

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
APRIL 27, 2010**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on April 27, 2010, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak 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  
Bob Henderson, Council Member/Agency  
Member/Authority Director  
Cathy Warner, Mayor Pro Tem /Vice  
Chair  
J. Greg Nordbak, 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 (10:57 p.m.)

**3. PLEDGE OF ALLEGIANCE:**

Council Member Henderson led the Pledge of Allegiance.

**4.A PRESENTATION – BLUE STAR**

Mayor Nordbak and Mayor Pro Tem Warner presented Blue Star pins, banner and window decal to Charlotte and Jeff Doty, in recognition of their son Corey B. Doty, a Private in the 101st Airborne unit currently training in air assault tactics at Fort

Campbell, Kentucky; and scheduled for deployment in June 2010. Mayor Nordbak said a banner with his name will be placed on Whittier Boulevard.

Mayor Nordbak and Mayor Pro Tem Warner presented Blue Star pins, banner and window decal to Brian and Nancy Parker whose son, Scott K. Parker, is a Private First Class in the United States Army, currently stationed at Fort Polk, Louisiana; and scheduled to deploy to Afghanistan at the end of summer.

Mayor Nordbak and Mayor Pro Tem Warner presented Blue Star pins, banner and window decal to Betty Morelock whose grandson, Lawrence P. Morelock is a Private 1st Class in the United States Marine Corps; currently stationed at Camp Pendleton studying infantry.

#### **4.B PRESENTATION – SILVER STAR BANNER PROCLAMATION**

Mayor Nordbak and Mayor Pro Tem Warner presented a Proclamation to Patrick Dowd and members of Post 51 in recognition of the Silver Star Banner Program, a nationwide program started three years ago to honor servicemen and women injured in all wars; and said the Silver Star flag raising ceremony will be held on Saturday, May 1 at 8:30 a.m. in front of City Hall.

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

Barbara Gile, 14035 Eastridge, Whittier; thanked the City and the City Council for supporting the Women's and Children's Crisis Center; said there were over 500 participants at the 5K Walk; the City's funding has assisted over 5,000 clients; and introduced new Director Angelina Coe.

Angelina Coe; said she has been the Executive Director of the Women's and Children's Crisis Center for one month; she was encouraged by the support at the 5K Walk; and she thanked the City and City Council for continued funding.

Richard Krieger; Whittier, said he wants bus service hours extended to midnight or 1:00 a.m.; bus service should extend to the Uptown area; the bus stop on Philadelphia and Comstock should be moved to in front of the Bank of America building; and he suggested putting a theatre complex or new restaurant in the vacant Board Ford or McAllister Cadillac locations.

Daniel Duran, 8103 Catalina Avenue, Whittier; said he is a member of Whittier Hills Oil Watch (WOW); there has been no opportunity to participate in the Environmental Impact Report process; there will be problems with water, soil, health, safety, air pollution, environmental and property value issues; and he submitted copies of a newspaper article regarding oil drilling.

Pastor Dwight Sullivan, Whittier Evangelical Methodist Church; announced the National Day of Prayer on May 6 at 6:00 p.m. in front of City Hall and left flyers; and he prayed for the City Council and community.

Ron Wittermore, 13337 Lisco, Whittier; congratulated Council Member Henderson and Mayor Nordbak on their re-election; and on behalf of his neighborhood thanked the City Manager, City Attorney and City staff for their assistance in cleaning up a property on Citrustree that had been vacant for years which had been a safety and fire hazard.

Roy McKee, Whittier; said he is a founding member of WOW; he has concerns about Matrix Oil being the sole source for the proposed oil drilling project; he believes there should have been numerous bidders; there are many companies that do horizontal drilling; and he does not want a short term fix for long term problem.

Matt Burklehammer; read an excerpt from the Laguna Beach Municipal Code declaring oil drilling a nuisance; and submitted copies of the Laguna Beach oil drilling ordinance.

Andrea Gordon, 14830 Tamarick Drive, Hacienda Heights; said she lives in the Whittier Hills and her property borders on the wilderness; she has not received any notices regarding the oil drilling; and she has concerns about property swapping for oil drilling.

