

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
MARCH 24, 2009**

1. CALL TO ORDER:

The Whittier City Council met in regular session on March 24, 2009, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Vinatieri called the joint meeting to order at 6:30 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street.

2. ROLL CALL:

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

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

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney/Authority
Counsel
James Markman, Agency Counsel
(8:33 p.m.)
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary-Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Warner led the Pledge of Allegiance.

4.A PRESENTATION – PROCLAMATION, WHITTIER READS

4.B PRESENTATION – PROCLAMATION, NATIONAL LIBRARY MONTH

Mayor Vinatieri issued proclamations declaring April National Library Month in Whittier and honoring the Whittier Reads Program for 2009, author Maria Amparo

Escandon, and her book, "Gonzalez and Daughter Trucking Company." He presented the proclamations to Library Foundation members Rose Mary Yetter and Sue Settlage.

Ms. Settlage introduced Ms. Escandon, invited the public to participate in the Whittier Reads Program activities and presented the City Council with copies of the program.

4.C PRESENTATION – PROCLAMATION, SASSFA

Mayor Vinatieri presented Kirk Kain, Director of the Southeast Area Social Services Funding Authority (SASSFA), a proclamation in recognition of SASSFAs 30th Anniversary and years of service to the Whittier community

4.D PRESENTATION – PROCLAMATION, THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS WHITTIER STAKE

Mayor Vinatieri issued a proclamation honoring the 50th Anniversary of the Whittier Stake of the Church of Jesus Christ of Latter Day Saints to Stake President Harry Marco; First Counselor, Frank Jackman; and Second Counselor, Mark McKeon.

ORDER OF BUSINESS

City Manager Helvey said that due to Mayor Vinatieri's illness and his need to leave the meeting, he had requested the City Council consider Agenda Item 12.C immediately following Oral Communications and that they remove Agenda Items 12.A, 16.B and 16.D, and reschedule them for consideration at a later time.

Mayor Vinatieri received City Council consensus to make the requested changes to the Agenda.

5. ORAL COMMUNICATIONS:

Pastor Ortiz, President of the Whittier Area Evangelical Ministerial Alliance, prayed for the City Council.

Mary Ann Bakotich, Whittier Area Chamber of Commerce Executive Director, thanked the participants in the Business Expo and announced the Chamber's upcoming legislative meeting on health care and Chamber installation.

Amelia Vogel, Whittier, said the public restrooms at parks should be available to everyone and questioned the legality of closing them; expressed concern about the danger associated with fireworks and recommended a family picnic be held instead of allowing fireworks for the 4th of the July celebration.

Forest Stone, Whittier College Avenue Church of the Nazarene Pastor, spoke regarding the upcoming resurrection event.

Bernadette Ramirez, Hoover Avenue, Whittier, disagreed with how Mayor Pro Tem Henderson and Council Member Newcomer characterized Rick Elias and Steve's BBQ at the March 10, 2009, meeting.

Caroll Kudinoff, Whittier Uptown Association, announced the upcoming Antique Faire.

Mac McFarland, 7921 Worsham Drive, Whittier, Chair of the Board of Presbyterian Intercommunity Hospital, said he could not stay to testify during the hearing on bonds for the Hospital, spoke in favor of the bonds being issued to provide low cost financing so the Hospital can continue to improve facilities to serve the community; said the City and Hospital have a long history of partnership; and announced the Hospital had merged with Bright Medical Group and celebrated its 50th Anniversary in January.

Mike Vacchio, Whittier, said he is an attorney representing a client requesting the City Council repeal the vacant lot maintenance ordinance. He said the ordinance is not serving the intended purpose to insure property maintenance and selective prosecution maybe occurring.

Vern Matheson, 13420 Tedemory Drive, Whittier, Cornerstone Celebration International Pastor and Supervisor of the Whittier Area House of Prayer, spoke regarding gang members and other troubled individuals who have become valued citizens serving the community; and said that the seven congregations asking for the Easter Sunrise Service permit want to bring an event to an area of the City identified as needing positive programs.

Arthur Rock, Whittier, spoke in support of the City Council and community being opened to trying to new ideas; spoke regarding Joe Marsico's personal problems; congratulated City Manager Helvey on his service anniversary; and announced the Welcome Home Viet Nam Veterans' Day celebration March 29, 2009.

Daniel Kevin Rapp, Whittier, said he had been living out of state and recently returned to Whittier to find that the Marsico family, with whom he had been living, had been removed from their home.

Ralph Marsico, Whittier, said he was proud of his father; that Code Enforcement staff had them removed from their home when they had done all they could to improve it.

