

**MINUTES
WHITTIER CITY COUNCIL
ADJOURNED SPECIAL MEETING
RADISSON HOTEL BALLROOM
7320 GREENLEAF AVENUE
NOVEMBER 14, 2011**

1. CALL TO ORDER:

The Whittier City Council met in an Adjourned Special Session on November 14, 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:

Chief Assistant City Manager Collier 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 8:23 p.m. to Tuesday, November 15, 2011 at 5:30 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
Monday, November 14, 2011

Reported by:
Dianne G. Slockbower
CSR No. 10676

<p>1 2 3 In The Matter Of:)) 4 WHITTIER CITY COUNCIL) REDEVELOPMENT AGENCY) 5 PUBLIC HEARING) _____ 6 7 8 9 10 Transcript of Proceedings taken 11 before Dianne G. Slockbower, a Certified 12 Shorthand Reporter for the State of 13 California, with principal office in the 14 County of Orange, commencing at 15 6:35 p.m., Monday, November 14, 2011, 16 at the Radisson Hotel, 7320 Greenleaf 17 Avenue, Whittier, California. 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">2</p>	<p>1 Whittier, California, Monday, November 14, 2011 2 6:35 p.m. - 8:23 p.m. 3 4 MAYOR WARNER: Good evening. We'd like to 5 welcome you to the adjourned special City Council meeting 6 of November 14, 2011. The process this evening will be 7 to have the Council role call then the Pledge of 8 Allegiance led by Jeff Collier. 9 There have been many questions raised since last 10 Wednesday night regarding the ongoing process of our 11 hearing. Therefore, following the pledge I will make 12 comments regarding meeting logistics, the City Clerk will 13 update the record, and then I will ask City Attorney Dick 14 Jones to review the overall process for the hearing, 15 summarize what has occurred thus far, then articulate the 16 Council's options regarding process as we move forward. 17 So with that, role call, please. 18 MS. MARSHALL: Council Member Nordbak. 19 COUNCIL MEMBER NORDBAK: Here. 20 MS. MARSHALL: Council Member Vinatieri. 21 COUNCIL MEMBER VINATIERI: Here. 22 MS. MARSHALL: Council Member Henderson. 23 COUNCIL MEMBER HENDERSON: Here. 24 MS. MARSHALL: Mayor Pro Tem Newcomer. 25 MAYOR PRO TEM NEWCOMER: Here.</p> <p style="text-align: right;">4</p>
<p>1 I N D E X 2 PAGE 3 CITY ATTORNEY REVIEW OF OVERALL 10 PROCESS FOR THE HEARING 4 5 PUBLIC COMMENT 38 6 7 8 9 10 11 E X H I B I T S 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">3</p>	<p>1 MS. MARSHALL: Mayor Warner. 2 MAYOR WARNER: Here. 3 Jeff, pledge, please. 4 MR. COLLIER: Stand and face the flag and join 5 me in the pledge of allegiance. 6 (Whereupon the Pledge of Allegiance was 7 recited.) 8 MAYOR WARNER: Thanks, Jeff. 9 And if you'll bear with us during these 10 logistical announcements, we'd like to ask that you 11 remain seated during the hearing, the Los Angeles County 12 Fire Department has asked that we keep aisle ways and 13 exit corridors clear, so we can comply with the fire 14 code. Therefore, it will be necessarily for all guests 15 in the room to remain seated at all times unless you are 16 in the process of entering or exiting the room. 17 City staff members, consultants, and members of 18 the television crew will not always be seated as there is 19 a need for them to perform logistical functions related 20 to the meeting. 21 If you need to speak with others during the 22 hearing, we request that you leave the hearing room to 23 continue your conversation outside so as to not distract 24 those around you. Once again, it will be necessary for 25 staff members to have periodic conversations with one</p> <p style="text-align: right;">5</p>

<p>1 another for logistical purposes in facilitating the 2 meeting.</p> <p>3 If you have signs that you would like to display 4 during the hearing, out of courtesy for others in the 5 audience we ask that you not wave your sign or hold it up 6 in the manner that may block the view of those behind 7 you. If members of the public wish to use a video 8 cameras 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. No flash photography will 12 be allowed.</p> <p>13 Members of the press with full press credentials 14 that are visible may have general access of 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 from applause, cheering, booing or making 18 other comments from the audience which may disrupt the 19 flow of the meeting.</p> <p>20 I would now like to ask the City Clerk to enter 21 any new documents received into the public regard.</p> <p>22 MS. MARSHALL: Thank you, Mayor.</p> <p>23 To begin with, last Tuesday, Mr. Adams 24 referenced the agenda report from the Community 25 Development Department and I want to explicitly enter</p> <p style="text-align: right;">6</p>	<p>1 Peggy Luna, dated November 14, 2011; e-mail from Holly 2 Overin, dated November 14, 2011; e-mail from Heriberto 3 Diaz, dated November 12, 2011; e-mail from Lorry Kennedy, 4 dated November 12, 2011; e-mail from Valorie Shatinsky 5 dated November 11, 2011; e-mail from Mike Shatinsky dated 6 November 14, 2011; e-mail from Ted Snyder, dated November 7 12, 2011; letter from Bill Gile, dated November 14, 2011; 8 letter from Margot Kamens, dated November 11, 2011; 9 e-mail from Margot Eiser, dated November 14, 2011; e-mail 10 from Jessica Ytuarte, November dated 14, 2011; e-mail 11 from Peter and Faith Fischer, dated November 13, 2011; 12 letter from Matrix Oil dated November 14, 2011; e-mail 13 from Rick Swanson dated November 14, 2011; e-mail from 14 Orlando Terrazas, dated November 14, 2011; e-mail from 15 Brandon Eastman, dated November 14, 2011; e-mail from 16 Isaac Chu, dated November 20th -- excuse me -- November 17 14, 2011; e-mail from David and Nancy Kennedy.</p> <p>18 That concludes my report, Madam Mayor.</p> <p>19 MAYOR WARNER: Thank you. Mr. --</p> <p>20 MS. MARSHALL: You know, if I may --</p> <p>21 COUNCIL MEMBER NORDBAK: I have a question. Did 22 you get an e-mail from Holly Overin?</p> <p>23 MAYOR WARNER: She read that name.</p> <p>24 COUNCIL MEMBER NORDBAK: Okay. And how about 25 the one that just came into me and I will forward it to</p> <p style="text-align: right;">8</p>
<p>1 that into the record. It's an agenda report to 2 Steven W. Helvey and Jeffrey W. Collier dated 3 November 8th, 2011 from Brian Lee Building Services 4 Manager and Building Official and the subject is Whittier 5 Main Oil Field Development Project Conditional Use Permit 6 Number CUP09-004.</p> <p>7 Last Wednesday, the City Council had a number of 8 items that were submitted and subsequently reproduced for 9 your information and to the public. The first among 10 those is a letter from GERALYN Skapik Claremont Land 11 Group on behalf of the Open Space Legal Defense Fund 12 dated November 9, 2011; a letter from Peter Jahn, dated 13 November 9th, 2011; comments from Ted Snyder entitled, 14 Sycamore Canyon Oil Operation, dated October 20, 2011; 15 flyers from Margot Eiser, Owen Newcomer FOR Assembly and 16 Save The Montebello Hills Task Force; a letter from Letty 17 Brooks dated November 9th, 2011; a Biological Impact 18 Areas chart from Marine Research Specialists and comments 19 from John Myers.</p> <p>20 Today my department received numerous items from 21 various sources that have been distributed to you and the 22 public. An e-mail from Roy McKee, dated November 13, 23 2011; an e-mail from Martha Davila, dated November 13th, 24 2011; a phone message relaying to the administration from 25 Harriet Clouse, dated November 14th, 2011; e-mail from</p> <p style="text-align: right;">7</p>	<p>1 you. It is from --</p> <p>2 MAYOR WARNER: Actually, your report is through 3 what time tonight, Kathryn?</p> <p>4 MS. MARSHALL: Well, Madam Mayor, I want to 5 apologize, I do want to go ahead and mention five items 6 that have been submitted to you probably within the last 7 few minutes. You have five new items, they were 8 submitted about 6:15. One is from Tim White, it's not 9 dated; another one from Donald Alvarado, also appearing 10 to be undated; an e-mail from Patricia Kiecher, dated 11 November 13th, 2011; e-mail from Jerry Morgan, dated 12 November 13, 2011; e-mail from Peter Roca, dated 13 November 14, 2011. And that's as current as anything 14 we've received, Madam Mayor, except for what Council 15 Member Nordbak referring to, I believe.</p> <p>16 COUNCIL MEMBER NORDBAK: I have one from Isaac 17 Chu.</p> <p>18 MAYOR WARNER: We did recognize that.</p> <p>19 COUNCIL MEMBER NORDBAK: Okay. And how about 20 Carol Bucher?</p> <p>21 MS. MARSHALL: I don't recall that name.</p> <p>22 If you would forward it to Ms. Barlow, she's the 23 only one with the ability to print tonight, then we'll be 24 able to assist in dissemination.</p> <p>25 COUNCIL MEMBER NORDBAK: If somebody gives me</p> <p style="text-align: right;">9</p>

