR. CHITTICK: I do not believe the dump truck 6 is 70 feet, but the two gasoline trucks are 70 feet, 7 yeah.</p> <p>8 MAYOR PRO TEM NEWCOMER: And then you had 9 offered some information on the bobcat and the 10 gnatcatchers.</p> <p>11 I have no more questions. That would be --</p> <p>12 MR. PEREZ: Okay. Perfect.</p> <p>13 So Ted Muellan from our office will provide you 14 a little bit information on the gnatcatcher question 15 yesterday, and I believe the question was: What's the 16 location of gnatcatchers and how were gnatcatchers 17 addressed.</p> <p>18 For the bobcats, the question I believe was: 19 Why weren't surveys prepared prior to undertaking the 20 environmental document specific to bobcats. And Ted will 21 address both of those.</p> <p>22 MR. MUELLAN: Good evening, Madam Mayor and City 23 Council. My name's Ted Muellan. I'm a senior wildlife 24 biologist with MRS. I've been conducting sensitive 25 species surveys in Southern California for 20 plus years.</p> <p style="text-align: right;">25</p> |

| | |
|--|---|
| <p>1 Just want to also state, Rob Hamilton was one of 2 our biologists that we also had come and look at the 3 site, review the data that had been provided to us by 4 LSA, by the Applicant. And if we could direct the figure 5 that we added, figure 423 in the EIR, it's on the 6 PowerPoint. 7 MAYOR PRO TEM NEWCOMER: Could we get the 8 PowerPoint again please. 9 MR. MUELLAN: I think that's page 4214 of the 10 EIR. 11 COUNCIL MEMBER VINATIERI: I'm sorry, what page 12 again? 13 MR. MUELLAN: Four, two, fourteen, 4.2-14. 14 There we go. I don't know if we can make that 15 any larger. 16 So for the -- 17 MAYOR PRO TEM NEWCOMER: Just a second. I'm 18 having -- my 4214 is a chart, it's not this visual. So 19 mine's 4213 for this visual. 20 Some of the rest of you might have it. 21 MR. MUELLAN: Thank you. So on this figure 22 we've got data that has been provided by LSA and then 23 reviewed by myself and Rob Hamilton, who's got years of 24 experience surveying for the species. And he's done a 25 habitat assessment and then went out and looked at these</p> <p style="text-align: right;">26</p> | <p>1 particular species is the critical habitat that has been 2 designated by Fish and Wildlife Service that encompasses 3 a large part of the preserve out there. So hopefully 4 that addresses the gnatcatcher. 5 So -- and the important part here for that 6 sensitive species is determining individuals moving 7 through the area, versus them actually utilizing that 8 habitat. Using that habitat for nesting habitat is the 9 important critical habitat that requires the added 10 protection. 11 The individuals move through and use a variety 12 of habitats, but they're moving all the way through 13 Southern California at this time and can be found in a 14 variety of habitats: riparian, coastal scrub, chaparral. 15 Those individuals in that habitat that they're using is 16 less critical for the survivor -- survival of those 17 individuals. When you actually have the occupied 18 habitat, that's the important feature there. 19 MAYOR PRO TEM NEWCOMER: And what are the 20 mitigation features recommended for where the road 21 actually goes through that habitat? 22 MR. MUELLAN: Where the road actually goes 23 through the habitat, we have mitigation that actually 24 encompasses the noise impacts, which is actually a -- 25 this is a species that is fairly resilient to noise.</p> <p style="text-align: right;">28</p> |
| <p>1 particular sites. 2 And what we have here are individual occurrences 3 of gnatcatchers. And then we have, if I could direct you 4 to the center portion of the figure there, we've got 5 occupied habitat for gnatcatcher. So the individual 6 gnatcatcher spotted -- if we could go back one there. 7 Thank you. 8 We have gnatcatcher on the northern portion up 9 by the landfill, an individual right there. We have 10 individuals down on the southern part, down, marked by 11 red, down by Colima Road, and then another individual 12 with June 9/10th, 2008. 13 Those three individuals were recorded as 14 individuals at a time of year that was very unlikely for 15 them to be nesting. These are individuals that were most 16 likely moving through the area. They were characterized 17 as being juveniles. 18 So all of those factors led the LSA team and Rob 19 Hamilton and ourselves to determine that those were just 20 individuals moving through the area. 21 The occupied habitat, which is along the central 22 part up there in the family group, those represent 23 that -- those individuals represent actual breeding 24 habitat. 25 Another important feature for the -- for this</p> <p style="text-align: right;">27</p> | <p>1 We have evidence and we provided it in the EIR 2 demonstrating that the species is known to inhabit areas 3 that are right next to quite a bit of noise causing 4 effects there. 5 However, we still said the impacts from the 6 vehicles driving up and down that road would require a 7 one to one habitat replacement. So the habitat isn't 8 lost, but we did a contour for 60 decibels and above. 9 Anything above that gets a one to one replacement ratio 10 for all of that habitat. 11 So this species is limited by the available 12 habitat that it has out there. So that one to 13 one replacement ratio will replace that somewhere else 14 outside the boundaries of the road, outside the 15 boundaries of the noise impacts. 16 MAYOR PRO TEM NEWCOMER: Thank you. And the 17 bobcat. 18 MR. MUELLAN: The bobcat question came up 19 concerning -- could you reiterate the question, just to 20 make sure I answer it. 21 MAYOR PRO TEM NEWCOMER: I remember reading that 22 bobcats traverse the area, but yet there's also a finding 23 or a statement that building the project site won't 24 interrupt their movements. 25 And I was kind of saying, that doesn't seem</p> <p style="text-align: right;">29</p> |

| | |
|---|---|
| <p>1 right. Why -- why do the bobcats not get disturbed by 2 it, and what's the mitigation that would allow the 3 bobcats to continue to live in the general area? 4 MR. MUELLAN: Okay. This is kind of a twofold 5 answer here. Bobcats are a sensitive species, in that 6 they are a species of local concern. This is not a 7 species that is given the same level of protection as the 8 gnatcatcher, which is a federally listed species. 9 The bobcat is of local concern. It is not on 10 any of the federal registers or the state lists 11 considering it a sensitive species. However, being that 12 it is of local concern, we took it and analyzed the 13 impacts to that particular species. 14 There was a question that came up, why didn't we 15 do more research on this particular species, why didn't 16 we go out and do the analysis for where these species is 17 actually moving through the area. 18 This species, not being a listed species, 19 doesn't require the same level of attention as some of 20 these other listed species. 21 Nowhere in our document do we say that this 22 species is not going to be affected. We say that it will 23 be affected. We say that it will actually have an 24 impact, and that this species will be -- the noise 25 resulting from the project will have an effect on it.</p> <p style="text-align: right;">30</p> | <p>1 the amount of cover for that species. 2 So to be clear, we -- we never state that 3 bobcats are not gonna be affected. They are gonna be 4 affected, but they are gonna be mitigated. And the 5 mitigation that we present in that mitigation Bio 4 6 covers that species. 7 MAYOR PRO TEM NEWCOMER: Thank you very much. 8 And that's my questions. 9 MAYOR WARNER: Okay. 10 COUNCIL MEMBER NORDBAK: I have a question 11 regarding -- 12 MAYOR WARNER: Please. 13 COUNCIL MEMBER NORDBAK: Is there a time, 14 Mr. Jones, when we have to acknowledge that we all 15 received two additional -- that we all received two 16 additional letters today? 17 MR. JONES: Yes. As part of the record, it 18 should be acknowledged. The City Clerk can indicate what 19 has been passed out. 20 MAYOR WARNER: Kathryn. 21 MS. MARSHALL: Madam Mayor, since the time your 22 packet was issued, you've actually received 23 four documents. There is a letter from James Flournoy, 24 Save our Community, dated November 5th. A response to 25 the habitat authority EIR comment letter from Jeff Adams,</p> <p style="text-align: right;">32</p> |
| <p>1 Where the mitigation comes for this particular 2 species is in the habitat replacement, in that where we 3 have designated habitat replacement in a three to one 4 ratio or one to one ratio in the noise impact areas, that 5 will aid in recreating this species cover that it 6 requires. 7 The main focus of the mitigation for this 8 species comes in the impact number four for the bio 9 section, which is dealing all with the travel corridors. 10 All of the impact mitigation that is resulted 11 from those impacts and for that particular species comes 12 in terms of the protection that's listed there, in that 13 we have a monitor present out at the site, speed limits, 14 noise restrictions, habitat replacement, all of those 15 things that will aid in that species being able to move 16 through the site. 17 In addition, we have requirements stating that 18 down at the service tunnel, which is a critical juncture 19 in this whole area, gets added protection in that we 20 increase the value of that crossing for that species, for 21 all of the wildlife species. 22 In conjunction with that, the conditions of 23 approval increase the amount of area that's actually 24 going to be restored in that particular area, increasing 25 the value for species moving through there, increasing</p> <p style="text-align: right;">31</p> | <p>1 dated November 7th. A letter from Russ Guiney, 2 Los Angeles County Regional Park and Open Space District, 3 dated November 8th. And a letter from Gabriel Ross and 4 Carmen Borg of Shite, Mihaly & Weinberger, on behalf of 5 the Hills for Everyone, dated November 9th. 6 There's an additional document that's been filed 7 with me, but not yet disseminated. We'll disclose it on 8 the record once we've made it available to you. 9 MAYOR WARNER: Okay. Greg. Before you continue 10 Mr. Jones, are those documents -- should those documents 11 be made available to the public, and if so, is the 12 mechanism the same? 13 MR. JONES: Yes. The City Clerk will make any 14 document available if so desired. 15 MAYOR WARNER: Okay. 16 MS. MARSHALL: Madam Mayor, if I may. Those are 17 all available to the public in the hallway with the 18 remainder of the records you're looking at tonight and 19 have been distributed to the press. 20 MAYOR WARNER: Thank you. 21 Greg. 22 COUNCIL MEMBER NORDBAK: I have a question for 23 the -- for I guess the biologist. 24 Can you explain to me how you studied or looked 25 at other animals in the area that are gonna be affected,</p> <p style="text-align: right;">33</p> |

1 i.e., the Los Angeles pocket mouse, things like that?
 2 MR. MUELLAN: Certainly.
 3 What you typically do for a project site that
 4 has had years of research going on on the site, there's
 5 been biologists collecting information out on the site.
 6 We use that information as a starting point. We collect
 7 data from the federal and state agencies that provide
 8 lists of sensitive species and -- that could potentially
 9 be in the area.
 10 We contact local experts; and for a species like
 11 the pocket mouse, we look at the range of that species.
 12 We talk to local experts that have -- have history of
 13 doing research on that species, and then we ourselves go
 14 out in the field, truth that information.
 15 So all that information is provided for us. We
 16 look at it, come up with our own list of potential
 17 sensitive species that could be in the area.
 18 If additional information is needed, like for
 19 gnatcatcher or Southwest Willow Flycatcher, we identified
 20 that there was not some current information or that the
 21 project boundaries had shifted, so we needed to conduct
 22 additional surveys.
 23 Those surveys were conducted, and/or we've gone
 24 out in the field and truthed that ourselves. We're
 25 trained in assessing the habitat for all of these

34

1 different species, so we make our own assessments and yet
 2 we continue that investigation by talking to local
 3 experts.
 4 So we talked to a couple local experts on the
 5 jackrabbit, and the additional species that were
 6 supposedly found in that area, and we have evidence and
 7 we provided it in the EIR stating that these local
 8 experts, who have done surveys in this particular area,
 9 have said, no, this species has a very low chance of
 10 occurrence out there.
 11 So we back that up with as much information as
 12 we possibly can. And if additional surveys are needed,
 13 we call for them and we're able to do those.
 14 COUNCIL MEMBER NORDBAK: So they were addressed?
 15 MR. MUELLAN: They were absolutely addressed,
 16 and we got the local experts to say, and they're stated
 17 in both the table and in the impact section, that these
 18 species, what their likelihood of occurrence are.
 19 COUNCIL MEMBER NORDBAK: Thank you very much.
 20 MAYOR WARNER: Okay.
 21 Bob? Bob, any questions at this time?
 22 COUNCIL MEMBER HENDERSON: No, not at this
 23 time.
 24 MAYOR WARNER: Okay. I do have one question
 25 that I would like to ask of MRS. And I notice in reading

35

1 your document that you do address some of the demographic
 2 groups in regards to the environmental justice issue.
 3 When you prepare the document, do you also address
 4 inner-generational justice as it applies to the project,
 5 or is that outside of the scope of what you do?
 6 MR. PEREZ: I believe that's outside of the
 7 scope of what we did.
 8 MAYOR WARNER: Okay. Thank you very much.
 9 MR. PEREZ: Madam Mayor, there was one issue
 10 remaining, which was the issue of the 10 to 15 mile an
 11 hour. And if you would, we can do that now.
 12 MAYOR WARNER: I think Bob asked about that last
 13 night.
 14 Bob, what's your question?
 15 COUNCIL MEMBER HENDERSON: Yeah, that would be
 16 fine if you can explain that now.
 17 MAYOR WARNER: Please.
 18 MR. PEREZ: So what we'll do, is Greg will come
 19 up and give you some of that information with regards to
 20 the actual noise type issue and give you some information
 21 as to what happens to the biology. And then if you have
 22 questions of Ted with regards to the biological impact as
 23 it could occur from the 15 -- from the 10 to 15 mile an
 24 hour, then he can come up and do that also.
 25 So if we can get the PowerPoint again, please.

36

1 MAYOR WARNER: And as you're having them come up
 2 to do that -- Council, I think following these comments,
 3 that we -- it sounds like we're gonna be ready to move
 4 into hearing from our public.
 5 Would you agree?
 6 COUNCIL MEMBER NORDBAK: Yeah.
 7 MAYOR WARNER: Just so we can kind of let the
 8 public know what's going on.
 9 COUNCIL MEMBER NORDBAK: I do have questions,
 10 but I prefer to get through public testimony.
 11 MAYOR WARNER: And again, the first public we
 12 would like to hear from, if they are going to be ready
 13 following these comments, would be the Open Space Legal
 14 Defense Fund. We would like to ask them to have their
 15 seven speakers ready to come forward, please.
 16 MR. CHITTICK: Madam Mayor, members of the City
 17 Council, we did some work this morning and did a little
 18 research on the 10 to 15 issue, based on Mr. Henderson's
 19 questions there, and I just want to run through this
 20 quickly in terms of the noise due to trucks.
 21 Noise from trucks, there are a number of
 22 different sources. Tires on the road, the aerodynamics
 23 of the truck, the engine, the system brakes and the
 24 exhaust all can produce noise.
 25 It is essentially the tires and the aerodynamics

37

| | |
|--|---|
| <p>1 are not an issue until you get to higher speeds above 2 30 miles an hour, so we won't focus on those. The engine 3 noise is a function of load or effectively speed. And 4 Federal Highway Administration models note that the peak 5 noise at 15 miles an hour, the difference between 6 15 miles an hour and 10 miles an hour is -- is less than 7 1 decibel. I'm sorry.</p> <p>8 This is a -- this is a graph showing the speed 9 along the bottom versus the noise of a truck. And you'll 10 see in the low end range, in the 10 to 15, that the noise 11 generated by the truck is relatively similar between 12 10 and 15 miles an hour, a little bit higher at 15, as 13 the truck has a little more load at that -- at that 14 point.</p> <p>15 Another -- the other source of noise are system 16 brakes. What -- these are the brakes that you're used to 17 like in a car where there's actually compression brakes 18 on the wheels or the drums that can often have squealing.</p> <p>19 You can hear it outside the hotel today and 20 tonight, actually. Those can be solved through 21 maintenance issues on the brakes.</p> <p>22 And then the exhaust system noises are a 23 function of muffler design, engine tuning and 24 supplemental brake types, and that's where you get into 25 the Jake brakes or the J brakes.</p> <p style="text-align: right;">38</p> | <p>1 problem is with the J brake is that it's the exhaust 2 coming out of the cylinder, and so it goes into your 3 exhaust system. And a lot of truckers like to modify 4 their exhaust systems and have a more high performance 5 systems or no mufflers, and that's when you get a lot of 6 the noise.</p> <p>7 The studies also indicate that with a good 8 system you can stabilize below 83 decibels, which are the 9 levels required by the EPA, even with the J brakes.</p> <p>10 A really good study in Australia, the National 11 Transportation Association there, they surveyed about 12 24,000 different trucks in -- out on the roads, in a 13 number of different locations.</p> <p>14 And they found that about 2 percent of the 15 trucks produce a very annoying J brake noise. And it was 16 interesting what they did with the noise is -- is they 17 found that they weren't necessarily a lot louder, but the 18 characteristics of the noise are very annoying.</p> <p>19 And the next slide shows -- the top is without 20 the J brake. And this -- this is a time span with a 21 graph of the noise over about three to four seconds. And 22 you can see how the bottom with the J brake, you get 23 these very high peaks with nothing in between. And it -- 24 and it's a much more annoying noise than the top noise.</p> <p>25 However, the reports also concluded, like as the</p> <p style="text-align: right;">40</p> |
| <p>1 A J brake is essentially a system that is put on 2 a diesel truck so that when the -- when the compression 3 cylinder comes up and compresses, the gasses inside the 4 cylinder, instead of combusting at that point, a 5 secondary valve opens and allows the gasses to leave the 6 cylinder before it comes down. So it actually acts as a 7 compressor and slows down the vehicle through -- through 8 the engine system.</p> <p>9 There's a switch in the cab, and it's activated 10 when the -- when the driver take his foot off the 11 accelerator.</p> <p>12 You can -- this is heard. People have often 13 heard kind of a barking sound when the truck is coming 14 downhill. You hear that sort of traditional barking.</p> <p>15 Trucking companies like them because they're 16 lightweight, effective, inexpensive. They reduce the 17 system brake maintenance, because you're using the engine 18 to slow the vehicle, and -- and it also increases safety, 19 because when they really need their brakes, their 20 conventional brakes, they're there for them.</p> <p>21 Studies by the Federal Highway Administration 22 and Jake systems, who's done a fair amount of study on 23 this because there's been complaints in a number of 24 communities about these brakes, note that a lot of issues 25 are due when they modify the exhaust system, because the</p> <p style="text-align: right;">39</p> | <p>1 Jake systems did and the Federal Highway Administration, 2 that with good muffler systems they produce minimal noise 3 impacts on the community.</p> <p>4 We've addressed this in the EIR, through 5 mitigation measure N1A and 1B, which require mufflers to 6 be maintained and the use of high grade mufflers.</p> <p>7 One point that I missed on before was that if we 8 ran a number of models on the -- on the north access road 9 this morning and put a lot of points in so we can see 10 what the noise systems were, and what you'll find was 11 with 15 miles an hour, is that even though it's a little 12 noisier on the peak basis, the average noise over a 13 certain period is actually less, because you have less 14 exposure to a truck.</p> <p>15 It's moving faster and actually gets through the 16 preserve quicker, so your average noise averaged over an 17 hour or even to the 6 to 15 minute time frame, which we 18 also looked at, is actually lower when you're moving at 19 15 miles an hour.</p> <p>20 So strictly from a noise standpoint, the 21 15 miles an hour would have a lower average noise level. 22 And as there's less -- they're going faster, there's less 23 braking requirements. So we -- we found that the 24 15 miles would actually prevent -- present an advantage 25 in terms of noise along the north access road.</p> <p style="text-align: right;">41</p> |

| | |
|--|---|
| <p>1 And then Ted wanted to talk about some of the 2 potential trucks running into things. 3 MR. MUELLAN: The original intent in the bio 4 section for the mitigation was a 10 mile per hour 5 restriction due to the heavy truck use on the north 6 access road, the land use road. And the purpose of that 7 was not necessarily the noise impacts, though that was 8 part of it, but was to reduce the level of impact with 9 vehicles colliding with -- with animals. 10 However, with the Appendix O design, the number 11 of trucks driving on that road has been greatly reduced, 12 and the requirement for having the speed limit from 10 to 13 15 miles per hour -- we use 10 miles per hour not really 14 in opposition to what was being required in the noise 15 section, but just as an added restriction, because there 16 was so much traffic through this very sensitive area with 17 the gnatcatcher habitat, with the portion of the preserve 18 there that was farthest away from human activity. 19 Fifteen mile per hour with this bit of 20 information that we have right here would be adequate for 21 the noise impact. It actually seems that the 15 mile per 22 hour reduces one of the annoying effects. 23 Birds have the same type of sensitivity that 24 humans do to noise. Noise that we find annoying, birds 25 find annoying.</p> <p style="text-align: right;">42</p> | <p>1 replacement for that impact. So the impact -- we still 2 have the noise contour from 60 decibels and higher 3 requiring a one to one replacement for that habitat 4 for -- for this habitat used by the -- the gnatcatchers. 5 COUNCIL MEMBER HENDERSON: You had a mitigation 6 in there, and I didn't catch the number, the number for 7 muffler repair. 8 MR. CHITTICK: Yes. 9 COUNCIL MEMBER HENDERSON: Would you also have 10 that for brakes? I think you mention that one of the 11 problems was poor maintenance on brakes, was a noise 12 factor. 13 MR. CHITTICK: The mitigation measure also 14 addresses general maintenance of construction equipment. 15 I just pulled out the muffler aspects to address the 16 J brakes, which -- which since the J brakes go through 17 the muffler system, but the mitigation measure discusses 18 general maintenance of -- of equipment, so that would 19 also be covered, yes. 20 COUNCIL MEMBER HENDERSON: Okay. Thank you. 21 MAYOR WARNER: And does that mitigation measure 22 require records be kept and be available for inspection 23 on the equipment? 24 MR. CHITTICK: That would be part of the 25 mitigation monitoring plan, so, yes.</p> <p style="text-align: right;">44</p> |
| <p>1 So this probably -- though I don't have real 2 good evidence on this, going from the 10 miles per hour 3 to the 15 miles per hour might actually reduce that level 4 of impact. So if this was some allowance for moving from 5 10 to 15 miles per hour, I think the biology concerns 6 have been met to and might actually reduce the level of 7 impact there in conjunction with the lesser number of 8 trucks driving on that road. 9 MAYOR WARNER: Okay. Bob, are you -- 10 COUNCIL MEMBER HENDERSON: Yeah. Go back to 11 your chart that shows the curve at various speeds and the 12 impact of J brakes, please. 13 Is this representative of the average noise of 14 the trucks? It's 75 decibels. 15 MR. CHITTICK: That's correct. 16 COUNCIL MEMBER HENDERSON: It's zero or 17 slightly -- at 75 at 15 miles an hour? 18 MR. CHITTICK: That's correct. That's for a 19 truck at cruise -- cruise speed. 20 COUNCIL MEMBER HENDERSON: Okay. So you're 21 gonna be about 10 decibels higher than your level of 22 desired impact? 23 MR. MUELLAN: Than the 60, 60 decibels, yes. 24 In conjunction with this, we still have the 25 mitigation that requires the one to one habitat</p> <p style="text-align: right;">43</p> | <p>1 MAYOR WARNER: Okay. Thank you. 2 Okay. So we're ready to move on? 3 We would like to ask the Open Space Legal 4 Defense Fund if you have a representative here, and that 5 if you have your seven speakers, please step up. 6 MR. JONES: Madam Mayor. 7 MAYOR WARNER: Yes. 8 MR. JONES: Just to the best of my information, 9 my understanding is the presentation takes about 10 27 minutes. If that's the case, we'll need more 11 speakers. 12 MAYOR WARNER: Okay. Okay. So we have about 13 nine, nine speakers, then. 14 MR. JONES: Okay. Thank you. 15 MAYOR WARNER: You -- you can go ahead and make 16 your comments again if you would, please. Thank you. 17 MS. SKAPIK: Good morning, Mayor and Council. 18 My name is Geralyn Skapik, and I'm the attorney for Open 19 Space Legal Defense Fund. Thank you for allowing us to 20 make our presentation. 21 I do have a few comments before we start the 22 presentation. I just wanted to let the Council know that 23 we introduced -- we presented a couple of other 24 documents. We presented the deed restrictions for both 25 the Unocal and the Chevron property. They're not the</p> <p style="text-align: right;">45</p> |

