

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
APRIL 12, 2011**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on April 12, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Nordbak called the joint meeting to order at 6:37 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 (arrived 8:46  
p.m.)  
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  
Kathryn A. Marshall, City Clerk-Treasurer/  
Secretary-Treasurer

**3. PLEDGE OF ALLEGIANCE:**

Dan Duran led the Pledge of Allegiance.

Mayor Nordbak announced that Council Member Henderson was ill, but would attempt to join the meeting later; and that he had requested that discussion of the appointment to the Planning Commission be continued to the next meeting.

#### **4.A BLUE STAR PRESENTATIONS**

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Pedro Ordoñez an E-5 Sergeant in the Army Reserves serving as an intelligence analyst, and presented pins to his wife Rosa and children Pedro, Joshua, and Alyssa.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Natalie and Harold Woodruff and Lucy Slowskei whose son and grandson, Matthew C. Morris, is attending the Navy's Nuclear Program.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Rafael, Maria, Sonya, and Rafael Vega, Juanita Avila, and Kathryn Guzman in honor of their son, brother, fiancée and uncle, Daniel Vega, who is serving as a specialist in United States Army Infantry in Afghanistan.

Mayor Nordbak and Mayor Pro Tem Warner presented a Blue Star banner, window decal and lapel pins to Sandy and Ron Pounds whose daughter, Rebekah C. McMillan, is a United States Airman First Class working in logistics.

#### **4.B MONTH OF THE FAMILY PROCLAMATION**

Emily Arianas thanked the City Council for proclaiming April the Month of the Family and thanked the City for community events such as the Eggstravaganza.

Mayor Nordbak and Mayor Pro Tem Warner presented Month of the Family proclamations to Kathleen Pompey of Broadoaks School, and Lupe Scianni from the Rio Hondo Community College Child Development Center.

#### **4.C NATIONAL LIBRARY MONTH PROCLAMATION**

Mayor Nordbak and Mayor Pro Tem Warner recognized Board of Library Trustees Chair Rob Settlege, Board Member Eileen Bigelow, and Library Director Paymaneh Maghsoudi and presented a proclamation declaring April National Library Month in Whittier.

Dr. Settlege thanked the City Council for their recognition, said he is looking forward to the Whittwood Branch Library improvements and considered the Library staff to be a great asset to the community.

Mayor Nordbak recognized new Assistant Fire Chief Jerry Hensel, present at the meeting.

Terry Starkman, Vice President of Marketing for the Whittier Area Chamber of Commerce, thanked the City Council and staff for attending its installation luncheon; thanked Mayor Nordbak for his support during the past year; and announced upcoming events: April 13<sup>th</sup>, Wake-Up Whittier; ribbon-cutting at Woodside Florist and Theresa's Treasures, and Half-Off Books, and its next business seminar on April 21<sup>st</sup>. She congratulated the Uptown Association Board Members assuming office this week.

## **5. ORAL COMMUNICATIONS:**

Dorothea Boyd, 13503 Sycamore Drive, Whittier, commended the City for being family-oriented and for its quality libraries and staff. She advised the 117<sup>th</sup> Founders Day Celebration would be held May 14, 2011, and requested the City Council waive \$230 in City expenses for the event.