<p>1 her e-mail address.</p> <p>2 MS. MARSHALL: She can write that down and pass</p> <p>3 it to you.</p> <p>4 MAYOR WARNER: Okay, thank you.</p> <p>5 MS. MARSHALL: Thank you, Madam Mayor.</p> <p>6 MAYOR WARNER: Mr. Jones, as you review the</p> <p>7 overall process for the hearing will you also please cite</p> <p>8 the legal document that authorizes and directs the</p> <p>9 councils' actions regarding public hearing matters.</p> <p>10 Please cite exact sections and page numbers and</p> <p>11 articulate where the public can access the authorizing</p> <p>12 document or documents.</p> <p>13 Following Mr. Jones providing this information I</p> <p>14 will ask counsel if they have questions of Mr. Jones or</p> <p>15 comments they would like to make regarding the continued</p> <p>16 process of this public hearing.</p> <p>17 Mr. Jones.</p> <p>18 MR. JONES: Yes, I prepared a few comments for</p> <p>19 this evening. And then I'll make a couple of impromptu</p> <p>20 remarks as well.</p> <p>21 Many have complained the City must accept</p> <p>22 additional comments from the general public before the</p> <p>23 Applicant's permitted to respond to the public comments</p> <p>24 previously received and before its Council deliberations.</p> <p>25 However, this is not required by either the law,</p> <p style="text-align: right;">10</p>	<p>1 Court of Appeal held that the Commission did not have to</p> <p>2 allow public comments at both sessions of the meeting</p> <p>3 held on two separate nights where the agenda was being</p> <p>4 considered. It was a single meeting, although it was</p> <p>5 continued from one night to another.</p> <p>6 The same is true here, the public hearing was</p> <p>7 noticed on November 8, 2011, and all who wished to</p> <p>8 participate were invited to attend. In addition to the</p> <p>9 publish noticed, the City's website indicated the</p> <p>10 November 8th session was expected to include only</p> <p>11 presentation, and those wishing to submit written or oral</p> <p>12 comments should plan to attend the November 9th meeting.</p> <p>13 While possible additional dates for the meeting were</p> <p>14 identified, it was clear that the meeting could conclude</p> <p>15 as early as November 9th.</p> <p>16 The notice of adjournment of the special meeting</p> <p>17 to November 9th, 2011, again invited members of the</p> <p>18 public to attend and testify. There was never any</p> <p>19 assurance, either in writing or verbally, that public</p> <p>20 testimony be taken on any additional meeting nights</p> <p>21 should they be necessary. And indeed the notice of</p> <p>22 adjournment from the November 9th session of the meeting</p> <p>23 was posted the next day and made clear that the public</p> <p>24 testimony portion of the public hearing was closed.</p> <p>25 In addition, the continued meeting agenda posted</p> <p style="text-align: right;">12</p>
<p>1 City policy or due to any concerns about how the public</p> <p>2 hearing in this matter was noticed.</p> <p>3 First, the law requires that for any public</p> <p>4 hearing item members of the public must be given an</p> <p>5 opportunity to address the Council on the item. That was</p> <p>6 done here. Public comments on the item commenced shortly</p> <p>7 after the continued public hearing began on Wednesday</p> <p>8 November 9, 2011. Public comment continued until past</p> <p>9 11 p.m. All who wished to comment were given the</p> <p>10 opportunity to address the Council. After all speakers</p> <p>11 had been accommodated, a motion was made to close the</p> <p>12 public comment portion of the public hearing accepting</p> <p>13 only the Applicant's rebuttal. That motion was approved</p> <p>14 and the hearing was continued to Monday, November 14th,</p> <p>15 to allow the Applicant to respond, give the Council an</p> <p>16 opportunity to ask any remaining questions and for</p> <p>17 Council deliberations.</p> <p>18 There is no -- there is simply no requirement in</p> <p>19 the law which mandates the Council allow additional</p> <p>20 public comment simply because the Applicant has not yet</p> <p>21 responded to public hearing testimony given. Nor is</p> <p>22 there any requirement that because the meeting was</p> <p>23 continued to a third date additional public testimony</p> <p>24 must be allowed. To the contrary, in a case called</p> <p>25 Chaffey versus San Francisco Library Commission, the</p> <p style="text-align: right;">11</p>	<p>1 prior to tonight's meeting clearly indicated that public</p> <p>2 comment was closed as of November 9th, 2011. This</p> <p>3 process is consistent with the legal requirements for</p> <p>4 public hearings and past practice of the City Council.</p> <p>5 In addition, it should be noted that while oral</p> <p>6 testimony from the public closed on November 9, 2011,</p> <p>7 members of the public were still permitted to submit</p> <p>8 written comments up until the commencement of this</p> <p>9 evening's proceedings. Indeed, several people both</p> <p>10 before and against the project have done just that and</p> <p>11 their comments have been noted and provided to Council</p> <p>12 and the Applicant.</p> <p>13 It is our opinion that Council may proceed as</p> <p>14 previously indicated to allow the Applicant to make its</p> <p>15 rebuttal or response to the public testimony. No other</p> <p>16 public comment needs to be allowed except in the limited</p> <p>17 circumstances which do not presently exist.</p> <p>18 Let me go on to indicate that I have reviewed</p> <p>19 all the published notices, the posted agendas, and find</p> <p>20 nothing that is either ambiguous or inconsistent with the</p> <p>21 law. I've also reviewed West Whittier Municipal Code</p> <p>22 sections 2.60 and 18.52 which provides some guidelines</p> <p>23 with respect to this process. I've reviewed all the</p> <p>24 motions made that evening and the discussion. And again,</p> <p>25 there was again no ambiguity or legal issues that were</p> <p style="text-align: right;">13</p>

<p>1 raised from my perspective.</p> <p>2 Let me step back a little bit and talk about</p> <p>3 this process. The process itself is a due process</p> <p>4 hearing. The law with respect to the proceedings</p> <p>5 really -- it's about essentially a case law. And what</p> <p>6 that case law indicates is that the public has to be</p> <p>7 given an opportunity to address this Council -- the</p> <p>8 decision making body -- and be allowed to offer their</p> <p>9 comments and that should be allowed in a way that is</p> <p>10 fair, unbiased and without comment from the body itself.</p> <p>11 As they make those presentations, the Council</p> <p>12 can establish those reasonable limitations that are</p> <p>13 necessary to allow the meeting itself to proceed. So the</p> <p>14 appropriate time, place and manner may be appropriately</p> <p>15 conditioned regarding that process.</p> <p>16 I have literally attended hundreds of public</p> <p>17 hearings for the City over the last 20 plus years, and we</p> <p>18 follow the exact same procedure at all those public</p> <p>19 hearings as we follow in this particular proceeding as</p> <p>20 well.</p> <p>21 The fact that it went from night to night still</p> <p>22 creates one public hearing, not a series of several</p> <p>23 public hearings.</p> <p>24 Secondly, with respect to the motion that was</p> <p>25 made at the conclusion of the testimony by the public,</p> <p style="text-align: right;">14</p>	<p>1 without considering any other intangible consequence, you</p> <p>2 have met the legal standard by which you can proceed this</p> <p>3 evening to proceed with the rebuttal portion of the</p> <p>4 public hearing. Secondly, with respect to reopening the</p> <p>5 public comments, I would hope that if that does occur,</p> <p>6 and that's clearly for the authority of the City Council,</p> <p>7 the City Council does at any point in time have the</p> <p>8 ability to reopen and allow public comments, but they do</p> <p>9 so in such a way that is clearly defined and understood</p> <p>10 with respect to all the parties.</p> <p>11 I have reviewed and received several e-mails</p> <p>12 that run the full gammit with respect to their</p> <p>13 interpretation and understanding of what the law is or</p> <p>14 what they believe is fair.</p> <p>15 Let me make it very clear to you that with</p> <p>16 respect to this process, this is one ongoing public</p> <p>17 hearing, and that one ongoing public hearing has</p> <p>18 different stages to it. It is not a series of three or</p> <p>19 five -- four or five or six different nights of separate</p> <p>20 public hearings, it is one ongoing public hearing.</p> <p>21 Secondly, with respect to the precedent, from my</p> <p>22 perspective and what we've done instructing the City,</p> <p>23 when the last public speaker speaks, we've concluded the</p> <p>24 public testimony portion of it. We've not then left it</p> <p>25 open for other dates and times and places for public</p> <p style="text-align: right;">16</p>
<p>1 there was a motion to discuss the possibility of</p> <p>2 closing -- motion to close the public hearing. With</p> <p>3 respect to that process, my interpretation of that motion</p> <p>4 was clear that it was a motion that indicated that we</p> <p>5 receive all public testimony, that we were then going to</p> <p>6 proceed with the rebuttal process. We actually had a</p> <p>7 conversation about allowing the rebuttal process to</p> <p>8 proceed this evening. And secondly, it was clear on the</p> <p>9 record at that point in time that there would be no</p> <p>10 additional public comments to be allowed.</p> <p>11 With respect to the legal issues associated</p> <p>12 here, it's not really a close legal issue. It's clear</p> <p>13 with respect to the due process considerations of the law</p> <p>14 that the Council did conduct an appropriate and proper</p> <p>15 public hearing. That the public was allowed to make</p> <p>16 comment and with respect to that process at such time as</p> <p>17 the last of the witnesses stepped forward and testified,</p> <p>18 at that point in time was appropriate to then terminate</p> <p>19 the process of public comment and proceed the rebuttal</p> <p>20 portion of the public hearing which will then be followed</p> <p>21 by Council questions and ultimately Council</p> <p>22 deliberations. That process does assure due process</p> <p>23 under the eyes of the law.</p> <p>24 With respect to the options you have this</p> <p>25 evening, clearly from my perspective as the attorney and</p> <p style="text-align: right;">15</p>	<p>1 testimony to occur. If we're to do so, it needs to be</p> <p>2 clear and specify as to why we are doing that and under</p> <p>3 what circumstances.</p> <p>4 My biggest single issue with respect to</p> <p>5 reopening the public hearing process is simply the</p> <p>6 fairness aspect of this. And my concern is two-fold.</p> <p>7 One of which is is that those people who did hear the</p> <p>8 comments of the meeting last time were told and advised</p> <p>9 there would be no additional public comments published --</p> <p>10 with regard to our agenda publishing.</p> <p>11 Secondly, with respect to this process in trying</p> <p>12 to determine fairness, if we are now going to determine</p> <p>13 that the public testimony is to be reopened and under</p> <p>14 what circumstances, when do we then conclude that all the</p> <p>15 public testimony is to be received. Is there a certain</p> <p>16 point in time? Is it practically when the last person</p> <p>17 speaks or is it going to be at some other point in time</p> <p>18 as determined by the Council. I'm not editorializing one</p> <p>19 way or the other, other than I'm asking you to act with</p> <p>20 specificity and so that everybody understands what the</p> <p>21 procedure and process may be if you elect to go forward</p> <p>22 in a different manner than we've historically proceeded.</p> <p>23 And secondly, that with respect to the record, there's no</p> <p>24 ambiguity and that we do assure ultimately fairness and</p> <p>25 well-balanced proceedings so that all parties and all</p> <p style="text-align: right;">17</p>

<p>1 interested are properly heard and their interest is 2 protected.</p> <p>3 MAYOR PRO TEM NEWCOMER: Question. 4 MR. JONES: Yes.</p> <p>5 MAYOR PRO TEM NEWCOMER: You said reasonable 6 limits can be set and you've also said that if we were to 7 reopen it, you would hope clear limits would be set. 8 Does that mean we could reopen and limit it to 40 9 speakers or a set number of speakers or a set time limit? 10 MR. JONES: No, that you probably can't do. 11 What you can do in terms of time, place, and manner, 12 would be more appropriately things like three minutes. 13 We've talked about ten speakers in favor, ten speakers 14 against, that -- those are the mechanical types of 15 procedures. With respect to the time limit process, once 16 you open the public testimony portion, you're reopening 17 the evidentiary part that allows the public to make 18 comment and put it on the record. If you begin that 19 process, you have to be fair to all people. If you 20 establish a time limit or a number, there may be other 21 people out there that who want to then speak and if 22 they're the 41st person in line and you're only allowing 23 40 people or they're the 41st minute and you're only 24 allowing 40 minutes, you may be depriving somebody the 25 opportunity to speak.</p> <p style="text-align: right;">18</p>	<p>1 much of the public has been told that there will be no 2 testimony here tonight. And I know many people that are 3 staying home because of that. I received a lot of 4 e-mails this afternoon just talking about the fact that 5 they wanted to be sure that they knew that we -- they 6 supported the project. We had others that said, of 7 course, they rejected it, that's normal. But I don't 8 know how in fairness now we open it again and start 9 taking testimony. It just doesn't seem fair to me that 10 those people end up being excluded.</p> <p>11 The other thing is that I don't see how if we 12 open this tonight, we leave it open for the entire period 13 of time. If somebody -- if speakers have spoken and, 14 let's say, it's 9:00 and are we to keep it open 'til 15 10:30 for somebody else to run down here from their house 16 and testify? I mean, it's important for us to get on 17 with the process and to go ahead and start the 18 deliberation of this. So I would not like to see us 19 reopen this public hearing tonight. I don't think it 20 would be fair to the average citizen, people who read the 21 paper who know that the comments were closed; the people 22 that have watched it on television have seen us close it. 23 I think now is the time to wrap it up and move on.</p> <p>24 MAYOR WARNER: Thank you. 25 Steve, can the lights be turned down just</p> <p style="text-align: right;">20</p>
<p>1 That's why with respect to the process, when we 2 open the public comment portion, we don't establish a 3 specific time limit, we essentially go until the last 4 speaker has spoken. When the last speaker has spoken, we 5 then conclude that portion or phase of the public hearing 6 process and look to rebuttal. But that would be the 7 appropriate procedure by which we again assure fairness.</p> <p>8 MAYOR PRO TEM NEWCOMER: Thank you. 9 MAYOR WARNER: Other questions? Bob? 10 COUNCIL MEMBER HENDERSON: Well, not questions, 11 I guess I have some comments. It's an unfortunate 12 situation I guess that some people didn't understand the 13 public hearing process. It's conducted the same way in 14 all of our meetings. We don't allow people to comment 15 after the close of the public hearing, even if they came 16 in late. When the public is finished testifying, we 17 close the meeting, we then hear the rebuttal of the 18 Applicant and we move on.</p> <p>19 The fact that nights are reserved in 20 anticipation of a larger crowd than we actually had 21 didn't mean that there was to be continuous four days of 22 testimony. The intent was that we would be actually 23 deliberating during some of that period of time to 24 hopefully get this process over. 25 But I don't understand how we open it now when</p> <p style="text-align: right;">19</p>	<p>1 slightly, please.</p> <p>2 MR. HELVEY: Yes. 3 MAYOR WARNER: Other comments or questions. 4 Thank you. 5 COUNCIL MEMBER VINATIERI: Yes. I'm the person 6 who made the motion to close the public comments last 7 week. And I do think this is a matter of fairness 8 because I forgot that we had people -- my understanding 9 was that we had people who were going to come and testify 10 on this evening, Monday night. So it's my sense that 11 everyone needs to be heard. The process is too 12 important. I have talked to -- have heard what the 13 City's Attorney had to say regarding meeting the legal 14 requirements, and I think that's correct from my 15 understanding of the law also.</p> <p>16 But my view is that in the spirit of giving all 17 an opportunity to be heard, I think that we should open 18 public comments for this evening, and I would like to do 19 so relative to anyone who has not had opportunity to 20 speak to do their three minutes.</p> <p>21 I'm mindful of what Bob says regarding where do 22 you cut it off. And, unfortunately, if I hadn't made the 23 motion that I did, we would be speaking tonight -- people 24 would be speaking tonight on both sides of the issue and 25 we'd be done tonight.</p> <p style="text-align: right;">21</p>