1 conservation; they are the deed restrictions.
2 We also presented the January 10th --
3 January 2010 County letter. I'm not sure if you're aware
4 of that, from the Open Space District that identifies how
5 you are going to allocate the overage for the
6 non-recreational income. We have that document.
7 I also found a resolution that was entered into
8 by the City in 1993 that basically states that this
9 property will remain as open space.
10 And we also have a couple of other comments, but
11 I'll reserve that till after.
12 MAYOR WARNER: Okay. In regards to the
13 documents, Ms. Marshall, do you have all those documents
14 that she referred to?
15 MS. MARSHALL: Yes. But they did submit a
16 package tonight. We haven't had an opportunity to stamp
17 it and copy it for you.
18 MS. SKAPIK: I resubmitted them tonight. We
19 also submitted a copy of a video.
20 MAYOR WARNER: Okay. Thank you.
21 MS. SKAPIK: And then -- okay. So we will be
22 available to answer any questions at the end of the
23 video.
24 MAYOR WARNER: Okay.
25 MS. SKAPIK: And I have my consultant Dr. Susan

46

1 O'Carroll here for comments or questions. She's the one
2 that produced it.
3 MAYOR WARNER: Okay. And do we have the cards
4 of the individuals that are --
5 MS. SKAPIK: Yes.
6 MAYOR WARNER: Okay. So please continue with
7 the presentation, whoever's going to be facilitating.
8 MS. SKAPIK: I think the video.
9 MAYOR WARNER: And please be sure and speak
10 directly into the mike.
11 MS. SKAPIK: I'm sorry.
12 MAYOR WARNER: That's okay.
13 (Whereupon the video presentation was
14 played.)
15 MAYOR WARNER: Thank you for your presentation.
16 At this time we are going to -- to support our
17 Court Reporter.
18 Does this complete your presentation?
19 MS SKAPIK: If you have any questions, we're
20 here to answer any of the questions. My consultant is
21 here.
22 MAYOR WARNER: Okay. Before you move on,
23 Mrs. Marshall, what's the time frame now for the group?
24 MS. MARSHALL: The video was approximately
25 26 minutes, as indicated by Mr. Jones.

47

1 MAYOR WARNER: Okay.
2 MS. MARSHALL: And they did submit two cards.
3 MAYOR WARNER: Okay. Go ahead, please.
4 So I think we're allowing 30 minutes.
5 MS. SKAPIK: Yes.
6 MAYOR WARNER: So please continue.
7 MS. SKAPIK: Yes. I just have a couple more
8 comments.
9 One, one comment I wasn't gonna make tonight
10 till I heard MRS make the one to one comment for the
11 habitat restoration. One to one should be -- standard is
12 three to one, so I'm not quite sure where they are
13 getting their one to one restoration modification.
14 Another thing is I'm not sure if this letter's
15 ever been addressed. You know we're putting together the
16 record for the public trust doctrine, and I went through
17 the County and obtained quite a number of documents. And
18 one of the documents I found was a letter from the County
19 Open Space District to Mr. Helvey, describing the -- how
20 the allocation of funds are going to be spent.
21 It's not gonna be that you're gonna get
22 \$110 million. All the overage and excess is going to go
23 to the County. It says it right here in this letter.
24 And this letter I presented to you all, and I'm not sure
25 if you have it.

48

1 But it talks specifically about the overage and
2 that the overage is going to be allocated to parks that
3 they deem. In essence, you're gonna be able to utilize
4 the money for the Whittier Hills. And then if you want
5 to utilize any excess money, you have to go to them and
6 they will allow you to utilize additional funds for other
7 parks which they believe is feasible.
8 All excess money is gonna go to them. It's in
9 this letter, and this letter has not been rebutted. It's
10 very clear.
11 You also -- again we talked about the fact that
12 you have the condition -- condition 6.1. You really
13 should adhere to that. It's your only -- it's really
14 your only provision to allow you an ability to escape the
15 situation that you've gotten the City into. You should
16 allow the conditional use -- the property to be released
17 from protective area status.
18 If you don't allow that and you go ahead and
19 approve this CUP and the County comes back and says the
20 funds are ours, you are stuck with this project. You
21 cannot go back and say let's rescind this, because you
22 don't have an escape clause and you don't have an out
23 clause in this lease.
24 You're stuck unless you amend -- request a
25 condition that you have Matrix come back and approve an

49

| | |
|---|--|
| <p>1 amendment to this lease that says if we don't get the 2 funds, then we can cancel the lease.</p> <p>3 I sincerely doubt if you put that questions to 4 Matrix, they will agree to that amendment. Your lease 5 only mandates that the property be removed from 6 protective area status. It does not tie the royalties to 7 the City. In essence, they have to pay the royalties, 8 but it does not have to go to the City. There's no tie 9 in this lease to mandate that the money go to you.</p> <p>10 The only thing that you can possibly do is amend 11 this lease, if you so desire, and mandate that they do 12 that.</p> <p>13 Now, you have three options as I see it. And I 14 can go through them real quickly. One, you could not 15 approve the project. Two, you can mandate this 16 amendment. And three, the only thing that you could 17 really do is move the project to the alternative, which 18 is the landfill.</p> <p>19 MAYOR WARNER: Your time is up. Thank you very 20 much for your presentation.</p> <p>21 MS. SKAPIK: Thank you.</p> <p>22 MAYOR WARNER: Thank you.</p> <p>23 We're going to prepare to take a break, and as 24 we come to that preparation, I want to remind the 25 audience that with our court reporter who is here this</p> <p style="text-align: right;">50</p> | <p>1 Also, we'd like to remind you that if, as a 2 member of the public, you wish to use a video camera to 3 record the proceedings or to use a camera to take 4 pictures of the proceeding during the hearing, we ask 5 that you use one of the designated areas on either side 6 of the room for this purpose. And we indicate that no 7 flash photography will be allowed.</p> <p>8 Members of the press with full press credentials 9 that are visible may have full general access of the 10 room.</p> <p>11 So with that, we are ready to begin our public 12 comments.</p> <p>13 We'll now have a half an hour of those speaking 14 that are in favor of the project.</p> <p>15 And I will start on my right.</p> <p>16 Good evening.</p> <p>17 Steve, our microphone?</p> <p>18 MR. MC FARLAND: Good evening.</p> <p>19 MAYOR WARNER: There you go.</p> <p>20 MR. MC FARLAND: Madam Mayor, City Council, I'm 21 Mac McFarland, a nearly life long Whittier resident who 22 dearly loves this city.</p> <p>23 I'm also a consultant for Matrix Oil Company, as 24 many people know. I've consulted for them for over 25 six years. And during that relationship I found them to</p> <p style="text-align: right;">52</p> |
| <p>1 evening, it's necessary for us to take breaks within a 2 certain time frame for her to facilitate her work.</p> <p>3 When we return, since we've had a 30-minute 4 presentation from those opposed to the project, when we 5 return we would ask for ten individuals to speak who 6 might be in favor of the project. And they may line up 7 five and five on either side of the podium. So at this 8 time, we will take a break.</p> <p>9 Thank you.</p> <p>10 (Recess taken.)</p> <p>11 MAYOR WARNER: We're going to go ahead and begin 12 again. And as we begin, we will start with our speakers 13 that are in favor of the project, and we'd like to 14 request that we have five only at each podium.</p> <p>15 And since we have had additional guests join us 16 this evening, I will re-read just a short portion of the 17 initial comments, and that was to ask you to remain 18 seated during the hearing.</p> <p>19 The Los Angeles Fire Department asks that we 20 keep aiseways and exit corridors clear so we can comply 21 with the Fire Code. Therefore, it will be necessary for 22 all guests in the room to remain seated at all times 23 unless you're in the process of entering or exiting the 24 room or unless you're getting up to stand in line to 25 speak.</p> <p style="text-align: right;">51</p> | <p>1 be very bright, very resourceful, very dynamic and very 2 good people.</p> <p>3 I'm here tonight, though, to give my own 4 personal point of view as a private citizen of Whittier, 5 but, of course, it's influenced by the work that I have 6 done with Matrix in the past.</p> <p>7 I also have spent my career in the oil and gas 8 business, the last 35 years of which I was either running 9 Mac McFarland Energy or consulting for similar companies 10 to Matrix. So I understand the business quite well, and 11 because of my work with Matrix on this project, I 12 understand the project quite well.</p> <p>13 And it is my well informed opinion that this 14 project can be done safely and in an environmentally 15 sensitive way and benefit Whittier immensely.</p> <p>16 But, of course, you don't want to just take my 17 word for it. You don't even want to necessarily believe 18 any of the speakers here. We have a better data point. 19 We have 100 years of history of that active oil field in 20 the very same place where it is now proposed to be 21 drilled.</p> <p>22 You saw the map with over 500 -- 650 wells that 23 were drilled by Chevron and produced for those 100 years 24 under much less stringent regulatory requirements and 25 much lower levels of technology than exist today.</p> <p style="text-align: right;">53</p> |

| | |
|---|---|
| <p>1 In fact, when the City of Whittier was 2 incorporated in 1898 and chose to put that beautiful oil 3 well up on the upper right there upon its seal, we were 4 already producing oil in those hills. 5 And during all that time, nothing adverse 6 happened. No residents were adversely disturbed, no -- 7 there were no noises reported, no odors, no traffic jams, 8 et cetera. 9 So I don't understand why we don't just look at 10 the history and realize that with today's technology, it 11 will be an immensely better project. 12 Finally, I want to say that Whittier is blessed 13 to own this oil field. It's the only one of its kind in 14 the nation where the city owns its minerals and the right 15 to drill on it. 16 MAYOR WARNER: Mac, your time's up. Thank you 17 very much. 18 MR. MC FARLAND: I urge you to support the 19 project. Thank you. 20 MAYOR WARNER: Thank you. 21 And before we continue, once again I need to 22 reiterate that unless you're in line as one of the 23 five at each podiums to speak, we need to have you take 24 your seat. 25 Thank you.</p> <p style="text-align: right;">54</p> | <p>1 area you're moving the oil from, you don't want a system 2 of pressurization which could affect other strata above 3 that, particularly the water strata. You don't want to 4 contaminate. 5 That's it. Those five things ought to keep you 6 pretty damn safe. 7 Thank you. 8 MAYOR WARNER: Thank you. 9 Good evening. 10 MR. ANDERSON: Mayor Warner and members of the 11 Council, my name is Leighton Anderson. I live and work 12 here in Whittier and am involved with a number of civic, 13 charitable or religious organizations, including the 14 Whittier High School District and the Whittier Area 15 Chamber of Commerce. 16 I'd like to express my appreciation to each of 17 you and the city staff for the enormous amount of time 18 and attention devoted to this matter, and to your obvious 19 efforts to consider every relevant issue and to be fair 20 to all sides. We, all of us, owe you sincere gratitude 21 for those efforts. 22 I'm here to speak in favor of the application. 23 As I do that, I want to be sure to acknowledge the 24 sincerity and goodwill of friends, neighbors and fellow 25 residents who may have reached a different conclusion.</p> <p style="text-align: right;">56</p> |
| <p>1 Please. 2 MR. JAHN: Council Members, my name is Peter 3 Jahn. I live in Whittier, and I'm very strongly in favor 4 of this. I think we need the money and it can be done 5 safely. Why I say it can be done safely, I have 50 years 6 experience in engineering construction, more than 7 20 years in dealing with far more dangerous things than 8 this, and I'm a registered professional engineer in 9 several states, including California. 10 But utilizing that background and information, I 11 ask that you have the City engineering department look at 12 five specific things. First that the failure modes and 13 effect analysis go at least to the second level. That if 14 they are using double oil piping, that there be a 15 measurement inside the tube, between the tube, so if 16 there's a leak, you know about it. 17 Third, that secondary containment consider 18 multiple tanks, and also the potential problems of 19 siphoning. In addition to that, if you have trucks 20 loading or unloading, they should be in a containment 21 area for secondary containment. 22 Fourth, that rain water be considered as an 23 additive to any spills so that you don't have a problem 24 in that regard. 25 And fifth that looking at the geology, if the</p> <p style="text-align: right;">55</p> | <p>1 There are people on the other side of this issue 2 who are my friends and whose opinions and viewpoints are 3 of value to me. 4 I understand issues relating to truck and other 5 traffic, and the potential for accidents and other 6 adverse affects from what amounts to a very large 7 engineering project involving hazardous substances. 8 I understand issues of view shed and the 9 preservation of habitat. I understand the point of view 10 of those whose homes may be more closely approximate to 11 the project than my own. 12 But I know, as you know, that these are not the 13 only considerations. The obligation here is to weigh and 14 to consider benefits, as well as potential harm. The 15 obligation is to serve the needs and the reasonable 16 expectations of the greatest number. 17 It is for that reason that I believe this 18 proposed undertaking is worthy of our support, not 19 because it's without risk, but because the risks, when 20 properly managed, are greatly outweighed by the potential 21 benefits to each of us and to our futures in Whittier. 22 This is a time of economic crisis for local 23 government, for schools, for businesses and for families. 24 The natural resources -- and that means all of them -- in 25 this community are valuable assets. They amount to a</p> <p style="text-align: right;">57</p> |

| | |
|---|---|
| <p>1 nest egg, and they have been preserved in just that 2 way.</p> <p>3 We can be very glad that we have that nest egg 4 now. As a result of this asset, we will have more 5 resources for police and other services, and I very much 6 hope for schools and children as well. We have an 7 obligation to look to the future and to prepare for a 8 rainy day. The thunder clouds are already overhead.</p> <p>9 We should not take counsel in our fears or 10 elevate ideological perspective over practical needs and 11 benefits. We should begin now to provide for tomorrow. 12 I urge your approval of this application.</p> <p>13 MAYOR WARNER: Thank you.</p> <p>14 Just as a reminder to our speakers, the green 15 light will be on for two minutes, the flashing green 16 light for 30 seconds, and then the flashing yellow light 17 for 30 seconds.</p> <p>18 Is that correct; Kathryn?</p> <p>19 MS. MARSHALL: It's solid yellow. Yes, ma'am.</p> <p>20 MAYOR WARNER: Solid yellow. Okay.</p> <p>21 Good evening.</p> <p>22 MR. SPENCER: Good evening, Mayor Warner and 23 City Council Members. My name's Dan Spencer. I lived in 24 Whittier for a long time. My family came here just 25 before World War II, started 70 years ago, so we've been</p> <p style="text-align: right;">58</p> | <p>1 even be here to discuss this if it weren't for the oil. 2 If there had been no oil in the Whittier Hills, they'd be 3 covered with houses, streets, utilities. All those 4 things would be there now, and we wouldn't have any 5 wilderness. We wouldn't have any "coyots" and bobcats 6 and the other animals that are up there. But anyway, so 7 we owe a lot to the oil from the past and for today.</p> <p>8 So the other point that's important for us to 9 know is that with every barrel of oil that comes out of 10 our Whittier Hills, we buy one less barrel of oil from 11 the Middle East. So all I see are positives, and I urge 12 you, please, to decide what's best for Whittier.</p> <p>13 MAYOR WARNER: Thank you.</p> <p>14 Good evening.</p> <p>15 MS. SMALL: Good evening. Madam Mayor, Council 16 Members and staff, my name is Linda Small. And I live 17 off Turnbull Canyon here in Whittier. I'm here today to 18 lend my voice of support for the approval of the Whittier 19 oil project application.</p> <p>20 Living, working, raising a family and serving 21 actively on the Whittier City School Board and through 22 various other service organizations here in Whittier, I 23 feel a strong compulsion to offer my perspective on why 24 this project is worthy of your votes.</p> <p>25 Number one, no question about it, Whittier, like</p> <p style="text-align: right;">60</p> |
| <p>1 here a long time. My mom was a school teacher in 2 Whittier for 43 years. In fact, I know at least 3 one person in this room who was in her third grade class 4 at Lady of Jackson School.</p> <p>5 So I'm here because I love Whittier. I'm only 6 going to focus on the -- the good side, the benefits that 7 I see, that I can't imagine we have any trouble seeing 8 and -- and going along with.</p> <p>9 But the income that would be available to the 10 Whittier City is a fantastic gift. Can you imagine how 11 many cities in California wish that they were in our 12 position? And we've -- I've lived with oil wells, seen 13 them ever since I was born. And they've always been 14 here, and they always hopefully will be here.</p> <p>15 I see a couple other advantages. One is for our 16 children and our grandchildren, the revenue flow is going 17 to be just fantastic, and a wonderful blessing for -- for 18 them, too, as well as us now.</p> <p>19 The hills. Actually there was an article 20 written and published in last Sunday's paper by a fellow 21 classmate of mine from Whittier High School. And he hit 22 on a point that I haven't heard yet, but Carl McLynn 23 (Phonetic) is his name, and he's written a lot to the 24 paper over the years. You might know his name.</p> <p>25 But Carl brought up the point that we wouldn't</p> <p style="text-align: right;">59</p> | <p>1 most communities in the world these days, we need the 2 potential revenue which have been projected to be 3 generated from the development of the project.</p> <p>4 Despite the best efforts to downplay the actual 5 level of revenues to be received, when a community loses 6 a major industry like the Whittier boulevard of cars, a 7 horrible gap in finances rears its ugly head.</p> <p>8 When a world economy dives into its worst state 9 since the great depression, businesses fail, people lose 10 jobs, communities go into decline.</p> <p>11 We need to acknowledge the reality and do 12 something about it. We can't remain passive and wait for 13 opportunities to present themselves. We can't remain 14 hopeful that things will get better. Every other city, 15 town and village in America is in that same line. We 16 must act.</p> <p>17 Number two, the Whittier business community is 18 awesome, but it's been a long time since something 19 outside has come into Whittier to breathe a fresh stream 20 of money.</p> <p>21 While we know small businesses are the heart of 22 our community, we also know we can't absorb our 23 unemployment numbers and human needs by just these 24 businesses alone. A community can't continue to depend 25 on government stimulus or recycled money and expect to</p> <p style="text-align: right;">61</p> |

| | |
|---|--|
| <p>1 thrive, to expand, to grow. We need to bring in new 2 fresh sources of business.</p> <p>3 This project represents just that type of 4 initiative. You want new money, you gotta bring it in. 5 You want new customers, you gotta bring them in. You 6 want business development, you've gotta bring it in. You 7 want new jobs, you gotta bring them in. If you wanna 8 watch Whittier businesses grow, bring in new alternative 9 businesses with new construction, new employees, new 10 needs for business supplies, gasoline, food, housing, 11 demand. With the Whittier oil project, we can do 12 something about that.</p> <p>13 In my work as a safety and risk management 14 consultant for many companies around Southern California, 15 I see cities, communities of all shapes and sizes look to 16 their businesses to support them.</p> <p>17 Ask any local Whittier business owner like 18 myself how much schools, nonprofit, sports teams, 19 churches and other organizations are dependent on their 20 generosity and support. We all know how much businesses 21 improve the quality of life for all of us here in 22 Whittier. We need to acknowledge this reality and 23 welcome more business here.</p> <p>24 MAYOR WARNER: Thank you, Linda. 25 MS. SMALL: Okay. Thank you.</p> <p style="text-align: right;">62</p> | <p>1 affected by the drilling. The quality of our care was 2 never negatively affected.</p> <p>3 Since the above was true for us when 4 Standard Oil was drilling, how can we legitimately worry 5 today about these same issues, given the advance in 6 technology over these 50-plus years and the small 7 footprint of the proposed drilling.</p> <p>8 Because Governor Brown is releasing inmates from 9 jail early, we would feel much more secure if Whittier 10 has the money to increase its police force, should this 11 become necessary at any time. This is important and 12 should be important to all of us.</p> <p>13 Thank you.</p> <p>14 We hope you take advantage of this wonderful 15 opportunity to maintain and improve our beautiful city.</p> <p>16 MAYOR WARNER: Thank you.</p> <p>17 And congratulations on your son being named 18 teacher of the year for East Whittier.</p> <p>19 MS. TIGHE: Thank you. He's one of the three. 20 He's doing fine. Thank you.</p> <p>21 MAYOR WARNER: Thank you.</p> <p>22 MR. HANER: Hi, my name's Mark Haner, and my 23 wife and I live at the corner of Mar Vista and Ocean View 24 Avenue. We've been in Whittier about 27 years. 25 And for most of the people who know me here, I'm</p> <p style="text-align: right;">64</p> |
| <p>1 I urge you to vote for that.</p> <p>2 MAYOR WARNER: Good evening.</p> <p>3 MS. TIGHE: Good evening. My name is Phyllis 4 Tighe.</p> <p>5 Thank you.</p> <p>6 And my husband Charles Tighe is here. We are 7 both in favor of the Matrix Oil drilling plan for the 8 Whittier Hills. We have lived in our present home, the 9 second home from the Whittier Hills, for over 50 years.</p> <p>10 Of all the present residents of California 11 Avenue north of Linda Vista, we are the only ones who 12 experienced the Standard Oil drilling in the hills and 13 can speak from firsthand experience in regard to this 14 subject.</p> <p>15 We have read all of the letters to the editor in 16 the "Whittier Daily News" over time concerning this 17 project, and I'd like to make the following points from 18 our vantage position.</p> <p>19 We never experienced any negative effects at all 20 from the previous drilling. We did not see unsightly 21 wells. We did not experience either noise or odor 22 pollution. Trucks did not clog our surrounding streets. 23 Our three children attended Mar Vista School, and all are 24 in excellent health today as adults.</p> <p>25 The value of our home was never negatively</p> <p style="text-align: right;">63</p> | <p>1 a tree hugging liberal. I love our president. I want a 2 single payer health care system. I want -- I want a lot 3 of things, including the drilling, because I think 4 that -- I guess not having been here my whole life, I'm 5 guess I'm confused by what the argument the other side's 6 making.</p> <p>7 It's as if the hills are a pristine old growth 8 land that's never been touched by oil. When you see the 9 pictures of all of the drilling that's been done in the 10 past, astonishing that there's any discussion here at 11 all, because at the end of the day, as previous speakers 12 have said, we've lost a lot of revenue, and I think the 13 City needs the revenue to protect us and to keep the City 14 as great as it is.</p> <p>15 So I strongly support, as a liberal, the 16 drilling in the hills.</p> <p>17 Thank you.</p> <p>18 MAYOR WARNER: Thank you.</p> <p>19 Good evening.</p> <p>20 MR. VARCIAG: Good evening. I'm Mike Varcia. 21 I live at 11832 South Circle Drive. I live in Whittier 22 for 32 years. And I live on Rideout since 1983.</p> <p>23 I purchased 5232, a property on Rideout, which 24 just a few months after I purchased, I find out just 25 50 foot from my window was an oil well. And I didn't</p> <p style="text-align: right;">65</p> |