Richard Erven, 10327 Maybrook Avenue, Whittier; thanked the Council for their actions regarding the properties on Maybrook; he said his sprinkler system was destroyed by the arborists; some large roots remain in his front yard making the yard unusable; and roots were ground out leaving a large cavity in the front yard.

Arthur Rock, Whittier; said people need to define their objectives and follow an agenda; being customer friendly is a business asset; and the City needs City Manager Helvey to help with upcoming the budget discussions.

Joe Marsico, Whittier, said he learned to pray at an early age; and he believes street sweeping is a farce to make money.

Ralph Marsico, Whittier; said he has \$1,000 in tickets against his car; he is getting tickets at night for no light on his bike; and he believes he is being hounded by the police.

James Munoz, Cornerstone General, 16127 Whittier Boulevard, Whittier; said his company was the low bidder on the bus shelter project; and he is looking forward to working on the project.

Fred Hawthorne, 13716 Franklin, Whittier; asked if Item 6.K on the agenda was related to the Matrix Oil drilling; said he opposes the drilling; he asked residents to research the project; he wants residents to know how much revenue is generated on Honolulu Terrace; and he said projected revenues are speculative.

Council Member Henderson responded to comments regarding the oil drilling project and the Environmental Impact Report; he said MRS had been selected as the low bidder to do the EIR through a Request for Proposal (RFP) process; Matrix Oil was the sole bidder after numerous companies researched the project and had the opportunity to bid; California law requires that the project be identified prior to the EIR; MRS is doing its due diligence addressing safety issues, sound issues, air quality, water quality, fire hazards, and environmental studies which will result in a draft within 4 to 5 months; there will be public comment period of approximately 45 to 60 days; MRS will have to address all public comments in the final EIR; and there will be public hearings and public comments through the Planning Commission and City Council.

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

Mayor Pro Tem Warner requested separate consideration of Item 6.J.

It was moved by Council/Agency Member/Director Newcomer, seconded by Council/Agency Member/Director Henderson and carried, by roll call vote, to approve the Consent Calendar, except Item 6.J, and that Resolution Nos. 8278 (Item 6.B); 8279 and WRA-10-03 (Item 6.C); WUA-10-01 and WUA-10-02 (Item 6.K); 8280 (Item 6.O) and 8281 (Item 6.R) be read by title only, further reading be waived, and they be declared adopted, with Council Member Vinatieri abstaining on Item 6.C.

- 6.A** The following actions were taken regarding Minutes:
1. City Council approved the Minutes of the March 23, 2010 Adjourned Regular Meeting;
  2. City Council, Agency Board and Board of Directors approved the Minutes of the March 23, 2010 and April 13, 2010 Regular Meetings.
- 6.B** The City Council adopted Resolution No. 8278 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2009–2010 BUDGET TO FUND THE ADMINISTRATION COSTS FOR THE WHITTIER GREENWAY TRAIL FROM THE TRANSIT PROPOSITION C ACCOUNT," in the amount of \$93,000.
- 6.C** The Agency Board and City Council took the following actions regarding the Alpha Beta property located at 12802 Hadley Street, 12813 Bailey Street, and 6541 to 6557 Comstock Avenue:

1. City Council adopted Resolution No. 8279 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE SALE OF PARCELS 8139-005-909, 8139-005-910, 8139-005-911, AND 8139-005-912 TO THE WHITTIER REDEVELOPMENT AGENCY"; and
2. Agency Board adopted Resolution No. WRA-10-03 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING THE PURCHASE OF PARCELS 8139-005-909, 8139-005-910, 8139-005-911 AND 8139-005-912 FROM THE CITY OF WHITTIER."