1 So in light of the concern of fairness, and I
2 know this is probably not going to go down well with
3 everyone, but my thought is that we ought to allow anyone
4 who wants to speak tonight to go ahead and do so. And I
5 think word needs to get out to those who -- those who
6 didn't show up tonight who did intend to speak and that
7 we should have a period of time tomorrow night for them
8 to do so. We ought to put a time limit on it and that it
9 gets cut off tomorrow evening. As I said, I know that
10 that's a bit more burdensome, but as I indicated, I
11 forgot that I had heard through the grapevine that
12 there'd be people on both sides speaking tonight, and
13 from that standpoint I made a bit of a mistake.

14 MAYOR WARNER: Follow-up question on what Joe
15 said, that he would want to see a time limit placed on
16 tomorrow night, but according to what you said earlier
17 that would not --

18 MR. JONES: No. With respect to the motion,
19 once the public testimony begins and you allow public
20 comment, as a matter of due process we could not
21 artificially determine who can speak and who cannot speak
22 in the sense that if you're the -- we say ten speakers
23 you're the 11th in line, you may have something to offer
24 that may be very meaningful. Once you begin that public
25 testimony process, you have to allow the entire vetting

22

1 of the public testimony process to occur in fairness to
2 due process. You can establish time limits. And again,
3 if we are going to proceed with opening again this
4 evening, which you can do, it's totally within your legal
5 authority. And let me make it very clear if the Council
6 wants to reopen it and take public comments here you can
7 do so. But once you do that you have to then honor the
8 due process aspects of that.

9 Secondly, with respect to the public hearing
10 procedure or proceedings, that the rebuttal portion, the
11 comments from Matrix as the Applicant, would not proceed
12 until you've fully concluded all public testimony. So
13 that if you elect to have testimony this evening, which
14 is in your authority, and also have testimony tomorrow
15 night, until such time as you fully completed all that
16 public testimony, we would not begin the rebuttal
17 process.

18 MAYOR PRO TEM NEWCOMER: Madam, may I?
19 MAYOR WARNER: Please.
20 MAYOR PRO TEM NEWCOMER: I'd like to offer a
21 slightly third version.

22 I do think that we made a mistake on Wednesday
23 night. I do think we should reopen public comments. But
24 I go along with the idea that this is one process. And
25 although there was a misunderstanding that people were

23

1 going to have two nights regardless, I think it would be
2 a mistake now to say they're going to have two more
3 nights or three more nights or some more nights. Whether
4 I think we open it, take the public comments that want to
5 make such comments, and when those comments are over, we
6 then close it and we go onto the next stage.

7 I do not think we should -- I mean, in part I
8 think we got into this problem because many people
9 thought we had indicated that there would be public
10 comments Monday night. I don't think we should make that
11 mistake a second time to pledge what will happen on
12 future nights, but I do think we should reopen and pursue
13 the process in the normal fashion.

14 MAYOR WARNER: Greg?

15 COUNCIL MEMBER NORDBAK: Yeah. Let me be clear
16 on this. I'm very disappointed, and this is my own
17 personal opinion and I'm not trying to offend any of my
18 colleagues. I apologize, I got a cold over the weekend.

19 I'm very disappointed that politics are coming
20 into the decision of this Council now, I think it's a bad
21 idea. I don't care if we sit here through Thanksgiving
22 and listen to people talk, I really don't. But it was
23 not my motion or my intent to close it. Everybody here
24 knew what was going on. And now it's a backpedal. Open
25 it back up, I don't care. But if we open it back up, we

24

1 need to be fair to everybody. Because I got, over the
2 weekend, I had 39 either phone calls or comments from
3 people when I was out in the city, and between you and me
4 I tried not to go out in the city this weekend. I had 35
5 people say they were coming to speak in favor of it, I
6 had 2 saying they were coming to speak against it. I had
7 17 e-mails, 15 saying they were against it, 2 saying they
8 were in favor of it.

9 And I will add this -- and this is a personal ad
10 lib as well -- I was very disappointed from some of the
11 e-mails I got from people against it. And there were
12 some I wouldn't show my mother. And I think that's
13 wrong.

14 So to get back to it, if you want to be fair, if
15 we're going to open it back up, then the only way you can
16 open it up and be fair is to have public testimony
17 tonight and let everybody talk until 11:00, 9:00, I don't
18 care. But then we come back tomorrow night and we start
19 with public testimony again for all those with the right
20 and if we have to we come back Wednesday night and
21 Thursday night. I don't care. If everybody wants to
22 talk, that's fine. But we made a decision on something
23 that I've been doing here for 18 years and it's been
24 policy. If we want to change that because of politics,
25 then let's change it, but let's let everybody be heard,

25

<p>1 and we'll sit here for the next two weeks and listen to 2 public testimony and I'm good with that. 3 MAYOR WARNER: Thanks, Greg. 4 I appreciate Mr. Jones summarizing the matter 5 and I agree and I believe that we acted within the letter 6 of the law. But I'm very concerned about the spirit of 7 the law, and if there needs to be some responsibility 8 placed I will assume the responsibility for -- and I'm 9 grinning because poor staff, I've just been driving them 10 crazy with going over and over and over logistics, trying 11 not to get into this type of situation that we have found 12 ourselves. Not because we don't want to hear from you, 13 but I really was trying to have things run in a pristine 14 process and make sure that we dotted all the I's and 15 crossed all the T's, just so we could go through and 16 everything would flow -- flow well. 17 So if there is responsibility for what -- where 18 we have found ourselves, I will accept that 19 responsibility as Chair of the meeting. 20 I've spoken with staff over the weekend, we 21 spent a lot of time today trying to talk through this and 22 from my perspective trying to figure out what the law 23 required, what the Council's options were. And, of 24 course, it was determined that it is a Council decision 25 as to where we will go from here.</p> <p style="text-align: right;">26</p>	<p>1 last time, just ask my kids. 2 MAYOR PRO TEM NEWCOMER: If there was time 3 tonight could Council ask some of the questions that 4 they're waiting on during the public session? 5 MAYOR WARNER: Mr. Jones? 6 MR. JONES: Well, again, you could do so. My 7 recommendation, though, would allow other public 8 testimony come in because it may impact the questions you 9 have, you may want to ask and consider in the course of 10 your deliberations. Secondly, my concern would be that 11 in the course of asking your questions, it may appear 12 that you're making a decision -- may give the impression 13 that you have a particular point of view, whatever, and 14 you're still in the public hearing portion. It is a far 15 better process to conclude the public testimony, rebuttal 16 and then in that process of coming back to Council you 17 ask your questions. 18 MAYOR PRO TEM NEWCOMER: But we had questions 19 before there were public comment. 20 MR. JONES: Again, those questions should have 21 been directed to staff and they are to be objective 22 clarifying type questions. And, again, I'm not saying 23 you couldn't do that, I'm just suggesting to you that if 24 you're going to ask those questions, be careful because 25 you still have public comments. And the public hearing</p> <p style="text-align: right;">28</p>
<p>1 So with that being said, my personal opinion 2 is -- and I don't want to sound overly dramatic -- but, 3 you know, we just celebrated Veterans Day, and with all 4 due respect to my colleagues and their opinions, we've 5 all had family members fighting for the right to be 6 heard, and I apologize if I'm being dramatic about it, I 7 don't mean that intent, that's just me. But if I'm going 8 to err, I want to err on the side of having the public 9 feel that they have had their say. 10 I do agree I think with what Greg has said, I 11 think Joe mentioned it as well, that because of the lack 12 of clarity that there are those that were anticipating 13 the fact that we had closed the public comment time and 14 so they planned not to come tonight. But now if we 15 reverse ourselves then, as my colleagues have said, they 16 may want to come tomorrow night. 17 So my opinion would be that we reopen, that we 18 take public comment tonight from those that are here that 19 wish to speak and tomorrow we do it again from those that 20 may have had that lack of clarity and need that 21 opportunity to regroup and to prepare their own personal 22 schedule and to come. And if we have a fifth night and a 23 sixth night, then so be it. And if I need to extend 24 apologies to staff or to anyone else, I will do so. It's 25 not the first time and I can guarantee it won't be the</p> <p style="text-align: right;">27</p>	<p>1 process does require during the course of you asking a 2 question not to indicate some sort of particular 3 preference or decision making you may have already made. 4 One last thing I should have said earlier and 5 that is, if you reopen the process to public comments it 6 does not preclude to share from demanding that new 7 information be brought forward as opposed to redundant or 8 recitations of prior comments that have been made. You 9 certainly have the ability to ask speakers to ask new 10 insight and new information if we're going through the 11 public testimony portion of the proceedings. 12 MAYOR WARNER: Any other questions for Mr. 13 Jones? Any other comments? 14 COUNCIL MEMBER HENDERSON: Well, I'm just a 15 little confused. If the comments run 'til 9:00 tonight, 16 Joe, you're saying that we should then just adjourn the 17 meeting and come back tomorrow or Greg? I mean, I didn't 18 understand that. 19 COUNCIL MEMBER NORDBAK: Well, Bob, according to 20 Jones on how we can continue on there, I'm not willing to 21 close the public hearing until we get the people that 22 thought we weren't going to take public testimony tonight 23 the opportunity to speak. And that's for or against. I 24 can -- I got an e-mail that say, I'm not coming tonight 25 and here's why I'm against it. But I think if we're</p> <p style="text-align: right;">29</p>