Patricia Lopez, Artica Hair Spa, requested approval of a special event permit for a 6K Walk for Water and explained how the event is tied to the celebration of Earth Day in April.

George Poochigian, Whittier, requested the City Council start its meetings at 7:00 p.m.; stated the City Council could take actions to honor veterans without waiting for action by the state legislature; and asked the name of Council Member Warner's grandfather who had been awarded the Metal of Honor.

Rick Elias, 6734 Greenleaf Avenue, Elias Photography and ShopWhittier.Com, said he created ShopWhittier.Com to bring businesses and the community together; he created blogs for the Council Members, a business blog, and a community blog and invited incumbent Council candidates to use the blog.

Joe Marsico, Whittier, spoke regarding individuals who have pursued free speech; said he has been jailed twice in spite of being innocent; his interest is in doing good for the community, therefore, he will use claim settlement money expected from the City to establish a neighborhood trolley system.

12.C SPECIAL EVENT PERMIT – EASTER SUNRISE SERVICE AT JOE MILLER FIELD

Following discussion, it was moved by Council Member Warner, seconded by Council Member Nordbak, and carried unanimously, to approve a special event permit request from the Whittier Area Evangelical Ministerial Alliance for an Easter Sunrise Service on April 12, 2009, at Joe Miller Field, subject to the conditions outlined by staff.

Mayor Vinatieri left the meeting at 7:50 p.m.

Mayor Pro Tem Henderson declared a recess at 7:50 p.m. He reconvened the meeting with all members present except Mayor Vinatieri at 8:06 p.m.

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

Council Member Warner requested separate consideration of Item 6.L.

It was moved by Council/Agency Member/Director Nordbak, seconded by Council/Agency Member/Director Newcomer, and carried, by roll call vote with Mayor/Chair Vinatieri absent, to approve the Consent Calendar as submitted, with the exception of Item 6.L, and that Resolution No. 8189 and Ordinance Nos. 2922 and 2923 be read by title only, further reading be waived, and they be declared adopted.

6.A The City Council denied claims filed by Robert J. Acinelli, Fatima L. Valenton, and Jerry Parker.

- 6.B** The City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meeting of March 10, 2009.
- 6.C** The City Council approved a special event permit for the Whittier Uptown Association's 6K Walk for Water scheduled for Sunday, April 26, 2009, beginning at 6720 Greenleaf Avenue, proceeding south to La Cuarta Street, east to Painter Avenue, and north through the historic neighborhood, back to the starting point.
- 6.D** The City Council conducted second reading and adopted Ordinance No 2922 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO PERMIT DOGS ON LEASH ONTO THE WHITTIER GREENWAY TRAIL, HELLMAN PARK AND MURPHY RANCH PARK," on a maximum six-foot leash.
- 6.E** The City Council adopted Resolution No. 8189 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2008-2009 BUDGET TO ACCEPT A GRANT FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING LOCAL USED OIL COLLECTION PROGRAMS THAT ENCOURAGE RECYCLING OR THE APPROPRIATE DISPOSAL OF USED OIL," in the amount of \$21,973.
- 6.F** The City Council scheduled a public hearing on April 28, 2009, for the award of contract to Nestor Traffic Systems for the Automated Photo Red Light Enforcement System.
- 6.G** The City Council conducted second reading and adopted Ordinance No. 2923, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ORDAINING AN AMENDMENT TO THE CITY'S DEVELOPMENT STANDARDS AND DESIGN REQUIREMENTS FOR WALLS AND FENCES IN THE 'M' (MANUFACTURING) ZONE, CONTAINED WITHIN SECTION 18.34.050(F) (DEVELOPMENT STANDARDS) OF THE WHITTIER MUNICIPAL CODE (CASE NO. ZONING CODE AMENDMENT 09-001; APPLICANT: CITY OF WHITTIER)."
- 6.H** The City Council awarded the contract for the Financial Information System (FIS) upgrade to Sungard Public Sector Inc.; and authorized the City Manager to execute the necessary documents.