**6.D** The City Council received and filed the following Planning Commission actions:

1. Approval of Conditional Use Permit Modification C88-003(M1) to allow truck rental in conjunction with the self-storage facility d.b.a. as "Mini U-Storage" and one-way vehicular exit only on Mills Avenue, for property located at 10231 Colima Road; (Applicant: Pacific Planning Group; Owner: Dahn Corporation).
2. Approval of Conditional Use Permit CUP10-004 and Development Review DRP09-056, to replace a 60-foot wireless telecommunications facility; allow the construction and operation of a new 70-foot tall wireless telecommunication facility (mono-pine) within the Whittier Boulevard Specific Plan, Shopping Cluster I District; and for the co-location of another wireless provider's (d.b.a. T-Mobile Wireless) antennas array, for property located at 8308 Comstock Avenue; (Applicant: Coastal Business Group on behalf of T-Mobile Wireless; Owner: Walgreen's Corporation).

**6.E** The Agency Board took the following actions regarding the Whittier Marketplace reimbursement:

1. Accepted a loan from the City of Whittier for \$51,185 representing 50% of the sales tax generated by the Whittier Marketplace project during July to December 2009, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Whittier Marketplace, Inc.; and
2. Approved reimbursement to Whittier Marketplace, Inc. of the November 2009 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$195,601, pursuant to the DDA.

**6.F** The Agency Board took the following actions regarding the Whittier Quad reimbursement:

1. Accepted a loan from the City of Whittier for \$176,350 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the

- second half of Fiscal Year 2008-09, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Terramar Retail Centers (TRC MM, LLC, formerly GMS Realty, LLC); and
2. Approved reimbursement to TRC MM, LLC of the 2008-09 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$322,727, pursuant to the Quad at Whittier DDA.
- 6.G** The Agency Board approved \$238,533 in tax increment and sales tax reimbursement to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- 6.H** The City Council approved the modification to the agreement with Joanne Lombardo dba: Comprehensive Planning Services for management of the conditional use permit and environmental processing for the proposed Whittier Main Mineral Extraction by Matrix Oil; and authorized the City Manager to sign the amendment.
- 6.I** The City Council approved the modification to the agreement with Marine Research Specialists for processing the Environmental Impact Report for the proposed Whittier Main Mineral Extraction by Matrix Oil; and authorized the City Manager to sign the amendment.
- 6.K** The Board of Directors took the following actions regarding the Main San Gabriel Basin:
1. Adopted Resolution No. WUA-10-01 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AUTHORIZING THE LEASE OF WATER PRODUCTION RIGHTS," finding that for Fiscal Year 2009-10 the Whittier Utility Authority (WUA) has 1,500 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers and is available for lease;
  2. Approved and authorized the Executive Director to sign water rights lease agreements with California Domestic Water Company, La Puente Valley County Water District and the City of Industry Waterworks System, in substantially the form of the attached Watermaster approved standard form water rights lease agreement; and
  3. Adopted Resolution No. WUA-10-02 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AMENDING THE FISCAL YEAR 2009-10 BUDGET TO INCREASE THE WATER ADMINISTRATION PRODUCTION RIGHTS REVENUE," in the amount of \$ 675,000.

- 6.L** The Board of Directors approved the plans and specifications for the Water Main Replacement Project – La Cuarta Street; allocate the proceeds from the leasing of 1,500 acre-feet of FY 2009-10 water production rights to the project; and authorized the Secretary-Treasurer to advertise the project for construction bids.
- 6.M** The City Council accepted the work performed by Allsup Corporation for the construction of the Compressed Natural Gas Vehicle Refueling Station; and authorized the City Clerk to file the Notice of Completion.
- 6.N** The City Council approved the issuance of a Contract Change Order in the amount of \$102,350 with Christopher A. Morales, Inc. to increase the quantity of new conduit and associated amenities installed in conjunction with the Painter Avenue and Ramona LED Streetlights Improvement project, utilizing American Recovery and Reinvestment Act (ARRA) funding.
- 6.O** The City Council:
1. Approved the comprehensive Memorandum of Understanding with the Whittier City Employees' Association (WCEA) for the period of July 1, 2009 through June 30, 2010;
  2. Approved the comprehensive Memorandum of Understanding with the Whittier Police Officers' Association (WPOA) for the period of July 1, 2007 through June 30, 2011; and
  3. Adopted Resolution No. 8280 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO RESCIND RESOLUTION NO. 8217 AND ADOPT A NEW 2009-2010 SALARY RESOLUTION."
- 6.P** The City Council:
1. Approved FY 2010-11 Social Services funding of \$64,250 from Community Development Block Grant funds; and
  2. Received and filed the matching fund allocations of \$111,500 and \$5,000 for a Community Health Program to be incorporated and approved as part of the FY 2010-11 Budget.
- 6.Q** The City Council approved leases with Clearwire for the installation of wireless facilities at Penn Park, Founders Park, Lee Owens Park and Palm Park, subject to zoning approval; and authorized the City Manager to execute the lease documents.