| | |
|--|--|
| <p>1 know, and it didn't bother me at all. 2 I live there for 22 years on Rideout, after -- 3 and then I move to South Circle. 4 I never smell anything wrong with the oil well, 5 and the noise didn't bother me, and I purchased the oil 6 well after a few years, which I sold it again to 7 Alpha Energy. 8 Most of the houses around Rideout, they are 9 around 50 to 100 foot from that property. And nobody 10 complains about the noise, and nobody complains about the 11 smell. 12 And I heard the other side saying about moving 13 dirt and moving -- to me, moving dirt means jobs, which 14 we need. 15 I work at the Rodell Collection, which it's a 16 six-story deep parking structure in Beverly Hills. Those 17 people, they didn't complain about moving millions of 18 yards of dirt from Beverly Hills. They look forward to 19 have progress there. 20 After we finish the project, Louis Vuitton, Nina 21 Ricci, Fendi, all the big shoppers, they move in and they 22 pay to the city. 23 Why I'm here to -- to remind everybody, we need 24 the jobs. We are over 25 percent unemployed construction 25 workers here. And I'm by choice, I retired because it's</p> <p style="text-align: right;">66</p> | <p>1 industries, oil being one of them. And I think for us to 2 ignore that resource is beyond explanation. 3 I am in the home building industry, and I'm 4 currently selling a project in Placentia on an oil 5 property. We have an oil well ten feet from the chaise 6 longues of the swimming pool. We have oil wells that are 7 capped underneath driveways, and we're selling homes for 8 \$650,000. 9 People understand the technology is there. Yes, 10 we have venting. Yes, we have all the remediation. But 11 we can do that, and I think for the cities in Southern 12 California that have taken advantage of these resources 13 responsibly, they have benefited. You can see the wealth 14 pocketed in those parts of Southern California. 15 And as referenced earlier, we're very, very, 16 very fortunate as a city to have that resource, 17 especially in these crazy economic times that we all find 18 ourselves in. 19 So with that, I just urge you to support the 20 project. 21 Thank you. 22 MAYOR WARNER: Thank you. 23 As we move to the final speaker for this group 24 of ten, I'd like to invite five of those individuals who 25 are opposed to the project to please line up over here.</p> <p style="text-align: right;">68</p> |
| <p>1 not even worth it to look for a job. So that's why I say 2 I'm for the project, and I hope everybody is for the 3 entire City Council. 4 MAYOR WARNER: Thank you for your comments. 5 MR. VARCHIAG: Thank you. 6 MAYOR WARNER: Thank you. 7 Good evening. 8 MR. CAUFFMAN: Good evening. Thank you for 9 letting us speak. My name is Steve Cauffman. I live on 10 Linda Vista Drive in Whittier. I've been in this town my 11 entire life, and our family's actually been here -- I'm a 12 third generation, and my kid's fourth. So my interest is 13 deep, and I want this town to succeed, and I -- I truly 14 urge your support in this. 15 You know, in -- in discussing this with my 16 family members who still are in town -- and they're very 17 closely tied to the community -- none have ever heard of 18 anyone -- and we all live in the hill areas -- ever say 19 anything negative during the drilling years. 20 You know, I played Little League in the field 21 with the oil wells right behind it. No one even thought 22 of it. 23 I currently work in Beverly Hills, right in the 24 shadow of Beverly Hills High School, and there's an oil 25 well there. Southern California's based upon some key</p> <p style="text-align: right;">67</p> | <p>1 Then we will move to our final speaker of this group in 2 support. 3 MR. GREER: Good evening Mayor Warner, Council 4 Members and to my Whittier friends on both sides of this 5 issue. My name is Ben Greer, and I have the great 6 pleasure this year and privilege to serve as the 7 President of the Whittier Chamber of Commerce. 8 The Whittier Chamber Board of Directors took a 9 position to support the Whittier main field oil project 10 at their meeting in March. Since the chamber is a 11 business organization, board members discuss whether or 12 not they should take a position on the project. 13 Ultimately the board, comprised of 20 business 14 owners and community leaders, decided that the project 15 was worthy of their consideration and that it fit within 16 the chamber's mission statement to promote and develop 17 the economic, cultural and civic welfare of Whittier. 18 We feel that Whittier has a unique opportunity 19 today to use its natural resources to build a better city 20 and to better its financial position in a way that will 21 affect our community now, as well as the lives of 22 generations of Whittier residents in the future. 23 As an organization that represents nearly 24 600 businesses, the chamber looked at how this project 25 would affect the business community.</p> <p style="text-align: right;">69</p> |

| | |
|--|--|
| <p>1 The chamber believes that the project will 2 ultimately affect and benefit the entire community, first 3 through the creation of new jobs; secondly, by providing 4 desperately needed funds to replace the sales tax dollars 5 from the loss of numerous car dealers and other 6 businesses, as well as the potential loss of 7 redevelopment funds; and third, by helping to create an 8 image that Whittier is booming, which will serve to 9 attract new businesses and activity throughout the 10 City.</p> <p>11 Additionally, the chamber believes that the City 12 will receive indirect benefits in terms of sales by 13 Whittier restaurants and other businesses to employees 14 and contractors engaged in the project.</p> <p>15 From an environmental and a safety standpoint, 16 we do feel that the Matrix has a proven track record in 17 Whittier. They have been operating 25 active wells in 18 Whittier, and have paid fees and royalty to the City 19 since 2001.</p> <p>20 Seven wells are currently being drilled safely 21 in the Puente habitat area. Revenues from the project 22 are expected to be around \$7 and a half million a year.</p> <p>23 This additional income could be used for needed 24 police and other emergency and protective services, as 25 well as infrastructure improvements and increased</p> <p style="text-align: right;">70</p> | <p>1 do what they are legally required to do if they're not 2 monitored closely by independent individuals who work for 3 the public interest.</p> <p>4 I say that not because I think the owners of 5 Matrix are ill intentioned or disingenuous. I've met 6 two of them, and I -- they seem like nice guys. But 7 their business is extracting oil and making money. It's 8 not preserving the hills. It's not promoting the welfare 9 of the citizens of Whittier, because that's your 10 business.</p> <p>11 So don't kid yourself that they won't cut 12 corners on safety and maintenance to maximize profit, and 13 don't kid yourself that they won't hire subcontractors of 14 questionable competence and reliability. That's their 15 history here in Whittier.</p> <p>16 Ask the residents that live near Honolulu 17 Terrace or Sycamore Canyon. You don't see them 18 supporting the project because they know firsthand what 19 it will mean for the residents who live closest to it.</p> <p>20 As someone who lives near the Sycamore Canyon 21 site, I prepared a brief history of our neighborhood's 22 experience with that operation, including an attached 23 record of violations issued to Matrix by the AQMD. I ask 24 that you read this account before deciding.</p> <p>25 I do appreciate the substantial mitigation</p> <p style="text-align: right;">72</p> |
| <p>1 community services that will benefit both residents and 2 businesses.</p> <p>3 In short, the chamber feels that this project 4 makes great business sense for the City of Whittier, and 5 the chamber urges your support of these resolutions.</p> <p>6 Thank you.</p> <p>7 MAYOR WARNER: Thank you.</p> <p>8 We'd like to invite five speakers who are 9 opposed to the project to line up at this podium. We'll 10 continue with our testimony now and have ten speakers in 11 opposition. And just so you can kind of plan your 12 evening, we anticipate another break approximately 13 between 9:45 and 10:00.</p> <p>14 And the Council will continue until 11 o'clock 15 tonight with public testimony. And then we anticipate 16 coming back next week, Monday and Tuesday evenings, to 17 continue with public testimony.</p> <p>18 Good evening.</p> <p>19 MR. SNYDER: Good evening. My name is Ted 20 Snyder, and believe it or not I'm speaking neither for 21 nor against the proposal. It's not an easy issue. But 22 as you consider it, I'd like to offer three words of 23 advice. Don't kid yourself. Don't kid yourself that 24 Matrix Oil will do anything more than they're legally 25 required to do. And don't kid yourself that they'll even</p> <p style="text-align: right;">71</p> | <p>1 efforts that have been proposed. But don't kid yourself 2 that they'll eliminate all significant impacts. History 3 and the EIR make it clear that this project will mean a 4 diminished quality of life for some residents. Don't kid 5 yourself otherwise.</p> <p>6 Of course, this project also promises a monetary 7 benefit to the City and its residents, and that's great. 8 But by the time the anticipated windfall comes, it's 9 likely that most or all of you will have moved on. So if 10 you go forward with the risks, I think it's your 11 responsibility to make sure that the future benefits are 12 real, targeted and substantial.</p> <p>13 I think you need to make sure by writing it into 14 law that the money derived from this enterprise can only 15 be spent in designated ways: Capital improvements, new 16 services to the people of the community or compensation 17 to impacted residents, for example.</p> <p>18 And it's your responsibility to see that the 19 owners of Matrix are personally liable for the safety of 20 the project.</p> <p>21 I don't need to recount the history of 22 catastrophic oil accidents, foolish public expenditures 23 or downright misappropriation of funds by some city 24 governments.</p> <p>25 You know the risks. So if you're thinking you</p> <p style="text-align: right;">73</p> |

| | |
|--|---|
| <p>1 can ignore them and simply trust Matrix Oil to act 2 responsibly or trust future councils to spend the money 3 appropriately, I have the same three words for you. 4 Don't kid yourself. 5 MAYOR WARNER: Thank you. 6 Good evening. 7 MR. BAEDER: Hello. My name is Ben Baeder. I 8 live at 13521 Penn Street. 9 I'm against the project, and I understand the 10 benefits. I honestly do trust you guys. I feel like I 11 live in a good city. 12 The two things I guess I want to point out is a 13 lot of cities make a lot of money, and that doesn't mean 14 they're good cities. Like Montebello, Industry, they 15 have a lot of money. And in Montebello's case, they're 16 broke. 17 It's how we manage the money, and I --I know 18 it's a lot of money, and I know we can use it. I 19 understand that. But I don't know how much we need to 20 sacrifice to get it. 21 The second point I'd say is it's a pretty high 22 burden we're getting on Penn Street. And I understand 23 the trucks gotta go somewhere, and I understand we've 24 historically had a lot of trucks on our street. We 25 historically have a lot of people on our street. We're a</p> <p style="text-align: right;">74</p> | <p>1 Then I heard from an inspector that the record 2 keeping at Sycamore Canyon is shoddy. Then Mr. McFarland 3 referred to limiting high noise activities to the time 4 frame of 6:00 a.m. to 6:00 p.m. in two letters to the 5 most impacted citizen of the showcase. In a phone 6 conversation with me, he said he would limit the impact 7 to residents. 8 Matrix is a company with a handful of partners 9 and no employees, and they're based 110-plus miles from 10 here. 11 The real issues happen when things don't go as 12 planned. 13 Why is Matrix not using the technology to 14 convert the excess gas into electricity to sell to 15 Edison? Greed. The other technology costs more. 16 Why was the reporting found to be shoddy at 17 Sycamore Canyon? 18 But, Dad, it was a subcontractor, it wasn't me. 19 What was the excuse used in 2010 with the 20 Honolulu explosion, Terrace explosion? 21 Mr. McCaskey quoted in an August 2011 article, provided 22 yet another, but Dad. 23 The vendor violated his own safety protocols. 24 It must be nice having no employees to be 25 accountable for.</p> <p style="text-align: right;">76</p> |
| <p>1 crowded street with a lot of kids. 2 I've got to take these guys in and out of our 3 car on Penn Street, and it's pretty freaky, you know, at 4 times. So, I know you all want to mitigate it, and I 5 don't know how much we can, for the traffic reason, and I 6 think that's it. 7 And thanks for your time. 8 MAYOR WARNER: Thank you, Ben. 9 If there are other speakers in opposition to the 10 project, please line up here at this podium. 11 Good evening. 12 MS. SOKOL: Good evening. My name is -- 13 MAYOR WARNER: Put the microphone a little 14 closer, please. Thank you. 15 MS. SOKOL: Okay. I can't see you. 16 My name's Alexia Sokol, and I'm a resident of 17 Whittier near -- on Tierra Antigua near Sycamore Canyon. 18 And I beg you to -- if you approve this, to appoint a 19 council, volunteer citizens that live in the new area 20 that are not beholden to government, and give them the 21 power to fine Matrix on a per incident per day basis. 22 And now the why. June 2010, I attended a QMD 23 hearing on Matrix violations. One of the things I 24 learned is there's an alternative to flaring. It's to 25 generate electricity.</p> <p style="text-align: right;">75</p> | <p>1 Why does Matrix violate their own commitment to 2 a quiet time that they again make for the new area? As 3 we have heard, greed. It's very costly if you don't run 4 that drilling equipment 24 hours a day. 5 Why does Matrix not replace windows and insulate 6 the homes of their implied few that they're impacting? 7 Once again, I'm one of those people. Greed. 8 I'd love to have them live near a jet engine 9 running 24 hours a day, seven days a week for weeks on 10 end. 11 The bottom line is why would any resident trust. 12 I know you're gonna approve it. The scent of 13 money's too powerful. The constitution may give everyone 14 the right to attempt profit, but only elected officials 15 can grant greed, and that is why Dante described a level 16 of the inferno. 17 I thank you for your time. 18 MAYOR WARNER: Thank you. 19 Good evening. 20 MS. EISER: Good -- 21 MAYOR WARNER: Go right ahead. 22 MS. EISER: Good evening. I'm Margo Eiser. I'm 23 a friend and neighbor of the City of Whittier, one of the 24 99 percent. This is fourth time I've come, and so I hope 25 it's the charm.</p> <p style="text-align: right;">77</p> |

| | |
|---|--|
| <p>1 I am obviously opposed to the project. And I 2 also am here to say that a few years ago, one of the City 3 Council Members, named Owene Newcomer, did run for State 4 assembly. And he rushed right over to our newly formed 5 task force and stood there in the hills, as is on this 6 precious leftover one that didn't get purged campaign 7 flyer, and on that he said that he was a conservationist. 8 And Owne Newcomer has fought for clean air, clean water 9 and to protect our open space, as he quoted the 10 California Sierra Club. Okay?</p> <p>11 It's very interesting, though, that on the back 12 he chides his opponent, who did win the election, for 13 being a friend of the oil industry, and sites various 14 examples of how this friend of the oil industry doesn't 15 help the public.</p> <p>16 This will be turned in.</p> <p>17 Okay. I was really hoping that I wouldn't have 18 to come and chide you for being so reactionary about 19 looking back to the 1900s where the filthy, dirty, 20 treacherous always prone to expensive and dangerous 21 accidents oil industry, fossil fuel releasing greenhouse 22 gasses into our environment, would be the way that the 23 City of Whittier would go.</p> <p>24 I would hope that you would definitely look at 25 the very excellent job that was done on analyzing that</p> <p style="text-align: right;">78</p> | <p>1 to the words: nature preserve and native habitat 2 preservation.</p> <p>3 Those words have integrity. Use -- you'll find 4 that in yourself. Okay?</p> <p>5 MAYOR WARNER: Thank you.</p> <p>6 Good evening.</p> <p>7 MS. KLOBUCAR: Good evening. Good evening, 8 Madam Mayor, City Council Members, citizens and voters of 9 Whittier.</p> <p>10 This is not about oil, but about money.</p> <p>11 MAYOR WARNER: Would you introduce yourself, 12 please, for the record.</p> <p>13 MS. KLOBUCAR: Oh, I'm sorry.</p> <p>14 MAYOR WARNER: That's okay.</p> <p>15 MS. KLOBUCAR: My name is Marie Klobucar and I 16 was at the Planning Commission meeting.</p> <p>17 MAYOR WARNER: Thank you.</p> <p>18 MS. KLOBUCAR: This is not about oil, but about 19 money, money that is needed to support our City services. 20 This pipedream project is a major gamble. There are no 21 guarantees that any money from this will make it to the 22 City of Whittier to support its financial needs. Rather, 23 everything is could be up to this much.</p> <p>24 I spoke with someone who receives a royalty 25 check from Matrix. The last check was for \$90.</p> <p style="text-align: right;">80</p> |
| <p>1 environmental impact report and say wait a minute, why 2 should we rip off the taxpayers by having a donation 3 lawyer do a better job than our city lawyer. Let's send 4 this whole thing back and reanalyze it and look towards 5 the future, instead of where a country like Germany is 6 making lots and lots of solar and other green technology 7 and really doing it. It's cloudy there, too. They're 8 also saving money, earning money and creating jobs.</p> <p>9 This is what the City of Whittier could do as a 10 future. It would keep the kids being innovative. It 11 would be giving people an incentive to actually want to 12 move here, because they're not going to be in the 13 treacherous, dirty, filthy oil pollution industry.</p> <p>14 I mean seriously, it's an oil refinery. Nobody 15 wants to live in El Segundo. Okay. And nobody wants to 16 live on top of an oil field, but that's a different 17 story.</p> <p>18 So I urge you to please keep your public trust 19 and do not betray the voters of Montebello, Whittier and 20 L.A. County, and please just leave this land alone. Use 21 the money that people voted for for open space, and don't 22 let it be turned into an oil field.</p> <p>23 And I really thank you, and I finally got an 24 opportunity to do this. And I really hope that you will 25 find the integrity to the words, not only personally, but</p> <p style="text-align: right;">79</p> | <p>1 This project does more damage than good. If you 2 say yes to this, you might not see any money for years, 3 and that money is categorical in nature, not for 4 supporting the City services of Whittier, and the amounts 5 would vary with the times, no steady guaranteed income.</p> <p>6 In the meantime, the people and the hills of 7 Whittier will have suffered through the proposed 8 turmoil.</p> <p>9 As our City Council, you need to look at the 10 options that will give us unfettered moneys:</p> <p>11 An increase in sales tax locally where all 12 citizens pay to help support cities.</p> <p>13 A bond measure.</p> <p>14 Before you rip up the streets and hills and 15 destroy Whittier, you know the options. Think about safe 16 alternatives, rather than this drastic measure.</p> <p>17 From the beginning this project has grown in 18 size or the people have been lied to. First it was only 19 underground drilling. Now a plant. Then a gas pipeline 20 to go down one of the major thoroughfares of Whittier, 21 major road and preserve destruction. This site could 22 become a site that would need extra protection from 23 outside threats.</p> <p>24 How much more taxing on the resources of 25 Whittier? Would the ground water that flows through our</p> <p style="text-align: right;">81</p> |