1 going to go open up public testimony, which I think's a
 2 mistake, as long as when we're done with public
 3 testimony, we adjourn the meeting, we go home, come back
 4 tomorrow night. That's the only way I'll support it.
 5 COUNCIL MEMBER HENDERSON: Okay, it's just an
 6 insufficient use of everybody's time.
 7 COUNCIL MEMBER NORDBAK: I agree, Bob. I don't
 8 know what else we can do and be fair.
 9 MAYOR PRO TEM NEWCOMER: Well, that's where I
 10 think we do have the option of I ask my question before
 11 the public comments. I know Joe had more questions but
 12 decided to delay them until afterwards. Why not, if
 13 there's time, ask those comments that we were going to
 14 ask before, but well, we wanted to get to the public
 15 comments and didn't want to delay people and -- abiding
 16 by the normal instructions if they need to be neutral.
 17 COUNCIL MEMBER NORDBAK: I'll sit here until the
 18 meeting is over. But I'm not going to ask any questions
 19 on the advice of legal counsel because obviously we're in
 20 a contentious situation here and I'm not going to open
 21 myself or the City up to any more litigation. So if you
 22 guys want to ask questions, I'll sit here, just let me
 23 know when we're done and I can go home.
 24 MAYOR WARNER: Well, let's address the matter
 25 before us whether or not we're going to reopen the public

30

1 comment and if we have a motion and it is supported,
 2 let's do that, and let's see how long those public
 3 comments go, and then when we get to that point we'll
 4 discuss our next step.
 5 We've heard legal counsel, we can come to a
 6 consensus and take a vote, if necessary, on our next
 7 step.
 8 COUNCIL MEMBER NORDBAK: I think it's pretty
 9 clear where I stand.
 10 MAYOR WARNER: Okay. So do we have a motion in
 11 regards to a next step with public comment.
 12 MAYOR PRO TEM NEWCOMER: I'd like to approach
 13 that we move to reopen.
 14 COUNCIL MEMBER VINATIERI: Second.
 15 COUNCIL MEMBER NORDBAK: Are we adjourning after
 16 or are going to continue the meeting?
 17 MAYOR PRO TEM NEWCOMER: To be decided later.
 18 The motion is simply to reopen.
 19 MAYOR WARNER: Okay. We have a motion and we
 20 have a second and I'm going to ask for further discussion
 21 and questions. I personally need addition clarity. Does
 22 anyone else have questions or comments?
 23 COUNCIL MEMBER NORDBAK: Yes, I'd like to know
 24 if we're going to finish the meeting after public
 25 testimony and adjourn 'til tomorrow night or if we're

31

1 going to continue shooting ourselves in the foot, for
 2 lack of better words.
 3 MAYOR WARNER: And I have that same concern. I
 4 would personally like to see part of the motion the fact
 5 that we will take testimony tonight and that we will take
 6 it tomorrow night because of the lack of clarity to
 7 individuals that determined they were not going to come
 8 tonight but now may be changing their mind based on our
 9 action.
 10 MAYOR PRO TEM NEWCOMER: That's different than
 11 you just suggested. Not my motion.
 12 COUNCIL MEMBER NORDBAK: (Inaudible) -- the
 13 question on your motion without the clarity, see where it
 14 goes.
 15 COUNCIL MEMBER HENDERSON: You can offer an
 16 amendment, Greg.
 17 COUNCIL MEMBER NORDBAK: Yeah, I'd like to amend
 18 the motion when we're done with public testimony tonight,
 19 we adjourn the meeting and return back tomorrow night and
 20 see how it goes. If we run out of speakers before
 21 11 o'clock, we go into our questions for Matrix; if we
 22 don't, we'll have another night of testimony.
 23 MAYOR WARNER: Do we have a second to that
 24 amendment? Can I second the amendment?
 25 MR. JONES: Yes, you can.

32

1 MAYOR WARNER: Okay. And is it appropriate that
 2 Mr. Nordbak made the amendment in light of the fact that
 3 Mr. Newcomer made the motion?
 4 MR. JONES: It's a motion to amend the -- the
 5 original motion's called Substitute Motion, the Roberts
 6 Rules of Order. It's appropriate for the Chair to
 7 recognize that motion and vote on the substitute motion.
 8 MAYOR WARNER: So we're just voting on the
 9 amended motion then?
 10 MR. JONES: By Mr. Nordbak which would take
 11 precedence.
 12 MAYOR WARNER: Okay. So we'll ask for a roll
 13 call vote, please.
 14 MS. MARSHALL: Council Member Nordbak?
 15 COUNCIL MEMBER NORDBAK: Aye.
 16 MS. MARSHALL: Council Member Vinatieri?
 17 COUNCIL MEMBER VINATIERI: Aye.
 18 MS. MARSHALL: Council Member Henderson?
 19 COUNCIL MEMBER HENDERSON: Aye.
 20 MS. MARSHALL: Mayor Pro Tem Newcomer?
 21 MAYOR PRO TEM NEWCOMER: No.
 22 MS. MARSHALL: Mayor Warner?
 23 MAYOR WARNER: Yes.
 24 COUNCIL MEMBER NORDBAK: Let's go.
 25 MAYOR WARNER: Okay.

33

1 MR. JONES: Oh, this motion -- once you
 2 recognize the substitute motion, it by its nature of the
 3 motion itself takes precedence. So you've acted in
 4 taking appropriate steps.
 5 MAYOR PRO TEM NEWCOMER: Okay. Then I would ask
 6 the Chair's request for --
 7 MR. JONES: Let's clarify this. I interpret it
 8 as a matter of procedure that was a substitute motion as
 9 opposed to amended motion.
 10 COUNCIL MEMBER HENDERSON: And it was
 11 incomplete.
 12 MAYOR PRO TEM NEWCOMER: If it is an amended
 13 motion then we need to vote on the original motion as
 14 well then.
 15 MAYOR PRO TEM NEWCOMER: That was my
 16 understanding.
 17 MR. JONES: Okay, if it was a motion to amend,
 18 then we'll have to vote now on the original motion which
 19 includes the amended portion.
 20 MAYOR WARNER: Okay. I'm thoroughly confused,
 21 so tell us what we need to do again.
 22 MR. JONES: Call the question.
 23 MAYOR WARNER: For.
 24 COUNCIL MEMBER NORDBAK: I agree with Cathy. So
 25 we're still voting on Owen's motion, but it is as

34

1 amended.
 2 MR. JONES: As amended.
 3 MAYOR PRO TEM NEWCOMER: Motion as amended,
 4 correct.
 5 COUNCIL MEMBER NORDBAK: All right. I think I'm
 6 clear.
 7 MAYOR WARNER: So having heard our comments and
 8 hearing our opinions would our votes be the same?
 9 MR. JONES: Well, I can't tell you how your
 10 votes --
 11 MAYOR WARNER: I know you can't.
 12 MR. JONES: Let me tell you what you've now
 13 done. The original motion was to open the public
 14 testimony for Mr. Newcomer. An amended motion was then
 15 made to include not only open to public testimony, but
 16 that we would proceed this evening to take public
 17 testimony and when we concluded that process we would
 18 come back tomorrow night and again take testimony again
 19 with respect to public hearing and continue 'til we fully
 20 exhausted all public testimony.
 21 We've adopted the amended portion of that
 22 motion, that's now incorporated. Mr. Owen --
 23 Mr. Newcomer's motion. So the motion now is essentially
 24 the same motion you voted on about five minutes ago.
 25 MAYOR WARNER: Okay, think we got it. So, we

35

1 all good? We're ready for a roll call.
 2 MS. MARSHALL: Council Member Nordbak?
 3 COUNCIL MEMBER NORDBAK: Yes.
 4 MS. MARSHALL: Council Member Vinatieri?
 5 COUNCIL MEMBER VINATIERI: Aye.
 6 MS. MARSHALL: Council Member Henderson?
 7 COUNCIL MEMBER HENDERSON: Aye.
 8 MS. MARSHALL: Mayor Pro Tem Newcomer?
 9 MAYOR PRO TEM NEWCOMER: And although my
 10 preference was to not have the amendment, I do vote yes
 11 for the amended motion 'cause that's a yes or no.
 12 MS. MARSHALL: Mayor Warner?
 13 MAYOR WARNER: Yes.
 14 We really are trying to get this right.
 15 Okay. I would now like to outline procedures to
 16 make sure each individual who wishes to speak is heard.
 17 I would like ask the City Clerk to have her staff hand
 18 out speaker cards to those individuals who wish to speak
 19 and who have not had an opportunity to do so on either
 20 Tuesday, November the 8th or Wednesday, November the 9th.
 21 Would you please raise your hand if you would like to
 22 receive a speaker card and we will allow a couple minutes
 23 for the City Clerk's staff to hand out those cards.
 24 MS. MARSHALL: Thank you. It's underway right
 25 now, Madam Mayor.

36

1 MAYOR WARNER: Okay. We'll go ahead and take a
 2 five-minute break and give you a minute to give you some
 3 time to fill out your cards and then we'll return.
 4 (Recess taken.)
 5 MAYOR WARNER: Has everyone received a card that
 6 wanted a speaker card?
 7 And again, we just want to reiterate that if you
 8 have had an opportunity to speak on either Tuesday
 9 November 8th or Wednesday November 9th, then there would
 10 not be that opportunity tonight or tomorrow night.
 11 The card is intended to assist our court
 12 reporter in transcribing the proceedings of the hearing.
 13 When you come up to speak at the podium, we request that
 14 you turn in a speaker card that is filled out to one of
 15 the staff members seated near the podium. When speaking
 16 at the podium we ask that you speak in a normal pace and
 17 in a normal tone of voice. The microphones are set to
 18 accommodate a normal tone of voice. Speaking too loudly
 19 will skew the audio portion of the television recording,
 20 speaking too rapidly will make it difficult for your
 21 testimony to be recorded by our court reporter. And we
 22 will take periodic breaks to accommodate our court
 23 reporter.
 24 As with our normal public hearing process,
 25 speakers will be given three minutes to provide

