

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
JANUARY 26, 2010**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on January 26, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Henderson called the joint meeting to order at 6:30 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  
Owen Newcomer, Council Member/Agency  
Member/Authority Director  
Greg Nordbak, Mayor Pro Tem /Vice  
Chair  
Bob Henderson, Mayor/Chair

**COUNCIL MEMBER/AGENCY  
MEMBER/AUTHORITY  
DIRECTOR ABSENT:**

Cathy Warner, Council Member/Agency  
Member/Authority Director

**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:**

Council Member Vinatieri led the Pledge of Allegiance.

Mayor Henderson announced the City Council was seeking applicants for a vacancy on the Planning Commission.

#### **4.A PRESENTATION – NATIONAL CHARITY LEAGUE**

Mayor Henderson presented a Certificate of Appreciation to the National Charity League, Whittier Chapter, commending the League for its financial assistance to the City and the community programs funded by its efforts. National Charity League President Kathleen McDonald introduced Board Members Mary Ann Bakotich, Allison Piggot, and Susan West.

#### **4.B PRESENTATION – BLUE STAR**

Mayor Henderson presented Marjorie and Frank McCarty with Blue Star pins, banner, and decal in recognition of their son, Stephen A. McCarty, serving as a Private First Class in the US Marine Corp.

Mayor Henderson presented Ken Cesak, a City employee, with a Blue Star pin, banner, and decal in recognition of his nephew, Stephen Cesak Jr., serving as a Sergeant in the US Army.

Mayor Henderson presented Patti Knapp with a Blue Star pin, banner, and decal in recognition of her son-in-law, Jeremy B. Johnson, serving as a Private First Class E3 in the US Army.

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

Gil Soto, American Legion Whittier Post 51, 11478 Aldridge Street, Whittier, reviewed the American Legion's National High School Oratorical Contest, thanked Council Members for their assistance in serving as judges in the past, and presented Mayor Pro Tem Nordbak with a Certificate of Distinction for his service as a judge for the Contest this month.

Risha Schodlbauer, 6016 Painter Avenue, Whittier, invited the City Council and community to attend the Whittier Historical Society's Victorian Feast February 5-7, 2010.

David Temple, 13624 Mar Vista Street, Whittier, sang a sampling of the songs which will be part of the Whittier Historical Society's Victorian Feast entertainment.

Gail Stier, 10422 Fort Rose Court, Whittier, Hillcrest Congregational Church, United Church of Christ, announced they would be conducting the 50<sup>th</sup> Hillcrest Festival of Fine Arts February 26-28, 2010; said that Cultural Arts Foundation Chair Wes Murray has committed to sponsoring the event; said for years the church has a hung a banner announcing the Festival over Whittier Boulevard, however the fee increase to \$1500 was going to be almost impossible to pay, therefore requested the City waive the banner fee.

Dwight Sullivan, pastor of the Whittier Evangelical United Methodist Church, expressed appreciation for the churches in the community joining together to serve the homeless and announced they would also be working together to sponsor the Whittier Area Prayer Summit at the Salvation Army Center on February 6, 2010, and said it was open to everyone. He prayed for national, international, and local leaders and communities.

Robert Canales, Whittier, said that he had decided to run for a seat in the U.S. House of Representatives instead of governor of California due to the recent Supreme Court decision regarding corporate campaign contributions; and stated a constitutional amendment is needed to limit campaign contributions to American citizens. He said that the City Council should have foreseen and prepared for the current economic decline.

Craig Alexander, 6008 Milton Avenue, Whittier, said he is opposed to the oil drilling proposed in the Whittier hills, instead the City should pursue green alternative energy developments in the hills.

Arthur Rock, Whittier, said Agenda Item 6.E an ordinance relating to people inhabiting vehicles is not necessary; Agenda Item 6.J is a recommendation to approve a change order of \$305,000 for a Police facility inspection services; Agenda Item 6.K funds highway safety improvement programs; Item 9.A is a recommendation for \$195,000 for Whittier Boulevard Specific Plan update, expenditures the public should hold the City accountable for.

Richard Irving, 10327 Maybrook Avenue, Whittier, presented the City Council with a U.S. Forest Service fact sheet regarding ficus trees, read a portion of the document, described the property damage he attributes to the trees and the problems he and his neighbors have experienced due to the trees and expressed certainty the trees will be removed.

Arlie Rosser, 8933 Santa Fe Springs Road, Whittier, said he lives in a historical mobile home park where he is required to pay an additional fee to park a vehicle on the property, so he parks it on the street and continues to find it has been towed, which he considers a violation of his constitutional rights because it is done without a hearing. He said no one followed up with him on this matter after the last City Council meeting and he has done what he can to demonstrate his vehicle is not commercial class by filing a document with the Court showing it weighs less than 6,000 pounds.

