

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
JANUARY 12, 2010**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on January 12, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:34 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

**2. ROLL CALL:**

**COUNCIL MEMBERS/AGENCY  
MEMBERS/AUTHORITY  
DIRECTORS PRESENT:**

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

**OTHER OFFICIALS PRESENT:**

Stephen W. Helvey, City Manager/  
Executive Director  
Richard D. Jones, City Attorney/Authority  
Counsel  
Toni Maiques, Assistant City Clerk Treasurer/  
Assistant Secretary-Treasurer  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer (9:58 p.m.)

**3. PLEDGE OF ALLEGIANCE:**

Mayor Pro Tem Nordbak led the Pledge of Allegiance.

**4.A WHITTIER CONSERVANCY AND SOUTHERN CALIFORNIA EDISON  
PRESENTATION**

Mary Sullens, Whittier Conservancy President, announced the Conservancy had received a \$50,000 Edison International Corporate Contribution Grant from Southern California Edison to be used for restoration of historic structures at the Greenway Trail

Palm Park Station; and said this was a collaboration between the Conservancy, Southern California Edison and the City. She introduced Sylvia Southerland, Southern California Edison Regional Public Affairs Manager, who said that Edison provides grants in three areas – environment, education and programs for the underserved community. Mayor Henderson accepted the grant on behalf of the City.

#### **4.B ACTIVATE WHITTIER PRESENTATION**

Community Services Director Shields said Activate Whittier was a program developed in 2008 between the City, the YMCA, Presbyterian Intercommunity Hospital and Los Angeles County Public Health Department; and the interactive website promotes physical activity, healthy eating and wellness education. Jeff Lopez, Activate Whittier Committee, demonstrated the [www.activatewhittier.org](http://www.activatewhittier.org) website; and announced the Activate Whittier Kick-off on Saturday, January 16, 2010 at Parnell Park, from 10:00 a.m. to 1:00 p.m.

#### **5. ORAL COMMUNICATIONS:**

Richard Krieger, Whittier; said the he wants the Greenway Trail extended to La Habra; he wants bus service to the Uptown Depot or Whittwood after 10:00 p.m.; and he said the City needs a Bob's Big Boy.

Javier Murrieta, 16535 Shady Valley Lane, Whittier; expressed thanks for the City's efforts regarding the ficus trees on Maybrook; asked City staff to look beyond the tree roots because his garage has sustained damage due to the trees; and he wants City staff to have a dialogue with the Maybrook residents.

Admiral Mike Shatinsky, Whittier; said he is a member of the Uptown Gym; the Gym owner takes care of his customers; he also frequents numerous other businesses uptown; the bus stop area in front of the Uptown Gym is permanently marked as parking stalls; people can get parking tickets; and he supports moving the bus stop to a different location.

Linda Vieg, Whittier; said she is legally blind; she has ridden buses for 50 years and lived in the Uptown 42 years; and she uses the bus stop in front of the Uptown Gym regularly to go to the Whittwood.

Jonathan Vieg, Whittier; said he believes the bus stop should stay where it is; it should not be moved more that a ½ block; it could be relocated in front of the old Bank of America building; he does not want a hardship on the gym; and he wants a fair solution for all parties.

Pat Favio, Office of Congressman Gary Miller; introduced the new representative for Congressman Miller, who lives in Whittier.

Heather, new representative for Congressman Gary Miller, introduced herself; said she is a lifelong Whittier resident; and she is looking forward to her new assignment.

Mary Ann Bakotich, Whittier Area Chamber of Commerce; announced the following Chamber events: Wake-Up-Whittier on January 13, 2010; Silver Shield Awards Banquet on February 5, 2010; and the Chamber Business Expo on March 18, 2010.

Russell Castaneda-Calleros; Rio Hondo College; thanked the City Council for supporting the "GO RIO" Program, which has helped increase the number of students using public transportation; 20% of "GO RIO" riders are Whittier residents; the number of cars and emissions to the environment have decreased; and parking has improved on the Rio Hondo campus.