37

<p>1 testimony. To help you determine when you need to 2 summarize your comments, there is a lighting system 3 similar to the one we have in the City Council chambers. 4 It is located on the table in front of the Council. You 5 will see a green light two minutes into your testimony, a 6 flashing green light will occur for the next 30 seconds 7 and then a yellow light will appear for your last 30 8 seconds, followed by a red light to indicate your time is 9 up. When you see the yellow light, please begin to 10 summarize your comments. When the red light is 11 displayed, I will ask that you complete your sentence so 12 that the next speaker can begin.</p> <p>13 We ask that you be succinct in your comments and 14 request that you try not to repeat what others have said 15 before you. If you wish you may indicate whether or not 16 you agree with the points raised by those speaking before 17 you.</p> <p>18 With that, we would ask for five -- or ten 19 speakers that are in opposition to please line up five at 20 each podium. So ten speakers that are in opposition, 21 five at each podium, please.</p> <p>22 Young man, are you our first speaker? 23 He is your first speaker.</p> <p>24 MAYOR WARNER: Welcome. Please give us your 25 name.</p> <p style="text-align: right;">38</p>	<p>1 the record, the environmental justice analysis by 2 engineers contracted by Matrix Oil is too broad and hides 3 the truth.</p> <p>4 Second, the actual plan which seems to be very 5 deep in appendix cannot be mitigated. The plan includes 6 36 industrial construction roundtrips per day on Penn 7 Street and neighborhood streets. Construction will go on 8 for 24 months, not the advertised three months. This is 9 for phase one only; drilling 60 wells could go on for 50 10 years. These will not be garbage trucks designed for 11 residential neighborhoods, some will be carrying 12 hazardous materials and there is no trade off. Where is 13 the traffic plan addressing cumulative use impacts on 14 Penn Street and in the neighborhood.</p> <p>15 Third and finally, the three wealthy 16 businessmen, who are Matrix Oil, care only about money, 17 not about the people of Whittier. While operating a 18 handful of wells in Whittier, they have killed a 19 subcontractor, lit our hillsides on fire, and regularly 20 emit noxious emissions against their permits. They will 21 not behave any differently while operating 60 wells in 22 our city. Matrix is about money, they're about dollars. 23 You on Council must be about people. We elected you to 24 take care of us. If you approve this, you must put 25 conditions to protect us in writing and make them</p> <p style="text-align: right;">40</p>
<p>1 JULIAN ESPINOZA: My name is Julian Espinoza. 2 MAYOR WARNER: And you can go ahead and say what 3 you would like to now.</p> <p>4 JULIAN ESPINOZA: We should not cut down the 5 woods -- the tree because it's our home. We should fight 6 for the wood, fight, fight, fight. Money does not matter 7 but the woods do. Why do you want to take down the 8 animals' home just for the money. The woods are in our 9 heart and we are in the woods' heart and that is my 10 speak.</p> <p>11 MAYOR WARNER: Thank you very much. You did a 12 very good job.</p> <p>13 Good evening.</p> <p>14 MR. SHATYNSKI: Good evening, Council, Mayor 15 Warner. I am so grateful that you've given me the 16 opportunity to speak, thank you so, so much.</p> <p>17 My name is Mike Shatynski and I live on Penn 18 Street. I'm opposed to oil drilling and mineral recovery 19 for this -- that's described in this final EIR, and I 20 have three points to make to you tonight.</p> <p>21 First, environmental justice is core to the EIR 22 process. Originally eight houses and 24 wealthy 23 residents were targeted and the final version of this EIR 24 targets 150 homes and 600 residents on Penn Street in a 25 very diverse and low to middle income neighborhood. For</p> <p style="text-align: right;">39</p>	<p>1 enforceable by the City. There can be no excuses and you 2 need to consider what your legacy is to the people of 3 this city. Thank you very much.</p> <p>4 MAYOR WARNER: Thank you. Good evening. Sir, 5 good evening. You can begin.</p> <p>6 MR. TERRAZAS: Hi. My name is Orlando Terrazas, 7 I'm a resident of Whittier and mostly an avid user of the 8 hills, a biker and a hiker. I've been a citizen since 9 1987. I'd like to begin my comments by thanking the City 10 Council for doing what's right in terms of democracy by 11 reopening the public comment period. I commend you for 12 your courage. Thank you very much on that part.</p> <p>13 In terms of my concern with the project, I 14 really want to talk about general -- I'm -- as citizens 15 we expect our city officials to represent all the 16 city's -- all the citizens of Whittier and, you know, we 17 trust you to protect the health and welfare of the 18 community. We also expect the businesses in our 19 community, in this case Matrix Oil, to make an honest 20 profit without doing harm to the environment and the 21 public at large.</p> <p>22 Unfortunately, history has shown us that has not 23 always been the case. Case in -- with two we have here 24 domestically the golf oil spill when the oil industry 25 swore up and down that those wells deep in the golf oil</p> <p style="text-align: right;">41</p>

<p>1 -- in the golf region would not create problems. Of 2 course we have the biggest environmental tragedy in our 3 century. Another case in point would be the Tsunami that 4 struck Japan and the builders of those nuclear power 5 plants swore up and down and told the public that they 6 were safe, no problem. Of course, they didn't allow for 7 a 8.0 earthquake and the resulting tsunami. And I feel 8 that this is a point in history for you folks to take the 9 courage to stand up and look in the interests of the 10 community.</p> <p>11 My particular concern I want to bring up now is 12 the earthquake safety that I don't believe has been 13 addressed in the EIR. If I can direct your attention to 14 page 4.4-8 of the EIR, there's a table there 4.41 -- 15 actually, it's 4.4-1 -- there are ten faults listed in 16 the table, okay, ten faults in the area. One is point 17 five miles from the project. And I don't have time to 18 mention them all. And then there's the Cucamonga fault 19 that's 19.5 miles from the project. Those are local 20 faults, which is also mentioned -- I don't have the 21 reference page for that, but there's also major faults, 22 which I'm sure we're all aware, the San Andreas fault. 23 That is the one that everybody talks about the big one, 24 it's not a matter of if but when. Earthquake activity by 25 experts have said that a major earthquake on the</p> <p style="text-align: right;">42</p>	<p>1 it obtained the preserve land. If the proposed project 2 is allowed, many more acres of habitat than the 6.9 acres 3 cited by Matrix, possibly up to 32 acres according to 4 Esther Feldman, the City's consultant, would be affected. 5 Many animals would be terrified, displaced, distressed, 6 and sooner or later some would die as a result of all the 7 disturbance.</p> <p>8 Was the City's pledge to protect the animals 9 only good until a potential windfall came along? I hope 10 not. And I believe that with continued good management, 11 the City can survive the current economic downturn and 12 once again prosper without resorting to compromising its 13 jewel of a preserve.</p> <p>14 There is great momentum behind going ahead with 15 this project. But I suggest there are too many reasons 16 not to and that Whittier's future would be best served by 17 keeping its precious preserve pristine. Thank you.</p> <p>18 MAYOR WARNER: Thank you.</p> <p>19 Good evening.</p> <p>20 JOAN LICARI: Good evening. My name is 21 Joan Licari, I'm a resident of Hacienda Heights. I'm 22 also the Chair of the San Gabriel Valley Task Force, 23 Angeles Chapter of Sierra Club. Sierra Club opposes the 24 preferred project as designated in the final EIR. This 25 project will damage preserved areas, lands that were</p> <p style="text-align: right;">44</p>
<p>1 San Andreas will occur every 150 years. And the last 2 time there was a fault activity on that fault was in 3 1840. So we really are expecting a major fault on 4 San Andreas at any time. And according to my cert 5 training, it's not a pretty picture.</p> <p>6 So my point to you is that the EIR has not shown 7 that Matrix Oil will protect the community in the event 8 of a catastrophic earthquake. And it's not a matter of 9 when -- of if but when that earthquake will strike here 10 in Southern California. So I urge you to take the 11 courage to represent the community at large and vote no 12 on this permit. Thank you very much.</p> <p>13 MAYOR WARNER: Thank you.</p> <p>14 ELIZABETH ELLIS: Good evening. My name is 15 Elizabeth Ellis. I have been a citizen of Whittier all 16 my life.</p> <p>17 I've attended, I believe, all but one of the 18 public meetings concerned with proposed mail -- Matrix 19 Oil project. And it strikes me that discussion has 20 almost always centered on perceived benefits or 21 detriments, which the project would bring to the people 22 living in Whittier. When talking about inserting an oil 23 extraction project into a prime habitat area, the 24 preserve, shouldn't animals be the prime subject of the 25 discussion. The City pledged to protect the animals when</p> <p style="text-align: right;">43</p>	<p>1 purchased for open space and perpetuity.</p> <p>2 The Sierra Club is concerned about the project 3 because drilling activities take place 24 hours a day. 4 This will affect animals that live or travel through 5 areas involved because of noise vibrations and light 6 pollution. Impacts will continue for the many years of 7 the project. The use of the landfill access road through 8 core habitat and the preferred project must not be 9 approved. This road with fuel modification on each side 10 will cut a swath 40 feet wide through this important 11 habitat. The daily traffic would destroy living space 12 for nationally protected species. The United States Fish 13 and Wildlife Service designated the project site as 14 critical habitat for the federally threatened Coastal 15 California Gnatcatcher. In fact, the Fish and Wildlife 16 Service on October 26th of this year after release of the 17 FEIR denied a petition to delist this species.</p> <p>18 We are now particularly concerned about access 19 through the core because on October 10th the National 20 Park Service released -- resurveyed that considers the 21 Klinechial (phonetic) Hills as nationally significant. 22 This area is being considered for inclusion as part of 23 the new national recreation area. In this report the 24 Klinney (phonetic) Hills are designated, and I quote from 25 the survey, suitable for inclusion in the national park</p> <p style="text-align: right;">45</p>

<p>1 system as areas represent natural and cultural resource 2 types that are not already adequately represented in the 3 system. We must not damage such an area.</p> <p>4 The club believes the best alternative is the no 5 project alternative. However, if this project is to be 6 approved, the best access to the consolidated site would 7 be the shorter routes, either up Catalina or directly 8 east from Colima. These routes eliminate biological 9 damage to the important core, the routes are shorter, 10 avoid congestion existing on Penn Street and save the 11 core habitat. Sierra Club thanks you for the opportunity 12 to talk.</p> <p>13 MAYOR WARNER: Thank you. 14 Good evening.</p> <p>15 BRANDON EASTMAN: Good evening, folks. My name 16 is Brandon Eastman and I'm a citizen of Whittier. 17 Greg, I'd like to apologize about my crass 18 e-mail, even though I was quoting Clayton Williams, you 19 still have my apology.</p> <p>20 COUNCIL MEMBER NORDBAK: Accepted.</p> <p>21 BRANDON EASTMAN: I've been in the environmental 22 health and safety field for about ten years now. I've 23 worked in refineries, and I have a pretty good 24 understanding of what really goes on from a day-to-day 25 basis. I've also read through the minutes of about the</p> <p style="text-align: right;">46</p>	<p>1 runs between Catalina and San Lucas Drive.</p> <p>2 My family has been in the oil business since the 3 1930s in Oklahoma, Texas and California, as small 4 independent producers. So I'm well aware of the pitfalls 5 of drilling for oil. In addition, my father had a used 6 steel pipe company east of downtown Los Angeles. I would 7 work there during the summers. I remember the drill pipe 8 and casing coming back in from the field, full or 9 partially full of noxious smelling, drilling mud and 10 chemicals; drilling for oil, going down hole is not a 11 pretty process and not without its problems.</p> <p>12 The easy to get oil in Whittier is gone and 13 gravely concerned about the large amounts of 14 non-renewable fresh water required to float the oil for 15 extraction, taking the contaminated water and putting it 16 back down hole below the water table does not make sense 17 as water does tend to percolate through the soil and 18 could contaminate the ground water. I am concerned about 19 the noise, the thousands of feet of drill pipe and casing 20 required for this operation will take many truckloads and 21 make a lot of noise when the pipe bangs together as it is 22 being loaded, unloaded, or queued up to go down hole. 23 This pipe material is very hard with high yield and 24 tensile values, so when it does get banged it rings like 25 a bell.</p> <p style="text-align: right;">48</p>
<p>1 past year of City Council's meetings, and I'm pretty well 2 under the impression that I know which way you folks are 3 going to vote. So I'm here just begging you to adopt 4 some of the proposed conditions that I've set forth in 5 the planning commission's meetings, and I also have 6 another one now that I'd like to ask that you folks 7 adopt.</p> <p>8 AQMD and DOT has some very specific definitions 9 for construction equipment, portable equipment, mobile 10 equipment and off-road vehicles. All the emission 11 standards and noise emissions from those are much more 12 lenient than they would be for stationary equipment. 13 That seems to be the source of a lot of the problems on 14 Honolulu, and as well as Sycamore for the residents 15 there. I would like to ask that you adopt some of the 16 same standards that are in the EIR for stationary 17 equipment and apply those towards the equipment that I 18 had mentioned.</p> <p>19 MAYOR WARNER: Thank you. 20 BRANDON EASTMAN: Thank you. 21 MAYOR WARNER: Good evening. 22 CRAIG LEBOW: Good evening, Council. My name 23 Craig Lebow, I live at 8169 San Lucas Drive. We moved to 24 Whittier almost 13 years ago. We enjoy the peaceful 25 solitude of living against the wilderness corridor that</p> <p style="text-align: right;">47</p>	<p>1 Matrix is bringing in electrical power. 2 However, diesel generators and other diesel equipment 3 required to power the operation will be present; coupled 4 with the continuous noise from the drilling rig, 5 regardless of noise blankets or barriers, there will 6 still be a hum of noise and a smell of diesel and other 7 gases that were not there before.</p> <p>8 I graduated from Beverly Hills High School and I 9 remember smelling the fumes coming off the well when we 10 ran track. It seems we do not clearly understand how the 11 oil royalties, if any, will be allocated. I have heard 12 the City of Whittier will get 30 percent, but I've also 13 heard in a previous meeting the City may not be entitled 14 to anything. It seems disingenuous and irresponsible 15 that the City of Whittier would advocate a project, 16 advertise, and allow Matrix Oil to advertise an 17 incredible windfall to the City without a definitive 18 understanding of its benefit.</p> <p>19 I work in steel construction, I know firsthand 20 how the best planned and managed projects don't always go 21 the way we've planned for them to go.</p> <p>22 MAYOR WARNER: Thank you for your comments. 23 MR. LEBOW: I'm not finished yet. 24 MAYOR WARNER: The time is up. Thank you very 25 much.</p> <p style="text-align: right;">49</p>