Preston Rosser, 8933 Santa Fe Springs Road, Whittier, said neither he or his father received a call from the City since the last meeting; he wants to resolve the on-street parking problem because they repeatedly find their vehicle has been towed and are required to pay to get it bailed out; he believed their civil rights under U.S. Code Title 18 are being violated.

George Poochigian said his car was vandalized in August 2009 when parked at the Senior Center; the Police Department took a report, however, it wasn't until December that a detective was assigned to it and prepared the case for filing with the District Attorney and said he believed the delay was due to Police Department inefficiency and harassment against him for speaking against the department.

Lorraine Lasonics, Whittier County area, said she goes to the Whittier Senior Center and announced she is starting the Animal Lovers' Get-Together on the first Monday of the month at Adventure Park.

Ralph Marsico, Whittier, said he is responsible for his and his father's names not being on the ballot because County residents signed their petitions; he wished the other candidates luck; and referenced the tragedy his family has experienced.

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

It was moved by Council/Agency Member/Director Newcomer, seconded by Council/Agency Member/Director Vinatieri and carried, by roll call vote, with Council/Agency Member/Director Warner absent, to approve the Consent Calendar as submitted, with the exception of Items 6.C, 6.I, and 6.J, and that Ordinance No. 2946 and Resolution Nos. 8262; 8263, 8264; and 8265 be read by title only, further reading be waived, and they be declared adopted.

- 6.A** The City Council denied claims filed by Ruth I. Gilb, Michael C. Garrahan, Evelyn E. Palmer, Malissa Ortiz, Margarita Majeau, Martin and Laura Chacon, Alex F. Alvarez, Allstate Insurance and Cesar James.
- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of January 12, 2010.
- 6.D** The City Council received and filed the First and Second Quarter Housing Programs Activity Report for Fiscal Year 2009-10.
- 6.E** The City Council conducted second reading and adopted 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 adopted Resolution No. 8262 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-10 BUDGET RELATED TO SUPPLEMENTAL APPROPRIATIONS FOR THE RECOVERY JUSTICE ASSISTANCE GRANT," in the amount of \$137,260.
- 6.G** The City Council receive and filed the Historic Resources Commission approval of Certificate of Appropriateness 09-018 to construct a 460 square-foot addition to the rear of an existing single-family residence, construct a 440 square-foot detached, two-car garage, and complete a comprehensive window change-out, for property located at 8316 Greenleaf Avenue; Owner: Arzumanyan Brothers, LLC; Applicant: OKS'N Associates, Inc.
- 6.H** The City Council received and filed the Historic Resources Commission approval of Certificate of Appropriateness 09-016 to construct a 178 square-foot deck to the rear of the primary residence addressed as 6021 Painter Avenue; and legalize a previous comprehensive window change-out to the second unit located above the garage on the same property addressed as 6023 Painter Avenue; Owner: Strategic Acquisitions, Inc.; Applicant: Judith Cukier.
- 6.K** The City Council took action regarding Highway Safety Improvement Program Supplement Project Nos. HSIPL-5111(043-045):
1. Adopted Resolution No. 8263 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING PROGRAM SUPPLEMENTS TO THE LOCAL AGENCY-STATE AGREEMENT FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDED PROJECTS";
  2. Adopted Resolution No. 8264 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING A SUPPLEMENTAL APPROPRIATION TO THE FISCAL YEAR 2009-10 BUDGET FOR THE ALLOCATION OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO VARIOUS PROJECTS," in the amount of \$83,160; and
  3. Authorized the City Manager to execute the Program Supplement Agreements.
- 6.L** The City Council approved the plans and specifications for the replacement of the City Hall windows; and authorized the City Clerk to advertise for construction bids.

- 6.M** The City Council adopted Resolution No. 8265 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009-2010 BUDGET TO ACCEPT A DONATION FROM THE NATIONAL CHARITY LEAGUE, WHITTIER CHAPTER," to the Community Services and Library Departments in the amount of \$6,100.
- 6.N** The City Council received and filed the Gateway Cities Council of Governments' updates for December 2009 and January 2010.
- 6.O** The City Council approved the Special Event Permit for the Shelter's Right Hand 5K Walk on Saturday April 24, 2010, starting and finishing at Central Park.

**6.C ECONOMIC DEVELOPMENT QUARTERLY UPDATE OCTOBER THROUGH DECEMBER 2009**

Following brief discussion, it was moved by Mayor Henderson, seconded by Mayor Pro Tem Nordbak, and carried to receive and file the Quarterly Economic Development Update Report for the period October through December 2009.

**6.I AWARD OF CONTRACT – PAINTER AVENUE STREET LIGHTING IMPROVEMENTS**

Following discussion, it was moved by Mayor Henderson, seconded by Council Member Vinatieri and carried, by roll call vote with Council Member Warner absent, to award a construction contract to Christopher R. Morales for the Painter Avenue Street Lighting Improvements from Hadley Street to Beverly Boulevard and Ramona Drive east of Painter Avenue, Federal Project No. ESPL-5111(052); reject all other bids; and authorize the City Manager to sign the contract on behalf of the City.