Allen Nakken, 8355 La Sierra Avenue, Whittier; thanked the staff for bringing the Philadelphia bus stop issue to the Council level; said he has witnessed problems at the bus stop; he supports relocating the bus stop and returning the parking spots to the City.

Dewby McDonald; announced January 28, 2010 as Kazoo Day; and distributed kazoos to the Council Members.

Victor Flores, 10326 Maybrook Avenue, Whittier; thanked the Council for the taking action regarding the ficus trees on Maybrook; said he is concerned that partial removal of the roots will not help with sewer problems; he has roots under his house; and he has had to have more sewer line repairs since December.

Robert Canales, Whittier; said the constitution needs to be replaced; the economy began to fail in 2006; a congressional delegation can affect the most change; and the Administration helped corporations and not the average American.

Arthur Rock, Whittier, read a remembrance about Kenny Greisbach, a homeless resident that recently died; and said people need to rejoice in the Lord.

James Sass, 6252 Washington Avenue, Whittier; congratulated the Council for having no controversies in 2009; he said an advantage to the Gold-Line extension is redevelopment of the Nelles property which will bring in new employees and connect the area to the rest of the community; and he said the Greenway Trail has made the City a better place to live.

Alex Isaian, Five-Points Car Wash, Whittier; said he is having trouble getting new tenants into his properties because of the workplace/office uses zoning; he is trying to improve the car wash because of the Greenway Trail; and he needs help getting tenants.

Dean Carlton, 10339 Maybrook Avenue, Whittier; said the work has started to remove the sidewalks on Maybrook to assess the possibility of tree removal; in addition to the return card opting for replacement of the sidewalks, he sent a letter to the City Council regarding the damage to his property due to the ficus tree in his front yard; he said the tree roots have caused extensive damage to his yard, sewer and sprinkler systems; he said the City has given an ultimatum that no one can remove or touch the tree roots; he was told the City automatically denies claims resulting in undue expenses and upset; he is trying to recover his expenses; he requested the Council take the opportunity to view the damages due to removal of the sidewalks; he wants an amicable agreement between the City and the residents; and he believes the best solution is for the City to come to agreement with the residents on an individual basis without legal action.

Joe Martinez, Whittier; said he has been a member at the Uptown Gym for 10 years; he believes the bus stop is not positioned in a safe place because riders need to use the alley where their vision can be blocked; and it would be more convenient to have the bus stop in front of the old Bank of America building.

Tony Gonzales, Whittier; said he is an Uptown Gym member; he supports moving the bus stop ½ block to the old location in front of the old Bank of America building; his concern is safety because cars still park in the bus stop area; and it is dangerous for seniors and the handicapped.

Artie Rossum; 8933 Santa Fe Springs Road, Whittier; said he served in the U.S. Army; he has parked his motor home in the same location for twenty years with no problems; his new landlord painted the property; he now has to pay \$95/per year for parking and his motor home was towed; he lives on his Social Security income; he had to reduce his medications by half to pay for an attorney; and he believes he has no rights after the property was sold.

Preston Rossum, Whittier; said he is a Vietnam veteran; that California Civil Code 50 gives people the right to defend their property and loved ones; his father's vehicle was towed under the authority of color; and he said peace is the presence of god.

Joe Marsico, Whittier; said the Rossums called him and he witnessed their motor home getting towed; this situation has been going on since 1972 when the City decided to tow cars for street sweeping; he said he called the Watch Commander and Police Captain to try to help; and he believes only poor people suffer.

Alex Morales, Whittier; thanked the City Council for doing a good job; said he had resigned his positions on the Rio Hondo and Whittier Union High School District Boards of Trustees; and he will be concentrating on his efforts to run for City Council.