1 Go ahead.
 2 HOLLY OVERIN: Hello. Can you hear me?
 3 My name is Holly Overin and I --
 4 MAYOR WARNER: Jeff, is her mic on? We'll start
 5 the time over.
 6 HOLLY OVERIN: Thank you very much.
 7 Thank you very much for continuing this hearing.
 8 I really appreciate that. My name is Holly Overin. I
 9 grew up in Whittier. My parents were members of First
 10 Friends Quaker Church and I was dedicated as a child in
 11 that tradition. Whittier was founded by a group of
 12 individuals who held to a spiritual and moral integrity,
 13 they were Quakers, and they named the town after John
 14 Greenleaf Whittier, a famous Quaker poet who wrote about
 15 the betterment of humans in realizing their commitment to
 16 nature and each other. I think that he might be rolling
 17 in his grave at this time. We are in a new day, and this
 18 is a new time for us to choose something different.
 19 In reality, so many decisions, I understand,
 20 are -- made by townships are about money. We have
 21 allowed huge multi-national corporations to convince our
 22 politicians that people aren't as important as money.
 23 Big business, best privatized, deregulated to reflect the
 24 financial profits over the health and welfare of the
 25 public domain is crucial to a healthy economy, they say.

50

1 The big money folk tell us that corporate oil production
 2 is more important than climate destabilization and the
 3 degradation of our oceans. After all, corporations are
 4 people too, people with more money than God perhaps. We
 5 can trust them. Oil addiction to money is even more
 6 important than the future of life on earth, our children,
 7 men and women who fight, endure injuries and die in
 8 foreign lands to secure this precious resource which
 9 bolsters our need for extravagant wealth. Money is like
 10 a new God; important, especially when the economy is down
 11 and lower wages and part-time hours for non-union
 12 workers, a so-called free trade system which moves jobs
 13 overseas. An emphasis on the money God has allowed banks
 14 to bloat and purge themselves on housing market
 15 speculation. In God We Trust is engraved on each dream
 16 dollar bill.
 17 If we allow Matrix to drill for oil in the
 18 hills, we'll all adapt, maybe even mutate. There will be
 19 a rise in cancer rates, mental illness perhaps, lower
 20 real estate values maybe, more congestion of traffic, and
 21 lung, and whatnot. But we're just the little people,
 22 aren't we? We don't matter all that much to the big
 23 people with their eye on the money God. After all,
 24 someone's got to be left holding the open bag and asking
 25 the operative question, Got money?

51

1 John Greenleaf Whittier-ites, let's denounce the
 2 money God, join the human race and the animals and turn
 3 over a new and greener leaf because now is a different
 4 and new time.
 5 Thank you very much.
 6 MAYOR WARNER: Thank you. We'll have -- we're
 7 on speakers number nine and speaker number ten.
 8 So, sir, we'll have those in opposition have
 9 another opportunity, but we'll be finishing the
 10 opposition right now with two. Then we'll go to the pro
 11 and then we'll have the con come back up again. Please.
 12 CHARELL CHARLIE: Okay. Hi, my name is Charell
 13 Charlie I live in Pico Rivera, but I spend much of my
 14 time in Whittier because most of my friends live here.
 15 I intend to address the picture. First, I want
 16 to say that I was alarmed to learn that there's a school
 17 for autistic and Asperger kids so close to the site. My
 18 17-year old son has Asperger's Syndrome. I know how
 19 hypersensitive these kids are to noise and smells. So
 20 I'm very worried of how this project will severely impair
 21 the learning environment for these special kids.
 22 Now, sugar is to yeast as petroleum is to
 23 humans. This is how we get alcohol using yeast and some
 24 form of sugar such as grape juice. The yeast feeds on
 25 the sugar which causes the yeast to thrive at first, and

52

1 their population surges exponentially, but then they
 2 become poisoned by their own waste, which is alcohol, and
 3 they all die.
 4 Mankind is thriving at the moment and we have
 5 just past seven billion humans on the planet. Thanks to
 6 our recent ability to harness petroleum our standard of
 7 living has soared. Virtually everything we touch and use
 8 is made from petroleum and it's one of the most polluting
 9 industries there is. Life without oil is unimaginable
 10 for most, yet we did all right without it before we had
 11 it. But now we are, as President Bush said, addicted to
 12 oil. When someone is addicted, do we say, Go ahead, use
 13 all the drugs you can get until you can't get any more or
 14 until you're dead? We simply must transition to
 15 renewable energy as soon as possible; sucking more oil
 16 out of the ground will only delay our progress.
 17 Fact, addicts behave badly. Oil companies are
 18 the largest businesses on earth and they are addicted to
 19 power and control. Their lobbyists have perverted our
 20 tax code, so they pay no taxes and get huge subsidies as
 21 well. There's your big government spending. These
 22 corporate welfare kings use very devious persuasion
 23 management tactics. They know how to con the gullible by
 24 using talking points and playing on emotions like love of
 25 God and country; they skew opinion polls by skillfully

53

<p>1 worded questions. So I wouldn't be so sure that 2 pro-drilling folks are in the majority. Pro-drilling 3 Council members might soon find themselves out of office.</p> <p>4 The small percentage of scientists who are 5 climate change deniers are in the pocket of big oil. 6 Real scientists say we will soon reach the tipping point 7 when nothing we can do can stop global warming. This is 8 why we must leave it in the ground. In short, I do not 9 trust oil companies. I wouldn't trust any promise of 10 large sums for Whittier. They're using us like any 11 addict would to get their next fix. Unlike yeast, humans 12 can choose to control their behavior.</p> <p>13 I encourage you to choose wisely so that your 14 progeny will not curse your name.</p> <p>15 And from the Independent United Kingdom, 16 Humanity would need five earths to produce the resources 17 needed if everyone lived as profligately as an American.</p> <p>18 MAYOR WARNER: Thank you for your comments. 19 Thank you.</p> <p>20 Good evening.</p> <p>21 LORENA MUNOZ: My name is Lorena Munoz and I 22 live on Linda Vista. I really don't have anything 23 formally prepared, but I did have time to briefly take a 24 look at the EIR, and I'm going to second some of the 25 other speakers in reference to the air quality.</p> <p style="text-align: right;">54</p>	<p>1 should have been. I've watched all those years -- my 2 father used to go to City Council meetings -- the 3 no-growth-not-in-our-town attitude. And Whittier when we 4 came here was a pretty important little town in the area. 5 And, of course, because of the no-growth attitude, 6 areas -- La Mirada, Santa Fe Springs, all the areas 7 around us came and took the land. And now we are sitting 8 here with no money. And considering what's happening in 9 the State we're going to need that money even 10 desperately.</p> <p>11 In fact, I remember when my father would go to 12 City Council meetings and come home so angry because they 13 were -- the fact that the first one was when the three 14 big department stores came to Whittier and said they 15 wanted to put their stores in Whittier, and that the 16 shopping patterns would change -- had changed and people 17 will go to the big stores, and then come to the local 18 stores. Well, that was killed because people on the City 19 Council were all -- owned businesses, big businesses in 20 town.</p> <p>21 So now I'm just so glad because I've watched all 22 these years opportunities for our town didn't come 23 because of the no-growth attitude. And I just really 24 hope that we vote for this and pass it. Because 25 Whittier -- now -- even now with the finances are the way</p> <p style="text-align: right;">56</p>
<p>1 For the record, I'm against the project, I have 2 neighbors that are against the project but are afraid to 3 come up and speak. So on behalf of the children of our 4 neighborhood, we're concerned about the air quality 5 control. The report states that there's significant and 6 unavoidable impacts that will remain in the air quality. 7 The emissions would exceed the South Coast Air Quality, 8 the AQMD thresholds that were enacted to protect the 9 public. This project will also create an odor and emit 10 toxic materials. Matrix, I don't think you can vindicate 11 for air quality and control the toxic materials.</p> <p>12 With respect to the children of our 13 neighborhood, the children of the school and the 14 residents of Linda Vista that live in close proximity of 15 the project, there has been no consideration of the 16 results of the effects of the health and welfare of our 17 children and what would happen over the years' time with 18 this type of a project. I'm against the project.</p> <p>19 MAYOR WARNER: Thank you for your comments. 20 We'd like to now invite ten speakers that are in favor of 21 the project, five at each podium, please.</p> <p>22 Good evening.</p> <p>23 PHYLLIS THOMPSON: Good evening. I'm Phyllis 24 Thompson, and I've lived in Whittier for 70 years. And I 25 think maybe now Whittier will become the city that it</p> <p style="text-align: right;">55</p>	<p>1 they are in the country will desperately need that money 2 and maybe we can become the town that we should have been 3 70 years ago.</p> <p>4 MAYOR WARNER: Thank you.</p> <p>5 Good evening.</p> <p>6 DAVID WILLIAMSON: Good evening. My name is 7 David C. Williamson. I am a resident here on California 8 Avenue in the Mar Vista Estates area here in the city of 9 Whittier. I am third generation Whittier. My wife 10 Jeannie and I have raised fourth generation with three 11 children here in Whittier as well. My mother Mabel Gray 12 was raised on Washington Avenue uptown Whittier, born in 13 September 1913. Her parents, my grandparents, Wallace 14 Greg and Mabel Smith were married and lived in Whittier 15 in March of 1904. My grandfather was with the first 16 Savings and Loan in Whittier, as well as the first real 17 estate office. His brother, my great uncle, John Gray, 18 was the founder of our very own Rose Hills Memorial Park 19 bringing countless tourists each year to Rose Hills 20 Gardens and the park year round.</p> <p>21 As somewhat of a Whittier historian myself and a 22 past board member of the Whittier Historical Society and 23 the Whittier Museum, I have a reprint of a book that was 24 put together in 1904. This is the same year that my 25 family settled here in this community known as Whittier.</p> <p style="text-align: right;">57</p>

