MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY **JOINT MEETING CITY COUNCIL CHAMBER, 13230 PENN STREET JANUARY 25, 2011**

1. **CALL TO ORDER:**

The Whittier City Council met in regular session on January 25, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:35 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

James Markman, Agency Counsel

(8:59 p.m.)

Toni Maiques, Assistant-City Clerk

Treasurer/Assistant Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Norm Kirschenbaum led the Pledge of Allegiance.

4.A PRESENTATION – WHITTIER READS

Sue Settlage, representing the Whittier Public Library Foundation, presented the City Council with copies of My Life in France by Julia Child, the Whittier Reads selection for this year; she said Whittier Reads is a community wide reading program designed to introduce new books and encourage people to appreciate the services the Library has to offer; and she invited the City Council to meet Nicole Monez, the author of The Last Chinese Chef, on Saturday, April 9, 2011.

4.B PRESENTATION – BUSINESSES OF THE MONTH

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Samantha Ridout and Theola Kirschenbaum of the Boys & Girls Club of Whittier. He said the Club provides opportunities for at risk youth for character development; and offers sports programs and computer classes while providing a safe environment for young people.

Mayor Nordbak and Mayor Pro Tem Warner presented a Business of the Month Certificate to Charlene Dimas-Peinado, Chief Executive Officer of The Whole Child, recognizing their service since 1957, providing child counseling and therapy, serving over 7,000 children annually in the Whittier area; and announced their annual gala on February 12.

4.C PRESENTATION - NATIONAL CHARITY LEAGUE DONATION

Mary Ann Bakotich, President of the National Charity League, presented a \$5,100 donation check to the City for the Library and Parks, Recreation and Community Services Departments.

5. ORAL COMMUNICATIONS:

Richard Krieger, 15208 Goodhue Street, Whittier; said the house located at the corner of Scott and Fernview is in disrepair and needs to be inspected; a bus bench should be installed at Philadelphia and Bright; and better bus service is needed to east Whittier and La Habra.

The following speakers expressed opposition or concerns relating to the proposed Whittier Main Mineral Extraction Project addressing the following issues: fourteen page brochure mailed to residents by Matrix Oil; balancing the environmental and economic futures; false and dishonest statements; reference to the Environmental Impact Report (EIR) as final rather than a draft; criticism of the draft EIR; exaggeration of revenues to the City; ignoring the Proposition A issues; Clayton Williams Energy involvement in the proposed project; 2009 Clayton Williams Annual Report more concerned with profits than safety; retaining City Manager Helvey at a salary of \$140,000 annually; the City Council claiming not to have taken a position on the

proposed project; lack of information from pro-oil groups regarding receipt of funds; need for traffic analysis; health of the community; trespassing on the hills; termination of Murphy Ranch Little League lease; McFarland family lease; response time on public records requests; safety for children; environment, pollution; increased opposition to the proposed project; protection of open spaces; need for transparency; damage to nature preserves; lack of safety standards; public is not well-informed; need for clean energy sources; future for children and grandchildren; and providing a listing of the proposed projects pros and cons on the City website:

Matt Berkelhammer, Whittier
Shelly Myers, Whittier
Roy McKee, Whittier Hills Oil Watch (WHOW) Vice President
Bob Floren, Whittier
Scarlett Tovar, 5826 Friends Avenue, Whittier
Lupe Sahagun, Bronte, Whittier
Jesus Ramirez, 12760 Walnut Street, Whittier
Alfonso Garcia, Whittier Hills
Nick Donovan, La Sierra Avenue, Whittier
Marta Borbon, 5228 Glennon Drive, Whittier
Fred Hawthorne, Franklin Avenue, Whittier
Elaine Gamboa, Colima Road, Whittier

The following speakers expressed support of the proposed Mineral Extraction Project addressing the following issues: Los Angeles City area is the 3rd largest oil reserve in the United States with 3,800 producing wells; 2/3 of those wells use horizontal drilling; four islands off the coast of Long Beach have 1,100 to 1,200 horizontal drilling wells; these wells have been operating for decades; community members are willing to monitor the oil drilling process; they are environmentally managed; opponents have presented disingenuous reasons for opposition to the project; the drilling will employ people in the United States and keep revenues and profits in the United States; 88 million barrels of oil were used for electricity in 2007; there are 427 listed uses of petroleum; and thanking the City Council for their hard work and integrity:

Ray Schmidt, Whittier Anthony Ware, Whittier

At Mayor Nordbak's request, City Manager Helvey explained that the City did not want to modify the lease with Murphy Ranch Little League; the Proposition A District wanted the modification; the only City connection with the McFarland family is a historical lease for 18 acres owned by the City; the property is not under leased to the McFarland family; and responses to public records requests are taking more time for response due to the volume of requests and the amount of information requested, and still meeting legal response times. Also at Mayor Nordbak's request, City Manager Helvey explained that the City cannot take a position on the mineral extraction project;

the City has received an application and it is the Council's responsibility to make a reasonable decision based on the facts; he encouraged residents to come and speak at the public hearing saying it is important for the City Council to hear their testimony; he stated that the applicants have rights; people on both sides of the issue may be unhappy with decisions made; the draft Environmental Impact report is available for review; and both Whittier Hills Oil Watch (WHOW) and Matrix Oil have information on their respective websites.

The following speakers expressed opposition or concerns relating to the proposed 7-Eleven convenience store on the corner of Beverly and Norwalk Boulevards addressing the following issues: it is an isolated location; there are five escape routes; it is a 24-hour operation; 50% of their robberies occur between 10:00 p.m. and midnight; another 7-Eleven location one mile away; sexual activity; bathing in the park; fifteen food establishments in the area; the Planning Commission process did not serve the public; 40 businesses are opposed to the project; drunk drivers; the proposed site is in a residential area; the City has enough liquor stores; 400 people have signed a petition opposing the proposed project; closely located to student bus stop; children's safety; 7-Eleven will make the neighborhood less desirable; increase in crime; the entrance is a hazard; the area is saturated with liquor stores; and does the Council have plans for empty lots:

Alexia Sokel, 5107 Tierra Antigua Drive, Whittier Don Reis, 10849 Beverly Drive, Whittier Rob Robertson, 10725 Beverly Boulevard, Whittier Tom Solis, 5471 Rockne, Whittier Corinna Razo, 5402 Rockne, Whittier Kristen Wesleyson, 11117 Orange Drive, Whittier Ken Bodger, 5805 Comstock Avenue #4, Whittier Ken Bodger, 5805 Comstock Avenue #4, Whittier Raul Perez, 10246 Lundene Drive, Whittier Jesus Ramirez, 12760 Walnut Street, Whittier Petrina Gooch, 5301 Davidson Drive, Whittier Carlo Grilli, 5503 Rockne, Whittier Victor Garcia, 10711 Beverly Boulevard, Whittier Lena Preer, 10310 Starca Avenue, Whittier Erlinda Carrillo, 10220 Deveron Drive, Whittier

Gil Soto, American Legion Post 51 presented a Certificate of Appreciation to Council Member Vinatieri for serving as a judge for their two-part oratorical contest held in January with five local students participating.

George Poochigian, Whittier, said it was inappropriate to have a City Council meeting on the same night as the State of the Union address; public parking at City Hall is not available until 10:00 p.m. because of the reserved parking spaces; only the City Manager should have a City vehicle; and he said Matrix Oil is spending millions of dollars on the oil drilling.

Ginny Ball, Whittier; announced Whittier Area Chamber of Commerce events: Wake-Up-Whittier networking breakfast on February 9 at Merrill Gardens; Silver Shield Awards dinner on March 4; Business Expo on March 24 at the Radisson; First Day Coalition Angel Dinner on April 1 at the Whittier Area Community Church; and said the natural preserve at Coyote Country Club is a certified Audubon Sanctuary with 60 oil wells.

Ralph Marsico, Whittier; said his family is suffering severe financial difficulties; he needs to get back the \$5,000 he has paid in tickets; they have received unfair treatment; and they need relief.

Joe Marsico, Whittier; said he was inspired by the speakers opposing the oil drilling and the 7-Eleven convenience store; the City has quality people and good energy; he has been terrorized for 2-years by Code Enforcement after being evicted from his home; and he went to jail for a bogus arrest.

Mayor Nordbak recessed the meeting at 8:16 p.m. At 8:38 p.m. he reconvened the meeting with all Council Members present.

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

Council Member Henderson requested separate consideration of Item 6.J; and recused himself on Item 6.P because his business is located within the Uptown Parking District.

Council Member Vinatieri requested separate consideration of Items 6.H and 6.N; and recused himself on Item 6.P because his business is located within the Uptown Parking District.