The speakers listed below expressed opposition or concern relating to the proposed Whittier Main Mineral Extraction Project and addressed the following issues: requested a pro-active and collaborative process and that the City prepare a summary of the amended project in layman's terms; the community should be voting on extension of the lease with Matrix Oil; the environmental impact report (EIR) should be completed before a lease extension is approved; permitting oil drilling near a school would show lack of concern for children; the proposed extension of the lease with Matrix Oil and Clayton Williams allowing oil drilling in the hills is in conflict with preserving the hills; if the City Council were listening to the community, it would not pursue the alternative project proposed; the project is bad for the environment and poses risks for the community; the alternative project has six negative, unavoidable impacts pursuant to the EIR which include esthetics, recreation, land-use, air quality, and hydrology; the City should find a different way to bring revenue to the City; the hills were purchased to be a habitat preservation, not for oil drilling; the funds the City has spent on the project could have been used to fund a task force to develop other revenue ideas; people are trusting the City Council to prevent a catastrophe such as occurred with the earthquake in Japan; drilling for oil in the hills is contrary to the City's promotion of going green as demonstrated through the Children's Banner Program; conservation does not equate to destruction; the amended project will have trucks entering through the landfill and going across the leased acreage to the Colima Road side of the property; the City should allow open discussion with the audience members on this project; the amended conditional use permit (CUP) should be rejected; why did the City change its position on recirculating the EIR after hiring a law firm to review it; the City has not been able to obtain County approval to use part of the preserve for the project; how much more money is the City willing to spend on the consultant; residents do not want a 7-Eleven on every corner, like the Chamber of Commerce, they want clean environment and stable community; if oil drilling goes forward, the County will take all the money; and Supervisor Knabe's son works for the oil company.

Dan Duran, 8103 Catalina Avenue, Whittier, President of the Whittier Hills Oil Watch; he also spoke in support of a Dog Park.

Roy McKee, Vice President of the Whittier Hills Oil Watch  
Unidentified female  
Matt Berklehammer, Whittier  
Joe Papaian, 8406 Santa Fe Springs Road, Whittier  
Orlando Terrazas, 8426 Friends Avenue, Whittier  
Lupe Saguhan, Bronte Drive, Whittier  
Bob Florin, Whittier  
Anthony Martinez, Whittier

George Poochigian, Whittier; he also acknowledged Amelia Vogel's passing, objected to the Chamber of Commerce taking a position on matters before the City Council and said there are less parking spaces for the public in the Library's parking lot.

Jim Ortiz, pastor and President of the Whittier Area Ministerial Alliance, announced the community-wide Easter Sunrise Service on April 24<sup>th</sup> at Joe Miller Field; thanked the City Council for approving use of a city facility, provided copies of the service bulletin to the City Council and prayed for them.

Ivan Golcha, 14534 Cullen Street, Whittier, said he cannot afford to comply with the City's vacant lot ordinance and has been receiving letters from the Police Department regarding prosecution for failing to landscape his property at 7013 Hillside Lane. He said he attempted to build a house on the property, but the Planning Department delayed it for two years, requested things which were not necessary which extended the process so that now he cannot afford to build the home.

Mike Hardy, 13656 Helen Street, Whittier City School District, Dad's Club President, invited people to attend their May 5, 2011 event honoring Assembly Members Calderon and Mendoza for protecting education. He invited the public to a Dad's Club Family Festival fundraiser on May 21, 2011, and requested the Mayor attend the Festival.

Luis Kingsley, 8502 Dutchess Drive, President of the Hoover School Dad's Club, reviewed the history and purpose of the Dad's Club; and requested the Mayor and City Council support the events by speaking at the May 5<sup>th</sup> event regarding proposed California state budget cuts in education, and by participating in the Family Festival.

Maria Claver, 6202 Friends Avenue, Whittier, said she represented the Whittier Dog Park Task Force; that 3,000 people from Whittier and the surrounding area had signed a petition in support of a dog park being established in Whittier, outlined benefits of a dog park, requested a meeting with the City to review a proposal; and submitted a book of information on dog park regulations and dog parks currently in existence. At Mayor Nordbak's request, she reported on the Ozzy Foundation, a non-profit corporation she formed to help people with expenses for vet and other pet care.

Tom Umbrey, La Mirada, representing the Whittier Area Ministerial Association, thanked Calvary Baptist Church for over 60 years of ministry and operating Whittier Christian Schools and prayed for the City Council.

Caroll Kudinoff and Mike Delgado announced the upcoming Mayor's Prayer Breakfast April 22, 2011 and invited everyone to attend.

Joe Marsico, Whittier, said he is concerned with poor residents receiving tickets for leaving their cars on the streets on street-sweeping day; said the Mayor caused the misery he and his son are experiencing; and requested a Police Commission be formed and that Parking and Transportation Commission meetings be televised.