<p>1 If anyone is interested in A copy of this, certainly you 2 can get a hold of the Whittier Museum in the gift store, 3 they certainly have them.</p> <p>4 This book was put together primarily by the 5 volunteer fire department, the men and women that were 6 here to protect our community, they saw a need to get 7 more fire fighting equipment for the era. There were 8 many photos of the businesses and the homes in the uptown 9 Whittier in 1904. It reflected a vibrant community of 10 our earlier Whittier citizens. Additionally, you will 11 find many photos of our very own Whittier oil wells. 12 Yes, this is over a hundred years ago and Whittier had 13 producing oil wells pumping oil and adding to our 14 Whittier economy.</p> <p>15 The local children were raised and played in the 16 Whittier Hills, as did I, around the oil fields. We 17 enjoyed the wildlife then as we do a hundred years later.</p> <p>18 Even with the big 1987 Whittier earthquake, the 19 place was still active with oil wells producing in the 20 Whittier Hills, and we did not have one fire due to major 21 earthquakes here in Whittier with any of the oil 22 drilling.</p> <p>23 I would like to thank the Planning Commission 24 and the City of Whittier Council, our mayor and our City 25 Manager along with the city of Whittier staff for having</p> <p style="text-align: right;">58</p>	<p>1 instances can't even be leased for minimal amounts. Oil 2 money could be used to plants trees, according to court 3 cases this increases ten to 15 percent; build parks and 4 green ways and landscape all government property all of 5 which increases the carbon cycle which removes toxins and 6 carbon monoxide and dioxide from the air. The City could 7 provide clean and free transportation reducing traffic. 8 Whittier could use incentives to entice worthwhile 9 business in aesthetic settings.</p> <p>10 Oil money could probably be given to the general 11 funds of the Whittier schools as is done in Beverly 12 Hills, San Moreno, and other schools in California. But 13 even if not, the schools could benefit in many ways. For 14 example, there is the association program where donations 15 fund program such as the Honda automotive class at Cal 16 High, after school programs in music, art, tutoring, 17 science, sports and career training, including work 18 experience intern jobs; paying all expenses for bands, 19 orchestras, choirs and cheerleading, including 20 competitions in response to the recent court decision 21 dictating that they not be born by the students. 22 Scholarships and grants could also be given to many 23 students. Of course, there would be no more city fees 24 and taxes with the City bearing most or all utility 25 expenses including placement underground of all wires.</p> <p style="text-align: right;">60</p>
<p>1 the foresight to retain our Whittier hills, protecting 2 our assets and securing the mineral rights for this vast 3 Whittier oil reserve. With the financial demands at the 4 present time on the federal government, the state of 5 California, our own Los Angeles County, it is our proven 6 Whittier city a leadership that has secured the Whittier 7 assets, securing the opportunity to keep Whittier a 8 vibrant, safe place for our children and -- for years to 9 come. I think it's important that we recognize that a 10 strong Whittier will give us great responders, quality 11 police and EMT medical needs.</p> <p>12 Drilling technologies of today are much more 13 superior than the old drilling technologies of a hundred 14 years ago. Further ensuring a great community.</p> <p>15 MAYOR WARNER: Thank you for your comments. Are 16 there any other speakers that are in support that wish to 17 address the Council at this time?</p> <p>18 Good evening.</p> <p>19 CAROLE BUCHER: I'm Carol Bucher. I've been a 20 resident of Whittier for more than 30 years. My plea, 21 and that's a pun, is for the expeditious approval and 22 implementation of the oil project. Whittier needs the 23 money now. Whittier property values are down more than 24 50 percent according to bank assessor. I am surrounded 25 by homes that have been for sale for years and in many</p> <p style="text-align: right;">59</p>	<p>1 These uses of oil money would all help restore 2 property values. The cities that have oil wells in the 3 heart of their homes and businesses had no decrease in 4 value due to the wells and have higher than average 5 commensurate values because of the amenities due to oil 6 money. Please act quickly to save Whittier. There is 7 obviously no disturbance to the surface plants and 8 animals by drilling hundreds of feet below. There's 9 obviously no Santa Rosa explosion danger from the natural 10 gas already going to our homes, ask the gas company. 11 Please vote yes to oil.</p> <p>12 MAYOR WARNER: Thank you for your comments. 13 Is there anyone else wishing to speak in favor 14 of the project? Okay. At this point in time we would 15 ask for ten additional folks that are speaking in 16 opposition to step up, five at each podium, please.</p> <p>17 Good evening.</p> <p>18 RICK SWANSON: Good evening, my name is 19 Rick Swanson. My family and I have lived in Whittier for 20 13 years. I don't have anything prepared because I was 21 under the impression that there would be no more public 22 comment. So I applaud you all for, again, opening it up 23 to some public comment.</p> <p>24 First and foremost, I think I'd like to go on 25 the record for saying I'm disappointed that Councilman</p> <p style="text-align: right;">61</p>

<p>1 Nordbak would make comments to the effect that -- 2 commenting how many pro and con e-mails and phone calls, 3 and what have you, and the degree to which these were 4 commented on, but I think that's inappropriate completely 5 for this group of Whittier citizens out here.</p> <p>6 What I find most interesting about this whole 7 project -- process -- project that's been going on now as 8 we know it for a year or so, apparently a lot longer for 9 you folks, is that I've been to a lot of City Council 10 meetings, I've been to a lot of these meetings and so on 11 and so forth, I've not had one -- not seen one 12 significant leader of our school districts in Whittier, 13 of our hospitals in Whittier, of our -- our police chief 14 in Whittier, of Whittier College, people who are running 15 Whittier College, I've not seen one of them stand up and 16 support this project. It seems to me most of these 17 people would benefit greatly from these hundreds of 18 millions of dollars that Matrix has constantly bombarded 19 us with this number on television, in these fancy, you 20 know, six color flyers we get in the mail about every 21 four weeks and in the Whittier Daily News, et cetera, et 22 cetera, et cetera. And yet none of them would be 23 benefiting from this -- these hordes of money, have come 24 forward and said we strongly support this program because 25 our schools need more money, et cetera, et cetera,</p> <p style="text-align: right;">62</p>	<p>1 Avenue. I've lived in Whittier for better than 30 years, 2 my second home. I e-mailed you guys some stuff, my name 3 wasn't on the list, so -- that you read off earlier, in 4 regards to having -- opening the public hearing up.</p> <p>5 Three minutes -- man, it goes quick. I'm 6 opposed to the project, I think it's the wrong thing to 7 do. We voted for Proposition A to preserve those hills 8 and you were entrusted to keep that promise and keep that 9 in the public trust. Owen, you came to my house and 10 knocked on my door one day and we had a nice conversation 11 in the front yard. It was about, you know, the Greenway 12 Trail, and I was very happy that you put -- put that 13 forward, you made something that was crappy into 14 something nice, right?</p> <p>15 You made the right decision earlier about 16 opening the Council -- the public comment back up and I 17 hope you make the right decision and deny this -- I mean, 18 nothing against these people here, go drill someplace 19 else, you're not my friend. There's nothing good that 20 can come from our neighborhood from having an oil company 21 in our backyard, you've proved it at Sycamore Canyon. 22 And my father, the man who raised me, was a rough-neck 23 his whole life, worked in the Whittier Hills. He died of 24 lung related cancer 'cause there's nasty stuff that comes 25 out of the ground, that's nasty carcinogenic material.</p> <p style="text-align: right;">64</p>
<p>1 et cetera, our hospitals need more money. That to me is 2 indicative of the fact that either, A, Matrix and you 3 folks have not done a good job of getting to these people 4 to sell them this program; or B, if you have, you 5 obviously have not convinced them that this program is 6 beneficial for this town.</p> <p>7 I can only say that we moved to this town 13 8 years ago because it is a quaint, quiet small town, 9 not -- located, you know, relatively bad freeway access, 10 so on so fourth, so we don't get big trucks lumbering up 11 and down our streets, et cetera, et cetera, et cetera.</p> <p>12 Obviously you people, it seems to me, are very interested 13 in making all this change and change the culture of this 14 city -- this town, actually.</p> <p>15 I would strongly urge each of you to strongly 16 consider your vote 'cause the people of Whittier it seems 17 to me are not for this, despite the fact what Councilman 18 Norbak says when he says 35 people call him in favor and 19 only 2 call him as opposed to it or whatever his numbers 20 were. Anyway, thank you very much.</p> <p>21 MAYOR WARNER: Thank you.</p> <p>22 Good evening.</p> <p>23 STEVE MATHER: Good evening. Thanks for opening 24 up the public forum, Council. I think you did the right 25 decision. My name is Steve Mather, I live on California</p> <p style="text-align: right;">63</p>	<p>1 Let's drill in South Dakota, not in Whittier. Thank you.</p> <p>2 MAYOR WARNER: Thank you for your comments. 3 Good evening.</p> <p>4 MS. BB: Good evening, my name is BB and I live 5 on Colima Road, so I am definitely an endangered species.</p> <p>6 The Colima Road is going to be torn up and two 7 pipelines are going to be put in and construction might 8 last from a year to two. And I would like to know how is 9 the City going to manage traffic? How are we going to 10 get in and out of our driveways? It is just 11 unfathomable. And then we have the Penn Street; 70-foot 12 tankers, 140 of them a day going down -- I mean, what are 13 you thinking? You have to turn this down. Forget about 14 the pollution and all the other things, traffic 15 congestion is definitely my big problem. Thank you.</p> <p>16 MAYOR WARNER: Thank you for your comments. 17 Good evening.</p> <p>18 EVE MANCIAS: Good evening.</p> <p>19 Hello, my name is Eve Mancias, I live in 20 Whittier, I'm a mother of a child with asthma, and I'm 21 concerned with the unavoidable impact to air quality of 22 the project that will have an impact for all citizens but 23 especially for children of Whittier who have asthma.</p> <p>24 In 2004 the Los Angeles County Department of 25 Health Services found that eight percent of children in</p> <p style="text-align: right;">65</p>

<p>1 Los Angeles County suffer from asthma and this percentage 2 holds true for the San Gabriel Valley children at 3 7.5 percent. That is roughly 37,000 children. This 4 survey cited a study from 2001 conducted in Los Angeles 5 and Pasadena that found that a direct relationship 6 between asthma symptoms and children and pollutants, 7 nitrogen dioxide and particulate matter. 8 The final EIR in table 4.1-2 in the air quality 9 impact states that the most relevant effects of nitrogen 10 dioxide is potential to aggravate chronic respiratory 11 symptoms in sensitive groups. And B, risk to public 12 health implied by pulmonary and extrapulmonary 13 biochemical and cellular changes and pulmonary structural 14 changes. For a suspended particulate matter it states 15 excess deaths for short-term exposure and exacerbation of 16 symptoms in sensitive patients with respiratory disease. 17 And B, excess seasonal declines in pulmonary function 18 especially in children. 19 The final D -- EIR states that there will be 20 increases in both nitrogen dioxide and particulate matter 21 during all stages from the project -- of the project from 22 construction through operations. The Southcoast Air 23 Quality Management District in its analysis of the air 24 quality impacts also states that the project will exceed 25 the AQMD localized significant threshold. For example,</p> <p style="text-align: right;">66</p>	<p>1 MAYOR WARNER: Can you give us your name, 2 please. 3 MARTHA DAVILA: I'm sorry, my name is Martha 4 Davila. I am a Colima resident. And I am here because 5 I've had a chance over the weekend to review our last two 6 City Council meeting. Because I have children I couldn't 7 be here all through the whole meeting. 8 I had a couple of questions for the marine 9 research company. I would like to know the date and time 10 the surveyors did their survey on Colima. Because as a 11 resident I seen the day they did it. I don't have the 12 date present, 'cause I didn't write it down, but it was 13 done the week before school officially started, when 14 everybody was on their last hurrah before school started. 15 There was no traffic, there was no problem getting 16 around, I could get in and out of my driveway, out around 17 anywhere, I didn't have a problem. That is why I know 18 the day it happened. It happened for two consecutive 19 days. They were there early in the morning and there was 20 no problem. So I don't see that stated on the EIR that 21 that's going to be a problem on Colima. We know traffic, 22 but do we know how bad it's congested now. No, only the 23 people and residents that live there know how bad it is. 24 My other question is who's going to be liable 25 for the streets? Because the big traffic cannot go --</p> <p style="text-align: right;">68</p>
<p>1 the project will result in 167 pounds of nitrogen 2 dioxides per day. However, 126 pounds per day is the 3 local threshold. 4 But the lead agency, Matrix EIR Consultants, 5 determines that the project's operational impacts are 6 insignificant. So we're going to expose our children to 7 eight times the amount of these pollutants. 8 The AQMD recommends ways to reduce these 9 pollutants and also recommends that the lead agency 10 coordinates with school staff to minimize operational 11 activities during playground hours at the nearby school 12 and during peek hours for outdoor activities at the 13 nearby residences. Who will take responsibility for 14 keeping our children safe from these pollutants? 15 Certainly Matrix has no incentive to stop drilling when 16 children are in school or out on the playground. Will 17 the school district coordinate this effort with the oil 18 company or will our City protect our children? The only 19 way to protect our school children is to deny Matrix the 20 conditional use permit. Thank you. 21 MAYOR WARNER: Thank you. 22 Good evening. 23 MARTHA DAVILA: Good evening. Thank you once 24 again for allowing us to be here. I have a couple of 25 questions that I --</p> <p style="text-align: right;">67</p>	<p>1 the big trucks cannot go on Hacienda and on Fullerton 2 Road. We're going to be limited to Colima, Beverly, 3 Norwalk and any access to the freeways, who's going to 4 pay for that disruption of all the traffic -- the roads 5 and who's going to be responsible for repairing them. I 6 didn't see anything about that on the article. 7 Also, I did do a little bit of research, like I 8 mentioned, and I found two important details and I 9 recommend that everybody -- we get out of the box and we 10 just go and check it out. We need to see that in these 11 meetings the people who are for the oil have either a 12 personal interest in this, whether it's financial gain, 13 whether they work there, or whether they have some kind 14 of benefit where they got paid for the commercial or 15 whatever the issue is. On the contrary, the people that 16 are against it have been up here, have done research, 17 have brought you proof, have brought you living 18 testimony, have brought you concerns about health, 19 quality of air, quality of life, the disruption of Mother 20 Earth, what's happening to our Puente Hills trust (sic) 21 line, what's going to happen there. We have all these 22 issues, all these concerns, we've done all this research, 23 we presented all this evidence and yet people still don't 24 get out of the box. People are still concerned about 25 money. Are we for sale? Are we for sale? No. Are the</p> <p style="text-align: right;">69</p>