It was moved by Council/Agency Member/Director Newcomer, seconded by Mayor Pro Tem/Vice Chair Warner and carried, by roll call vote, to approve the Consent Calendar, with the exception of Items 6.H, 6.J and 6.N; that Resolution Nos. 8339 through 8342 be read by title only, further reading be waived, and they be declared adopted; and that Ordinance No. 2963 be read by title only, further reading be waived, and this be declared its first reading; with Council Members Henderson and Vinatieri recusing on Item 6.P.

- **6.A** The City Council denied claims filed by Bruce Hansell, Arturo Yepez, Nancy J. Krug, Rosario V. Vega, August F. Vazzano, Jacob Benavides, Nancy Baker and George A. Melendez.
- **6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of December 14, 2010.

- 6.C The City Council adopted Resolution No. 8339 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET RELATED TO SUPPLEMENTAL APPROPRIATIONS FOR THE JUSTICE ASSISTANCE GRANT," in the amount of \$34,855.
- 6.D The City Council received and filed the Gateway Cities Council of Governments updates for October through December 2010; and January 2011.
- **6.E** The City Council received and filed the Fiscal Year 2010-11 Work Plan update report.
- **6.F** The City Council received and filed a brief update on the police construction project.
- 6.G The City Council adopted Resolution No. 8340 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-2011 BUDGET TO ACCEPT A DONATION FROM THE NATIONAL CHARITY LEAGUE, WHITTIER CHAPTER," for the Parks, Recreation and Community Services and Library Departments, in the amount of \$5,100.
- 6.I The City Council received and filed the Redevelopment and Housing Programs Activity Report First and Second Quarter for Fiscal Year 2010-11.
- 6.K The City Council adopted Resolution No. 8341 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT MODIFICATION NO. CUP10-006 (M-1) TO ALLOW THE OPERATION OF A 24-HOUR RESTAURANT WITH A 24-HOUR DRIVE-THRU SERVICE WINDOW FOR A NEW RESTAURANT (D.B.A. MCDONALD'S) LOCATED AT 8840 PAINTER AVENUE (APPLICANT: WARE MALCOMB; OWNER: MCDONALDS CORP.)."
- 6.L The City Council adopted Resolution No. 8342 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT MODIFICATION NO. CUP91-13 9(M-L) TO UPGRADE AN EXISTING BEER AND WINE LICENSE (TYPE 41) TO A GENERAL ALCOHOL LICENSE (TYPE 47), AND TO ALLOW LIVE ENTERTAINMENT FOR AN EXISTING RESTAURANT (D.B.A. UPTOWN MEXICAN CAFÉ) LOCATED AT 7040-44 GREENLEAF AVENUE. (APPLICANT: HUMBERTO AND DIANE ROJO; PROPERTY OWNERS: AKARAKIAN THEATERS INC.)."

- 6.M The City Council received and filed the following Historic Resources Commission action: approval of Certificate of Appropriateness C10-021 to determine if the sign addressed at 11533 Whittier Boulevard is eligible for listing on the City of Whittier's Local Official Register of Historic Resources; (Applicant/Owner: Wells Fargo Bank, N.A.).
- 6.0 The City Council accepted an offer of \$102,500 from Southern California Edison in exchange for granting an easement for overhead utility lines over a portion of the City's well field; and authorized the Mayor to sign the grant of easement.
- 6.P The City Council conducted first reading of Ordinance No. 2963 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 10.16 (STOPPING, STANDING AND PARKING) WITH THE ADDITION OF ARTICLE IV (UPTOWN WHITTIER PARK ONCE DISTRICT) AND AMENDING SECTION 10.16.100 (TWENTY MINUTE PARKING), REPEALING SECTION 10.16.120 (TWO HOUR PARKING) AND ADDING A NEW SECTION 10.16.120 (PARKING TIME UNLIMITED FOR METERED PARKING AREAS) OF ARTICLE II (LIMITED PARKING) OF CHAPTER 10.16 (STOPPING, STANDING AND PARKING) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE WHITTIER MUNICIPAL CODE"; and authorized staff to do a summary publication of the Ordinance.

6.H QUARTERLY ECONOMIC DEVELOPMENT REPORT – OCTOBER THROUGH DECEMBER 2010

Council Member Vinatieri commented that the successful façade program in the Uptown area will disappear with the potential elimination of the Redevelopment Agency.

It was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously, to receive and file the October through December 2010 Quarterly Economic Development Report.