| | |
|---|---|
| <p>1 home be taken or spoiled by pollutants? Will our police 2 and fire department have to service calls because of 3 fires or trespassers? 4 Everything about this project is wrong. It 5 started wrong. It continues to be wrong. There are too 6 many gambles. Nothing is in order. You need to stop 7 this now. Shelve this project. It is not in Whittier's 8 best interest. 9 Whittier should be looking for green 10 alternatives, rather than adding to pollutions and 11 feeding the needs to be reliant on fossil fuels. 12 If you want to do anything, set up a clean solar 13 panel station back in the hills to feed electricity of 14 Whittier, or in those places where the old water towers 15 and the tanks are, that would save lots of money, not 16 need for trucks, nor flames, gas, maybe just some 17 underground wires and minimal maintenance. And then sell 18 the extra electricity. These projects can be easily 19 hidden from viewpoints. 20 Whittier needs to be looking forward to a green 21 clean change, rather than going back to its dirty past. 22 Please stop this project now, and find a better 23 solution, one that all -- 24 MAYOR WARNER: Thank you. 25 MS. KLOBUCAR: -- of Whittier.</p> <p style="text-align: right;">82</p> | <p>1 to the survival of that species in California. 2 Development of the so-called north access road will 3 obliterate the successful Chevron gnatcatcher mitigation 4 project that took years to accomplish. 5 Now, CEQA process requires disclosure of all 6 identifiable future impacts. That is all it asks. It 7 doesn't try to stop a project. It only asks for full 8 disclosure of impacts. 9 One way a person identifies impacts to biology 10 is by doing surveys and studies, as was pointed out. The 11 City could have done a study on an indicator species such 12 as the bobcat in the preferred project site, but they 13 declined to do so. 14 Another alternative site did receive a bobcat 15 study, and based on this study it was concluded that 16 there would be a significant impact to biology that could 17 not be mitigated. 18 One can therefore hypothesize that there would 19 have been possibly a similar finding if this had been a 20 bobcat study of the core, the most sensitive part of the 21 preserve. 22 The FEIR may be flawed, because the bobcat study 23 upon which to base the no significant harm to biology 24 claim is simply missing. 25 Last night I heard the City discuss a proposal</p> <p style="text-align: right;">84</p> |
| <p>1 MAYOR WARNER: Thank you for your time. 2 And as you're waiting in line -- as you're 3 waiting in line, please step all the way up so you're 4 ready to speak. 5 Good evening. 6 MS. BROOKS: Good evening. I'm Letty Brooks. 7 MAYOR WARNER: Letty, a little more into the 8 microphone if you would, please. 9 MS. BROOKS: Okay. He told me not to touch 10 it. 11 I'm Letty Brooks. I live in Whittier, and my 12 focus is pretty narrow. I'm just going to talk about 13 biology values. 14 The current project will shrink, sever and 15 fragment the core, which -- will shrink, fragment and 16 sever the core, which will lower biology values by 17 increasing edge effect. With the current preferred 18 project, the core will absorb most of all the impacts in 19 order to spare sensitive receptors. This is what the 20 City is calling a balanced approach. 21 However, how can the EIR claim, as has been said 22 before, that there will be no significant impact to 23 biology? 24 Dan Cooper's gnatcatcher study in Orange County 25 showed that habitat fragmentation is the biggest threat</p> <p style="text-align: right;">83</p> | <p>1 to do a bobcat study during the mitigation process. I 2 found this rather interesting. There is an appearance 3 that biology is taking to -- you know, to put it this 4 way, the lion's share of the impact, while the FEIR 5 doesn't acknowledge that these impacts are significant. 6 You know, that is a perception. Certainly I have that 7 perception. 8 The second EIR appears to be better than the 9 first, reduced impacts, but the missing indicator species 10 study for the current site in both EIR documents is a 11 block that has yet to be corrected. 12 I urge the Council to continue to look at 13 alternatives that are less biologically harmful. 14 MAYOR WARNER: Thank you, Letty, for your 15 comments. 16 MS. BROOKS: Okay. 17 MAYOR WARNER: Thank you. 18 MR. SACKER: For the record, I want the Rob 19 Hamilton cactus wren study -- can I hand this? 20 MAYOR WARNER: Hand that to staff, please. 21 Thank you. 22 Good evening. 23 MR. SACKER: Good evening. My name's Al Sacker, 24 and I live in Whittier. 25 First, my experience with the Whittier</p> <p style="text-align: right;">85</p> |

| | |
|---|---|
| <p>1 engineering department tells me that they're completely 2 unqualified to be acting as a manager for this project 3 for the City and for its citizens. You're gonna be taken 4 to the cleaners by the oil company, believe me. 5 Number two, as far as jobs are concerned, there 6 isn't going to be a huge number of jobs associated with 7 the running of these oil wells. Not very much. 8 Third, I haven't heard what happens during the 9 operation of these wells to the off gas that's gonna come 10 out from the oil when it's brought up to the surface and 11 with the impurities in the natural gas. What's going to 12 happen to them? Who's gonna take care of that? 13 Third, my experience tells me that the young 14 lady who described the inability to get satisfaction from 15 Matrix Oil, it's not unique. That's what's gonna happen 16 to the City of Whittier. 17 And as far as taking safety measures, we all saw 18 what happened to the Gulf of Mexico. It was a disaster. 19 Billions were spent, supposedly with the most modern 20 equipment and instrumentation. No way. 21 I just have one other thing to add, and I'll 22 make it short. Why don't you put this measure on the 23 ballot? Why don't you hold a special election so that 24 the people of Whittier can exercise their democratic 25 rights and act as citizens? Why do you take the thing</p> <p style="text-align: right;">86</p> | <p>1 About 80 percent of people speaking were all 2 against oil drilling. The oily people ran out of 3 speakers early on, as their numbers were so low. People 4 from all walks of life spoke against the oil project. As 5 my husband pointed out, they spoke not from emotion, but 6 rather giving solid facts. 7 Many had their specialties and expertise put to 8 good use. Teachers, psychologists, architects, doctors, 9 nurses, geologists, professors, all were able to express 10 just how atrocious the idea of drilling in a preserve is. 11 Too bad nobody was listening. 12 The City of Whittier saw how hard you worked to 13 keep some members on the Planning Commission, even though 14 their terms had already expired. I know you said they 15 had read a lot ahead of time, and you found it logical to 16 keep them on the panel because of this. So you changed 17 the law as if it were a suggestion. 18 Later, you would change it back because you 19 obtained what you needed, a hand picked team that would 20 perform as you wished. How unethical to change laws 21 according to your own purposes. 22 The Planning Commission has a lot to lose from 23 not listening. They will forever be known as the 24 five men who single-handily disregarded citizens' 25 comments and put a stamp of approval on destroying the</p> <p style="text-align: right;">88</p> |
| <p>1 into your open hands? Let us, the citizens who pay your 2 salaries, decide the issue, where it belongs with the 3 citizens, not with you. 4 I haven't had an answer to that. Why don't you 5 do that? I'm listening. I'm not surprised by your 6 silence. It never occurred to you, or you're afraid of 7 the answer? I'd like to know the answer to that 8 question. Speak to me, somebody. Don't just sit there. 9 Anybody, say something. 10 MR. JONES: Let me respond real quickly, and 11 that is that the process for public hearings under the 12 Brown Act is the Council to take that testimony in and 13 not respond back to you, but allow you as the public the 14 chance to speak to them. 15 MS. SACKER: Yes. We have the chance to speak, 16 but I'm going beyond that. Let us have the chance to 17 make the decision. It's our city, not just yours. 18 MAYOR WARNER: Good evening. 19 MS. BORBON: Marta Borbon, 528 Glennon Drive. 20 I'm an educator. I am one of the many people 21 who attended the Planning Commission at the Raddison all 22 four days. I actually believed the panel was listening. 23 I was wrong. It seems to me they were not listening and 24 did not care about the droves of anti-drilling people 25 that came all those nights.</p> <p style="text-align: right;">87</p> | <p>1 most prominent Whittier symbol, our hills. 2 What a legacy for their children and their 3 grandchildren. How embarrassing for them to learn later 4 about what they stood for. 5 You the City Council Members have much more to 6 lose, not only your reputation, but your jobs. Clearly 7 you, too, have not listened. You have not seen the 8 droves of citizens against oil drilling in Whittier 9 either. 10 To continue in favor of this project places you 11 at election time as an anti-environmental candidate with 12 no regard for nature preservation. At a time when being 13 green is of utmost importance, you really don't want to 14 come across as one who only cares about money, do you? 15 You must remember you are here to represent the 16 people of Whittier, not just the very small segment of 17 the community who recalls with romanticism the good old 18 days long, long ago when they used to see the oil on the 19 ground and they just ignored it. They ignored it. They 20 ignored the wells, too. It didn't kill them. 21 My mom and my dad, they used to smoke, and they 22 didn't get lung cancer. No, they didn't. Should I 23 reminisce about the smoke at home? I think not. 24 This is a democracy. You are not to vote in 25 spite of our wishes --</p> <p style="text-align: right;">89</p> |

1 MAYOR WARNER: Thank you, Marta. Thank you for
 2 your comments.
 3 MS. BORBON: -- but to represent us and
 4 represent our wishes.
 5 MAYOR WARNER: Do we have another speaker that
 6 would like to address us?
 7 Thank you. Please go ahead.
 8 MS. HAMUD: Good evening, Council Members. My
 9 name is Olivia Hamud.
 10 MAYOR WARNER: Staff member, could you please
 11 adjust the microphone for her.
 12 Okay. Thank you very much.
 13 Would you give us your name.
 14 MS. HAMUD: My name is Olivia Hamud, and I'm a
 15 Penn resident. And I hope that your obligation is to
 16 ensure the safety of the Whittier residents in reviewing
 17 this project. Money should not be the driving deciding
 18 factor, especially when there's no guarantee as to how
 19 much money the City will receive.
 20 To overlook unavoidable significant impacts on
 21 air quality, water quality, is unacceptable. This
 22 project not only involves oil drilling, but also natural
 23 gas extraction. Matrix plans to monitor oil project
 24 24-7; however, no mention of the natural gas extraction,
 25 which includes danger from potential release of hydrogen

90

1 sulfite gas.
 2 Number 2, why are you selecting the longest
 3 route to transport oil and waste via a small, tiny Penn
 4 stream that has been identified as high density area with
 5 parking restriction?
 6 There was a recent car or speed monitor placed
 7 at Penn and Guilford, and I watched it from about
 8 13 minutes from 7:30 a.m. to 7:43 a.m. Twenty-nine cars
 9 and trucks passed in the speeds of excess of 15 miles,
 10 and that one truck traveling at 15 miles rattled the
 11 windows. And this is only a mere example of all the
 12 trash trucks that come down.
 13 And now you're gonna allow 70-foot 10,000 gallon
 14 tankers to travel down that small narrow street.
 15 Sorry.
 16 How will we pay for damages as a result of the
 17 project? If there's an accident or illnesses? Who's
 18 gonna be responsible and bear the brunt of that financial
 19 obligation? There's no guarantee of jobs, no mention of
 20 a number of jobs or that local residents will even be
 21 employed under this project.
 22 So I think there's a bigger picture that you
 23 have to look at and keep the safety of the community in
 24 mind and what are we gonna get from this project.
 25 I don't know that we're gonna get a lot of

91

1 money, but a lot of heartache and a lot of suffering.
 2 Thank you.
 3 MAYOR WARNER: Thank you for your comments.
 4 Do we have another speaker? Please.
 5 Good evening.
 6 MS. ORONA: My name -- I live on Ocean View. My
 7 name is Becky Orona, and I've lived in Whittier forever.
 8 I've watched it change. A lot of changes.
 9 Ethnically, one of them.
 10 The person that spoke before was talking about
 11 representation, and I want to be represented.
 12 Ethnically, the City Council has never represented me,
 13 our group of Hispanics. So I'm hoping that somebody will
 14 represent me now.
 15 I'm totally against drilling.
 16 Whittier, as I said, has changed. Our shopping
 17 has changed. Environment has changed, the City has
 18 changed. But we still have our hills. I want to keep
 19 our hills. I want to keep them just the way they were or
 20 could be or should be. And I ask you to represent me in
 21 some way. And if this is the way you can, to vote
 22 against the drilling.
 23 MAYOR WARNER: Thank you for your comments.
 24 I'd like to invite ten speakers to come up that
 25 support the project. Five at each podium, please.

92

1 Okay. Good evening.
 2 MS. CLARK: Good evening, Madam Mayor and City
 3 Council. My name's Joanne Clark. I've only lived in
 4 Whittier for 11 years, but I have an opinion.
 5 Nothing comes without risks or costs. In the
 6 case of drilling in the hills, some of the costs will be
 7 temporary, but the economic benefits outweigh even the
 8 minimal long-term impacts.
 9 In these tough times, it would be foolish not to
 10 pursue a course that will bring much needed revenue to
 11 city coffers for many years to come.
 12 Thank you.
 13 MAYOR WARNER: Thank you.
 14 Good evening.
 15 MR. WESTIN: Good evening, Madam Mayor and
 16 Council Members. My name is Brian Westin. I live in
 17 Whittier, and I've been here quite awhile. First of all,
 18 I want to say thank you for your service to the
 19 community, and I do think you represent everybody, and
 20 that's a very, very tough job.
 21 I just want to reiterate a couple of things, is
 22 that the various speakers that have talked about the
 23 hills and the impact and ecology, whatever, I would be
 24 willing to bet that of all the people banging on the drum
 25 to don't do this, don't do it in my backyard, whatever,

93

| | |
|---|--|
| <p>1 have never set foot in the hills, the vast majority of 2 them.</p> <p>3 I have three periods of my life where I've been 4 in the hills. I went to school here, as a middle school 5 and high school, crawled up in the hills, was told to get 6 out, and fought the Chevron guys and hid and all that of 7 stuff, playing as kids.</p> <p>8 When I was older, I came back after years away 9 from Whittier, and my parents had one of the houses right 10 next -- it was the last house on California, right 11 against the fence. And there was a hole in the fence, 12 and I took advantage of it, and walked my dog up there, 13 got very familiar with the hills. And a couple times was 14 asked to leave very politely.</p> <p>15 But lately, I've had a few times up in the 16 hills. But what I want to say is the people are right 17 that have said there's really very little impact.</p> <p>18 As a kid, as an adult, I've noticed no fires, no 19 smells, no problems. All the drilling that had taken 20 place is a non-issue, and that's just not -- has not 21 really been an issue with -- with the environmental 22 impact.</p> <p>23 The biology of it is I don't think there's gonna 24 be any impact. I'm not a biologist, but from practical 25 walking and seeing, I've seen bobcat up there, I've seen</p> <p style="text-align: right;">94</p> | <p>1 preservation of the hills, and we have deeply appreciated 2 the leadership of individuals and the friends of the 3 Whittier Hills in protecting our open space of the 4 hills.</p> <p>5 We've lived on Rose Drive for 37 years and 6 raised our family there. Our street happens to dead-end 7 into the trail head of the Hellman Park entrance to the 8 hills. And in 2003, an enormous reservoir and dump 9 station were constructed at the base of that park and the 10 trail head.</p> <p>11 At that time, there were folks in the 12 neighborhood who opposed its construction, expressing 13 concerns about property values being lowered and 14 aesthetic concerns about its unsightliness.</p> <p>15 At that time my husband and I supported the 16 construction of the water tank, recognizing that this was 17 a need for the Whittier residents. Sure, there was some 18 inconvenience during the construction. It went on for a 19 while.</p> <p>20 But the installation was completed. The tank 21 has not been an eyesore. It certainly was not the reason 22 for our property values being lowered, and it didn't 23 interfere with access to use of the trail head. And as a 24 matter of fact, there are more people than ever using 25 that trail head today.</p> <p style="text-align: right;">96</p> |
| <p>1 deer. I've seen a lot of snakes, I've seen bugs. I've 2 seen spiders, neat trap-door spiders, by the way, but 3 it's -- I don't think it's an impact that at all offsets 4 the value to Whittier if we go ahead with this project.</p> <p>5 We've had a lot of good things said about the 6 risks, the trust to the Matrix Oil Corporation. A lot of 7 good things have been said, but you're responsible, and 8 in your looks, your engineering people and everything, I 9 trust that you'll do the right thing.</p> <p>10 MAYOR WARNER: Thank you.</p> <p>11 Good evening.</p> <p>12 MS. BRITTON: Good evening, Madam Mayor and City 13 Council. My name is Diane Britton. I live on Rose Drive 14 in Whittier, and I'm here this evening to express my 15 husband's and my support for the proposed oil project in 16 the Whittier Hills.</p> <p>17 He allowed me to speak on his behalf as well.</p> <p>18 We feel that a healthy balance for Whittier can 19 be achieved preserving the open space of the hills with 20 enhancing significantly the quality of life for the 21 85,000 plus Whittier residents.</p> <p>22 Most of the land in the hills would be untouched 23 by this project, while revenues from the project would be 24 a benefit for our community for many years to come.</p> <p>25 For many years we have supported the</p> <p style="text-align: right;">95</p> | <p>1 Now, I know this reservoir project doesn't even 2 come close to the magnitude of the oil project. But I 3 use it as an illustration about how balance can be 4 achieved between environmental and aesthetic concerns and 5 quality of life issues for our Whittier community.</p> <p>6 We feel that the contingencies and safeguards 7 have been put in place to protect the hills, including 8 returning the area being used for the project to its 9 pristine state when that time comes.</p> <p>10 And in the meantime, if you folks approve the 11 project, we would look to our City government, you, the 12 City Council and the city staff, to provide wise 13 oversight and to make well-reasoned decisions for the use 14 of the revenue from the project to improve our quality of 15 life, and that of our future generations in our 16 community.</p> <p>17 Thank you very much.</p> <p>18 MAYOR WARNER: Thank you.</p> <p>19 Good evening.</p> <p>20 MR. BAIMA: My name is Joe Baima, and I've lived 21 in Whittier most of my life. My wife was born here, and 22 we have raised five children, plus we had a bunch of 23 foster kids that we raised. And we have lived in our 24 same home on Calmosa Avenue for about 38 years.</p> <p>25 We do live close to the hills, and we have</p> <p style="text-align: right;">97</p> |

| | |
|--|---|
| <p>1 enjoyed them as a family, and we will continue to use 2 them as a family.</p> <p>3 I put solar water heating in my home about 4 almost 40 -- no, 37 years ago. So I have like 5 130 gallons of water, of hot water. How many in this 6 room have solar hot water heating in their homes? 7 I also have a swimming pool, and I put in solar 8 panels 35 years ago. And actually I'm on my second set. 9 I believe in alternative energy. And I think if 10 I had room for solar panels on my home -- they're all 11 being used for the other solar to heat my pool, so I 12 don't have room. I believe in alternative energy.</p> <p>13 Our country has an insatiable appetite for oil. 14 We need oil. Until we can produce that alternative 15 energy at a price that all of us can afford, I think we 16 need to do some things here.</p> <p>17 How many big box stores would it take to produce 18 that kind of revenue in the City of Whittier? I figure 19 about six or seven. Could you imagine the traffic that 20 that would bring to our community and to our city? None 21 of us -- the city streets are already overcrowded.</p> <p>22 I also believe that it's gonna be good for our 23 community.</p> <p>24 I also will give you another little take about 25 how I think about government. I would like to see any</p> <p style="text-align: right;">98</p> | <p>1 exceptional parks and professional police and fire 2 services.</p> <p>3 Looming over the City, however, is the financial 4 crisis that has affected all cities in California. With 5 revenues plunging, cities and other government agencies 6 in California are grabbling with strained budgets.</p> <p>7 With the departure of several automobile dealers 8 over the past few years, and the inevitable loss of sales 9 tax revenues, the money problem is compounded in 10 Whittier.</p> <p>11 The cutback of City services and the raising of 12 taxes are becoming closer to realities. These actions 13 will negatively affect our city and will lead to the 14 reduction in Whittier home values.</p> <p>15 We in Whittier, to the envy of our neighboring 16 cities and communities, have an asset that is not open to 17 other cities; an oil field located under the City. We 18 can safely drill for oil.</p> <p>19 The annual revenue generated by this drilling is 20 estimated to be approximately \$6 to 7 million. With the 21 drilling done cautiously and in conformance with the 22 environment analysts, Whittier, unlike most other cities, 23 is able to avoid many of the negative economic 24 consequences associated with loss revenue.</p> <p>25 Council, I urge you to approve the Whittier oil</p> <p style="text-align: right;">100</p> |
| <p>1 moneys that we receive would be set up into a private 2 foundation so that people would not -- our city 3 governments would have maybe access to it, but a private 4 foundation be set up so that those moneys could be used 5 for parks, for gang prevention, for all kinds of things 6 that would benefit our community.</p> <p>7 If you want to do something about noise, why 8 don't you come live -- I live five houses below 9 Mar Vista. If you could stop the Harley Davidsons from 10 coming through at 4 o'clock in the morning, I would love 11 you to do that, too.</p> <p>12 Anyway, I -- I couldn't ask you more than to 13 help the City of Whittier and to actually help its 14 future. And I thank you very much.</p> <p>15 MAYOR WARNER: Thank you.</p> <p>16 Good evening.</p> <p>17 MR. GHYSELS: Good evening. Good evening, 18 Council Members. My name is Tom Ghysels, and I live on 19 Ladonte (Phonetic) Drive, Whittier, with my wife 20 Marilyn.</p> <p>21 I'm here to outline my support for the Whittier 22 oil project.</p> <p>23 Whittier's well known for its wonderful 24 neighborhoods, beautiful surrounding hills, and the City 25 provides comprehensive services, quality streets,</p> <p style="text-align: right;">99</p> | <p>1 project, and I thank you for your time.</p> <p>2 MAYOR WARNER: Thank you.</p> <p>3 Good evening.</p> <p>4 MR. PRYOR: Good evening, Council. My name is 5 Andrew Pryor, and I live on Painter Avenue, up in uptown. 6 And I'd just like to say that -- let you guys know that, 7 you know, I'm 31 years old. I have three kids under the 8 age of six, soon to be four.</p> <p>9 I just purchased a home in the historic 10 district. I've invested everything I have, everything I 11 own into this city, because I believe in its future. I 12 believe in the community, in the people. I believe in 13 the hills. Everything I -- I love the City.</p> <p>14 And for my children's sake, I look at this thing 15 as a long-term investment, investment that I've made, and 16 I want to urge you guys to make that same investment.</p> <p>17 We have glaring problems in this city, you know, 18 gang violence, graffiti, our failing public schools, our 19 uptown Whittier with all this potential that's never met. 20 We need the revenues greatly to enhance our lives here.</p> <p>21 And I think that we can all agree in this room, 22 it was the first time I saw that video from the Open 23 Defense League, the quote from Council Member Henderson 24 that if this can't be done safely, then it shouldn't be 25 done at all.</p> <p style="text-align: right;">101</p> |