Fred Hawthorne, Whittier; announced he is a City Council candidate; said his first Meet and Greet event would be held on January 14; he said he can bring democracy back to Whittier; he said Whittier has a new voice and new choice; and he asked the community to help carry his message on Election Day, April 13, 2010.

George Poochigian, Whittier; said the City needs a proclamation against the Iraq war; the Whittier Police Department should know where citations are going; the interview process is important for new commissioners; and he wants people to stay on commissions after appointment.

Ralph Marsico, Whittier; read a letter from the Whittier City Employee's Association thanking his father for participating in the 1992 election; and said he would submit his election package by the end of the week.

Steve Scott; said he is the Manager at the Uptown Gym; said the front door of the gym is fifteen feet from the bus stop on Philadelphia; his clients are being intimidated by the bus riders and pan handlers; and a client asked him to escort her to her car.

Richard Gill, Uptown Gym owner, Whittier; requested the bus stop in front of his business be moved back to the original location where it had been for fifty years; he does not believe relocating it will affect ridership; he sees no compelling reasons to keep the stop where it is; he submitted a petition with 240 signatures supporting moving the bus stop; his business is open 6:00 a.m. to 10:00 p.m. and his business is impacted more than most businesses; he has been in business 29 years and believes he should have seniority over the vacant Bank of America building; his business offers health and fitness, provides training, and is a place for young people; and his members shop in the area.

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

Council Member Newcomer requested separate consideration of Item 6.K.

Mayor Pro Tem Nordbak said he would abstain from voting on Item 6.D

It was moved by Mayor Pro Tem/Vice Chair Nordbak, seconded by Council/Agency Member/Director Vinatieri, and carried, by roll call vote, to approve the Consent Calendar, except Item 6.K, and that Ordinance Nos. 2943 and 2945; and Resolution Nos. 8258 and 8259 be read by title only, further reading be waived, and they be declared adopted, with Mayor Pro Tem Nordbak abstaining on Item 6.D (Ordinance No. 2945); and that Ordinance No. 2946 be read by title only, further reading be waived, and this be declared its first reading.

- 6.A** The City Council denied claims filed by Tom J. Uraine, Francisco Salazar, Victor Payes, Randy Grisham, Fernando C. Morales, Paragon Subrogation Services, Inc., Ernest Escobedo, John Littlefield, Margaret A. Huber, Marco Lozano, Tigran Anayak Babayan, and Davit Babayan.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of December 8, 2009 and December 22, 2009.
- 6.C** The City Council conducted second reading and adopted Ordinance No. 2943 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING AND REPLACING CHAPTER 8.32 OF TITLE 8 (HEALTH AND SAFETY) RELATING TO NOISE DISTURBANCES"; and authorized staff to do a summary publication of the ordinance.
- 6.D** The City Council conducted second reading and adopted Ordinance No. 2945 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING WHITTIER MUNICIPAL CODE SECTION 2.54.060 RELATING TO CAMPAIGN FINANCE DISCLOSURE," to increase the threshold requiring campaign finance reports during the late reporting period.
- 6.E** The City Council conducted first reading of Ordinance No. 2946 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING AND REPLACING CHAPTER 12.42 OF TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), AND REPEALING AND REPLACING SECTION 10.48.070 OF CHAPTER 10.48 OF TITLE 10 (VEHICLES AND TRAFFIC), RELATING TO LIVING IN VEHICLES," addressing unlawful vehicle habitation on public property or open to public view.
- 6.F** The City Council approved funding additional expenses for the Sister City Committee; and adopted Resolution No. 8258 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET FOR THE SISTER CITY COMMITTEE," in the amount of \$1,300.
- 6.G** The City Council took the following actions regarding the Santa Gertrudes Avenue at Starbuck Street Traffic Signal Installation, Federal Project No. ESPL-5111 (049):
1. Approved the Project plans and specifications;
  2. Authorized the City Clerk to advertise for construction bids; and
  3. Adopted Resolution No. 8259 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA,

RESCINDING RESOLUTION NO. 4440, REMOVING A CERTAIN VEHICULAR TRAFFIC RESTRICTION RELATING TO STREET PARKING ON SANTA GERTRUDES AVENUE AT STARBUCK STREET.”