- 6.I** The City Council received and filed the following Historic Resources Commission actions:
1. Approval of Certificate of Appropriateness 08-026 for the replacement of an existing 88 square-foot theater marquee with an 88 square-foot light-emitting diode (LED) electronic marquee that was installed without the benefit of permits; and the replacement of eight existing outdoor movie poster display cases with ten new display cases for property located at 7038 Greenleaf Avenue; Applicant: Stan Swede; Owner: Dan Akarakian, Akarakian Theatres, Inc.;
 2. Approval of Certificate of Appropriateness 09-002 to legalize the existing additions and modifications to three on-site dwelling units that were made without the benefit of permits for properties located at 6742, 6744 and 6746 Pickering Avenue; Owner/Applicant: Pedro Diaz;
 3. Approval of Certificate of Appropriateness 08-025 to complete a comprehensive window and door change-out to an existing single-family residence located at 12231 Honolulu Terrace; Applicant: Pella Architectural Products; Owner: Joyce Mullenbach;
 4. Approval of Certificate of Appropriateness 09-001 to construct a 112 square-foot addition to the rear of the unit; reconstruct a 95 square-foot covered front porch; construct a new 18 square-foot covered rear porch; remodel the interior of the unit; and complete a comprehensive window change out to the front of the unit for properties located at 7337 and 7339 Comstock Avenue; Applicant/Owner: IREL Properties, LLC.
- 6.J** The City Council approved a gift ticket distribution policy in compliance with Fair Political Practices Commission Regulation 18944.1; and authorized the City Manager to implement the policy.
- 6.K** The City Council received and filed the Gateway Cities Council of Governments' updates for February and March 2009.

6.L PARK RESTROOMS PARTIAL CLOSURE PLAN

Following discussion of the Parks Department proposed park restroom partial closure plan to reduce the Fiscal Year 09-10 Budget, Mayor Pro Tem Henderson directed staff to return the item to a future meeting with additional information on availability of restrooms at Guirado Park due to programming, the Park and Recreation Commission's review of the proposed budget cut and their feedback, and the policy regarding availability of restrooms at York Field.

7. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Pro Tem Henderson recessed the Redevelopment Agency and Utility Authority meetings at 8:17 p.m.

8.A PUBLIC HEARING – PRESBYTERIAN INTERCOMMUNITY HOSPITAL HEALTH FACILITIES REVENUE BONDS, SERIES 2009

City Manager Helvey reported that Council Member Nordbak would not be participating on the next item, due to a business conflict of interest.

Council Member Nordbak left the meeting at 8:17 p.m.

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the issuance of City of Whittier Health Facilities Revenue Bonds, Presbyterian Intercommunity Hospital, Series 2009, in an amount not to exceed \$290,000,000. He advised that if Mayor Vinatieri had been present, he would have recused himself from this item because he has a business conflict of interest.

City Attorney Jones responded to a question from Council Member Warner and advised action on this item requires three affirmative votes.

City Manager Helvey responded to a question from Council Member Newcomer and advised issuance of the bonds incurs no cost to the City, and no real risk to the City's credit rating as there is no legal liability for repayment for the debt issued, it is the responsibility of Presbyterian Intercommunity Hospital.

Mayor Pro Tem Henderson opened the public hearing at 8:18 p.m.

Amelia Vogel, 13011 Oak Street, Whittier, said this is the third time the City has issued bonds for the Hospital and her concern was if the Hospital and its associated corporations defaulted on the bonds, the City would be required to repay them; she recalled being advised in the past that insurance would cover the repayment costs in the event of a default, but there is nothing in this bond issue regarding insurance, so the City would need to sue for recovery; said she has seen things which are not truthful and, although she understands the City and Interhealth Corp. will execute the contract with Merrill Lynch, she was concerned about the lack of insurance for the bond issue.

Kathleen Leak, Orrick, Herrington, and Sutcliffe, Bond Counsel for the City, said liability for repayment of the bond costs is with the three members of the obligated group: Intercommunity Health Corp., Presbyterian Intercommunity Hospital Inc., and IHC Management Corp.; that in the event the three corporations failed to make payments, the City is not obligated to repay the bonds, the City's obligation is limited to

the payments made by the obligated health institutions. She responded to a question from Council Member Warner and advised the bonds are not being insured because the credit rating on insurance companies has declined.

Jim West, 16001 La Meseta Way, Whittier, Presbyterian Intercommunity Hospital President, thanked the City Council for considering refunding the bonds; said the Hospital had come to the City a few years before to request assistance with funding for seismic compliance improvements under Senate Bill SB1953, which increased the structural standards for hospitals from evacuating in a 7.0 earthquake to withstanding an 8.0 earthquake and being able to operate; said they are one of the few hospitals in Los Angeles County in the process of being compliant; advised most recently the Ed L. Shannon tower has been completed, and they are in the process of building a surgery center which will complete their seismic compliance program and take the Hospital from 444 to 601 beds. He said they are asking to refinance the bonds to continue the improvement program, they are a non-profit organization, revenue generated from the Hospital's operation will continue to be reinvested in the community and it is their goal to continue to serve the community for another 50 years.