Ralph Marsico, Whittier, said on Council Member Vinatieri's advice, he filed a claim to get his money back from the City, but staff denied the claim before it was presented to the City Council; and since criminal activity does not have a statute of limitations he can still sue the City.

At Mayor Nordbak's request, City Manager Helvey responded to comments regarding the money spent on the Mineral Extraction Project and Matrix Oil CUP; explained the role of public testimony in the process and legal limits on the City Council's ability to address the Project at this stage of the process; and commented on individuals' right to request a CUP and have the City process the application.

City Attorney Jones stated, with regard to the Mineral Extraction Project, the City Council is in a quasi-judicial role; anyone does have the right to file an application and is owed the opportunity to have it reviewed by five people who have not pre-judged the situation; and that both sides will be provided full and fair discussion.

Mayor Nordbak recessed the meeting at 8:08 p.m. He reconvened the meeting at 8:18 p.m., with all Council Members, except Council Member Henderson, present.

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

Council Member Newcomer requested separate consideration of Item 6.C.3.

Mayor Pro Tem Warner said she had a conflict of interest on Items 6.O and 6.P, therefore, would abstain from voting on those items.

Council Member Vinatieri said he had a conflict of interest with Item 6.L so would recuse himself from voting on that item and requested separate consideration of Item 6.M.

It was moved by Council/Agency Member/Director Newcomer and seconded by Mayor/Chair Nordbak that the City Council/Agency Board/and Authority Directors approve the specified Consent Calendar items as submitted with the exceptions of Item 6.C.3 and 6.M and that Resolution Nos. 8370 (Item 6.E), 8371 (Item 6.G), 8372 (Item 6.N), 8373, and 8374 (Item 6.U); WRA-11-04 and WRA-11-05 (Item 6.T); and Ordinance Nos. 2964 (Item 6.I), 2965 (Item 6.J), and 2966 (Item 6.L) be read by title only, further reading be waived, and they be declared adopted.

The motion carried, by roll call vote, with Council Member Henderson absent, Council Member Vinatieri abstaining from voting on adoption of Item 6.L, and Mayor Pro Tem Warner abstaining from voting on Items 6.O and 6.P.

- 6.A** The City Council denied claims filed by Guadalupe Barragan, Lisa L. Sleigh, Nancy Vazquez, Gerardo Sanchez, Janell Ocariz, Mercury Insurance for Janell Ocariz, Jack Wood, Joe G. Lopez, and Ralph and Joseph Marsico.
- 6.B** The City Council approved a request from the Whittier Host Lions Club to waive the gambling restriction in the Facility Usage Policy for their Texas Hold'em Fund Raisers to be held on May 2, 2011 and October 1, 2011.
- 6.C** The City Council took the following actions relating to Special Event Permits:
  - 1. Approved the Permit for the P.M Y's Men's Club for a walk-a-thon along the Greenway Trail on Saturday, May 14, 2011 from 8: a.m. to 2:00 p.m.;
  - 2. Approved the Permit for the Founders Day Committee 117<sup>th</sup> Annual Founders Day Picnic at Central Park on Saturday, May 14, 2011 from 10:00 a.m. to 2:00 p.m.; and(Portion No. 3 action is on Page 9.)
- 6.D** The City Council approved the City's participation with the YMCA ACHIEVE Grant as part of the community Health Action and Response Team; and approved out-of-state travel for Community Services Programs Manager Marlene Martel to attend the ACHIEVE Action Institute in Baltimore, Maryland from June 13 to 16, 2011.
- 6.E** The City Council approved park enhancements to York Field and Broadway, Leffingwell and Michigan Parks; approved playground equipment replacement at various City parks; and adopted Resolution No. 8370 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010 – 2011 BUDGET TO FUND THE PARK IMPROVEMENTS THROUGHOUT THE CITY," in the amount of \$300,000 in Parkland funds.

