

October 28, 2025

Whittier City Council
13230 Penn St.
Whittier, CA. 90602

SUBJECT: Protest Against Agenda Item 10A to “Suspend” Tree Manual Ordinance

Dear Mayor and City Council Members:

THERE IS NO TREE EMERGENCY! But you are planning to declare an **Urgent Emergency** to “suspend” the City’s Tree Manual Ordinance following disclosure of your legal settlement payout of a sidewalk trip & fall accident that occurred in 2018. That case found the City legally negligent for NOT maintaining the sidewalks. Other cities maintain their trees AND their sidewalks. The Tree Manual Ordinance already allows the City to immediately remove any diseased or hazardous trees as assessed by an arborist. The proposed new ordinance would delegate authority to the City Manager to remove ANY trees immediately with NO resident appeal process allowed.

Blaming our City’s trees has been your liability theme for years, neglecting to prioritize needed sidewalk repairs. At a Council meeting in Feb. 2023, Council member Cathy Warner asked the City Manager “Aren’t we going to cut down the Greenleaf Av trees because of insurance liability costs?” and he responded “yes.” At a Council meeting a year later, Council member Fernando Dutra asked the City Manager if cutting down the Greenleaf Av trees would have any impact on the City’s liability insurance costs? The City Manager admitted it would not. At the City Council meeting on Feb. 20, 2024, the City’s Risk Manager, in response to a question posed by Council member Octavio Martinez, said **ALL** of the City’s outstanding liability insurance claims involved trees. That evoked an audible gasp from the huge audience of incensed residents and provoked my public records request (PRR) inquiring about types of liability claims against the City. The City’s PRR response revealed that half of the City’s liability insurance claims involved allegations against the Police.

A year later, your Jan. 28, 2025 Council agenda again included a liability update. During the public comment period at the beginning of that meeting, six well-respected community residents, including a former Whittier City Council member, spoke against diminishing tree protections for our City’s mature, healthy trees, and the importance of sidewalk maintenance. But prior to taking up this contentious agenda item for discussion that evening, your Council took an unprecedented 49-minute Break/Recess. When your meeting finally resumed, the staff presentation once again focused on the City’s liability related to city-owned trees, glossing over liability claims related to the Police¹ or other issues. Your Council’s discussion centered on plans to amend the Tree Manual Ordinance to add a new category, Justified Tree Removal, to remove healthy trees. Council member Ann Pacheco was the only Council member who mentioned categories already exist in the Tree Manual to remove diseased and hazardous trees, stating “If I’m a member of the public who has been listening, it sounds like you want to justify what you are doing by making up another category.” Comments by other Council members supporting this new category appeared to be coached. That prompted my filing with the L.A. District Attorney of an allegation of a Brown Act violation regarding illegal private pre-discussion of this agenda item in the Council’s back room during your unprecedented 49-minute Break/Recess. (Attachment 1).

The public wants sidewalk replacement in Uptown and throughout the City. Your Consent Agenda item 8K tonight seeks construction bids for replacing sidewalks throughout Uptown including on Greenleaf Av from Wardman to Whittier Blvd starting in January 2026. You can replace ALL of the sidewalks down the entire length of Greenleaf Av without removing any of those iconic, shady trees and you know it! The City has already successfully cut back large ficus tree roots while replacing broken sidewalks last year on Washington, Painter and other Uptown streets without removing ANY of the mature trees. (Attachment 2). Other cities, including Pasadena and Santa Monica are preserving their ficus tree canopies including requiring developers to preserve those mature trees during major construction projects (Attachment 3).

Now the pieces of the puzzle are coming together to reveal the whole picture:

¹ Current known lawsuits awaiting trial against Whittier Police alleging assault and misconduct include Case Numbers 25NVVCV01955, 22NWCVCV01519, and 23NVVCV04037.

Under the disguise of declaring a fake EMERGENCY to public safety, you are planning to immediately cut down healthy trees in Uptown. Your imminent “sidewalk replacement project”, item 8K on your Consent Agenda tonight, plans to include chopping down the Greenleaf Av tree canopy from Wardman St. to Whittier Blvd. Simultaneously, you are attempting to dismiss the significance of “suspending” the Tree Manual Ordinance by stating the City typically only cuts down ½ of 1% of publicly-owned trees a year. How “coincidental” that the number of trees along the entire length of our iconic Greenleaf Av tree canopy equals ½ of 1% of our City’s 26,000 publicly-owned trees!

A few months ago, you renewed the City’s contract with West Coast Arborists, Inc. quintupling the annual contract from \$1/2 million to \$2.5 million. Their chainsaws are ready to whirl.

The timing of placing this “urgency” tree ordinance 3171 and ordinance 3172 on tonight’s agenda is now crystal clear. The Greenleaf Promenade project that your Council finalized on June 18, 2024 by a 3-1 vote², calling for removing all trees on three blocks of Greenleaf Av from Hadley to Wardman St., caused eruption of public outrage that has not abated. In July 2024, a popular WIN-WIN solution to get the project started with public support was proposed but rejected by your Council (Attachment 4). Extensive media coverage of that WIN-WIN proposal included a July 21, 2024 article in the *Whittier Daily News* in which Council member Fernando Dutra was quoted: “only trees on 3 of the 35 blocks of Uptown are involved.” In December 2024, The Whittier Conservancy filed a lawsuit seeking to prevent the City from clear cutting the trees in the Greenleaf Av project area from Hadley to Wardman St. That lawsuit is set for trial on Feb. 20, 2026, two months before the City Council election on April 14, 2026.

Your Council’s devious intent to declare a fake public safety EMERGENCY would enable destruction of the ENTIRE Greenleaf Av tree canopy from Wardman St. all the way to Whittier Blvd starting in January 2026. The purpose of the lawsuit to protect our iconic Greenleaf Av tree canopy would be eviscerated.

Taking action to cut down ALL the trees along Greenleaf Av would galvanize our community, far beyond the 5,000+ Whittier residents of the 7,384+ signers of the petition to Save Our Trees in Uptown Whittier. Why is your City Council so dismissive of the voices of thousands of residents?

WHO DO YOU REPRESENT? WHO ARE YOU WORKING FOR?

Sincerely,



Conny McCormack
Former L.A. Co. Registrar-Recorder/County Clerk (ret.)
Founder/Leader www.saveourtreeswhittier.com

cc: Conal McNamara, City Manager
Rigo Garcia, City Clerk

Attachments 1-4

² Council member Mary Ann Pacheco was the sole vote against it. Mayor Joe Vinatieri recused himself due to conflict of interest laws requiring his non-participation due to his business ownership within the Greenleaf Promenade area. However, he remains under investigation by the State of California Fair Political Practices Commission (FPPC). More than a year ago, the FPPC found sufficient evidence to open a conflict of interest case (#2024-00927) to investigate Mayor Vinatieri regarding his participation in a City Council vote to expand the size of the Greenleaf Promenade development project by more than 50%. He did not recuse himself; he voted yes.