- 6.R** The City Council took the following actions regarding the Phase 1 Bus Stop Improvement Plan:
1. Overruled the Letter of Protest by G Coast Construction, Inc.;
  2. Awarded the construction contract to Cornerstone General, Inc. for the Phase 1 Bus Stop Improvement Plan and waived the bid irregularity;
  3. Rejected all other bids;
  4. Authorized the City Manager to sign the contract;
  5. Approved the issuance of a Contract Change Order to increase the quantity of bus shelters and associated amenities installed in conjunction with this contract by 25%; and
  6. Adopted Resolution No. 8281 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 FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FUNDS FOR INSTALLATION OF BUS SHELTERS IMPROVEMENTS AT VARIOUS LOCATIONS," in the amount of \$380,000.

**6.J JANUARY – MARCH 2010 ECONOMIC DEVELOPMENT QUARTERLY UPDATE REPORT**

Following brief discussion, it was moved by Council Member Warner, seconded by Council Member Henderson, and carried unanimously, to receive and file the January through March 2010 Economic Development Quarterly Update Report.

**7.A FISCAL YEAR 2010-2011 PRIORITIES:**

Following discussion, there was City Council, Redevelopment Agency and Utility Authority consensus on the following Fiscal Year 2010-11 priorities:

- Addressing Library facility needs (Central and Branch)
- Continuing core City services despite economic downturn and decreased revenues
- Implementing a Park Once District in the Uptown area
- Facilitating development of significant projects:
  - Nelles development
  - Sprouts Market
  - Environmental Impact Report for the mineral extraction project
- Email archiving
- Streaming video for City Council meetings on-line
- Implementing a computerized building permit issuance system
- Continuing aggressive graffiti abatement
- Whittier Boulevard Specific Plan revisions
- Establishing Whittier Boulevard assessment district
- Completing Police facility



- Long-term policing contract with Santa Fe Springs
- Purple Patrol - transitioning Uptown area security and street sweeping to private services
- Pursuing Green Building codes
- Historic Resources survey
- Supporting public safety
- Working with owners of Quaker City and Bank of America buildings in the Uptown area
- Pursuing niche businesses in the Uptown area
- Metro Goldline

The following topics were also presented for consideration but did not receive Council consensus: Dog park; Workplace District between Presbyterian Intercommunity Hospital and Whittier Boulevard; adopt official Council goals of providing public safety, enhancing economic development, providing appropriate infrastructure, and providing programs to the community; meeting with the new owner of the Dodge property; working aggressively with the owners of vacant car dealerships; protection of current employees; Pio Pico Crossover-Rivers and Mountains Conservancy grant for the San Gabriel River bike trail.

It was moved by Council Member Newcomer, seconded by Mayor Pro Tem Warner and carried unanimously to receive and file the City/Agency/Authority joint staff report and discussion regarding the Fiscal Year 2010-11 priorities.

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

Mayor Nordbak recessed the Redevelopment Agency and Utility Authority meetings at 8:12 p.m.

## **9.A PUBLIC HEARING – DEVELOPMENT REVIEW NO. DR06-697, CONDITIONAL USE PERMIT CUP10-003; VARIANCE VAR10-002; SPROUTS FARMERS MARKET – 15801 WHITTIER BOULEVARD**

City Manager Helvey announced it was the date and time set and duly noticed for a de novo public hearing to consider an appeal of the Planning Commission approval of Development Review No. DR06-697 to construct and operate a new market (d.b.a. “Sprouts Farmers Market”), ancillary parking and landscaping; Variance No. VAR10-002 to reduce the usable open space requirement per the Whittier Boulevard Specific Plan, Shopping Cluster District; and Conditional Use Permit No. CUP10-003 to allow the on-site sale of beer and wine under a Type 20 alcoholic license for off-site consumption; for the property located at 15801 Whittier Boulevard, (Appellant: Charles Lorence; Applicant: Pickard Architects; Owner: Bright Properties and Centerfire, LLC.) It was

recommended the City Council direct staff to return with an implementing resolution that reflects the Council's consensus on the appeal.