- 6.F** The City Council received and filed the Whittier Historic Depot Public Safety Issues Update Report.
- 6.G** The City Council adopted Resolution No. 8371 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO RESCIND RESOLUTION NO. 8329 AND TO SET FORTH CERTAIN LEAVE AND COMPENSATION BENEFITS FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES," to include the 1.7% deferred compensation benefit for the Chief of Police retroactive to March 8, 2011.
- 6.H** The City Council received and filed the following Planning Commission action: approval of Conditional Use Permit No. CUP10-015 (U-G, Uptown SP) to allow the operation of a personal fitness training studio (d.b.a. Body by Celine) for property addressed as 6737 Bright Avenue, Suite 108; Applicant: Celina Porte/Body by Celina; Owner: Bowlin Bright, LLC.
- 6.I** The City Council conducted second reading and adopted Ordinance No. 2964 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SECTIONS 8.12.040, 8.26.020 AND 8.26.030 OF TITLE 8 (HEALTH AND SAFETY), AND SECTIONS 13.08.010 AND 13.08.020 OF TITLE 13 (PUBLIC SERVICES) OF THE WHITTIER MUNICIPAL CODE REGARDING THE FIXING OF UTILITY RATES AND CHARGES."
- 6.J** The City Council conducted second reading and adopted Ordinance No. 2965 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 5.12.010 TO PERMIT NONPROFIT ORGANIZATIONS TO CONDUCT FUNDRAISERS USING CONTROLLED GAMES AS A FUNDING MECHANISM."
- 6.K** The City Council overruled the Letter of Protest by JDC, Inc.; rejected all bids for the Community Development Block Grant Target Area Central Library ADA Ramp Improvements Project; and authorized the City Clerk-Treasurer to re-advertise for construction bids.
- 6.L** The City Council conducted second reading and adopted Ordinance No. 2966 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO CODIFY THE EARLHAM HISTORIC DISTRICT BY ADOPTING CHAPTER 18.86 TO THE WHITTIER MUNICIPAL CODE AND APPROVE THE PROPOSED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM PREPARED THEREFOR; (CASE NO. ZONING CODE AMENDMENT 10-004; APPLICANT: THE WHITTIER CONSERVANCY)."

- 6.N** The City Council adopted Resolution No. 8372 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING THE LOS ANGELES INTERAGENCY METROPOLITAN POLICE APPREHENSION CRIME TASK FORCE JOINT POWERS AGREEMENT (LA IMPACT JPA), AUTHORIZING THE CITY'S MEMBERSHIP IN LA IMPACT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT."
- 6.O** The City Council approved the specifications for the bus shelter improvement project at Whittier Boulevard and Colima Road and at Whittier Boulevard and Santa Gertrudes Avenue; and authorized staff to advertise the project for construction bids.
- 6.P** The City Council approved the specifications for the Pavement Surface Treatment Program Fiscal Year 2010-11 for Area 2 for various streets located within Scott and Santa Gertrudes Avenues on the east, Lambert Road on the south, Gunn and Catalina Avenues on the west, and slightly north of Mar Vista Street; and authorized staff to advertise the project for construction bids.
- 6.Q** The City Council received and filed the Gateway Cities Council of Governments' Homeless Action Plan.
- 6.R** The Board of Directors accepted the work performed by Terra Pave, Inc. for the Alley Pavement Rehabilitation Alley Improvement Program Project; and authorized the Secretary-Treasurer to record the Notice of Completion.
- 6.S** The Board of Directors accepted the work performed by Moine Bros and Sons, Inc. for the demolition of the former Ricker Motors site located at 12540 Washington Boulevard; and authorized the Secretary-Treasurer to record the Notice of Completion.
- 6.T** The Agency Board took the following actions regarding the Nelles Memorandum of Understanding (MOU) and Staff Services Agreement:
1. Adopted Resolution No. WRA-11-04 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING AN AGREEMENT WITH THE CITY OF WHITTIER FOR THE PAYMENT BY THE AGENCY FOR THE VALUE OF THE LAND FOR AND THE COST OF INSTALLING AND CONSTRUCTING IMPROVEMENTS, MAKING FINDINGS IN CONNECTION THEREWITH";

2. Adopted Resolution No. WRA-11-05 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR THE PURPOSE OF FUNDING MULTIPLE REDEVELOPMENT ACTIVITIES";
3. Approved the Agreement for Services with the City of Whittier in the amount of \$709,267;
4. Authorized the Executive Director to execute the Agreement; and
5. Approved the Memorandum of Understanding with Brookfield Southland, Inc. regarding the Fred C. Nelles property.