1 quality of life for our children and our future is at
 2 stake.
 3 I just want to remind you that we are not for
 4 sale, we are concerned about the future. And a lot of
 5 us -- we are not the future of Whittier, we are the
 6 history of Whittier. The future of Whittier is the
 7 children. We need to look for the children, the future,
 8 they're the ones.
 9 MAYOR WARNER: Thank you. Thank you for your
 10 comments.
 11 MARTHA DAVILA: Thank you so much.
 12 TONI DONOVAN: Hi, my name is Toni Donovan --
 13 excuse me -- I'm a resident of Whittier and I just want
 14 to state that I oppose this project entirely, not just
 15 moving the roads, the entire project I think is wrong. I
 16 oppose it for my four sons, for my children, for all the
 17 children in Whittier and I want to also state for the
 18 record that many of the Whittier businesses I have spoken
 19 to are opposed to it. But they are afraid of retaliation
 20 from the City Council, from other businesses. The -- you
 21 know, so I just want to know where democracy is here.
 22 There's -- I've been to many meetings where I've
 23 heard Mr. Henderson speak, I've heard Matrix do
 24 presentations, and it just all sounds like you have made
 25 your mind up.

70

1 MAYOR WARNER: Try to speak into the microphone,
 2 please. Thank you.
 3 TONI DONOVAN: Like you have made your mind up
 4 already. I know you go on record saying if everything
 5 goes well, but even just trying to close the meeting, I
 6 mean, thank you for opening it again, but even just
 7 hesitating about opening the, you know, the comment
 8 section where other people could speak. Because it's
 9 very hard to come to these. I've got young children and
 10 I'm very busy and I will make every effort to come. And
 11 she's right, it's not for us, it's for the children that
 12 are going to be here. And you guys will probably, you
 13 know, probably be retiring and moving away and leaving,
 14 what, you're just going to leave everything, wipe your
 15 hands, put your money in your pocket and take off.
 16 And I really would -- please, please consider,
 17 you know, the future. Not your future, we will all be
 18 gone. The future of the children here.
 19 So thank you for opening the comments again and
 20 really, please, it really saddens me that it's going in
 21 the direction that it seems like. So, please, really
 22 consider it and don't let this go through. Thank you.
 23 MAYOR WARNER: Thank you for your comments.
 24 Good evening.
 25 FRED HAWTHORNE: Good evening, Mayor. Fred

71

1 Hawthorne, city of Whittier. I have a question as it
 2 relates to the people who are planning to drill for oil.
 3 If Clayton Williams is 75 percent of the
 4 lease -- of the leasee, why don't they have a
 5 representative here? Because if that was a business in
 6 Whittier, Greg Norbak would probably stand up and say you
 7 don't have the audacity or the courage to actually have
 8 the primary here, you've done that in the past quite a
 9 few times. So I encourage you guys as City Council
 10 members to ask Clayton Williams to come and state their
 11 case, 'cause their 75 percent of the owners, but because
 12 they have a Texas oil tag you probably don't want them in
 13 the state of California.
 14 Two, it boils down to the three Council members
 15 in the middle. I'm just going to be candidly and
 16 pragmatic honestly with the City, Joe Vinatieri,
 17 Owen Newcomer and Cathy Warner. It is up to you guys,
 18 and I know you guys are up for reelection, that's besides
 19 the point. We need you guys to vote no on this project.
 20 And I'm not foretelling the future, we know how the two
 21 bookends stand on this project, and I think it's
 22 extremely important that you stand by your democratic
 23 credentials and what you stood for in the past, Owen, and
 24 vote no on this project. And, Joe, I consider you an
 25 above average man -- above average man in Whittier. And

72

1 your dad loves whittier, you love Whittier, I've seen you
 2 at over a thousand events and I know you care about the
 3 city of Whittier. And I hope that you would look into
 4 those parents' eyes on Penn, look into those parents'
 5 eyes on Catalina and tell them you had their back.
 6 And, Cathy, we know your health history, you
 7 live about a half a mile away from the project, give or
 8 take a few, I apologize. You are a survivor. How are
 9 you going to look on your campaign trail, honestly, on
 10 your campaign trail and look those parents in the eye on
 11 Catalina, De Vista, Glenda Vista, and say, I'm a cancer
 12 survivor, but I want you to breathe this air and I don't
 13 really care about the lineage of your family. I don't
 14 believe that a woman of your caliber can look another
 15 woman in the eye and say, I'm sorry, you have cancer too.
 16 I hope and pray that the three of you make the
 17 right decision, because it's going to be extremely
 18 important coming down the line and -- also, I had the
 19 fortunate opportunity to have lunch with a prominent
 20 politician in the city of Los Angeles and he actually
 21 kind of joked when I -- I've been talking to him about
 22 this for some time -- and he actually kind of laughed
 23 because he actually thanked the city of Whittier for
 24 taking all this stuff in because cities --
 25 MAYOR WARNER: Thank you for your comments.

73

1 FRED HAWTHORNE: Oh, I'm sorry, sorry, time's
 2 up.
 3 MAYOR WARNER: Thank you.
 4 Is there anyone else opposed to the project that
 5 would like to address the Council? Anyone else with an
 6 opinion either way or without an opinion either way
 7 that's not sure, would like to address the Council?
 8 Okay, Mr. Jones, where do we go from here?
 9 MR. HELVEY: You have one more speaker to the
 10 left.
 11 UNIDENTIFIED WOMAN: But I spoke before.
 12 MAYOR WARNER: You just get one opportunity to
 13 speak.
 14 Okay, Mr. Jones?
 15 MR. JONES: Well, normally what we would do in
 16 the normal process, but this is sort of normal, is we
 17 would now adjourn and come back and continue public
 18 comments tomorrow night at 5:30 p.m. is my understanding
 19 based upon the council's schedule.
 20 If the Council does want to ask a few questions,
 21 not of my Matrix but rather of staff, you could do so,
 22 but normal procedure is to not have those questions 'til
 23 we've concluded the public testimony portion of our
 24 public hearings.
 25 MAYOR WARNER: And is it important at this point

74

1 in time that the Council be in consensus in regards to
 2 whether or not we want to have questions asked or should
 3 that be determined by individual opinions?
 4 MR. JONES: It's based upon the democratic
 5 process of majority of Council. You can either move to
 6 adjourn or you can move to proceed based upon what
 7 majority Council so desires. If you're asking me by
 8 tradition, our tradition would be to submit at this point
 9 in time and come back tomorrow night and continue public
 10 comments.
 11 COUNCIL MEMBER NORDBAK: Mr. Jones, what was the
 12 motion we voted on? I thought what's what we agreed when
 13 public comment's done we'd adjourn 'til tomorrow night at
 14 5:30.
 15 MR. JONES: That was the last direction.
 16 COUNCIL MEMBER HENDERSON: Is it important at
 17 this time to make any kind of a motion in respect to the
 18 public hearing for tonight?
 19 MR. JONES: No. The public hearing will remain
 20 open. No motion's necessary based upon prior actions of
 21 the Council. We will continue public hearing 'til
 22 tomorrow night, we will adjourn 'til 5:30 in this room.
 23 MAYOR WARNER: And I want to clarify that our
 24 earlier motion and our earlier vote precluded taking
 25 questions tonight. Is that everyone's understanding?

75

1 COUNCIL MEMBER VINATIERI: That was my motion.
 2 MAYOR WARNER: Okay. Before we adjourn tonight,
 3 I just want to make sure we don't have anything --
 4 MR. JONES: Based upon the prior motion, the
 5 Chair can adjourn at this point in time and come back
 6 tomorrow night.
 7 MAYOR WARNER: Before we adjourn, does anyone
 8 have any comments they'd like to make?
 9 COUNCIL MEMBER NORDBAK: No.
 10 MAYOR WARNER: Joe, anything?
 11 COUNCIL MEMBER VINATIERI: Yes, I just want to
 12 make sure we're clear on tomorrow night in terms of the
 13 time; commence at 5:30 and my understanding is that we
 14 are done at 10:00.
 15 MAYOR WARNER: We previously had agreed as a
 16 body that we would finish up at 10:00 tomorrow night.
 17 MR. JONES: Well, again, let me make it clear we
 18 say 10:00, but if we have the rebuttal tomorrow night, if
 19 we have public comments, we conclude those comes back to
 20 hear deliberations, you could conclude before tomorrow
 21 night at 10:00. There's nothing --
 22 MAYOR WARNER: Right.
 23 MR. JONES: -- that requires you to go beyond
 24 10:00.
 25 MAYOR WARNER: Right.

76

1 Bob, any comments?
 2 COUNCIL MEMBER HENDERSON: No.
 3 MAYOR WARNER: Owen?
 4 MAYOR PRO TEM NEWCOMER: No, I wanted to
 5 emphasize 5:30 but Joe did.
 6 MAYOR WARNER: And, again, I just would like to
 7 thank everyone who came to our Veterans Day observance
 8 last Friday and we are adjourned this evening. We'll be
 9 back tomorrow night at 5:30.

10
 11
 12
 13 CERTIFICATION
 14 OF
 15 CERTIFIED SHORTHAND REPORTER

16
 17 I, the undersigned, a Certified Shorthand
 18 Reporter of the State of California do hereby certify:
 19 That the foregoing proceedings were taken
 20 before me at the time and place herein set forth;
 21 that any witnesses in the foregoing proceedings, prior
 22 to testifying, were placed under oath; that a verbatim
 23 record of the proceedings was made by me using machine
 24 shorthand which was thereafter transcribed under my
 25 direction; further, that the foregoing is an accurate

77

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this day subscribed my name *Heather Shook*



Dated: _____

Certificate Number: 10676