| | |
|---|--|
| <p>1 And I truly believe that this will be a safe 2 practice and professional companies doing it, and as long 3 as we can keep it safe, I'm all for it. So please join 4 with me and double down on our future for my children's 5 sake.</p> <p>6 Thank you very much. 7 MAYOR WARNER: Thank you. 8 Good evening. 9 MS. WESTIN: Good evening. My name is Hilary 10 Westin.</p> <p>11 First of all, I would like to thank the members 12 of the City Council for all the hard work and many hours 13 that they have dedicated to this project. They put up 14 with a lot of stuff, and it hasn't been easy.</p> <p>15 They were elected by the citizens to make the 16 best decisions for Whittier and to represent us all, and 17 I'm insulted that their integrity has been questioned.</p> <p>18 I would especially like to acknowledge Greg 19 Nordbak, who has worked so hard to bring so many 20 businesses to Whittier; and Bob Henderson, who's been a 21 constant positive force in shaping our town, including 22 the land that is now part of this process.</p> <p>23 I came here last night with an open mind to 24 educate myself further about the issues here before it. 25 I had been in favor of the project, but I had not read</p> <p style="text-align: right;">102</p> | <p>1 the other way, and I do urge you to support this 2 project.</p> <p>3 Thank you. 4 MAYOR WARNER: Thank you. 5 Good evening. 6 MS. MEDRANO: Good evening. My name is Caroline 7 Medrano, and I reside at 7937 Sargent Avenue. I lived in 8 Whittier for over 32 years. My three daughters were 9 raised here, and my three granddaughters are now being 10 raised here.</p> <p>11 I'll tell you truthfully when I first heard 12 about the possibility of drilling, I was a little taken 13 back, but at the same time I said, it's been 20 years, I 14 said. Let's -- let's hear what they have to say. Let's 15 get the facts.</p> <p>16 For me to take a decision, I needed to be 17 informed so I could make an intelligent decision, not a 18 decision based on somebody trying to scare me or 19 something that it just doesn't make any sense.</p> <p>20 And so I started to educate myself. I started 21 to go to meetings. I started to read. I started to 22 listen to the facts, not all the scare tactics, or not 23 even somebody who would tell me something that I would 24 say, well, how, how could that be? Where is that? What 25 are you reading? What are you saying? Give me something</p> <p style="text-align: right;">104</p> |
| <p>1 the EIR, and I do not claim to know all the issues. 2 One thing I wanted to know and to make my 3 judgment was know the facts and not be guided by my 4 emotions. The question boils down to what are the facts 5 and do they meet the criteria.</p> <p>6 After last night's presentations, I am convinced 7 that granting the CUP is the proper thing to do based on 8 the facts that were presented.</p> <p>9 I do believe it is a patriotic thing for us to 10 also approve this and cut into any foreign imports that 11 we can.</p> <p>12 Discussing patriotism, one thing that also 13 helped me make up my mind, last night during the pledge 14 of allegiance, I noticed a woman in the row in front of 15 us did not rise, nor did she repeat the Pledge of 16 Allegiance.</p> <p>17 I was shocked at this, and my husband asked her 18 about it. Her response was, I did that last week. 19 Wow. I was amazed and offended.</p> <p>20 And since this woman mentioned names and she 21 spoke today against the project, I feel I can mention her 22 name. Mr. Newcomer, she mentioned your name. 23 Well, Margo, I didn't appreciate that you flaunt 24 not doing the Pledge of Allegiance, so I am bound and 25 determined anyone who doesn't want to do that, I am going</p> <p style="text-align: right;">103</p> | <p>1 concrete to look at. 2 And they could never do that. 3 So, you know, at the same time it is like, you 4 know, people are talking about, you know, the money issue 5 is important, you know, the -- the -- you know, the 6 traffic issue. I live on the corner of Mar Vista and 7 Sargent. You talk about traffic. I have lived there for 8 over 15 years. It -- I can't tell the City don't -- you 9 know, can't you stop the cars, can you stop them, can you 10 divert them to Whittier Boulevard? Oh, by the way, can 11 you get the Whittier Police Department not to drive down 12 Mar Vista, because I know that's the fastest way for them 13 to get to the other side of town, but it's really 14 disturbing to me.</p> <p>15 What is gonna happen on Catalina is temporary. 16 Mine is forever, as long as I live there. And you know 17 what, I'm okay with it, because it's for the good of the 18 City.</p> <p>19 What happens in -- with this money, whether you 20 live in Whittier, own property, whether you live in 21 Whittier and you rent, we're all citizens. We'll all 22 benefit from this. And I have every -- I think our City 23 Council is one of the most conservative, one of the most 24 intelligent councils around from -- you look in 25 Montebello. You look at all the problems that other</p> <p style="text-align: right;">105</p> |

| | |
|--|---|
| <p>1 cities are having. 2 They're gonna do what's in our best interest, 3 all of us, and I have every confidence in them. And 4 whatever they decide, I will abide by it, but I hope that 5 they go forth and say we need to go forth with this 6 project -- 7 MAYOR WARNER: Thank you. 8 MS. MEDRANO: -- for all of Whittier. 9 MAYOR WARNER: Thank you, Caroline. 10 Good evening. 11 MR. MC CORMACK: Good evening. My name is a 12 Austin Mc Cormick. I'm I Whittier resident. And I first 13 want to say I appreciate City Council and all their 14 efforts, their patience, their ability to maintain 15 control. 16 That having been said, I also want to help -- 17 excuse me, thank the Whittier Hills Oil Watch. This 18 process is working. This public examination of the 19 intentions of our city and our future works. It works 20 because all of us have questions. 21 There are many questions that have been asked 22 that I couldn't think of that have been asked by Whittier 23 Hills Oil Watch, and they are part of this process. They 24 are a volunteer group. They're -- they're making this 25 process work.</p> <p style="text-align: right;">106</p> | <p>1 and it -- it has a part in our history, our financial 2 history of our city, as -- but I don't think really 3 maintained a -- a bright light. 4 We sort of -- we sort of stressed the walnuts 5 and the citrus and the -- and the building and what-not, 6 but a lot of the people in Whittier were actually -- were 7 actually involved in oil. 8 I'm sorry, I've got a red light, but I wanted 9 to -- 10 MAYOR WARNER: Thanks, Austin. 11 MR. MC CORMACK: -- thank you so much for your 12 time and effort. 13 MAYOR WARNER: Thank you. 14 MR. MC CORMACK: And I want to congratulate 15 everyone here for being a part of this process. 16 MAYOR WARNER: Thank you. Your time's up, 17 Austin. Thank you. 18 Are there any additional speakers that would 19 like to speak in support of the proposal? 20 We have time for one more of the ten. 21 I've had a Council Member request a break. 22 We're going to take a short break, and then we'll come 23 back and go until 11:00. 24 We'd like to thank all of you that have come and 25 that have spoken thus far. We appreciate your</p> <p style="text-align: right;">108</p> |
| <p>1 And I am gonna have to say that probably without 2 Whittier Hills Oil Watch, I would have more questions. I 3 would worry more about what was going on. But because of 4 their presence, because they have been such a -- a 5 strong -- because of their strong involvement, that I 6 feel confident that this project will go forward with 7 the -- with the full knowledge and best -- and best 8 information available to our elected officials. 9 You are our elected representatives. In truth, 10 you are elected to make decisions for us. That is the 11 way government works in this country. 12 I did want to give a -- whatever I knew about 13 the history of oil in Whittier, and I hope I get this 14 correct. 15 It was Andres Pico, the brother of our own Pio 16 Pico, who discovered oil in 1856 in Brea, and -- and 17 somehow managed to bring up some -- some tar sands that 18 were -- that he could extract oil from. 19 This was not financially successful or useful 20 until many years later, when our own Cillian Murphy and 21 some others looked for oil, and oil was first discovered 22 in 1884 in the Puente Hills. I think you know the 23 history beyond that. 24 Whittier was finally successfully drilled and 25 drilled very successfully for many years during the '20s,</p> <p style="text-align: right;">107</p> | <p>1 comments. 2 Thank you. 3 (Recess taken.) 4 MAYOR WARNER: We'd like to ask ten individuals 5 that are opposed to the project, if you would line up 6 five and five at either podium, please. 7 And we're ready to begin. 8 Good evening. 9 MR. FEWELL: Thank you, Madam Mayor, members of 10 Council. Thank you for the effort you're putting into 11 this project and taking the time to hear our comments on 12 the project. 13 There's been a lot of discussion of facts here 14 this evening. Here's a couple of facts. 15 MAYOR WARNER: And would you introduce yourself, 16 please. 17 MR. FEWELL: Sorry. Yes, ma'am. 18 MAYOR WARNER: That's okay. 19 MR. FEWELL: Roy Fewell. I live in Whittier. 20 There's been a lot of discussion of facts here 21 this evening. Here's a couple of facts for you. One 22 fact is your general plan is 14 years old. Here's 23 another fact for you. The only mention your general plan 24 makes of oil drilling is cleaning up former drilling 25 sites to create open space.</p> <p style="text-align: right;">109</p> |

| | |
|--|---|
| <p>1 I think you need to take the time to reconsider 2 this project, in light of that general plan, and to -- if 3 you believe it's still of critical value to the City, 4 take the time to update that general plan to include this 5 project in it, or to include projects of this type. 6 By the estimates, Matrix Oil, 600 million 7 barrels -- was it 10,000 barrels a day? It's a 137 year 8 project. And I think we can take two years to consider 9 our general plan to see if that's really the direction we 10 want to take for the next 137 years. 11 Please reconsider your position on this. Take 12 the time to do it properly. Don't make a mockery of our 13 general planning process. Thank you. 14 MAYOR WARNER: Thank you. 15 Good evening. 16 MR. DONOVAN: Good evening. Nick Donovan, 17 La Sierra Avenue, Whittier. 18 I'm gonna go easy tonight, because obviously I 19 understand you guys have had a very difficult job and 20 been put in a very difficult position. And I'm really 21 now being pushed to questions, obviously based on my 22 experience, knowledge base, understanding of the oil and 23 gas industry, risk management issues, safety. 24 I know that this project cannot be done safely. 25 It's just a matter of time before something goes wrong.</p> <p style="text-align: right;">110</p> | <p>1 So going back to what Mr. Jones said yesterday 2 evening with regard to your impartiality before we make a 3 decision, doesn't that really question your independence, 4 impartiality? Should you really be sitting here on this 5 panel? It's just a question for all you gentlemen and 6 ladies. 7 So Mr. Jones, maybe you can give us an answer to 8 that one. 9 But going back also to the original question, 10 who's gonna pay the tab back to Mr. McCaskey? I mean, 11 it's very -- it's just something that I keep thinking 12 about. I know I've heard numbers in excess of \$4 million 13 that Matrix Oil has invested in this deal over the last 14 few years. If they lose, I'm sure they are gonna come 15 calling. 16 So what exposure does the taxpayer of Whittier 17 have to that issue? 18 You've all been pushed down a road, and I don't 19 know who started this whole relationship, probably 20 Mr. McFarland, who's been shepherding his friends in all 21 evening, giving them their script. 22 It's funny, they don't stay for the rest of the 23 evening, do they. 24 MAYOR WARNER: Thank you, Mr. Donovan. Thank 25 you for your comments.</p> <p style="text-align: right;">112</p> |
| <p>1 It's a fact. That's a fact. 2 We could put out all the facts for the guys 3 to -- the OSHA studies that are currently going on about 4 the energy industry. We know they own Washington, and 5 they are only probably second in power within this 6 country, to the defense industry. So cronyism, lobbyists 7 own our government. So it really then comes down to do 8 they own our local government. 9 I think you guys have been pushed into a 10 position, a very difficult position. I can't figure out 11 sort of the -- sort of the time line of it all, but my 12 one big question for you really is. If you did vote 13 against this project, Matrix Oil's made a significant 14 investment to make this happen, and we know the time line 15 of events. We know the players. Who pays them back when 16 they don't get this deal? 17 Now, I don't believe you're gonna make that 18 decision, because unfortunately from my experience over 19 the last two years dealing with you guys and learning the 20 facts and the relationships, the connections, the behind 21 back door deals, conversations, we do know that 22 Mr. Henderson, unfortunately, and based on the 23 correspondence, Mr. Nordbak that we have seen, e-mail 24 correspondence, it would suggest that you are definitely 25 for this project.</p> <p style="text-align: right;">111</p> | <p>1 MR. DONOVAN: I wish you luck in your 2 decision -- 3 MAYOR WARNER: Good evening. 4 MR. DONOVAN: -- and your political future. 5 Thank you. 6 MR. ALLEN: Mark Allen, Seal Beach. 7 As you may know, I represent Open Space Legal 8 Defense. You might also know that most of the time, I 9 spend my time representing developers and people like 10 that. 11 We don't take cases very often like this. We 12 take them when we think that there's something that we 13 feel strongly about, and when we're pretty sure we're 14 gonna win. 15 Now, it -- it would be nice if we had some 16 objective third party to tell us whether you're doing the 17 right thing or not. And fortunately, as it turns out, we 18 do. The County Open Space Authority has told you what's 19 gonna happen with the money, as you know. And they've 20 already told you that you're not gonna get anything like 21 the money that's been thrown around here. 22 They've also written you a letter that said a 23 very important thing: You don't own this oil. You keep 24 talking about how Whittier owns it. A lot of people here 25 have talked about how Whittier owns it. That's not true.</p> <p style="text-align: right;">113</p> |

| | |
|--|---|
| <p>1 You're trustees. You're trustees for a trust 2 that was put on you by the other people in the County of 3 Los Angeles who received enormous tax benefits from the 4 bond investors, from people in other parts of the country 5 who reposed trust in you guys to protect the environment, 6 and you guys are not doing it.</p> <p>7 I -- it pains me to say this, but you are not 8 acting as trustees. I can understand how you would -- 9 how you would want to deal with the really intractable 10 financial problems you're deal with, but this is not the 11 way to do it.</p> <p>12 And the County's letter also tells you something 13 else that's important, which is ultimately they're going 14 to decide this. So what you've done is you put yourself 15 in the cross hairs of me, as a lawyer, against you. 16 You're gonna take the burden. You're gonna take the 17 shots, and then they're gonna make the decision. It's -- 18 it's inexplicable to me.</p> <p>19 So I'd like you -- I know it's hard for you to 20 listen to me. I know it's hard to not -- have not made 21 up your mind, but it would be nice if you would take a 22 step back and rethink this.</p> <p>23 Thank you.</p> <p>24 MAYOR WARNER: Thank you for your comments.</p> <p>25 Good evening.</p> <p style="text-align: right;">114</p> | <p>1 Williams Energy than of its own concerned citizens.</p> <p>2 The hundreds of issues brought to your attention 3 through the three-minute time capsules allowed for 4 concerned citizens to speak at council meetings, and at 5 these hearings also, will not likely result in denial of 6 the conditional use permit. You need to hear our 7 concerns anyway.</p> <p>8 This process that we are going through seems 9 more likely to be a ratification of the Council's action 10 in 2008 than anything else.</p> <p>11 The consolidated central site, the so-called 12 preferred site -- but preferred by who -- it's in the 13 most protected part of the preserve. It violates the 14 very essence of why the voters approved Proposition A.</p> <p>15 The best thing to do now -- it could be done -- 16 would be to start the entire process from scratch, with 17 all the issues with the County and State resolved and 18 clearly delineated for an informed vote by the public.</p> <p>19 The process by which the City has gone about 20 seeking support in issuing a conditional use permit 21 allowing drilling in our habitat reserve should be 22 written up as a case study for discussion and analysis in 23 a graduate seminar class in public administration of how 24 not to go about it.</p> <p>25 Another issue brought to the floor by this</p> <p style="text-align: right;">116</p> |
| <p>1 MR. MYERS. Good evening. My name is Jon Myers, 2 Whittier resident since 1963. A major difficulty with 3 this drilling project is that there once was this 4 wonderful accomplishment of acquiring the hills in 5 perpetuity as an open space preserve.</p> <p>6 Years later, the City Council quietly authorizes 7 signing a drilling lease on the property.</p> <p>8 Apparently there was no attention paid to the 9 restrictions placed by Proposition A on the use of the 10 property, the restriction of the use of any moneys 11 generated from the property, or the amount of royalties 12 that will ultimately belong to the City and the County.</p> <p>13 With these issues brought up, was there 14 meaningful public input in front of the Planning 15 Commission and City Council prior to authorizing the oil 16 lease?</p> <p>17 The argument we heard over and over is Whittier 18 needs the money, oil is the answer.</p> <p>19 But how much money will there be when the County 20 steps in?</p> <p>21 Several months ago, we were told that Whittier's 22 government is a representative government, that it is the 23 Council Members' responsibility to decide difficult 24 issues on behalf of the City. It seems that the Council 25 is much more representative of Matrix Oil and Clayton</p> <p style="text-align: right;">115</p> | <p>1 project is that persons too long in a political office, 2 even with the most positive and honesty of intent, may 3 come to feel that they are most able to tend to City 4 business.</p> <p>5 Persons staying in office multiple terms, 6 whether it be in Whittier or any government agency, is 7 not healthy government.</p> <p>8 MAYOR WARNER: Thank you, Mr. Myers. Thank you 9 for your comments.</p> <p>10 MR. MYERS: Okay. Thank you.</p> <p>11 MAYOR WARNER: Good evening.</p> <p>12 MS. MYERS: Good evening. Thank you members of 13 the City Council for your work for the City of Whittier. 14 My name is Shelly Myers, and I live in Whittier.</p> <p>15 I'm going down a different track tonight.</p> <p>16 Ladies and gentlemen, we have a where is Waldo 17 situation. Where is Waldo? Waldo is Clayton Williams 18 Energy, the publicly traded billion dollar other 19 applicant to the Whittier oil lease.</p> <p>20 In fact, Clayton Williams Energy is the biggest 21 partner, at 75 percent, versus the tiny 25 percent that 22 Matrix Oil Corporation holds.</p> <p>23 So where is the other applicant as the City 24 Council takes us through this so-called public process? 25 The City still has not publicly vetted Clayton Williams</p> <p style="text-align: right;">117</p> |

| | |
|---|--|
| <p>1 through this so-called process. 2 I'm gonna push some more buttons right now. 3 Here are my questions. One, why has the City not honored 4 the city charter regarding greater than 25 year projects? 5 Two, why is the City not respecting the voters 6 and property owners in Los Angeles County who voted for 7 Proposition A, as well as those who pay related property 8 tax fees each year? 9 Three, why is the City not respecting the City 10 of Whittier voters who voted to purchase and preserve the 11 hills in perpetuity, in perpetuity? 12 Four, this is not just about oil and gas 13 drilling. It is about the rights of Whittier citizens 14 and the government who should be upholding the voters' 15 intent. 16 Five, why are you not disclosing the money that 17 the County or other cities may take from the royalties? 18 I get that Texas good ole boys might be a lot of 19 fun for you. Heck, just a month ago when UCLA played 20 Texas, it was easy to see how friendly these people are. 21 But where are they now, especially as they have 22 75 percent of the so-called oil and gas project here in 23 our city. 24 How could either the Planning Commission or our 25 elected officials really expect to believe that this is</p> <p style="text-align: right;">118</p> | <p>1 in. 2 I'm really impressed with some of the 3 suggestions people brought up today about green energy. 4 That was pretty good. I like that. 5 I really, after all this time and reading and -- 6 and coming to these meetings, I still can't shake the 7 anti-oil feeling I have. I just don't like the project. 8 And if you can get a guarantee on the money that 9 this project will come up with, print it out, show us -- 10 show us where it is, show us the money. Other than that, 11 you know, I -- I don't like the project. 12 And also, I'm really dissatisfied. I'm 13 disappointed in the -- in the "Whittier Daily Journal." 14 I get the paper every day. And seeing their printing 15 about reading the blog on how Whittier people can spend 16 the money that's gonna come from the oil project, really, 17 that's kind of incendiary. 18 Other than that, I urge you, vote against the 19 oil project. I don't think it's a good thing. 20 Thank you. 21 MAYOR WARNER: Thank you. 22 Good evening. 23 MR. VALDEZ: Good evening. My name's Ruben 24 Valdez. I live in the county part of Whittier, in the 25 Los Nietos area, which I consider the C.W., County/City</p> <p style="text-align: right;">120</p> |
| <p>1 not just a dog and pony show, since you did not bring 2 Clayton Williams here. 3 Lastly, despite how much time has been taken to 4 discuss the in state height of the oil rig, or what 5 lovely shade of green it can be painted, the big picture 6 is that this is a destructive, dangerous and harmful 7 major industrial project that happens to be oil and gas 8 that will be next to family homes and a school. 9 You have been counseled by your attorney, 10 Mr. Jones, and you are trying to work within the legal 11 rules of this process. But what about the moral rules of 12 this? Your moral actions will also play a role as well. 13 Thank you very much for your time, and I hope 14 you vote against this project. Thank you. 15 MAYOR WARNER: Thank you. 16 Good evening, sir. 17 MR. RAMOS: Yes. Good evening. My name is 18 Frank Ramos. I live in Whittier. 19 MAYOR WARNER: I'm sorry, could you say your 20 name again, please? 21 MR. RAMOS: Frank Ramos. 22 MAYOR WARNER: Thank you, Frank. 23 MR. RAMOS: I've spoken against the project 24 several times before, and I'm -- it's starting to wind 25 down, and I want to get my -- want to get my last words</p> <p style="text-align: right;">119</p> | <p>1 Of Whittier, because I spend my money in the City of 2 Whittier, and as one of those County residents, would 3 like to be represented in this issue, because I do see 4 the hills from where I live, and I like the view I have 5 now. 6 I'd like to say I'm against this issue. But 7 before I begin, I want to say thank you to everybody that 8 came out, and it's right for everybody to dissent in a 9 patriotic society. 10 And as far as what I want to say about this 11 issue is related to something I read today, actually 12 yesterday. And I'm gonna use my partisan side here, but 13 I was reading about a new book that Bill Clinton's gonna 14 put out. And it's called -- and he has a -- it's 15 about -- it's gonna be talking about the economy. 16 But anyways, he talks about the rubber hitting 17 the road. Well, when I thought about that, I thought 18 about the drive I took down Catalina the other day. 19 First time ever I went down Catalina. And I thought, do 20 I want to see the rubber hit the road with a truck coming 21 down it, a diesel truck, bringing fuel down these 22 neighborhoods where everybody has children, I'm sure -- 23 not every house, but, you know, several. Or do I want to 24 have the rubber going down the road on the sole of my 25 shoes, instead walking up the hill and seeing what was</p> <p style="text-align: right;">121</p> |