- 6.H** The City Council accepted the Irrevocable Offer of Right-of-Way Dedication for Assessor Parcel Number 8168-019-006, located at 12546 Lambert Road, for Brown Family Trust and Allen Rossi; and authorized the City Clerk to execute the Dedication.
- 6.I** The City Council received and filed the Fiscal Year 2009-10 Work Plan update.
- 6.J** The City Council reappointed Dave Cowardin to the Citizens Technical Advisory Committee (CTAC) of the Puente Hills Landfill Native Habitat Preservation Authority for a four-year term.
- 6.L.** The City Council will allow the United States Census Bureau to use some City building space at no cost from time to time between March 19 and April 19, 2010.
- 6.M.** The City Council approved a lease with Clearwire for the installation of a wireless facility on the Whittier Boulevard Greenbelt near Redman Avenue and Dorland Street subject to zoning approval; and authorized the City Manager to execute the lease documents.

#### **6.K PARK NEEDS AND OTHER PUBLIC FACILITY IMPROVEMENTS REPORT**

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, unanimously, to receive and file the Park Needs and Other Public Facility Improvements Report as amended to change the word “soccer” to “athletic” for all facilities.

Mayor Henderson recessed the joint meeting at 8:05 p.m. At 8:15 p.m. he reconvened the joint meeting with all Council/Agency Members/Directors present.

#### **7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 8:15 p.m.

### **8.A PUBLIC HEARING – MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider adopting an urgency ordinance extending a Citywide moratorium on the establishment and operation of medical marijuana dispensaries for a period of ten months and fifteen days; and that the moratorium was established on December 8, 2009 by adoption of Interim Urgency Ordinance No. 2944.

Mayor Henderson opened the Public Hearing at 8:17 p.m.

Robert Canales, Whittier, spoke in support of the moratorium; and said he would support revoking the licenses of any existing medical marijuana dispensaries.

There being no other speakers wishing to testify before the City Council, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously, to close the public hearing at 8:19 p.m.

It was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried unanimously, by roll call vote, that Urgency Ordinance No. 2947 entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, EXTENDING A CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS," be read by title only, further reading be waived, and it be declared adopted.

### **9.A WHITTIER POLICE MEMORIAL STATUE**

Following a Power Point presentation by Doug Lopez of the Whittier Police Memorial Committee and Council discussion, there was City Council consensus to direct the Committee to commence fund raising for the \$100,000 cost of the statue.

### **9.B BUS STOP AT PHILADELPHIA STREET AND COMSTOCK AVENUE**

Transit Manager Browne presented a staff report and said it is necessary to balance the needs of the bus passengers, business owner and patrons; there are approximately 1,000 bus passengers per week using the bus stop; there is a study under way for the Whittier Uptown Specific Plan which addresses transportation issues; the Parking and Transportation Commission did not come to a consensus on the issue; and the three issues regarding relocating the bus stop are adequate space, American Disabilities Act (ADA) accessibility and access to the Uptown area.

In response to Council Member questions, Transit Manager Browne said the previous location ½ block east on Philadelphia in front of the old Bank of America building is a suitable site for relocation; the current bus stop shelter is located in front of

the empty lot on the corner of Comstock and Philadelphia, however due to the length of the bus, the buses stop beyond the shelter in front of the Uptown Gym; the Parking and Transportation Commission voted 2-2 to relocate the bus stop; two members voted in favor of relocation because of loitering and pollution, and two voted against relocation because they did not have enough information to make the determination.

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Warner, and carried, unanimously, to direct staff to return within thirty days with a report outlining feasible options for relocating the bus stop; and returning at a later date to schedule a public hearing, probably in May 2010.