Community Development Director Collier presented a staff report and said the applicant had presented an application for a Variance, Conditional Use Permit and Development Review to construct a 24,500 square foot market on the subject property; the Planning Commission had conducted a public hearing on the matter and had approved the application 4-1; and Mr. Charles Lorence had filed an appeal, resulting in the de novo hearing.

Director Collier said the Development Review was to construct a 24,500 square-foot building to be located on the front of the property; parking and landscaping improvements would be on the rest of the site; access would be from Whittier Boulevard off Santa Gertrudes, the driveway on Russell Street to the east, and travelling northbound on Santa Gertrudes through the Bright Medical parking lot; there will be 112 parking spaces plus 69 parking spaces shared with Bright Medical available to Sprouts customers after hours, exceeding the 98 stall parking requirements for the site; the craftsman style building would be situated at the front of the property in compliance with the Whittier Boulevard Specific Plan (WBSP) with the front of the building facing north with pedestrian access along the driveway; patio seating and dining will be located on the west side of the building; the loading dock is proposed on the east side of the building, away from the front entrance and the pedestrian walkway, and will have a ten-foot high masonry screen wall with plants growing on a trellis on the wall to buffer the noise, and will be covered by a metal canopy to match the gabled tower; the applicant is proposing to repair and raise the height of the existing perimeter block wall with plant materials to deter graffiti; and the proposed 14% of landscaping will exceed the 10% requirement of the WBSP. He said the Variance was because the proposal does not meet the usable open space for retail, which is a unique requirement of the WBSP; the proposal meets the hardscape requirements, however does not meet the usable landscape area, even though the overall landscape proposal exceeds requirements; and the Planning Commission made the findings to approve the Variance based on the onsite limitations, an irregular lot configuration, and the dedicated space required on Whittier Boulevard and Russell Street. He then stated the Conditional Use Permit (CUP) was for the approval of a Type 20 liquor license to allow the on-site sale of beer and wine for off-site consumption; the tract was not over concentrated in this area; the proposed market with alcohol sales is consistent with the shopping cluster; and the request was reviewed and approved by the Police Department.

Director Collier stated the appeal filed by Mr. Lorence addressed three areas: lack of a timely notice to the applicant's community meeting on February 11, 2010; the site layout and location of the loading area; and noise and traffic issues. He said the applicant voluntarily chose to have a community meeting; it is not required by the City or state law to have this type of meeting; all City public hearings had been noticed properly; the building is located at the front of the property as required by the WBSP; the irregular configuration of the property, the required street dedication, and the site

circulation dictate the location of the building on the site; the loading dock is located on the east side of the building to prevent a conflict with the driveway entrance and pedestrian access and entrance to the store; the design was due to the proximity to residential areas, the loading dock wall height is effectively fourteen feet, with a 4-foot well and 10-foot wall; it is located approximately fifty-five feet from the nearest residential property line; the residential property line will be enhanced by a 10-foot wide landscape planter; all properties except one have substantial landscaping; Sprouts expects one large delivery truck per day; the Planning Commission approved delivery hours of 6:00 a.m. to 10:00 p.m., which is standard, however, the applicant is willing to reduce delivery hours to 7:00 a.m. to 9:00 p.m.; the project is required to comply with the City's noise ordinance; a noise analysis will be completed as a condition of approval; a traffic study has been reviewed by Traffic Engineer Magdosku and there was no undue amount of traffic found. In summary, he stated the project is in compliance with the WBSP, except for the usable open space variance; it is consistent with the shopping cluster; and the project had been reviewed by the Police department and found to be compliant.