| | |
|--|--|
| <p>1 promised with Proposition A. 2 And I thought, I choose the latter. I'd rather 3 see the rubber hitting the road with my shoes, because I 4 think that's what the hills are about now, and for the 5 future of several generation. 6 Yes, it's true, the oil industry can make a lot 7 of money, and sometimes we have to put aside the money 8 that this can bring to the, City, for the better 9 long-term of the next generation, when their rubber hits 10 the road. 11 And that's all I have to say. 12 MAYOR WARNER: Thank you. 13 MR. VALDEZ: Thank you. 14 MAYOR WARNER: Good evening. 15 MS. YTUARTE: Good evening. My name is Jessica 16 Ytuarte. I live in the unincorporated area of Whittier. 17 And a lot of the comments tonight -- most of 18 them in fact -- have been focused on the drill site. But 19 I have a very real concern about the pipeline. 20 We live on La Mirada Boulevard, and based on the 21 maps I saw in yesterday's presentation, we're gonna be 22 surrounded by pipeline. And I understand the 23 construction's gonna take at least several months and 24 maybe up to two years. 25 As it is now, it takes me 40 minutes round trip</p> <p style="text-align: right;">122</p> | <p>1 something different. 2 So thank you. 3 MAYOR WARNER: Thank you for your comments. 4 Good evening. 5 MR. GARCIA: Good evening. My name's Alfonso 6 Garcia. I'm a mental health professional and an acting 7 professor at Whittier College. I live here in Whittier, 8 have lived here for over 40 years. 9 Madam Mayor, City Council Members. We all have 10 different world views, different cultural backgrounds, 11 different levels of education, different economic and 12 social status. We are different. Nevertheless, one 13 thing we have in common is that we love Whittier. We 14 love Whittier because of our hills, our people, our 15 location. 16 It is common to hear people from other cities 17 comment on the beauty or the quaintness of our city. In 18 a community that is growing ever more dense and 19 congested, Whittier remains a rare oasis, retreat, a 20 place where one can escape the stressors of big city life 21 and reconnect with nature. 22 Over the last decade, corporations have 23 overtaken the landscape of our world. Multinational 24 corporations have been given the ability to trump and buy 25 government. Where government's priority is to its</p> <p style="text-align: right;">124</p> |
| <p>1 to drive my son to school and home again to La Serna High 2 School. That's just with regular morning traffic. I -- 3 I don't know what time we'll have to leave to get him to 4 school on time with this construction underway, not to 5 mention cars idling in front of our house and the 6 emissions and exhaust that's coming into our home. 7 I -- I don't know, I haven't heard this 8 addressed, and I'm just wondering if the environmental 9 impact study covered the pipeline as well, because I've 10 got to believe that's a significant impact. 11 And as sensory preceptor, I'm very concerned. 12 Also just as on a side note, this is my first 13 time attending a Council meeting. And, you know, people 14 have been talking about facts a lot, but I think facts 15 are -- you know, can be spun. And I really did see -- 16 Yesterday I was a little disheartened to see, 17 after the presentations by the oil representative and the 18 MRS, that the questions were really not even softball 19 questions, but beach ball questions. And there was a lot 20 of subjective language that wasn't -- wasn't explained, 21 wasn't quantified. There was some bad math. There were 22 a lot of red flags, and no one questioned that. 23 The questions were all focused on what could be 24 spun or perceived as positives. And I found that very 25 disappointing as a citizen. I came here expecting</p> <p style="text-align: right;">123</p> | <p>1 citizens, providing a safe environment, a place where 2 children can thrive, where community takes place, this is 3 historically not so with corporations. 4 Corporations' priorities has never been people's 5 welfare or providing a safe environment for children or 6 providing new jobs. 7 No, a corporation's priority is profits, the 8 bottom line quarterly earnings. And that's the way it 9 should be. After all, they are big business and have 10 shareholders to keep happy. 11 It is because of this that I am perplexed when a 12 corporation comes here and states that they are excited 13 about partnering with us to better our City, that they 14 are focusing to create new jobs, that their top priority 15 is the safety of the Whittier citizenry and our children, 16 that were going to benefit from this project. 17 This sounds more like a nonprofit social 18 services agency. 19 The older I get, the less gullible I become. 20 The more I learn, the less naive I am. The more I know 21 about corporations, oil companies in particular, the more 22 cynical I become when I hear these words coming from 23 companies like Matrix. My hope is the same is true with 24 you. 25 I believe this is not only a health and safety</p> <p style="text-align: right;">125</p> |

| | |
|---|---|
| <p>1 issue, but a trust and competency issue.</p> <p>2 I work at Whittier College. And as you know,</p> <p>3 the traffic on Penn Street is unbearable as it is,</p> <p>4 especially during special events throughout the year.</p> <p>5 Nevertheless, MRS conducted their traffic study</p> <p>6 on a day where there was no special event at the school,</p> <p>7 there was no sporting events. In fact, there was not</p> <p>8 even -- the school was not even in regular session. In</p> <p>9 fact, it was probably one of the lightest if not the</p> <p>10 lightest traffic day of the year on Penn Street.</p> <p>11 They were told of this at the very first</p> <p>12 question and answer meeting regarding the EIR. But to my</p> <p>13 knowledge, you are still being provided with the same</p> <p>14 flawed study.</p> <p>15 If this is occurring with a study that is so</p> <p>16 simple and straightforward, is it farfetched to suspect</p> <p>17 that other studies which take much more expertise and are</p> <p>18 designed to provide you with information regarding</p> <p>19 various impacts to our health and economy may have been</p> <p>20 performed in similar fashion?</p> <p>21 I'm a social scientist and a professor. I'm not</p> <p>22 an expert in oil exploration or extraction, although many</p> <p>23 that are experts in this field have spoken in strong</p> <p>24 opposition to this project. I --</p> <p>25 MAYOR WARNER: Thank you. Thank you very much</p> <p style="text-align: right;">126</p> | <p>1 MR. DURAN: Resident of Whittier.</p> <p>2 MAYOR WARNER: And that does not take away from</p> <p>3 your time.</p> <p>4 MR. DURAN: Okay.</p> <p>5 MAYOR WARNER: That's on my time. Thank you.</p> <p>6 MR. DURAN: Sensitive receptor, business</p> <p>7 professor, founder of an environmental firm and a pearl</p> <p>8 business individual.</p> <p>9 Hopefully you have that all.</p> <p>10 Three points. Number one, it's been repeated</p> <p>11 here several times. The deal was made long before we,</p> <p>12 members of the public, were allowed to have any</p> <p>13 opportunity to speak about it. This deal was crafted in</p> <p>14 2008, long before the first and second EIRs occurred.</p> <p>15 What type of public is it that puts trust in the</p> <p>16 City Council and makes a deal they believe will be pushed</p> <p>17 through under the radar screen without any input?</p> <p>18 I really believe that 7,000 people who signed</p> <p>19 our petition have raised a red flag to this, and I think</p> <p>20 that this is a farce that must come to an end in terms of</p> <p>21 this supposed objectivity of the City Council and</p> <p>22 organizations that have been lobbying strongly for this</p> <p>23 project for some time.</p> <p>24 Point number two, at the course core of all this</p> <p>25 discussion is risk reward. The reality is that the</p> <p style="text-align: right;">128</p> |
| <p>1 for your comments.</p> <p>2 MR. GARCIA: I am strongly against this oil</p> <p>3 project.</p> <p>4 MAYOR WARNER: Do we have any other speakers</p> <p>5 that would like to speak in opposition to the project?</p> <p>6 Good evening.</p> <p>7 MR. DURAN: Good evening. I once called a</p> <p>8 sensitive receptor. I think that's a term that Luis and</p> <p>9 his organization used yesterday to talk about individuals</p> <p>10 and organizations being most impacted.</p> <p>11 Specifically my name is Dan Duran. I'm a</p> <p>12 founding member of WHOW, Whittier Hills Oil Watch. I</p> <p>13 live on Catalina Avenue. I've seen Bob and many of his</p> <p>14 associates park in front of our house for the last couple</p> <p>15 of years.</p> <p>16 And you did a good job of parking, Bob. Thank</p> <p>17 you for not cluttering up the streets too much as you've</p> <p>18 taken scores of people on tours of the facility.</p> <p>19 MAYOR WARNER: Dan --</p> <p>20 MR. DURAN: I only have three points.</p> <p>21 MAYOR WARNER: Dan, I'm going to interrupt you.</p> <p>22 And this will be my time, Kathryn.</p> <p>23 Did -- did you get his name for the record?</p> <p>24 MR. DURAN: Yes, Daniel Duran, D-u-r-a-n.</p> <p>25 MAYOR WARNER: Thank you. And that --</p> <p style="text-align: right;">127</p> | <p>1 reward will line the hands of Clayton Williams, Matrix</p> <p>2 Oil -- none of whom are situated in Whittier, none of</p> <p>3 whom have a vested interest in the quality of life in</p> <p>4 Whittier, but both of whom have one goal and one goal</p> <p>5 only, to squeeze money out of black tar and oil, leaving</p> <p>6 us with a oily output of that.</p> <p>7 It's risk and reward. The reward is theirs, the</p> <p>8 risk is ours.</p> <p>9 Next point. In terms of the supposed</p> <p>10 objectively the environmental impact reports. I started</p> <p>11 this off by saying that I'm a sensitive receptor. I've</p> <p>12 learned a great deal here in the last few days, actually</p> <p>13 the last few years about the gnatcatcher and the bobcat,</p> <p>14 endangered species, supposedly.</p> <p>15 Well, I am one of 350 homeowners that live</p> <p>16 adjacent to the property. In the two years that the</p> <p>17 dialogue has been going on, not once have I ever been</p> <p>18 contacted by MRS or any other organization to ask what</p> <p>19 the human impact would be on us in terms of our quality</p> <p>20 of life, in terms of the environmental impact, the</p> <p>21 economic impact, the impact in terms of our living</p> <p>22 situation.</p> <p>23 So once again, I'm delighted to learn about the</p> <p>24 gnatcatcher and the bobcats, but not one iota of</p> <p>25 information was gleaned by the supposed objective</p> <p style="text-align: right;">129</p> |

| | |
|--|---|
| <p>1 organization MRS about the impact on us, the human 2 beings. And we are an endangered species. 3 MAYOR WARNER: Dan, hold on just a moment. 4 I'd like to ask someone to make a motion for an 5 additional minute. I interrupted Dan, and I think I 6 interrupted his train of thought. 7 MR. NEWCOMER: I'll give him a minute. 8 MAYOR WARNER: Okay. Please continue. 9 MR. DURAN: Well, thank you, Cathy. 10 Once again, three points. Number one, the deal 11 was made without any really public consideration or 12 input. Number two, the supposed organization that was 13 going to be objective about this has been anywhere -- 14 anything but objective. And number three, risk reward, 15 we bear the risk and have very little of the reward in 16 front of us. 17 So I ask you as our City Council, our elected 18 representatives, to give a definitive no to this project 19 once and for all. 20 Thank you. 21 MAYOR WARNER: Thank you, Dan. 22 We'd like to ask that if there is anyone else in 23 the room that would like to speak in support of the 24 project, would you please line up at either podium. 25 We'd take five speakers at each podium,</p> <p style="text-align: right;">130</p> | <p>1 I'm also grateful that this city council is at 2 least pursuing and investigating advisability and 3 feasibility to recover petroleum resources in the 4 hillside area that may lead to financial benefit for the 5 City. As long as it can be done in a safe and 6 environmentally compatible manner with the surrounding 7 environment, I have no personal objection to the 8 project. 9 The reality is in the future, the management and 10 the expansion and the restoration of the hillside area 11 that we all enjoy is going to continue to require ongoing 12 financial resources. And, of course, we should be -- all 13 be realistic about it and understand that in the future, 14 we won't be able to look at the resources of the State of 15 California or the federal government, because those 16 two levels of government are somewhat dysfunctional. 17 With regard to the important matter of finding 18 if this proposal can meet the legal requirements for 19 approval, we only have to look at our past and current 20 experience with oil production in our community. And I 21 think you've all been reminded that it goes back at least 22 one hundred years. 23 For instance, we have the Friendly Hills area 24 that developed around an ongoing oil production area that 25 at one time, I understand, had as many as 500 producing</p> <p style="text-align: right;">132</p> |
| <p>1 please. 2 Good evening. 3 MR. LAWRENCE: I'll yield to the lady to my 4 right. 5 MAYOR WARNER: We'll go ahead and start with 6 you, sir. Thank you. 7 MR. LAWRENCE: Oh, okay. I -- I was going to 8 yield -- 9 MAYOR WARNER: Thank you for being a gentleman. 10 It'll skew my -- my deal here. 11 MR. LAWRENCE: Madam Mayor, members of the City 12 Council, my name is Charles Lawrence. I live on North 13 Circle Drive. 14 MAYOR WARNER: Chuck, we need you to speak in 15 the microphone a little bit more for our court reporter, 16 please. Thank you. 17 MR. LAWRENCE: I live on North Circle Drive and 18 I have done so since 1980. And I'm a frequent hiker in 19 the hillside area, at least twice a week, sometimes 20 three. In fact, one day I even ran into 21 Councilman Newcomer on the trail. 22 I'm grateful that past city councils and some of 23 you were also involved in the effort, had the vision and 24 foresight to find the funding and to acquire the open 25 space area that we now all enjoy.</p> <p style="text-align: right;">131</p> | <p>1 wells. 2 And, of course, the Friendly Hills area, 3 coincidentally, evolved and developed to become one of the 4 more desirable areas and desirable neighborhoods in our 5 community. 6 And we also now have existing oil production 7 within some of our residential areas and within the 8 preserve itself. 9 MAYOR WARNER: Thank you, Chuck. Thank you very 10 much for your comments. 11 MR. LAWRENCE: Okay. Thank you. 12 MAYOR WARNER: Good evening. 13 MS. FRIEZE PRADO: Good evening, Council 14 Members. My name is Jill Frieze Prado. I live in 15 Whittier on Worsham Drive. I grew up in Whittier. I 16 spent my life here, and I find it to be a treasured 17 city. 18 I want to be for the project. However, in good 19 faith, I cannot be at this moment. I have a background 20 in -- a business background in banking, and a large part 21 of my job was evaluating organizations and the viability 22 and the financial structure and things like that. 23 So in learning about this project, I have to 24 piggyback off of something that Shelly Myers said. I had 25 no idea she was going to discuss this tonight.</p> <p style="text-align: right;">133</p> |

| | |
|---|--|
| <p>1 I'm very concerned that our citizens in Whittier 2 are not able to articulate or talk about the financial 3 gain, the -- the royalty reward, the -- the revenue 4 projections. 5 We're leading in all of our marketing material 6 with: It's good for the City, we need the economic boon, 7 and so forth. 8 However, as -- as Shelly Myers pointed out, 9 there is a 75 percent lessee on this arrangement, and no 10 one is talking about that. 11 If you do a Google on Clayton Williams Company 12 and look at their press releases, they're talking about 13 unwinding \$50 million of oil hedges recently. And you 14 can read about their -- their common activities and 15 derivatives, hedging oil. That is a big profit business 16 for them. 17 We need to be laying these types of things out 18 for the average citizen so that we can better understand 19 how the royalty, how the revenue projections are going 20 to -- to look. And as a citizen, I would greatly 21 appreciate if you would please bring that to our 22 attention from a business model perspective. 23 And Matrix is definitely a key part here; 24 however, there is a large organization with whom they're 25 partnering, and there are all sorts of other things,</p> <p style="text-align: right;">134</p> | <p>1 I want to thank the Planning Commission and the 2 Whittier Council and the Whittier staff for this 3 opportunity for all sides to come out with, I thought, 4 some great questions both ways. And I think -- I hope 5 that in the final judgment, that all sides are looked 6 into, all the questions answered. 7 But in the end, I hope that it will help all of 8 Whittier, business-wise, school-wise, charitable 9 organizations, because we all need a little help in these 10 times. 11 And I think one less barrel of oil coming from 12 across the ocean would be a big plus for our really good 13 City from -- we have so many good things in this City. 14 And those hills, my sons use those hills, and I 15 enjoy them. And I am -- like living in Whittier. And 16 like I say, my sons are homeowners living in Whittier. 17 So this is a good project. 18 I think we have Federal, State, County and City 19 with Matrix Oil and MRS all investigate. 20 I had to go through all the different hoops on 21 all these things. So, I mean, so all that in 22 consideration, I think this project is a good project for 23 all of Whittier, not one group, not -- all of Whittier. 24 And this is a long-term project, I understand. 25 And I think in the long run, it will be good for Whittier</p> <p style="text-align: right;">136</p> |
| <p>1 economic things and considerations to make. 2 So I want to be for the project. I believe in 3 our City. It's a resource that I am in favor of 4 exploring. However, I don't feel as a citizen that is 5 trying to learn and educate myself about all aspects of 6 this project, that the Council is providing the type of 7 details, drilling down a bit more into the fine details 8 of the revenue side, just from a logical standpoint, such 9 that a person like me -- I want to change my mind here, 10 my thought process. 11 You've got a big corporation in Texas that wants 12 our oil so they can hedge it and make a profit. 13 I think that I'm understanding this correctly. 14 So I just would like to pull that into our current 15 discussion and get more of this type of discussion going 16 before I can decide if I'm really gonna be for this. 17 Thank you. 18 MAYOR WARNER: Thank you. 19 Good evening. 20 MR. MC CAFFER: Frank McCaffer, Whittier over 21 40 years living, homeowner here and a business owner in 22 Whittier. 23 My wife, children, grandchildren all are 24 Whittier residents, went to school La Serna, St. Bruno's. 25 We have a long history in Whittier.</p> <p style="text-align: right;">135</p> | <p>1 that we have a good Council making the final decision. 2 Thank you. 3 MAYOR WARNER: Thank you. 4 Is there anyone else wishes to speak in favor of 5 the project? 6 Good evening. 7 MS. BALL: Hi, Jenny Ball. I live in Whittier. 8 And I think this really is a difficult decision, 9 but I think the benefits far outweigh what slight 10 negative impacts there might be with the construction of 11 the project. But I think with the mitigations, that it 12 does become a reasonable project. 13 One of the people talking said, why don't we put 14 this to a city vote. We did. In the last city election 15 there were two candidates, and their platform was 16 anti-oil, and they lost. And they lost by a large 17 amount. 18 Probably the part that bothers me more than 19 anything else is the misstatements and the 20 misrepresentation of the facts and what we have in the 21 EIR. 22 And I think, you know, it even is today, when 23 you see the ad in the "Daily News" for the anti-oil, and 24 the picture is the grasshopper oil rigs and they look 25 like they're about five yards behind a row of houses, I</p> <p style="text-align: right;">137</p> |

| | |
|---|---|
| <p>1 mean, that's such a misrepresentation.</p> <p>2 It also says that a majority of the people in</p> <p>3 Whittier are against the oil project. And I can tell you</p> <p>4 that that's just not true.</p> <p>5 Some people were against it in the beginning,</p> <p>6 like I was. But then when I found the information to be</p> <p>7 erroneous, then I did switch, and I am now in favor of</p> <p>8 the project, learning the facts.</p> <p>9 I was very upset with the radio show that was on</p> <p>10 two weeks ago on the Phil Liberatore Show, 7 o'clock in</p> <p>11 the morning. The first half was an interview. The</p> <p>12 second half was on the oil project of Whittier, and it</p> <p>13 was only one side. And this side said the oil project</p> <p>14 would ruin Whittier.</p> <p>15 It compared our City Council to the Bell City</p> <p>16 Council. It said that they wanted financial donations to</p> <p>17 protect the wild and the open space.</p> <p>18 I resented this show because I felt -- and, of</p> <p>19 course, it was part of the host. I mean, he's the one</p> <p>20 that controlled the show. But so disappointed that we</p> <p>21 had people in Whittier saying these things.</p> <p>22 My husband is on trail patrol for the City of</p> <p>23 Whittier, and we do a lot of hiking on the trails,</p> <p>24 especially Arroyo Pescadero and the Deer Trail Loop.</p> <p>25 It's one of our favorite hikes because we live so</p> <p style="text-align: right;">138</p> | <p>1 And from the beginning at which I learned about</p> <p>2 the City and its engagement in doing this kind of a</p> <p>3 project, things have only improved. That is, we have</p> <p>4 gone through what I would call several steps of value</p> <p>5 engineering, including the EIR processes, both of them</p> <p>6 have continually made the project more clear and better</p> <p>7 defined and better environmentally, for sure.</p> <p>8 I want to focus, too, on the future, that is the</p> <p>9 future of the children in our community. In the '70s, I</p> <p>10 spent some of my time as a Boy Scout leader taking the</p> <p>11 Boy Scouts on their hiking badge and their geology badge,</p> <p>12 et cetera, in those hills.</p> <p>13 These hills are a tremendous learning</p> <p>14 experience, and this project will be the largest</p> <p>15 scientific and technical project in our community. What</p> <p>16 an interesting project to educate our children and the</p> <p>17 school kids about industry, about the need of energy that</p> <p>18 any community in this world needs, and how this entire</p> <p>19 civilization evolved because of learning how to use</p> <p>20 energy.</p> <p>21 And we can't get away from it. We're importing</p> <p>22 50 percent plus of our energy in the world today. And we</p> <p>23 fill up our cars -- a barrel of oil will generally yield</p> <p>24 about 19 gallons of gas. So every other tank of gas that</p> <p>25 you buy, you're sending that check to a foreign country.</p> <p style="text-align: right;">140</p> |
| <p>1 close.</p> <p>2 I think one of the things that was very</p> <p>3 upsetting to me also -- and I wanted to be sure the City</p> <p>4 Council knew, that the Friendly Hills Property Owners</p> <p>5 Association, in their last magazine, they showed the</p> <p>6 letter that was sent to Jeff Adams.</p> <p>7 And it sounds as if the Friendly Hills Property</p> <p>8 Association is against the oil project, and I want you to</p> <p>9 know that's not true.</p> <p>10 We were never asked for our opinion. This is</p> <p>11 only a letter from the president of the property owners</p> <p>12 association, and maybe from the board. But it is</p> <p>13 definitely not from the people of Whittier.</p> <p>14 Thank you.</p> <p>15 MAYOR WARNER: Thank you, Ginny.</p> <p>16 Anyone else wishing to speak in favor?</p> <p>17 Good evening.</p> <p>18 MR. SCHMIDT: My name's Ray Schmidt, and I am</p> <p>19 sure all of you know some of my background. I started in</p> <p>20 the industry in 1977 in research and development, and</p> <p>21 moved on to the technical representative to operations</p> <p>22 for Chevron in Indonesia.</p> <p>23 I put in horizontal wells in that country and in</p> <p>24 Canada, so I'm well familiar with the process and the</p> <p>25 environment around those kinds of things.</p> <p style="text-align: right;">139</p> | <p>1 Some of those are Canada. Some of those are</p> <p>2 Mexico, but many of them are the Middle East.</p> <p>3 The use of the hills in the future -- and I'm</p> <p>4 confident this project will go -- is as an educational</p> <p>5 device for our children to learn about ecology, to learn</p> <p>6 about biology, to learn about habitats, to learn about</p> <p>7 oil itself, and energy and how they can save that energy</p> <p>8 and get on to something that's better.</p> <p>9 We've moved from wood to coal to natural gas</p> <p>10 through oil, and it's going to be a long time before we</p> <p>11 can get to something that replaces oil in the volume that</p> <p>12 we need it today.</p> <p>13 I support the project. I think listening and</p> <p>14 working with the -- the people, listening to the people</p> <p>15 that have done the environmental impact statements, et</p> <p>16 cetera, I'm confident that we have most of the i's dotted</p> <p>17 and t's crossed.</p> <p>18 But there will be continued value of engineering</p> <p>19 as we get to the construction stages, the implementation</p> <p>20 stages, the testing stages. There will be new learning.</p> <p>21 There will be new work that causes the project to be even</p> <p>22 better.</p> <p>23 MAYOR WARNER: Thank you.</p> <p>24 MR. SCHMIDT: Thank you very much.</p> <p>25 MAYOR WARNER: Thanks. Good evening.</p> <p style="text-align: right;">141</p> |