There being no one else wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried to close the public hearing at 8:26 p.m.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried by roll call vote, with Mayor Vinatieri and Council Member Nordbak absent, that Resolution No. 8190 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CERTAIN REVENUE BONDS TO REFINANCE AND FINANCE CERTAIN HEALTH FACILITIES FOR THE BENEFIT OF INTERHEALTH CORP., PRESBYTERIAN INTERCOMMUNITY HOSPITAL, INC. AND IHC MANAGEMENT CORP., AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS AND CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH," be read by title only, further reading be waived and it be declared adopted.

Council Member Nordbak resumed his seat at the dais at 8:27 p.m.

8.B CONTINUED PUBLIC HEARING – REVIEW OF VARIANCE V08-004, 14856 MAR VISTA STREET

City Manager Helvey announced it was the date and time set and duly noticed for a continued de novo public hearing to review the decision of the Planning Commission and consider adopting a resolution denying Variance V08-004 to allow over-height and view-obscuring masonry wall for a single-family residence at the property addressed as 14856 Mar Vista Street; Owner/Applicant Hugo Gutierrez. He advised the public hearing was continued from meetings held January 27, 2009, and February 24, 2009.

Community Development Director Collier advised the applicant was not present and it had been his intention to determine if the applicant wanted to request a continuance because Mayor Vinatieri is absent and there was potential for the matter to proceed to litigation.

City Attorney Jones said the City Council legally had the right to proceed with the hearing; he believed it was likely the applicant would have requested a continuance so that all five Council Members could be present for the hearing; and said he was concerned whether, through the number of continuances, the applicant received proper notice of the hearing date.

In response to an inquiry from Council Member Warner, City Clerk-Treasurer Marshall advised the applicant was given notice of the continued hearing dates by standard mail and, since the matter is being considered under the City Councils' review procedure, the applicant's concurrence was required each time the hearing was continued.

Community Development Director Collier advised he had spoken with the applicants two weeks ago and informed the applicant the matter would proceed to hearing because there had been no resolution in the matter.

It was moved by Council Member Nordbak, seconded by Council Member Newcomer, and carried, with Mayor Vinatieri absent, to continue the public hearing to April 28, 2009, at 6:30 p.m.

City Attorney Jones asked that staff contact the applicant directly about the new hearing date.

9. RECONVENE REDEVELOPMENT AGENCY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Pro Tem Henderson reconvened the Redevelopment Agency in joint session with the City Council at 8:32 p.m.

10.A JOINT PUBLIC HEARING – PROPOSED FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA

Mayor Pro Tem Henderson said he would recuse himself from discussing the next matter because he owns property in the project area. He left the Council Chamber at 8:33 p.m.

City Attorney Jones left the meeting and Agency Counsel James Markman joined the meeting as legal counsel at 8:33 p.m.

City Manager Helvey announced it was the date and time set and duly noticed for a joint public hearing of the Whittier Redevelopment Agency and City Council related to the Proposed Fifth Amendment to the Redevelopment Plan for the Whittier Earthquake Recovery Redevelopment Project Area. He recommended that, following the hearing, the Agency Board and City Council consider 1) adoption of resolutions and an ordinance adopting a negative declaration for the Amendment and adding the potential funding of certain public improvements to the Redevelopment Plan or, 2) if written responses are received prior to the close of the hearing, the proposed actions be continued to April 14, 2009 so staff can prepare responses to the written comments.

Council Member Nordbak opened the public hearing at 8:35 p.m.

Redevelopment Manager Pongetti advised the Whittier Earthquake Recovery Redevelopment Project Area was adopted in 1987 following the Whittier Narrows earthquake; he displayed and described a map of the project area, advised the original Plan contained 10 capital improvement items eligible for funding and the purpose of this Amendment was to add new capital projects to the list: cable and internet infrastructure, public safety facilities including but not limited to police facilities, and cultural and community facilities including but not limited to library facilities. He advised the proposed Amendment does not commit the expenditure of tax increment revenue to the improvements added to the list, but would allow the tax increment funds to be used to help fund those types of facilities. He reviewed the noticing done for the hearing, including four consecutive weeks of publication in the *Whittier Daily News*, mailing to approximately 2,800 property owners, business owners, and tenants in the project area, and certified mailed notice to affected taxing districts. He advised materials provided to the City Council in their packet included a Report on the Amendment approved by the Redevelopment Agency on February 24, 2009, and forwarded to the City Council which describes building conditions, higher crime rate, and higher business vacancies in the Redevelopment Project Area which would be addressed through this Amendment. He said the Plan Amendment was adopted in compliance with Government Code Section 33352; an Initial Study and Negative Declaration were prepared pursuant to the California Environment and Quality Act (CEQA); and the Planning Commission adopted a resolution on February 17, 2009, recommending City Council approval of the Negative Declaration for the Amendment. He requested the City Clerk place the following documents into the record: proof of publication of the public hearing notice as well as the affidavit of mailing to the affected taxing districts, project area property owners, residents and tenants; the report to the City Council; the Negative Declaration, and Initial Study; and the Amendment text.