In response to Council Member questions, Director Collier said the City had not received any comments from residents regarding delivery trucks for Target, or the Ralph's markets located on Whittier Boulevard or at the Quad; the City had received written comments about the Sprouts project from 3 to 4 residents; residents on Lindskog and Homeland had attended the community meeting; and there would be 5 to 6 large deliveries per week.

Mayor Nordbak disclosed he was present at the community meeting, but did not participate.

Mayor Nordbak opened the public hearing at 8:45 p.m.

Applicant Mike Abbate, Centerfire, LLC, said he appreciates the process; thanked Director Collier and his staff for their work on the project; said they are proud of the project; the project mitigates potential negative impacts to the neighbors; the commercial property abuts residential property; it is a good environment regarding safety and visibility issues with the building located on the street; many residents attended the courtesy community meeting; there was support from some Lindskog residents; and he provided an update since the Planning Commission meeting, stating that the global traffic issue was discussed with Presbyterian Intercommunity Hospital (PIH) regarding a sign program which may allow Sprouts to install an identification sign at the corner of Santa Gertrudes Avenue and Whittier Boulevard to eliminate east bound traffic travelling on Whittier Boulevard to Russell Street; and the location of the truck dock was chosen to maximize parking and allow circulation for the trucks.

In response to Council Member questions, Mr. Abbate said to address parking issues, there is a three-way parking agreement between Sprouts, PIH and Bright Properties; there will be parking signage and a fence separating the medical building

and Sprouts; he said the loading dock was designed with a 63-foot long wall, 10-foot high masonry wall and metal canopy, as well as designing a landscape plan, to mitigate the noise; and PIH does not have any financial interest in the project.

City Attorney Jones stated that neither Mayor Nordbak nor Council Member Vinatieri have conflicts of interest because there is no contractual relationship between this application and agreement involving a contractual relationship with PIH and their subsidiaries and the City and Redevelopment Agency; there is no economic contribution by the City or Agency; no direct evidence of a direct benefit to be received by PIH; this is an independent project that does not directly require PIH involvement; and it may result in subsequent reciprocal contracts however there are none now. He also said if either Mayor Nordbak or Council Member Vinatieri were uncomfortable with participating in discussion or action on the project, they had the option to recuse themselves.

Council Member Vinatieri said based on his independent review of the matter, he determined that he does not have a conflict of interest; there may be potential items subsequent to this action, however these are contingencies that may never materialize; and he is comfortable with participating in discussion on the item.

The following individuals spoke in favor of the project and stated the following reasons: the project will help solve the visual blight on the community; have easier parking access than Trader Joe's; provide jobs and tax revenues; it maximizes the parking situation; and the City needs the development:

Ray Anderson, 9726 La Cima Drive, Whittier

Dave Klinger, Vice-President of Facilities and Real Estate, Presbyterian Intercommunity Hospital

John Pierandozzi, 8811 Lindante Drive, Whittier

The following individuals voiced concerns about the project for the following reasons: no Environmental Impact Report; the ingress and egress to the property is being accommodated by an agreement between PIH and Bright Medical; a possible easement that may be bridged by Bright Medical without consent of the Lindskog homeowners; insufficient noticing for the public hearing; property rights; no opportunity for public input; location of the loading dock; noise issues; sound abatement; will sound wall footing be sufficient for the future; truck traffic; ingress and egress to the property; Whittier Boulevard access from Santa Gertrudes Avenue; Sprouts and/or Bright Medical employees parking on Homeland; traffic on Russell Street and Homeland Avenue; drivers making u-turns on Homeland Avenue; various small vendor delivery trucks with safety back-up beepers; ambient light control; idling diesel trucks; retaining a weep hole with construction of the new wall; access from eastbound Russell Street turning left into the subject property; the prohibition of tractor trailers and/or bobtail trucks ingress or egress via the Russell Avenue curb-cut:

Tom Abercrombie, 10147 Homeland Avenue, Whittier

Tom Sikes, representing Martha Biley, 10134 Homeland Avenue

Charles Lorence, 10144 Homeland Avenue

In response to these comments, applicant Abbate said he is not aware of any easements regarding gates; notices were placed in neighborhood mailboxes for the February 11 community meeting; the Planning Commission hearing was held February 16; residents on Lindskog Drive attended the community meeting and supported the project; the additional truck traffic, which will be on a limited basis, was addressed at the Planning Commission meeting by Seth Brown, Director of Real Estate for Sprouts; Sprouts sells approximately half the volume of a grocery store; there will be approximately five to six daily vendor deliveries to Sprouts; left turn access from Russell Street can be mitigated by use of directional signage; and the applicant does not oppose the condition to limit Russell Street access.

