MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING CITY COUNCIL CHAMBER, 13230 PENN STREET APRIL 14, 2009

1. CALL TO ORDER:

The Whittier City Council met in regular session on April 14, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 7:15 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/AGENCY MEMBERS/AUTHORITY DIRECTORS PRESENT: J. Greg Nordbak, Council Member/Agency

Member/Authority Director

Cathy Warner, Council Member/Agency

Member/Authority Director

Owen Newcomer, Council Member/Agency

Member/Authority Director

Bob Henderson, Mayor Pro Tem /Vice

Chair

Joe Vinatieri, Mayor/Chair

OTHER OFFICIALS PRESENT: Stephen W. Helvey, City Manager/

Executive Director

Richard D. Jones, City Attorney/Authority

Counsel

Kathryn A. Marshall, City Clerk-Treasurer/

Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Mayor Vinatieri led the Pledge of Allegiance.

ANNOUNCEMENT:

City Manager Helvey announced that Eduardo Hernandez was appointed to the Planning Commission during a Special Meeting held earlier in the evening.

4. ORAL COMMUNICATIONS:

Captain Marcello, Salvation Army, Pickering Avenue, Whittier, thanked Mayor Vinatieri for his service to the community; announced Whittier Connect Day, an event to connect residents, particularly the homeless with needed services; and prayed for the City Council and community.

Betty Rengifo-Tucker, Hispanic Outreach Taskforce (HOT) President, and Mary Romero, Executive Director, thanked outgoing Mayor Vinatieri for his work in bringing together faith-based organizations and the Police Department to reduce youth crime, his commitment to the community and partnership with HOT; and presented him with a plaque for outstanding leadership. Ms. Rengifo-Tucker announced their Positive Image Awards Program.

Alessandro Birdine, Pickering, Whittier, DirectLinkLocal Community Connections, spoke regarding his company's efforts to bring the community together through supporting various community programs; handed out a document reflecting statistics for hits on his WhittiersBest.com website and announced he would be launching an electronic magazine, *Today's Whittier*.

Bob Archuleta, Mayor Pro Tem, and Ron Beilke, Council Member from the City of Pico Rivera, presented outgoing Mayor Vinatieri with a plaque in honor of his service as mayor and congratulated incoming Mayor Henderson.

Carlos Franco, Montebello, said his city does not have an ordinance for medical use of marijuana and he wants to open a cannabis dispensary in Whittier.

City Manager Helvey advised Mr. Franco he could begin the process by applying for a conditional use permit.

Carol Lessin, Whittier, said she opposed the proposal to close park restrooms; they are needed not only by children and the homeless, but by senior citizens who use the parks, and noted there could be health danger associated with the proposal because people would defecate in the bushes if the restrooms were closed.

Mike Vacchio congratulated outgoing Mayor Vinatieri on his term and expressed good luck to incoming Mayor Henderson; said he had patronized Steve's BBQ and could document food versus beverage expenses; and said under the current economic and drought circumstances, the City should not pursue his client in a criminal prosecution under the City's vacant lot ordinance.

Ron Cabrera, Los Angeles County Fire Battalion Chief, Greenleaf Station, and other Fire Department Managers, presented outgoing Mayor Vinatieri with a Certificate of Commendation for his dedication to the citizens of Whittier and thanked him for his support of the Fire Department.

Joe Marsico, Whittier, said he had strapped himself to his trolley to prevent it from being towed earlier in the day and resolved the matter with the help of the Police Department. He spoke regarding a personal meeting with incoming Mayor Henderson who made decisions to reduce the area of the City subject to towing for parking on the street to the poor areas of the City and approved closing off Mar Vista Street and Colima Road which resulted in revenue loses to the City because it reduced shopping in Uptown.

Ralph Marsico, Whittier, expressed concern with the speed of cars coming off Whittier Boulevard at Penn Street, where it intersects with the Greenway Trail and suggested a "Yield" sign be installed there; spoke regarding his father's public purposes for owning the trolley; reported on the fines he paid for tickets on the trolley; and indicated the enforcement effort may have been selective enforcement.

George Poochigian, Whittier, complimented outgoing Mayor Vinatieri on his service throughout the year; asked the City to resolve the problem with television stations calling the unincorporated County area of Whittier which impacts the City's reputation negatively when crimes occur outside the City; spoke against the proposed water and sewer rate increases; inquired about the status of Nelles School acquisition and Library planning; and said he does not see City Council Members attending the Senior Center Advisory Committee Meetings.

Arthur Rock, Whittier, thanked outgoing Mayor Vinatieri for his service and congratulated incoming Mayor Henderson. He spoke in support of the City spending \$8,000 to provide a 4th of July community picnic to celebrate the country's freedom, honor those in military service, and celebrate the Nation's birthday, and said if the City is not able to allocate the funds, the churches might sponsor the event.

5. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Vinatieri recessed the Redevelopment Agency and Utility Authority meetings at 7:52 p.m.

6. **ELECTION OF MAYOR:**

Mayor Vinatieri said it had been an honor to serve as mayor for the past year because of how special the community is; thanked his colleagues, City staff, and his family for their support during the year; spoke regarding the Blue Star Program honoring veterans and other programs undertaken during his year as mayor; introduced his father and wife, and presented flowers to his wife in appreciation of her support.

Council Members each thanked outgoing Mayor Vinatieri for his dedicated service throughout the year.

It was moved by Council Member Nordbak, seconded by Council Member Newcomer, and carried unanimously, to elect Bob Henderson Mayor.

7. ELECTION OF MAYOR PRO TEM:

It was moved by Council Member Warner, seconded by Council Member Newcomer, and carried unanimously, to elect Greg Nordbak Mayor Pro Tem.

Mayor Henderson introduced his guests, including his son, granddaughter, and wife.

Mayor Pro Tem Nordbak introduced his parents, wife, and sister present in the audience.

8. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 8:05 p.m.

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

City Manager Helvey recommended the City Council consider approval of the Consent Calendar including corrected Minutes for Item 9.B.

Mayor Pro Tem Nordbak requested separate consideration of Item 9.G.

Council Member Warner requested separate consideration of Item 9.J.

Council Member Vinatieri requested separate consideration of Item 9.E.

It was moved by Council/Agency Member/Director Newcomer seconded by Mayor Pro Tem/Vice Chair Nordbak, and carried, by roll call vote, to approve the Consent Calendar with the exception of Items 9.E, 9.G, and 9.J, and accepting the correction on Item 9.B, and that Ordinance No. 2924 and Resolution Nos. 8191 and WRA-09-04 be read by title only, further reading be waived, and they be declared adopted. The motion carried with Council Member Newcomer abstaining on Item 9.C and Council Member Vinatieri and Mayor Henderson abstaining on Item 9.D due to their business offices being located in the Earthquake Recovery Redevelopment Project Area.

Council Member Newcomer stated that while he did not have a conflict of interest on Item 9.C, the organization was receiving money and he serves as a Commissioner on the Board of the Los Angeles Homeless Services Authority.

- **9.A** The City Council denied claims filed by Jeff Adams, Allstate for Jacqueline Berzel, Mary F. Raymond, Adalbert A. Muller, Richard E. Horn, Matthew Ivantic, and Los Angeles County/Los Angeles County Flood Control District.
- **9.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of March 24, 2009.
- **9.C** The City Council approved a facility fee waiver for the Los Angeles Homeless Services Authority in the amount of \$210, for use of City facilities for the Census Report homeless count.
- 9.D The City Council conducted second reading and adopted Ordinance No. 2924 entitled, "An Ordinance of the City Council of the City of Whittier, California, adding the potential funding of certain public improvements to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area."
- **9.F** The City Council approved a Professional Services Agreement with Hogle-Ireland for a contract planner; and authorized the City Manager to execute the Agreement.
- **9.H** The City Council and Agency Board adopted the following resolutions for code enforcement within the City's major commercial corridors:
 - Resolution No. 8191 entitled, "A Resolution of the City Council of the City of Whittier, California, amending the Fiscal Year 2008-09 Budget to fund an additional Code Enforcement Officer assigned to the Whittier Redevelopment Agency"; and
 - Resolution No. WRA-09-04 entitled, "A Resolution of the Board of the Whittier Redevelopment Agency amending the Fiscal Year 2008-09 Budget for the purpose of funding Code Enforcement activities."
- 9.I The City Council approved the Amendment to the Agreement to continue operations, maintenance and administration of Dial-A-Ride services with the City of La Habra Heights through June 30, 2009; authorized the City Manager to execute the Amendment; and authorized the City Manager to negotiate a new Agreement with the City of La Habra Heights effective July 1, 2009.

9.E WHITTIER POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING AMENDMENT

Following comments, it was moved by Council Member Vinatieri, seconded by Council Member Newcomer, and carried unanimously, by roll call vote, to approve the amendment to the Memorandum of Understanding with the Whittier Police Officers'

Association for Fiscal Year 2009-2010 and authorize staff to implement the salary adjustments and present implementing resolutions to the City Council at a future meeting.

9.G AWARD OF CONTRACT - FY08-09 CONSTRUCTION OF ACCESS RAMPS AT VARIOUS LOCATIONS

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote, with Mayor Pro Tem Nordbak dissenting, to waive the informality in the bid documentation submitted by JMJ Contractor's, Inc., award the construction contract to JMJ Contractors, Inc., for the construction of access ramps at various locations project, reject all other bids, and authorize the City Manager to sign the contract on behalf of the City.