| | |
|--|--|
| <p>1 Is there anyone else wishing to speak in favor 2 of the project?</p> <p>3 We would ask if there are those of you that wish 4 to speak in opposition to the project, you may step up to 5 the podium.</p> <p>6 MS. ABREGO: Good evening. 7 MAYOR WARNER: Good evening.</p> <p>8 MS. ABREGO: My name is Elise Abrego, and I'm a 9 resident of Whittier.</p> <p>10 I would like to thank you, Madam Mayor and 11 Council Members, for your time and consideration of this 12 weighty matter.</p> <p>13 I identify with Council Member Nordbak's strong 14 sentiments expressed several months ago at a Council 15 meeting of wanting to protect something he values; in 16 that case, Murphy Ranch Baseball Field. In my case 17 tonight, the hills and hiking areas where the oil wells, 18 processing facility, widened roads and parking lots are 19 proposed.</p> <p>20 My family and I have been enjoying the Whittier 21 Hills for the past 15 years, since our son was just 22 four years old. I felt proud of our city when I moved 23 back around that same time, when we fought to preserve 24 the hills as open space.</p> <p>25 When people ask me what I like best about living 142</p> | <p>1 But even so, now when we hear the wrestling of 2 birds, we will also hear the clanging of metal.</p> <p>3 The FEIR states in Section 4.5, noise and 4 vibration, page 36, enunciators and pipe clangs, even 5 with mitigation measures, would be heard for short 6 durations.</p> <p>7 This is an auditory recreational impact. I can 8 hear metal clanging in the Home Depot parking lot. I do 9 not want to hear it, nor do I expect to hear it, in the 10 hills.</p> <p>11 Now, in addition to watching deer, we will watch 12 large, slow moving oil field supply and maintenance 13 trucks moving down the road.</p> <p>14 Again, I can go to the Home Depot parking lot 15 for that experience.</p> <p>16 As human nature does love to dream about money 17 and how it could be spent, I ask if you have read the 18 document submitted again this evening by GERALYN SKAPIK 19 that tells the City of Whittier how the County of L.A. 20 will control any royalties. Please do read it.</p> <p>21 Thank you very much. 22 MAYOR WARNER: Thank you. 23 Good evening. 24 MR. JOYCE: Hi, my name is John Joyce. I live 25 in Whittier. And I want to thank the members of the 144</p> |
| <p>1 in Whittier, in addition to the friendly, caring people, 2 I un-reservedly respond, the hills. They have added 3 immensely to the quality of our life and our family 4 life.</p> <p>5 For a period of about ten years when our 6 children were younger, it was a regular weekend cry, 7 let's go to the hills. How rich and fortunate -- and I 8 emphasize rich and fortunate -- we felt to have access to 9 such a serene escape in our own city.</p> <p>10 As a family we would like -- we would walk in 11 the hills, smell the rosemary, hear the birds wrestling 12 in the bushes, hike to a high point and look out over the 13 open space and perhaps catch sight of a deer, and sit by 14 a shady tree and marvel how quiet and removed we were 15 from the city life.</p> <p>16 And we appreciated the hills, enjoyed the hills 17 and we're thankful for them.</p> <p>18 It grieves my heart to think that these hills, 19 which were supposed to be protected as open space, will 20 now have an industrial oil well and processing 21 installation in it and a one-mile plus access road 22 through it.</p> <p>23 Some people will offer the palliative comment, 24 but the land will be replaced with additional open space 25 and the drilling rig will be camouflaged. 143</p> | <p>1 Council for the opportunity to address you.</p> <p>2 I support Whittier's progress, and I don't want 3 to go one step forward financially and two steps back in 4 terms of ecological destruction and poor quality of life, 5 especially as we heard earlier today, that the financial 6 prospects may be just a mirage.</p> <p>7 And there's no progress if we don't preserve 8 what exists, and what exists now is a beautiful preserve 9 that you've helped protect, especially 10 Councilman Henderson, who I commend for what he's done in 11 the past. And the preserve needs to be protected in 12 order to ensure progress.</p> <p>13 In the staff report for this meeting, the staff 14 recommended that you adopt what's before you because it 15 benefits -- the benefits of the project to the preserve 16 and the community outweigh adverse impacts associated 17 with the proposal.</p> <p>18 However, the habitat authority has not stated 19 that this project can be mitigated at all. And all of 20 the mitigation that they are asking for is not part of 21 the project.</p> <p>22 In -- in -- the habitat authority, in a three to 23 zero vote, approved a comment letter that's -- to the 24 EIR. And in that letter they recommended that the 25 project not be located in the preserve but an alternative 145</p> |

| | |
|--|--|
| <p>1 site in the Whittier landfill.</p> <p>2 And this means that the environmental reasons</p> <p>3 the habitat authority -- for environmental reasons, the</p> <p>4 habitat authority took the position that the</p> <p>5 environmentally superior alternative is not the</p> <p>6 environmentally superior alternative. It may not have</p> <p>7 been the most lucrative alternative.</p> <p>8 I also want to address the myth that since</p> <p>9 there's -- since there has been drilling for decades in</p> <p>10 the hills, this project will not cause long-term harm.</p> <p>11 The project itself is a long-term project, and the</p> <p>12 previous drilling was done before the expansion of the</p> <p>13 landfill, expansion of the Rose Hill Cemetery and before</p> <p>14 the residential neighborhoods crawled up the hills.</p> <p>15 And there's so little space now, that there's a</p> <p>16 need for a preserve, and there's so little preserve that</p> <p>17 there's a need for a core habitat. And that's why the</p> <p>18 habitat authority was recommending that the project not</p> <p>19 be in the core habitat but instead in the landfill.</p> <p>20 Now, let's talk about money. The habitat</p> <p>21 authority has a concern of its long-term financial</p> <p>22 prospects, and you may have found out that the National</p> <p>23 Park Service is looking at possibly creating a</p> <p>24 recreational area.</p> <p>25 During the comment period that was held in</p> <p style="text-align: right;">146</p> | <p>1 wildlife protection, which provides funds for the County</p> <p>2 of Los Angeles and other public agencies in the County</p> <p>3 for the purposes of acquiring or developing facilities</p> <p>4 for public recreational facilities and open space.</p> <p>5 And whereas the proposition also created the</p> <p>6 County of Los Angeles Regional Park and Open Space</p> <p>7 District to administer said funds.</p> <p>8 And whereas the district's procedures require</p> <p>9 the applicant to certify by resolution the approval of</p> <p>10 the application before submission of said application to</p> <p>11 the districts.</p> <p>12 And whereas said application contains assurances</p> <p>13 that the applicant must comply with.</p> <p>14 This goes on to say the City Council of the City</p> <p>15 of Whittier does resolve as follow: In Section 2, what</p> <p>16 you resolve is it certifies that said applicant</p> <p>17 understands the assurances and certifies in the</p> <p>18 application form -- you certified that said applicant has</p> <p>19 or will have sufficient funds to operate and maintain the</p> <p>20 project in perpetuity.</p> <p>21 Section 4 appoints the mayor and city manager as</p> <p>22 agents of City of Whittier to conduct all negotiations,</p> <p>23 to execute and submit all documents, including but not</p> <p>24 limited to applications, agreements, amendments, payment</p> <p>25 requests and so forth, which may be necessary for the</p> <p style="text-align: right;">148</p> |
| <p>1 El Monte, I asked them, the earlier -- it was a week ago</p> <p>2 or so, if they -- when they were mentioning -- offering</p> <p>3 financial money to the area, if the habitat authority</p> <p>4 specifically was the type of project that they would</p> <p>5 fund. And they said, yes, that's exactly the project.</p> <p>6 MAYOR WARNER: Thank you for your comments.</p> <p>7 Good evening.</p> <p>8 Good evening.</p> <p>9 MS. VALLE CASTANON: Good evening. My name is</p> <p>10 Paula Valle Castanon, and I live in the City of Whittier.</p> <p>11 Tonight I've heard many different comments and</p> <p>12 issues that have arisen, and many people have said where</p> <p>13 are the facts, where are the documentation.</p> <p>14 We've read the documentation, and tonight I'd</p> <p>15 like to read you a resolution that was signed on</p> <p>16 July 6th, 1993, by Bob Henderson, a resolution of the</p> <p>17 City Council of the City of Whittier approving the</p> <p>18 application for grant funds from the County of</p> <p>19 Los Angeles, Los Angeles Regional Park and Open Space</p> <p>20 District specified project grant program for the Whittier</p> <p>21 Hills Park.</p> <p>22 Whereas the people of the County of Los Angeles,</p> <p>23 on November 3rd, 1992, enacted Los Angeles County</p> <p>24 Proposition A, safe neighborhood parks, gang prevention,</p> <p>25 tree planting, senior and youth recreation, beaches,</p> <p style="text-align: right;">147</p> | <p>1 completion of the aforementioned project.</p> <p>2 The city clerks shall certify to the passage and</p> <p>3 adoption hereof.</p> <p>4 And this was signed on July 6th, 1993, by</p> <p>5 Bob Henderson.</p> <p>6 What are those assurances? Well, on the grant</p> <p>7 application form specified project grant program which</p> <p>8 was signed by Thomas Mauk, city manager, the assurance</p> <p>9 was that the applicant will maintain and operate the</p> <p>10 property acquired, developed, rehabilitated or restored</p> <p>11 with the funds in perpetuity; that can also use the</p> <p>12 property for the purposes of a proposition and will make</p> <p>13 no other use, sale or other disposition of the property.</p> <p>14 Those were the assurances, Mr. Henderson, that</p> <p>15 you signed on July 6th, in 1993.</p> <p>16 My question to you is: When did this</p> <p>17 resolution, when was it overturned?</p> <p>18 You're all sitting up there going on about what</p> <p>19 you have the right to do. You do not have the right. I</p> <p>20 have the -- the resolution here that you signed, that the</p> <p>21 city manager signed. And yet individuals out there</p> <p>22 question everything that we have had to say.</p> <p>23 MAYOR WARNER: Thank you for your comments,</p> <p>24 Paula.</p> <p>25 MS. VALLE CASTANON: I'm against this project.</p> <p style="text-align: right;">149</p> |

| | |
|--|--|
| <p>1 Thank you.</p> <p>2 MAYOR WARNER: Thank you. Good evening.</p> <p>3 Good evening.</p> <p>4 MR. RATIGAN: My name is Scott Ratigan,</p> <p>5 R-a-t-i-g-a-n. I live in Whittier on Glengarry Avenue.</p> <p>6 I'm speaking in opposition to the project.</p> <p>7 I heard somebody indicate that it looks like</p> <p>8 this deal was done years ago and we're just going through</p> <p>9 the formalities of approving it; that maybe that's not</p> <p>10 the case, but that's the perception that I have. That's</p> <p>11 what seems to be going on.</p> <p>12 Regardless of the details of the environmental</p> <p>13 impact report, it's still a bad deal. It's still</p> <p>14 drilling a bunch of oil wells in some land that was set</p> <p>15 aside for -- for open space.</p> <p>16 That fact isn't gonna be erased by whatever the</p> <p>17 details of the environmental impact report talk about.</p> <p>18 So it's dismaying that this level of opposition</p> <p>19 in Whittier doesn't seem to be able to budge the City</p> <p>20 Council on this kind of decision.</p> <p>21 It reminds me of why the folks are sort of</p> <p>22 camped out in tents around Los Angeles City Hall, saying</p> <p>23 that we have got the forms of democracy, but none of the</p> <p>24 substance.</p> <p>25 So regardless of the outcome, that's certainly</p> <p style="text-align: right;">150</p> | <p>1 you do speak, try to keep your voice volume at a normal</p> <p>2 tone so that our recording equipment can record you</p> <p>3 appropriately and accurately.</p> <p>4 Good evening.</p> <p>5 MS. RAMOS: Good evening. My name is Maggie</p> <p>6 Ramos, 30 year resident of Whittier.</p> <p>7 And I just want to say that I'm against the</p> <p>8 drilling. There's just too many discrepancies, and I</p> <p>9 don't feel that Matrix is being totally honest.</p> <p>10 Home values will not be impacted. Our health,</p> <p>11 not endangered. I find this hard to believe.</p> <p>12 Yes, there have been people that have lived in</p> <p>13 Whittier all their lives next to oil and they weren't</p> <p>14 affected. But what about the people that were?</p> <p>15 Okay. What else? Okay. Recently a Council</p> <p>16 Member was asked why not put it to a vote. His response</p> <p>17 implied that he felt Whittier citizens weren't</p> <p>18 intelligent enough to understand the EIR.</p> <p>19 What an insult to citizens of Whittier, people</p> <p>20 that have probably been involved in the education of your</p> <p>21 children, doctors that have been involved in the health</p> <p>22 of your families.</p> <p>23 I just want to say I'm against it.</p> <p>24 Thank you.</p> <p>25 MAYOR WARNER: Thank you. At this point we'd</p> <p style="text-align: right;">152</p> |
| <p>1 what it seems like.</p> <p>2 For my day job, I'm actually safety inspector</p> <p>3 with the California Department of Industrial Relations.</p> <p>4 That means I'm a Cal OSHA inspector, and I inspect oil</p> <p>5 companies, too. I can tell you from my 12 years of</p> <p>6 experience, I wasn't particularly impressed with Matrix.</p> <p>7 If this project goes through without some</p> <p>8 catastrophic events, it's because we got lucky.</p> <p>9 I can -- last thing, you know, we haven't really</p> <p>10 been mentioning the problem of global warming. You know,</p> <p>11 on Sunday, thousands of people surrounded the White House</p> <p>12 four deep with the idea that another fossil fuel project</p> <p>13 shouldn't go through. The climate scientists are saying</p> <p>14 that we need to stop burning fossil fuels.</p> <p>15 Here's another fossil fuel project, and we need</p> <p>16 to get used to the idea that we need to start leaving</p> <p>17 fossil fuels in the ground.</p> <p>18 And lastly, we need to start thinking</p> <p>19 differently and getting people out of our cars. I was</p> <p>20 dismayed that the City Council let the bus service that</p> <p>21 Norwalk was providing, go. I've gotta ride a lot -- ride</p> <p>22 my bike a lot farther to get to work now.</p> <p>23 Thank you.</p> <p>24 MAYOR WARNER: Thank you for your comments.</p> <p>25 I would like to remind our speakers that when</p> <p style="text-align: right;">151</p> | <p>1 like to invite either for or against or if you're</p> <p>2 undecided, please feel free to come up and speak.</p> <p>3 If you wouldn't mind at the outset, let us know</p> <p>4 if you're for or against or undecided.</p> <p>5 MS. SAGAHUN: I am against the project. My name</p> <p>6 is Lupe Sagahun.</p> <p>7 And I want to mention again I think</p> <p>8 three minutes is really dramatically insufficient amount</p> <p>9 of time to be able to relay what -- all the points of</p> <p>10 high interest that I -- I feel like I need to relay.</p> <p>11 But just first off, I want to bring up something</p> <p>12 that was brought up in the Planning Commission. And that</p> <p>13 was Harry Stone, I believe he asked about fracking or</p> <p>14 hydrofracking, and that was addressed to Mr. McCaskey.</p> <p>15 He kind of danced around the question and said that it's</p> <p>16 not typically used in these types of soils, et cetera, et</p> <p>17 cetera.</p> <p>18 However, it is not excluded within the lease or</p> <p>19 the CUP or any of the conditions of the EIR, so I feel</p> <p>20 that it's relevant to make that position knowledgeable to</p> <p>21 you, that if indeed it will not be used, that it should</p> <p>22 be included or stipulated. And because, if it is not,</p> <p>23 then they can do whatever procedures they deem necessary</p> <p>24 to get the oil when they decide to, if this should go</p> <p>25 through.</p> <p style="text-align: right;">153</p> |

| | |
|---|---|
| <p>1 Basically -- and I don't want to get into 2 details, but we all know fracking and all the controversy 3 surrounding that. It's very legitimate. 4 The second thing I want to reiterate, which 5 people have said over and over, but I keep hearing these 6 people that are pro oil saying how all this money that's 7 going to come to the City of Whittier, it's gonna save 8 Whittier for generations. 9 It's not true. The documentation is there and 10 verified that the funding could be used for open space 11 parks and recreation. 12 And even then it's questionable as to how much 13 Whittier will even be able to retain. 14 Thirdly, I want to basically say something 15 against what Ginny Ball and Ms. Medrano said as they were 16 opposed, or initially, and they were given -- you know, 17 fed a bunch of lies, and so they did their own 18 investigations, et cetera. 19 And I want to say had they gone to the proper 20 places to research themselves, they would know what I 21 know now, because I was just as they were in the 22 beginning. I heard of this. I investigated it; I talked 23 to people that I needed to speak to, found out the 24 information, went to City Hall, endless hours of 25 retrieving records. And I'm still here at this position</p> <p style="text-align: right;">154</p> | <p>1 You know, I have no problem with the college and 2 education, but I definitely have a problem with my 3 standard of living. 4 All day long presently all trucks are driving 5 up -- up and down the street, the trash trucks. 6 While -- while Matrix Oil will be stuffing their 7 coffers of about \$380,000 a day, my family, all the 8 residents of Penn Street and I will be subjected to the 9 follow hazards: Heavy industrial trucks and excessive 10 traffic up and down Penn Street, increased pollution from 11 all the diesel fumes and other pollution poisons from the 12 drilling, increased noise pollution from all the 13 vehicles, increased vibration, and part of that noise 14 level, loss of tranquility, loss of neighborhood. 15 Many, many residents are gonna move out of 16 Penn Street, the ones that can afford it. 17 Loss of our standard of living. Thus, 18 Penn Street is gonna become a third world neighborhood. 19 It's also gonna become a slum eventually. 20 Decreased home values due to the 21 industrialization of Penn Street. There was no analysis 22 performed on the Penn Street traffic or any 23 consideration -- what, three hours in the morning, 24 three hours in the afternoon? That's not an evaluation 25 of our traffic.</p> <p style="text-align: right;">156</p> |
| <p>1 very opposed to this project, because it is not something 2 that should go through. 3 And I also want to mention I have been a 4 resident of Whittier since 1978. I have been an avid 5 lover of the hills, myself. My children now, we all hike 6 there. I'm up two or three times a week at least. 7 I'm also a docent for the trail authority, and I 8 am also a trail watch volunteer. 9 MAYOR WARNER: Thank you very much, Lupe. 10 MS. SAGAHUN: Thank you. 11 MAYOR WARNER: Anyone else wishing to address 12 Council? 13 Good evening. 14 MR. CASADO: Good evening. My name is Marc 15 Casado. I'm a Whittier resident. I'm also an endangered 16 species. I'm a Penn Street resident. I'm here to voice 17 my position for the Penn Street. 18 There's -- there's a lot of talk about facts and 19 about a lot of benefits, but there's a lot of 20 dis-benefits for the Penn Street residents. 21 Right now, every morning when I drive down that 22 street, there's always a truck coming up the road, and I 23 can barely get through. Every evening when I come home, 24 there's many -- much -- many, many vehicles going up -- 25 up and down the street because of the college.</p> <p style="text-align: right;">155</p> | <p>1 The street is, what, 34 feet wide, and now we're 2 gonna have trucks coming up and down the street? 3 I'd like to know who at Matrix or who at the 4 Council -- at the City Hall can we call for compensation 5 due to loss of home values and loss of our standard of 6 living. 7 I am sure this is a done deal; all right? So 8 I -- I propose that you don't use Penn Street, that you 9 have -- we have as an alternate, we have the Loop Road, 10 which takes you directly to Colima and close to the 11 freeway. 12 So my position is not to drill. And I know 13 again that you guys are gonna vote for it. As for the 14 Planning Commission, I was there every day at the 15 Planning Commission. Once they started voting, I 16 couldn't -- I had to walk out, you know. I know it was a 17 done deal then. 18 We had hundreds of people here last week or the 19 week before. They're not here because they are 20 depressed. They're at home being depressed because 21 nobody is really listening to us. 22 You're listening to us now. 23 MAYOR WARNER: Thank you. 24 MS. CASADO: Thank you. 25 MAYOR WARNER: Thank you for your comments.</p> <p style="text-align: right;">157</p> |

1 Anyone else wishing to address the Council?
 2 Good evening.
 3 MR. POOCHIGIAN: Good evening, members of our
 4 illustrious City Council. My name is George Poochigian,
 5 and I've been in Whittier so long I even forgot what the
 6 heck year it was. But I'll say one or two things right
 7 now. You're all invited on Friday, the day that all you
 8 guys are gonna sit on your tokus. It's called Veterans
 9 Day. Come over to West L.A. Come and see the
 10 commemoration. It's not at Rose Hills. They only have
 11 it on Memorial Day. But come over there and see what the
 12 guys have given for their lives, many of them.
 13 And if you can't make it there, go it Riverside.
 14 But if you have any patriotic I-pledge-allegiance
 15 business, that's where you prove it, not here.
 16 And that lady who took on this other lady ought
 17 to be more than ostracized, and none of her damn
 18 business, none of her business if somebody stands up or
 19 not.
 20 That's why we went to Korea. That's the reason
 21 why we lost 54,000 guys. And I resent it, I resent very
 22 much somebody is starting to make opinions about
 23 somebody's feels or their freedom, because I'll be the
 24 first one to say what did you ever do for this country?
 25 Where's your little drop of blood? What have you ever

158

1 done except mouth off?
 2 Let me bring you up to viewpoint. I'm against
 3 the drilling. I think it's the biggest farce that you
 4 five people are pulling every time, the five of them.
 5 And, Mr. Henderson, you're the biggest hypocrite
 6 I've ever seen in years. I don't think you're even
 7 coming or going on your own thinking, because you sign
 8 documents, save the hills, you're involved with all this
 9 environmental business, and what happens, now you're pro
 10 oil.
 11 I don't know where you're coming from, but I
 12 know one thing: You don't deserve to be on the City
 13 Council representing me or the people of the City of
 14 Whittier. I'll guarantee you that.
 15 And as for the rest of you, all of you
 16 five people are members of the chamber of commerce, and I
 17 brought this up before. How can you vote with the
 18 chamber of commerce is pro oil, and you're a member?
 19 You're expected to go along with them.
 20 And let me tell you I came to the Planning
 21 Commission and spent every day here.
 22 Kathy Warner, I was over here every day
 23 listening to all the gobbledygoos with all the serious
 24 faces. I know it's all a big charade of lie.
 25 And I even came to the City Council before, at

159

1 6:30 in the evening before this Planning Commission
 2 finished. And I told you right to your faces it's gonna
 3 be pro oil; they're gonna vote for you guys. Your
 4 stooges are gonna go along with it.
 5 That's what I call them. And it was that way.
 6 And you didn't have to bother even waiting for
 7 the results. So as everything has been stacked up
 8 against the poor public people -- and I really resent
 9 that, because we're supposed to have a democracy. We're
 10 supposed to be free thinking. And any of you that think
 11 that --
 12 MAYOR WARNER: Thank you, George, for your
 13 comments.
 14 MR. POOCHIGIAN: You're entirely welcome.
 15 Take it for what it's worth.
 16 MAYOR WARNER: Is there anyone else wishing to
 17 address the Council?
 18 If anyone else wishes to address the Council,
 19 please step forward.
 20 Mr. Newcomer. Seeing none, I would move
 21 that --
 22 MAYOR WARNER: Do you wish to address the
 23 Council?
 24 MR. BERKELHAMMER: Well, I have a question.
 25 MAYOR WARNER: If you wish to address, please

160

1 use the microphone. Please use the microphone.
 2 MR. BERKELHAMMER: Will -- if there are no
 3 further comments tonight, will the comment period be
 4 continued over to Monday, which is a day that has been
 5 advertised as a time when the Council will continue to
 6 receive public comment?
 7 MAYOR WARNER: Mr. Jones, are questions
 8 appropriate from the audience? And secondly, based on
 9 your opinion, would you respond?
 10 Mr. JONES: Well, let me respond to the
 11 question, and that is the answer's no. Once the public
 12 hearing proceeds where there's no more public comments to
 13 be received, the Council will close that public hearing.
 14 So if there are no more -- nobody coming forth
 15 this evening and the Council closes the public hearing as
 16 far as the public comment portion of it, there will be no
 17 further proceedings.
 18 It is one ongoing public hearing, going from
 19 day-to-day, but obvious they're not separate meetings.
 20 This is one ongoing progression, and at such
 21 time as the public is finished commenting, we'll close
 22 the public hearing and bring it back to the Council for
 23 deliberation.
 24 MAYOR WARNER: And do you wish to address the
 25 Council?