**6.U** The City Council and Board of Directors took the following actions regarding lease of water production rights in the Main San Gabriel Basin:

1. City Council adopted Resolution No. 8373 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AUTHORIZING THE LEASE OF WATER PRODUCTION RIGHTS," finding that for Fiscal Year 2010-11, the City has 1,000 acre-feet of water production rights in the Main San Gabriel Basin that is surplus to the water needs of its consumers;
2. City Council adopted Resolution No. 8374 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET TO INCREASE THE WATER ADMINISTRATION PRODUCTION RIGHTS REVENUE," in the amount of \$528,300;
3. City Council authorized the City Manager or his designee to sign water rights lease agreement with California Domestic Water Company, in substantially the form of the attached Watermaster approved standard form water rights lease agreements; and
4. Board of Directors concurred with the above City Council recommended actions.

### **6.C.3 FOUNDERS' DAY COMMITTEE REQUEST TO WAIVE STAFF SUPPORT COST**

It was moved by Council Member Newcomer, seconded by Council Member Vinatieri, and carried by roll call vote, with Council Member Henderson absent, to waive \$252 in staff support costs for the Founders' Day Committee to conduct the Founders' Day event May 14, 2011.

## **6.M ZONING CODE AMENDMENT 09-016, WALLS FENCES AND RETAINING WALLS**

It was moved by Council Member Vinatieri, seconded by Council Member Newcomer, and carried with Council Member Henderson absent to waive full reading of Ordinance No. 2967 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT 09-016 TO AMEND SECTION 18.10.030(D) (WALLS, FENCES AND RETAINING WALLS) OF THE WHITTIER MUNICIPAL CODE. (APPLICANT: CITY OF WHITTIER).

It was moved by Council Member Newcomer, seconded by Mayor Nordbak, and carried, by roll call vote, with Council Member Henderson absent and Council Member Vinatieri voting no, to adopt Ordinance No. 2967.

## **7. RECESS CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS:**

Mayor Nordbak recessed the City Council and Redevelopment Agency meetings at 8:29 p.m.

## **8.A PUBLIC HEARING – 2010 URBAN WATER MANAGEMENT PLAN**

Executive Director Helvey announced it was the date and time set and duly noticed for the Utility Authority Board of Directors to conduct a public hearing to consider adoption of the Authority's 2010 Urban Water Management Plan (UWMP) after accepting comments on the Water Management Plan and Water Use Reduction Plan.

Director of Public Works Pelsler said the Water Reduction Plan is contained in the Urban Water Management Plan which was first adopted in 1991 and, as required, has been updated every five years; the primary objective of the Plan is to review water conservation efforts in light of water supply; the proposed plan has been on file in the City Clerk's office for public review and on file in the Mayor's office for review by the City Council; the plan contains multiple findings including the fact that the projected water supply can meet demands during multiple dry years over the next 20 years; the Interim Water Use target for 2015 of 161 gallons per capita per day and the 2020 estimate of 143 gallons per capita daily use meets the state requirements, therefore significant water conservation measures do not need to be implemented and there are no significant adverse economic impacts as a result of conservation measures.

Chair Nordbak opened the public hearing at 8:33 p.m. There being no one wishing to testify before the Board of Directors, it was moved by Director Newcomer, seconded by Vice Chair Warner, and carried to close the public hearing.

It was moved by Director Newcomer, seconded by Vice Chair Warner, and carried, by roll call vote with Director Henderson absent, that Resolution No. WUA-11-02 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY TO ADOPT THE 2010 URBAN WATER MANAGEMENT PLAN," be read by title only, further reading be waived and it be declared adopted.

**9. RECESS UTILITY AUTHORITY AND RECONVENE CITY COUNCIL MEETINGS:**

Chair Nordbak recessed the Utility Authority meeting and reconvened the City Council meeting at 8:34 p.m.