**6.J POLICE FACILITY CONSTRUCTION INSPECTION SERVICE CONTRACT CHANGE ORDER**

Mayor Pro Tem Nordbak said he was not going to support the change order for the Police Facility construction contract because he believed the inspection service cost increase was due to negligence outside of the City's responsibility.

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Newcomer, and carried, by roll call vote with Mayor Pro Tem Nordbak dissenting and Council Member Warner absent, to approve the change order in the amount not to exceed \$305,000 with Bureau Veritas North America, Inc., for inspection services for the Police facility construction and authorize the City Manager to execute the change order.

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

Mayor Henderson recessed the Redevelopment Agency and Utility Authority meetings at 7:38 p.m.

**8.A PARKING AND TRANSPORTATION COMMISSION VACANCY**

Mayor Henderson directed staff to schedule interviews for five Parking and Transportation Commission applicants selected by the City Council: Mark Gutierrez, Angelina Jungo, Julia Kahn, John McCandless, and Don Mrla.

**9.A WHITTIER BOULEVARD SPECIFIC PLAN UPDATE PROFESSIONAL SERVICES AGREEMENT**

City Manager Helvey was absent from the Council Chamber from 7:45 p.m. to 7:46 p.m.

Council Member Newcomer said he believed the proposed Whittier Boulevard Specific Plan Update was too broad in nature, a few changes could be made to fine tune it, otherwise the amendments would equate to throwing out the work done in the past; therefore, he would oppose the agreement.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried, by roll call vote with Council Member Newcomer dissenting and Council Member Warner absent, to approve a Professional Services Agreement with RBF Consulting to assist staff in the update to the Whittier Boulevard Specific Plan for a fee not to exceed \$195,775 and authorize the City Manager to execute the agreement.

**9.B ECONOMIC STIMULUS PLAN**

Mayor Henderson confirmed with City Attorney Jones that the proposed Economic Stimulus Plan providing property owners with more flexibility in permitted uses may be able to include a provision that puts the amortization period for nonconforming uses on hold as opposed to restarting the amortization period at the end of the Stimulus Plan timeframe. The City Council concurred staff should evaluate that option.

Council Member Newcomer said he did not think it is likely the Economic Stimulus Plan will turn out to be temporary, read a portion of the agenda report stating the action would take status of the properties back to the standards in place before the Whittier Boulevard Specific Plan was adopted, and said that he does not support an action which undermines the Specific Plan.

Following discussion, it was moved by Mayor Pro Tem Nordbak, seconded by Council Member Vinatieri, and carried with Council Member Newcomer dissenting and Council Member Warner absent, to direct staff to proceed to develop the Economic Stimulus Plan for properties within the Whittier Boulevard Specific Plan including addressing the nonconforming use provision.

**10. 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 8:07 p.m.

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

Council Member Vinatieri reported attending the League of California Cities Revenue and Taxation Committee meeting in Sacramento the previous week and commented on the budget and greenhouse bill discussions held at that meeting.

Council Member Newcomer advised he attended the League of California Cities Environmental Quality Committee meeting Sacramento the previous week.

Mayor Pro Tem Nordbak asked the City Council to consider hanging the Hillcrest Arts Festival banner at last year's fee; Mayor Henderson and Council Member Vinatieri agreed to review the issue at the next Council meeting.

**12. ADJOURN UTILITY AUTHORITY MEETING:**

Mayor Henderson adjourned the Utility Authority meeting at 8:18 p.m.

**13. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:**

City Manager Helvey recommended the City Council and Agency Board conduct three of the four Closed Sessions listed on the agenda, noting that Item 13.D was no longer needed.

**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/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group, LLC regarding price and terms of payment for properties located at 12802 Hadley Street; 12813 Bailey Street; and 6541 to 6557 Comstock Avenue (Alpha Beta site); City/Agency negotiator: Stephen Helvey.
- 13.C** City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's position.
- 13.D** City Council – Government Code Section 54956.9(b) to discuss one case of potential litigation, Bureau Veritas North America, Inc. vs. City of Whittier, based on a conversation between Bureau Veritas North America, Inc. and Community Development Director Collier on January 21, 2010 regarding a change order for inspection services for the Police facility construction project.

Mayor Henderson adjourned the joint meeting to Closed Session at 8:19 p.m.

**14. RECONVENE IN OPEN SESSION:**

Mayor Henderson reconvened the joint meeting in Open Session at 8:52 p.m.

**15. CLOSED SESSION REPORT:**

None.

**16. ADJOURNMENT:**

Mayor Henderson adjourned the joint meeting at 8:52 p.m.

Respectfully submitted,

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Kathryn A. Marshall  
City Clerk-Treasurer/  
Secretary-Treasurer