In response to Council Member questions, Mr. Abbate said the wall will be designed to allow for Mr. Abercrombie's drainage; there will be no speed bumps on the property; the driveway by Bright Medical will remain the same width; he believes it is not necessary to raise the sound wall; the footings will be sufficient; and they are in agreement to set delivery hours to 7:00 a.m. to 9:00 p.m. Architect David Pickard said by law the weep hole cannot be blocked.

There being no other speakers wishing to address the City Council, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously, to close the public hearing at 9:55 p.m.

In response to Council Member questions, Director Collier said trucks are required by OSHA to have back-up beepers unless there is a spotter; idling of delivery trucks could be conditioned for approval; an EIR had been developed for the WBSP and this project was categorically exempt from an individual EIR; the WBSP states a main entrance should typically be at the front façade of a building, the City may have discretion in this area and to provide front access would require a large winding ramp or dropping the grade; given the floor plan it would be difficult to include a dual pedestrian entrance on the south side; to construct a taller wall as a sound barrier, would require removing the existing wall and new footings; due to the grading differential it would require an 11 to 12-foot perimeter wall; the City's noise ordinance does not measure decibels; corrections would be required if the noise exceeds the City's requirements; currently two walls on one property cannot be stacked closer together than two feet to avoid having a 12-foot high wall; if the two walls are on separate properties, they can be closer than two feet; Mr. Abercrombie would be able to replace his fence; and lighting on the north side of the building can be conditioned to be lighted during business hours only.

In response to Council Member questions regarding left turn access to the property from Russell Street, Assistant Public Works Director Magdosku outlined three options: leave the access as-is; contact Cal-Trans regarding allowing a u-turn at Santa Gertrudes and Whittier Boulevard; and painting the street with a Keep Clear Zone. He

said the island on Russell is seventy feet in length, extending the island would preclude left turns into the site and force drivers to go up to Homeland to make u-turns.

In response to Council Member questions, City Attorney Jones said making findings for not having a pedestrian entrance on the south side of the property is at the City Council's discretion; the WBSP says such access is "typical"; because of the unique location and grade of the property, it may not be possible to have such access; and making the findings would not set a precedent for other properties.

Mayor Nordbak recessed the City Council meeting at 10:19 p.m. He reconvened the meeting at 10:32 p.m. with all Council Members present.

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously to make a finding of the following special considerations on the property that preclude the typical use of a front entry: irregular shape and size of the property; dedication of property required on Whittier Boulevard and Russell Street constraints on the property would preclude reasonable pedestrian access; and the a significant difference in elevation between Whittier Boulevard to the building site.

All Council Members supported the project, citing appreciation for the resident's concerns; balancing services for the City's residents and property rights; mitigation measures taken by the developer for noise; landscaping; reduction of delivery hours; banning delivery trucks from the Russell Street entrance; the City's current noise ordinance will further mitigate noise; requests to relocate the loading dock; and lighting of signage on the north side of the building to be limited to business hours only.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously, by roll call vote, to deny the applicant's appeal, uphold the Planning Commission recommendation to approve Development Review DR06-697, Conditional Use Permit CUP10-003, and Variance VAR10-002 as amended to include Council Member Henderson's findings of special conditions regarding the variance for the front entrance; and set delivery hours at 7:00 a.m. to 9:00 p.m.; ban delivery trucks from using the Russell Street entrance; lighting the north side sign during business hours only; and to direct staff to return with implementing resolutions reflecting Council's consensus.