**10.A BOARDS AND COMMISSIONS ANNUAL APPOINTMENTS AND PARKING AND TRANSPORTATION COMMISSION VACANCY**

Mayor Nordbak ordered this item continued to a future meeting.

**11.A WHITTWOOD BRANCH LIBRARY SCHEMATIC DESIGN**

Library Director Maghsoudi and Jim Nardini of Charles Walton Architects distributed copies of the Whittwood Branch Library Project schematic designs and made a PowerPoint presentation.

Council Member Henderson arrived at 8:46 p.m.

Following discussion, it was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Warner and carried unanimously to approve the schematic design for the Whittwood Branch Library expansion and improvements.

**11.B WHITTIER UPTOWN ASSOCIATION VINTAGE AUTO SHOW**

City Manager Helvey advised that consideration of the Uptown Association's request for a Special Event permit for a Vintage Auto Show had been pulled from the agenda at the request of the Association.

**11.C MATRIX OIL CONDITIONAL USE PERMIT APPLICATION**

City Manager Helvey recommended the City Council receive and file an update on the status of the original conditional use permit (CUP) application submitted by Matrix Oil, and their recent submittal of an amended CUP application; and consider an amendment to the Matrix mineral leasehold to allow it to remain in force during the longer processing period warranted by the amended CUP application.

Council Member Vinatieri confirmed with Special Counsel Jim Day that listing the proposed action on the agenda was adequate notice for considering the lease extension.

Following review of the project status by Mineral Extraction Project Subcommittee Members Henderson and Nordbak, and discussion, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously to receive and file the update from the Subcommittee, approve the amendment to Whittier Main 2008 Mineral Extraction Oil, Gas and Mineral Lease, and authorize its execution by the City Manager.

#### **11.D PUBLIC HEARING TIME LIMITS**

Mayor Nordbak ordered the item continued to a future meeting.

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

Mayor Nordbak reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council at 9:11 p.m.

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

Mayor Nordbak announced that the meeting would be adjourned in memory of Bill Bell and read his biography.

#### **14. CITY COUNCIL/REDEVELOPMENT AGENCY/UTILITY AUTHORITY CLOSED SESSION:**

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

**14.A** City Council – Government Code Section 54956.9(b)(1) to discuss two cases of potential litigation; the City is not specifically identifying the potential litigation to be discussed or the facts supporting these Closed Session items because to do so would jeopardize the City's position.

**14.B** 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.

- 14.C** City Council/Redevelopment Agency - Government Code Section 54956.8 to discuss real property negotiations with Heritage Housing Partners relating to price and terms of payment for property identified as AINs 8141-008-905; 8141-008-907; 8141-008-912; and 8141-008-913; City/Agency negotiator: Stephen Helvey.
- 14.D** City Council – Government Code Section 54956.9(a) to discuss the claim of Del Terra Construction vs. the City of Whittier.
- 14.E** City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 13945 Putnam Street.
- 14.F** City Council/Utility Authority – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey and the Whittier City Employees' Association and unrepresented employees.
- 14.G** City Council – Government Code Section 54956.9(c) to discuss two cases of potential litigation relating to properties located at 14430 E. Whittier Boulevard, Suite E and 8645 Greenleaf Avenue.

Mayor Nordbak adjourned the meeting to Closed Session at 9:31 p.m.

At 9:36 p.m., Mayor Nordbak left the Closed Session due to a conflict of interest with Item 14.F. He rejoined the Closed Session at 9:59 p.m.

**15. RECONVENE IN OPEN SESSION:**

Mayor Nordbak reconvened the joint meetings in Open Session at 10:24 p.m.

**16. CLOSED SESSION REPORT:**

None.

**17. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:**

Chair Nordbak adjourned the Redevelopment Agency and Utility Authority meetings at 10:24 p.m.

**18. ADJOURN CITY COUNCIL MEETING:**

Mayor Nordbak adjourned the City Council meeting, in memory of Bill Bell, at 10:24 p.m.

Respectfully submitted,

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