Council Member Warner left the Council Chamber at 9:10 p.m.

### **9.C POTENTIAL FORMATION OF A HISTORIC DISTRICT**

Mayor Henderson reported the Whittier Conservancy and Whittier College were discussing the issue; and ordered the evaluation of selected homes on Earham Drive and Penn Street for the potential formation of a historic district be continued to January 26, 2010.

### **9.D GATEWAY CITIES COUNCIL OF GOVERNMENTS AMENDED IMPLEMENTATION AGREEMENT**

Council Member Warner returned to the Council Chamber and resumed her seat at the dais at 9:15 p.m.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, unanimously, to oppose adding the I-405 to the Corridor Committee, continue with membership on the Committee; and continue current funding.

City Attorney Jones left the Council Chamber at 9:18 p.m.

### **9.E RECREATIONAL VEHICLE CAMPING – WHITTIER ELKS LODGE, 13620 WHITTIER BOULEVARD**

Following discussion, it was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Nordbak, and carried, unanimously, to determine RV camping use is similar to other uses within the Commercial Expansion/Auto Sales Segment; allowing RV parking for Elks' Members only, under the current Whittier Boulevard Specific Plan; subject to noise control with time limits on generators and establishment of a night "quiet time"; limits or prohibition on outdoor fires and BBQs; prohibition on outdoor clotheslines; requirement for parking on a paved parking surface; and consideration of a buffer along the south side of the property to screen the RV area from the adjoining residential neighborhood.

**9.F LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION ACT OF 2010**

Following brief discussion, it was moved by Council Member Newcomer, seconded by Mayor Pro Tem Nordbak, and carried unanimously, by roll call vote, that Resolution No. 8260 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION ACT OF 2010," to prohibit the State of California from taking, borrowing or diverting various local taxes, be read by title only, further reading be waived, and it be declared adopted.

**9.G WHITTIER GREENWAY TRAIL LANDSCAPING AND DRAINAGE IMPROVEMENTS**

Following brief discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Newcomer, and carried, unanimously, by roll call vote, that Resolution No. 8261 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET TO FUND WHITTIER GREENWAY TRAIL LANDSCAPING AND DRAINAGE IMPROVEMENTS," in the amount of \$41,000 from Greenway Trail Proposition C Funds, be read by title only, further reading be waived, and it be declared adopted.

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

Mayor Henderson reconvened the Redevelopment Agency and Utility Authority in joint session with the City Council at 9:27 p.m.

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

City Attorney Jones returned to the Council Chamber and resumed his seat at the dais at 9:28 p.m.

Council Member Vinatieri requested staff to follow up on comments made by Mr. Rossum regarding towing his motor home and report back to the City Council on the issue; directed staff to agendize discussion of the zoning concerns of the owners of the Five Points Car Wash included in the Whittier Boulevard Specific Plan; and requested that in conjunction with developing the Police Memorial, staff work on updating the City's War Memorial to include Whittier residents that have lost their lives in recent wars.

**12. ADJOURN REDEVELOPMENT AGENCY MEETING:**

**13. CITY COUNCIL/UTILITY AUTHORITY CLOSED SESSION:**

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

**13.A** City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association, Whittier Police Officers Association, and unrepresented employees.

**13.B** City Council/Utility Authority – Government Code Section 54956.8 to discuss real property negotiations with Matrix Oil Company regarding terms of payment for lease of properties identified as Assessor Parcel Nos. (APN's) 8137-021-902; 8137-021-907; 8289-007-909; and 8289-021-904; City/Authority negotiator Stephen Helvey.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:55 p.m. with City Clerk-Treasurer Marshall replacing Assistant City Clerk-Treasurer Maiques.

**14. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the joint meeting in Open Session at 10:53 p.m.

**15. CLOSED SESSION REPORT:**

None.

**16. ADJOURNMENT:**

Mayor Henderson adjourned the joint meeting at 10:53 p.m.

Respectfully submitted,

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