6.J MID-YEAR BUDGET UPDATE

Following brief discussion, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously, to receive and file a mid-year budget update report.

6.N GANG MOWER REPLACEMENT PURCHASE

In response to Council Member Vinatieri's question, City Controller Hill confirmed that the City would receive a direct payment of the sales tax.

It was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously, by roll call vote, to authorize the sole source purchase of the Ransomes/Jacobson mower from Golf Ventures West for \$52,374.90; authorize the purchase of the tractor portion of the mower through the National Joint Powers Alliance (NJPA), contract # 081209-JD, with Powerland Equipment Company for \$30,191.17; and authorize the purchase of the mower installation onto the tractor from Powerland Equipment Company for \$8,450.00.

7. RECESS UTILITY AUTHORITY MEETING:

Mayor Nordbak recessed the Utility Authority meeting at 8:59 p.m.

City Attorney Jones left the meeting and Agency Counsel Markman joined the meeting as legal counsel at 8:59 p.m.

8.A REDEVELOPMENT PROJECT AND PROGRAM PRIORITIES

Council Member Vinatieri recused himself regarding the Village Inn issue included in the Greenleaf Avenue/Uptown Whittier Redevelopment Project Area.

Redevelopment Managers Durán and Pongetti provided a power point presentation, outlining the Redevelopment Agency project and program priorities.

At Mayor Nordbak's request, Agency Counsel Markman explained that the City Council's actions will reaffirm the allocation of present funds on hand by instructing staff to pursue specific projects; the potential Cooperation Agreement between the City and the Agency states that this year's allocation will be based on the level of service received; the allocation is required annually; and there are two adjustment points to be addressed annually – projecting next year's allocation based on experience and the anticipated service level; and the allocation will be readjusted based on the actual level of service received.

Following discussion, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried, with Council Member Vinatieri recusing regarding the Village Inn included in the Greenleaf Avenue/Uptown Whittier Project Area, to support staff's recommendation to select the Greenleaf Avenue/Uptown Whittier Redevelopment Project Area, Whittier Boulevard Redevelopment Project Area, Earthquake Recovery Redevelopment Project Area and Whittier Boulevard Commercial Corridor Redevelopment Project Area as top priorities for funding, amending the Office Project allocation for the Whittier Boulevard Redevelopment Project Area to \$661,000.

There was no discussion or action regarding a Cooperation Agreement between the City and the Redevelopment Agency.

9. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Nordbak recessed the Redevelopment Agency meeting at 10:10 p.m.

Agency Counsel Markman left the meeting and City Attorney Jones rejoined the meeting as legal counsel at 10:11 p.m.

10.A WHITTWOOD BRANCH LIBRARY EXPANSION

City Manager Helvey introduced the item and stated that the costs for the \$126,816 professional architectural services agreement with CWA AIA, Inc. to provide schematic design and design development for Whittwood Branch Library expansion would be paid from funds remaining in the Police facility project.

It was moved by Mayor Pro Tem Warner, seconded by Council Member Henderson, and carried unanimously, by roll call vote, to approve the agreement and authorize the City Manager to execute the agreement.

11. 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 the City Council at 10:17 p.m.

12. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS AND CONFERENCE REPORTS:

Council Member Vinatieri reported he had attended the League of California Cities Taxation Committee meeting in Sacramento; and the main topic was the governor's proposal to take redevelopment funds from cities and eliminate redevelopment agencies.

Mayor Pro Tem Warner was absent from the Council Chamber from 10:18 p.m. to 10:20 p.m.

Council Member Newcomer reported he attended the League of California Cities meeting; the main topic was redevelopment; and that state officials acknowledged that taking redevelopment funds from cities will not solve the State's budget problems.

13. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

- **14. CITY COUNCIL CLOSED SESSION:** It is recommended a Closed Session be held pursuant to:
 - 14.A City Council Government Code Section 54956.9(a) to discuss one case of litigation; Case No. BS128995, Open Space Legal Defense Fund, a non-profit organization; Heriberto Diaz and Daniel Duran vs. City of Whittier, et al.
- 15. RECONVENE IN OPEN SESSION:
- 16. CLOSED SESSION REPORT:
- 17. ADJOURNMENT:

Mayor Nordbak announced there would be no Closed Session discussion and adjourned the joint City Council, Redevelopment Agency and Utility Authority meeting at 10:25 p.m.

Respectfully submitted,

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