161

1 MR. BERKELHAMMER: Yes.
 2 MAYOR WARNER: Thank you.
 3 MR. BERKELHAMMER: Under those conditions, I
 4 would like to address the Council.
 5 I believe that this issue is of such overriding
 6 importance --
 7 MAYOR WARNER: Can you give us your name,
 8 please, for the record.
 9 MR. BERKELHAMMER: Yes. Matt Berkelhammer.
 10 I believe this issue is of such overriding
 11 importance for generations to come that it should not be
 12 decided by the Council. This issue should be put up to a
 13 vote of all the residents of Whittier.
 14 Last night in Ohio, after an anti-labor and
 15 anti-collective bargaining referendum was roundly
 16 defeated, Governor John Kasich, who I should mention is a
 17 Republican governor, said it is clear that the people
 18 have spoken. He added, part of leadership is listening
 19 to the people and hearing what they say.
 20 This is what we are asking you to do today. It
 21 is my firm belief that the overwhelming majority of
 22 people of Whittier oppose this project.
 23 I believe you should listen to the people. I
 24 believe you should put this to a vote of the residents.
 25 You have it within your authority to do that. It's true.

162

1 You are elected as the City Council. You can make
 2 decisions.
 3 But there are also other forms of democratic
 4 involvement in California constitution which provide for
 5 referendum and incentives to be placed on the ballot.
 6 You have the authority to do that, and we urge you to
 7 place this on the ballot in the April elections, and let
 8 the voters of this city decide this issue.
 9 Secondly, the entire history of oil and gas
 10 drilling operations in North America shows that this
 11 project is a disaster waiting to happen. It is not a
 12 matter of if, but only a matter of when a disaster will
 13 happen, how catastrophic it will be and how often it will
 14 be repeated.
 15 If you approve the project, when the first
 16 accident occurs, the residents will remember your action
 17 and hold you responsible.
 18 When residents by the thousands get stuck in
 19 endless traffic jams, they will remember you. When
 20 businesses by the dozens lose customers, they will
 21 remember you. When children get sick with asthma and
 22 other diseases, they and their parents will remember you.
 23 You'll be remembered as the Council that brought
 24 disaster to Whittier, and that will overshadow whatever
 25 other accomplishments you may have achieved.

163

1 For two years you have all been saying as
 2 individuals and as a council that the project could not
 3 be implemented without harming the environment or
 4 community, that you would vote against it. We have not
 5 forgotten your pledge.
 6 The moment of truth has arrived. Were you
 7 telling the truth, or were you just trying to lull the
 8 community into a false sense of security?
 9 MAYOR WARNER: Matt, thank you for your
 10 comments.
 11 MR. BERKELHAMMER: Do not fall back --
 12 MAYOR WARNER: Thank you, Matt.
 13 MR. BERKELHAMMER: -- on the lame excuse of --
 14 MAYOR WARNER: Thank you.
 15 Is there anyone else, please, if you'd you like
 16 to address the Council?
 17 If you could give us your name, please, for the
 18 record.
 19 MR. REID: My name is Richard Reid.
 20 MAYOR WARNER: Richard, let's make sure we've
 21 got that microphone on properly.
 22 MR. REID: I don't know.
 23 MAYOR WARNER: A little bit closer, maybe.
 24 MR. REID: Sorry.
 25 MAYOR WARNER: Go ahead. That's fine.

164

1 MR. REID: Is this fine?
 2 Okay. My name is Richard Reid, and I'm over a
 3 30 year resident of Whittier, and a happy resident at
 4 that.
 5 I'd like to address the northern access road, if
 6 I understand the EIR and the -- the show of it yesterday
 7 during -- anyway, the EIR. The northern access road will
 8 go through, from the central area, through the Savage
 9 Canyon ridge and also on the upper Worsham Canyon.
 10 That's a very sensitive area to put this road.
 11 It's also some of the most quietest, most pristine areas
 12 in the Whittier Hills, a place of solitude and rest.
 13 Next, the northern access road will empty out at
 14 Penn Park. Diesel rigs emitting diesel particulates will
 15 be there where children play.
 16 After they exit the trucks, the sludge, the
 17 construction materials exit at that point, they'll enter
 18 into Penn Street, where it's a narrow area that's clogged
 19 both sides with parked cars. Finally, the trucks will
 20 enter into the historic districts on their way to the
 21 freeway.
 22 I oppose this. I don't think it's a good idea.
 23 The central area of the Whittier drilling is a fault trap
 24 structure that goes through the turbidite material. The
 25 Whittier fault is 1,000 -- less than 1,000 yards from

165

| | |
|---|--|
| <p>1 this project, which is a major fault active trace. 2 Do we have assurances from the building of this 3 that for a major quake, that the drilling equipment, the 4 pipe lines, the gas flaring, anything that occurred in 5 this could be safe? I wonder. I do not oppose -- I 6 oppose this project. I'm asking the City Council not to 7 approve it. 8 Give it time. We've got ten years, we've got 9 20 years. We've got a hundred years. Why now? Why not 10 for the future generations? Why if only the thought of 11 today? What about the grandchildren and those that come 12 after us? 13 The oil will only get more expensive in time. 14 The city will benefit from it in time. 15 I thank you very much. 16 MAYOR WARNER: Thank you. 17 Good evening. 18 MR. TRACY: Good evening, Mayor Warner and 19 Council Members. My name is Dave Tracy. I'm a resident 20 of Whittier. I grew up in Pico Rivera, attended 21 Rio Hondo, Cal State Northridge and Cal State Long Beach. 22 I'm a local science teacher, and I came out 23 during the Planning Commission's meetings to express this 24 opinion, which I'd like to reiterate, that I'm for the 25 project, but probably in the future, when it can be done</p> <p style="text-align: right;">166</p> | <p>1 should be there. And I think we've heard a lot of 2 comment from people saying, hey, we live in these 3 communities, we're gonna be impacted by this for a long 4 time to come so I think it's fair to the residents, and I 5 think it's an important responsibility you have in making 6 these decisions for us. 7 And I think another thing is the maps; there's 8 been a question about the -- just who owns this oil. And 9 I think that should also be disclosed in -- in the 10 revision. 11 Finally, I'd like to say that I grew up here and 12 I hiked in these hills as a teenager. And I remember a 13 time when the cemetery Rose Hills only went halfway up 14 the first hill, and now it rolls over two valleys beyond 15 where it used to be. It's almost all the way to Denny's 16 over in La Puente. 17 And I remember collecting insects and other 18 kinds of biological specimens for school in those hills. 19 And I want to emphasize that there an important natural 20 laboratory that we have here in our community, that our 21 kids have a much richer experience in school because we 22 have them. 23 MAYOR WARNER: Thank you. 24 MR. TRACY: Okay. Thank you. 25 MAYOR WARNER: Thank you for your comments.</p> <p style="text-align: right;">168</p> |
| <p>1 safely and more profitably and in support of the public 2 interest and the public trust. 3 And what I mean by that is that I'm also against 4 the project; I'm against it now. And I think if tonight 5 we've heard presentations about the EIR, and I think our 6 choices are whether to accept the EIR the way it is right 7 now or with modifications or not at all. 8 And I think I'd like to recommend you accept it 9 with modifications, and the modification that I think I 10 would like to see you take is to take the current EIR and 11 consolidate it; that is to say bring it up to the 12 current -- its most current level of revision. 13 Tonight we saw four different versus of how this 14 thing would come out, and nobody is quite certain of just 15 which project we're doing. And I think in order to 16 clarify that, it would be worth taking the time to, in a 17 sense, rewrite the EIR or bring it up, like I say -- roll 18 the -- what they say in engineering, roll the dash, or 19 something, and have a copy that's clean, that has all the 20 current modifications, all the current impacts. 21 I'm not sure, do we have 16 anymore or 6? You 22 know, there's been so many different ones. And to bring 23 it to its most modern revision. 24 And also there have been many disclosures that 25 apparently didn't make it into the current document that</p> <p style="text-align: right;">167</p> | <p>1 Good evening. 2 MS. MEDELLIN: Good evening, Madam Mayor and 3 City Council Members. Thank you for your time and 4 attention and all of the thorough studying you've done 5 with the volumes and volumes of work pertaining to this 6 project. 7 I am a resident of Whittier for the past 8 16 years. It seems like yesterday I moved here. My 9 realtor -- 10 MAYOR WARNER: Can you give us your name, 11 please. 12 MS. MEDELLIN: I'm sorry. My name's Elena 13 Medellin. 14 My realtor recommended that my family and I come 15 visit the city. It was known for its just -- safety, 16 tree-lined avenues and streets and friendly people and so 17 forth. And I came with my family. We looked, and we 18 fell in love with the hills. 19 At the time Chevron had left, and one of the 20 main reasons why I moved to Whittier was because of the 21 hills. And so I do live near the hills, and I enjoy it 22 and I do walk in the hills as well. 23 But I'd like to say that when I first heard 24 about this project about a year ago, I wanted to get 25 informed.</p> <p style="text-align: right;">169</p> |

| | |
|---|--|
| <p>1 And I'm a project manager. And since I heard 2 about this project, I got my hands on the project scope 3 document. And as a project manager, I thoroughly went 4 through it, and I was really concerned about the 5 magnitude of this project. Therefore, I continued to 6 read as much as I could, educate myself and learn as much 7 as I could about the project.</p> <p>8 And I've done that for the past year. I've read 9 the lease agreement. I've read the EIRs and so forth, so 10 I could honestly say to myself that, you know, I feel 11 very strongly about this project, and why I'm opposed to 12 it.</p> <p>13 But with that said, one of the things that, you 14 know, I noticed in the mailer from Matrix which I 15 received is that there's so many things that can be 16 mitigated, which according to the documents and what I've 17 read and I've made notes, there are many factors that 18 cannot be really mitigated.</p> <p>19 Another factor that I've read in the mailer, it 20 stated that it would promote jobs in Whittier. Well, I 21 attended the Planning Commission meetings, all four days, 22 and Matrix stated that, yes, they could probably generate 23 anywhere from 25 to 50 jobs. Well, the mailer gave me 24 the impression that it would generate thousands of jobs 25 in Whittier.</p> <p style="text-align: right;">170</p> | <p>1 Following this motion, we then bring it back to 2 the Council, who will then be invited to ask questions of 3 the Applicant or any citizens that they so desire.</p> <p>4 MAYOR WARNER: Okay. All those in favor. 5 (Whereupon all council members voted aye.) 6 MAYOR WARNER: Opposed? 7 Five, 0. 8 Since we have reached 11 o'clock -- 9 MR. JONES: Oh, I'm sorry. One aspect I forgot. 10 There is a rebuttal process for Matrix. So with the 11 close -- with the close of the public comment portion, 12 you actually have a rebuttal process for Matrix. They're 13 allowed to rebut.</p> <p>14 MAYOR WARNER: Okay. Since we have reached 15 11 o'clock, Council, we had predetermined that that would 16 be our ending time. So I'd like to offer each of us an 17 opportunity to make comments before we adjourn to Monday 18 evening.</p> <p>19 Greg, any comments? 20 COUNCIL MEMBER NORDBAK: Yeah. I'd -- I'd like 21 to thank -- in regarding to the process, I'd like to 22 thank everybody on both sides that have -- have spoken. 23 I've actually jotted down many ideas and thoughts from -- 24 from both sides. And to be fair, I've probably written 25 down more notes from the opposition side, their -- my</p> <p style="text-align: right;">172</p> |
| <p>1 So, you know, I'm really concerned about this 2 project. And to this point we've been talking about oil. 3 But what about gas? There's gonna be a gas plant. I 4 have not heard any -- any information about gas, how 5 that's gonna impact us, how that's gonna impact the 6 hills, the environment.</p> <p>7 You know, I got my gas bill the other day. 8 MAYOR WARNER: Thank you. Thank you for your 9 comments.</p> <p>10 MS. MEDELLIN: Thank you very much. Thank you. 11 MAYOR WARNER: Council, what's your pleasure? 12 Any other speakers wishing to address the 13 Council? 14 COUNCIL MEMBER VINATIERI: Seeing no further 15 speakers, I move the public comment period be closed. 16 MR. HENDERSON: Second. 17 MAYOR WARNER: And before we vote on that, 18 Mr. Jones, I want to make sure that we're careful with 19 our procedure and that we are ready to vote on that. 20 MR. JONES: We're ready to vote on it. 21 MAYOR WARNER: Okay. And that would be a voice 22 vote? 23 MR. JONES: The public has spoken. There's no 24 more people offering to come forward and speak. So the 25 motion is appropriate.</p> <p style="text-align: right;">171</p> | <p>1 brain's probably wired a little differently, and I really 2 appreciate the view and the comments and opening my eyes 3 to some of these issues.</p> <p>4 This is not an easy process for us, believe me, 5 folks. 6 On -- on a different note, Mr. Poochigian, if 7 you're still here -- I don't know if you are -- but you 8 can save yourself the trip and come to our Veterans Day 9 celebration and memorial Friday morning, that we have 10 every year and we're quite proud of.</p> <p>11 And I always thought that the reason that my 12 father and Mr. Poochigian and everyone else went and 13 fought was so that everybody could come here and voice 14 their different opinion in our country. And I think 15 that's our strength, so let's not pick ourselves apart on 16 that.</p> <p>17 So with that, I'm exhausted. And get on to 18 athletics, please. 19 MAYOR WARNER: I'm doing the coin toss Friday 20 night at the Cal High/La Serna game. 21 COUNCIL MEMBER NORDBAK: Well, as long as you 22 root for La Serna, that's fine. 23 MAYOR WARNER: Joe, comments? 24 COUNCIL MEMBER VINATIERI: Just a question 25 regarding procedure. Public comment period is closed.</p> <p style="text-align: right;">173</p> |

| | |
|---|---|
| <p>1 And, Dick, I want to make sure I'm -- I'm clear on this. 2 Some of us still have some questions that we'd like to 3 ask of our consultants over here. I'm assuming, from 4 what you said, that Matrix has an opportunity to rebut 5 what has been presented this evening. 6 When will those of us who still have questions 7 have opportunity to do so? 8 MR. JONES: The actual rebuttal process is 9 actually part of the public hearing procedure. So Matrix 10 will be allowed to rebut. After they have completed 11 their rebuttal and have no further comments to be 12 offered, at that point in time the public hearing will be 13 formally closed, and you then are asked to weigh in. If 14 you have questions that you want to ask at that point in 15 time, that'd be totally appropriate. 16 MAYOR WARNER: So the vote that we just took 17 goes -- goes along with that appropriately? 18 MR. JONES: Yes. 19 MAYOR WARNER: Okay. Thank you. 20 Joe, any further comments? 21 Okay. Bob, any comments? 22 COUNCIL MEMBER HENDERSON: Yeah. I'd just like 23 to echo what Greg has said. I mean, we really appreciate 24 all of the input. I know sometimes it doesn't seem like 25 it, but I've read all of the comment letters, for</p> <p style="text-align: right;">174</p> | <p>1 comments. Many of my questions, both at our meeting 2 yesterday and tonight, were because of comments I read as 3 going through our documents. 4 Yes, it was something like 1,400 pages of 5 letters we received with the responses from staff, but 6 they were very helpful in clarifying the issues, and also 7 trying to understand what it is the people need answers 8 for, so they feel more comfortable that they were heard 9 and that their questions got an answer. 10 We can't guarantee that ultimately at the end of 11 the day we'll all agree on what the best decision is, but 12 this council is committed, each of us, to making that 13 decision, and we take it very, very seriously. 14 And I appreciate the comments, and we're not 15 done with the process. I urge you to keep paying 16 attention, keep coming as we hear more and as we 17 deliberate. 18 And I think this process has worked very well. 19 A little long at times, but that's needed in order for it 20 to be done right. 21 And I'd like to thank the staff, our consultants 22 and all of you for the time that you've put in and the 23 material that you've sent us and provided us. 24 And just changing topics quickly, agree, come on 25 out, Mr. Poochigian and all the rest of Whittier,</p> <p style="text-align: right;">176</p> |
| <p>1 example, and all the responses. And you do get amazing 2 amount of information out of that. 3 And I know that you're real concerned. There's 4 a lot of it in there that just simply is not helpful in 5 the discussion. You know, just simply I'm against it or 6 I'm in favor of it, it really doesn't tell us much. 7 You've got to tell us why. 8 And most of you who've been here tonight and 9 last night have done an excellent job of trying to do 10 that. So I really appreciate the input we've had. 11 This has been a very difficult process for the 12 Council and for the staff and for Matrix, the Applicant, 13 because it's taken a very long time. 14 The reason for that is we've tried to be very, 15 very thorough in making sure that everybody was listened 16 to, that we got all the comments, that we continue to 17 evolve the project to the best that it could be evolved 18 to. And now we've got to make a decision if that's 19 enough. 20 But thank you all for coming out tonight. We 21 appreciate it. 22 MAYOR WARNER: Thank you. 23 Owne? 24 MAYOR PRO TEM NEWCOMER: Yes. And I'd also like 25 to thank all the speakers and all those who made</p> <p style="text-align: right;">175</p> | <p>1 9 o'clock, Friday morning, for Whittier's Veterans Day 2 celebration. 3 MAYOR WARNER: Thank you. 4 MAYOR PRO TEM NEWCOMER: Thank you very much. 5 MAYOR WARNER: Thank you. And I too would add 6 my thoughts in regard to your input. 7 Many years ago, before I was elected, I appeared 8 many times before school boards and city councils and 9 took that opportunity and responsibility very 10 seriously. 11 As you all were giving your comments tonight, I 12 quickly glanced over the list that I was keeping, and I 13 found that the questions that I now need to ask, based on 14 your comments, six to one, come from those of you that 15 are actually opposed to the project. So I -- I thank you 16 for the depth that you've looked into it, and I look 17 forward to asking questions based on those areas that I 18 picked up tonight that I felt have not been answered. 19 I want to reiterate that we will be meeting 20 Monday evening at 6:30 in this facility, and would like 21 to extend an invitation to you to participate in our 22 Veterans Day program this Friday morning at 9 a.m. We 23 have alternate plans if it is raining; it will be at City 24 Hall. 25 And I do look forward to the game, and you'll</p> <p style="text-align: right;">177</p> |

1 have to -- you know, since I'm a graduate of Cal High and
 2 my kids went to La Serna, I just am going to say I want
 3 you to look at the jacket that I'm going to be wearing
 4 Friday night.
 5 COUNCIL MEMBER NORDBAK: I hope it's cardinal
 6 and gold like mine. Actually it's crimson, to be fair.
 7 MAYOR WARNER: And --
 8 COUNCIL MEMBER NORDBAK: Are we meeting back
 9 here or are we gonna move over to the City Council
 10 chambers and go live?
 11 MAYOR WARNER: We're here Monday night at
 12 6:30.
 13 And lastly, I apologize to my mother and wish
 14 her a happy birthday today. Today is the actual day, and
 15 she is 92. And, mom, I'm sorry I couldn't be with you.
 16 With that, we will adjourn to Monday evening.
 17 (Whereupon, the deposition concluded at
 18 11:15 p.m.)
 19
 20 (DECLARATION UNDER PENALTY OF PERJURY
 21 ON THE FOLLOWING PAGE HEREOF.)
 22
 23
 24
 25

178

1 CERTIFICATION
 2 OF
 3 CERTIFIED SHORTHAND REPORTER
 4
 5 I, the undersigned, a Certified Shorthand
 6 Reporter of the State of California do hereby certify:
 7 That the foregoing proceedings were taken
 8 before me at the time and place herein set forth; that
 9 any witnesses in the foregoing proceedings, prior to
 10 testifying, were placed under oath; that a verbatim
 11 record of the proceedings was made by me using machine
 12 shorthand which was thereafter transcribed under my
 13 direction; further, that the foregoing is an accurate
 14 transcription thereof.
 15 I further certify that I am neither financially
 16 interested in the action nor a relative or employee of
 17 any attorney of any of the parties.
 18 IN WITNESS WHEREOF, I have this date
 19
 20 subscribed my name _____.
 21
 22 Dated: _____
 23
 24 Certificate Number 9985
 25

179