## **9.B PUBLIC HEARING – U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 2010-2015 CONSOLIDATED PLAN**

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approval of the City's proposed U.S. Department of Housing and Urban Development (HUD) 2010-2015 Consolidated Plan. It was recommended the City Council consider any testimony provided; direct staff to finalize the Plan (including revisions if necessary); submit it to the U.S. Department of Housing

and Urban Development (HUD); and approve the Analysis of Impediments as required by HUD at the beginning of each five year Consolidated Plan cycle.

Mayor Nordbak opened the public hearing at 10:43 p.m.

There being no speakers wishing to address the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, to close the public hearing at 10:43 p.m.

It was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously, to approve the City's proposed 2010-2015 HUD Consolidated Plan; direct staff to finalize the Plan and submit it to HUD; and approve the Analysis of Impediments as required by HUD at the beginning of each five year Consolidated Plan cycle.

#### **10.A BOARD AND COMMISSION ANNUAL VACANCIES**

There was City Council concurrence to interview the following individuals: Lisa Michelle Dabbs, Carolyn A. (Lynne) Mook, Michael A. Perovich and Herbert M. Sussman for the Library Board of Trustees; Elizabeth Dorn and Eric Martinez for the Cultural Arts Commission; Heather Crawford, Kim Richard Palmer, and Scott Hamilton Young for the Historic Resources Commission; and Glenn Marin, Michael A. Perovich and Douglas F. Staine for the Personnel Board; and to schedule the interviews for Monday, May 10, 2010 and Monday, May 24, 2010.

#### **11.A CIVIC CENTER FRONT LANDSCAPING**

Following brief discussion, it was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried, by roll call vote, with Mayor Nordbak dissenting, to approve a \$877,339 contract with Bernards Builders for civic center front landscaping; approve construction management (\$23,500) and project coordination (\$6,000) agreement extensions with Charles Raines Engineering and WMM Associates; and authorize the City Manager to execute related documents.

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

Mayor Nordbak reconvened the Redevelopment Agency and Utility Authority meetings in Joint Session with City Council at 10:52 p.m.

#### **13. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:**

Mayor Pro Tem Warner requested future discussion regarding a sign policy to address City signage placed in front of construction projects. The request was

supported by Council Member Vinatieri and Mayor Nordbak to agendize the item for future discussion.

Mayor Nordbak announced the City Council would be conducting the Budget Study Session on Saturday, May 8; and it is a public process.

**14. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY JOINT CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:

City Manager Helvey recommended the City Council, Redevelopment Agency, and Utility Authority conduct the following Closed Session discussions:

- 14.A** City Council - Government Code Section 54956.9(a) to discuss the claim of Thomas vs. City of Whittier.
- 14.B** City Council - Government Code Section 54956.9(a) to discuss the claim of Ayala vs. City of Whittier.
- 14.C** 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.
- 14.D** City Council - Government Code Section 54956.9(c) to discuss the claim of the City of Whittier vs. Interwest.
- 14.E** 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.
- 14.F** City Council – Government Code Section 54956.8 to discuss real property negotiations with California Domestic Water Co. regarding the price and terms of payment relating to the purchase of water production rights in the Main San Gabriel Basin; City negotiator: Stephen Helvey.
- 14.G** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the State of California relating to AIN 8170-013-904; City/Agency negotiator Stephen Helvey.

Mayor/Chair Nordbak adjourned the joint meeting to Closed Session at 10:55 p.m. with City Clerk-Treasurer/Secretary-Treasurer Marshall replacing Assistant City Clerk-Treasurer/Assistant Secretary-Treasurer Maiques.



City Attorney Jones left the Closed Session at 11:35 p.m. due to a conflict of interest with item 14.F.

**15. RECONVENE IN OPEN SESSION:**

Mayor Nordbak reconvened the joint meeting in Open Session at 11:40 p.m.

**16. CLOSED SESSION REPORT:**

None

**17. ADJOURN JOINT MEETING TO SATURDAY, MAY 8, 2010 AT 8:00 A.M.**

Mayor Nordbak adjourned the joint meeting at 11:40 p.m. to Saturday, May 8, 2010, at 8:00 a.m.

Respectfully submitted,

---

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