Council Member Nordbak inquired if there had been written correspondence in response to noticing the hearing and City Clerk-Treasurer Marshall confirmed no written protests had been received.

There being no one wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Warner, and carried to close the public hearing at 8:40 p.m.

Redevelopment Manager Pongetti responded to questions from Council Member Warner and advised the proposed Amendment adding cultural, community, and safety facilities to the area Plan is not proposed for other project areas because they do not have city facilities located within them.

Agency Counsel Markman responded to questions and advised if the Plan Amendment were modifying fiscal limitations, there would be an automatic tax increment pass through established, but that is not a component of this Amendment.

It was moved by Council Member Newcomer, seconded by Council Member Warner, and carried, by roll call vote with Mayor Vinatieri and Mayor Pro Tem Henderson absent, that Resolution No. WRA-09-03 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE NEGATIVE DECLARATION FOR THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA," and Resolution No. 8192 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING AND ADOPTING THE NEGATIVE DECLARATION FOR THE FIFTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA," be read by title only, further reading be waived, and they be declared adopted, and that ORDINANCE NO. 2924 ENTITLED, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING THE POTENTIAL FUNDING OF CERTAIN PUBLIC IMPROVEMENTS TO THE REDEVELOPMENT PLAN FOR THE WHITTIER EARTHQUAKE RECOVERY REDEVELOPMENT PROJECT AREA," be read by title only, further reading be waived and this be declared its first reading.

Mayor Pro Tem Henderson and City Attorney Jones returned to the meeting and Agency Counsel Markman left the meeting at 8:45 p.m.

11. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Pro Tem Henderson recessed the Redevelopment Agency meeting at 8:45 p.m.

12.A FOURTH OF JULY COMMUNITY EVENT IN 2009

No action was taken on this item. (See Page 2.)

12.B HISTORIC RESOURCES ORDINANCE

The City Council concurred to continue discussion on the possible review of the Historic Resources ordinance until all five Council Members were present.

12.C SPECIAL EVENT PERMIT – EASTER SUNRISE SERVICE AT JOE MILLER FIELD

See Page 4.

12.D LOCAL ECONOMIC STIMULUS AND BUSINESS ASSISTANCE ACTION PLAN

The City Council concurred to bring the item back for discussion when Mayor Vinatieri was present.

13. RECONVENE REDEVELOPMENT AGENCY AND UTILITY AUTHORITY IN JOINT SESSION WITH THE CITY COUNCIL:

Mayor Pro Tem Henderson reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 8:48 p.m.

14. COUNCIL/AGENCY MEMBER/DIRECTOR COMMENTS/CONFERENCE REPORTS:

Council Member Warner requested staff bring back a report regarding possible review of the medical marijuana ordinance.

Council Member Newcomer reported that he attended the Local Government Commission Conference which addressed tying economic redevelopment with green house gas reduction.

15. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Pro Tem Henderson adjourned the Utility Authority meeting at 8:53 p.m.

16. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended a Closed Session be held to discuss Items 16.A and 16.C (Items 16.B and 16.D continued – see Page 2)

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

- 16.B** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with RGH Holdings regarding price and terms of payment for properties located at 12423 and 12425 Whittier Boulevard; City/Agency negotiator: Jeffrey Collier.

NOTE: Mayor Vinatieri and Council Members Nordbak and Warner have conflicts of interest on Item 16.B. At a blind draw held on December 9, 2008, Mayor Vinatieri was drawn back into the discussions of the item; Council Members Nordbak and Warner will not participate in discussion due to the conflicts of interest.

- 16.C** Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with HDS Group regarding price and terms of payment for properties located at 16050 and 16110 Whittier Boulevard.

- 16.D** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation; City of Whittier vs. Federal Receiver Clark Kelso.

Mayor Pro Tem Henderson adjourned the joint meeting to Closed Session at 8:56 p.m.

17. RECONVENE IN OPEN SESSION:

Mayor Pro Tem Henderson reconvened the joint meeting in Open Session at 9:25 p.m.

18. CLOSED SESSION REPORT:

None.

19. ADJOURNMENT:

Mayor Pro Tem Henderson adjourned the meeting at 9:25 p.m., in memory of Police Captain Roy Vanover.

Respectfully submitted,

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