9.J DEVELOPMENT REVIEW DR08-1006 AND CONDITIONAL USE PERMIT C08-010, 13301 WHITTIER BOULEVARD – "FRESH & EASY"

Following discussion, it was moved by Council Member Warner, seconded by Council Member Newcomer, and carried unanimously, to receive and file the Planning Commission's approval of Development Review DR08-1006 and Conditional Use Permit C08-010 to construct and operate a new 14,500 square-foot retail building; allow the on-site sale for off-site consumption of general alcoholic beverages (Type 21 license); and extend the hours of operation past 12:00 a.m. (midnight) daily for a full-service grocery store known as "Fresh & Easy," located at 13301 Whittier Boulevard; Owner: NMC Whittier II, LLC; Applicant: Hany Malak (McKently Malak Architects).

10. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 8:23 p.m.

11.A BOARD AND COMMISSION ANNUAL APPOINTMENTS

City Clerk-Treasurer Marshall reported that since issuing the agenda report, Park and Recreation applicant Gulam Butt had not confirmed his interest in appointment, neither had Parking and Transportation Commission applicant Kenneth Coleman; and that Social Services Commission applicants Mildred Early and Rene Licon had withdrawn their applications from consideration.

The City Council selected the following applicants to be scheduled for interviews on June 2 or June 16, 2009:

Cultural Arts Commission – Eric Martinez, Steven Reyes, and Norma Rodriguez;

Park and Recreation Commission – Delicia Barba, Sue Dean, and Juan Carlos Garate;

Parking and Transportation Commission – Kenneth Coleman, Victor Franco, and Melik Kumjian;

Planning Commission – Robert Apon, Charles Claver, Jeanette Fasone, and John Olvera; and,

Social Services Commission - Sue Dean, Norma Rodriguez, and Anna Sauceda.

12.A CITY COUNCIL DIRECTORSHIPS AND SUBCOMMITTEES

Following discussion, it was moved by Mayor Henderson, seconded by Council Member Vinatieri, and carried unanimously, to approve the directorship appointments list with the following changes:

City Selection Committee Delegate – Owen Newcomer;

Los Angeles County Division of the League of California Cities Delegate – Owen Newcomer, Alternate – Joe Vinatieri:

Los Angeles County Sanitation District Nos. 2, 15, and 18 Delegate – Bob Henderson, Alternate – Greg Nordbak;

Southeast Area Social Services Funding Authority Alternate – Cathy Warner.

Following discussion and with the consensus of the City Council, Mayor Henderson ordered the following changes to City Council Subcommittees:

Greenway Trail Construction Subcommittee – sunset;

Greenway Trail Expansion Subcommittee formed with members Mayor Henderson and Council Member Newcomer and a sunset date of April 2010;

Nelles Property Acquisition Subcommittee – sunset date extended to April 2010.

12.B REVIEW MEDICAL MARIJUANA ORDINANCE

Following discussion, Council Members Warner and Vinatieri, and Mayor Pro Tem Nordbak expressed interest in discussing the City's medical marijuana ordinance and requested staff bring a report back to a future meeting

13. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with City Council at 8:43 p.m.

Mayor Henderson introduced newly appointed Planning Commissioner Eduardo Hernandez and invited him to review his professional experience and education.

14. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:

Mayor Pro Tem Nordbak said he would like to see the City host the traveling Vietnam Veteran's Memorial in connection with the Welcome Home Vietnam Veterans' event next year.

Council Member Vinatieri reported attending the League of California Cities Revenue and Taxation Committee meeting and participating in discussion regarding the State's tax measures on the ballot next month.

Council Members congratulated Mayor Henderson and Mayor Pro Tem Nordbak on their elections and expressed best wishes for a great year.

15. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Henderson adjourned the Utility Authority meeting at 8:57 p.m.

16. CITY COUNCIL/REDEVELOPMENT AGENCY JOINT CLOSED SESSION:

City Manager Helvey recommended the Closed Session be held pursuant to:

- **16.A** Redevelopment Agency Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard (Gables project); Agency negotiator: Stephen Helvey.
- **16.B** City Council Government Code Section 54956.9(a) to discuss two cases of litigation:
 - 1. Case No. 8WW00930, People of the State of California vs. Hugo Gutierrez and Carmen Gutierrez; and
 - 2. Case No. BS113401, Hugo Gutierrez vs. City of Whittier.

Mayor Henderson adjourned the joint meeting to Closed Session at 8:57 p.m.

17. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the joint meeting in Open Session at 9:20 p.m.

18. CLOSED SESSION REPORT:

None.

19. ADJOURNMENT:

Mayor Henderson adjourned the joint meeting at 9:20 p.m.

Respectfully submitted:

Kathryn A. Marshall City Clerk-Treasurer/ Secretary Treasurer