

**MINUTES  
WHITTIER CITY COUNCIL  
WHITTIER REDEVELOPMENT AGENCY  
WHITTIER UTILITY AUTHORITY  
JOINT MEETING  
CITY COUNCIL CHAMBER, 13230 PENN STREET  
AUGUST 23, 2011**

**1. CALL TO ORDER:**

The Whittier City Council met in regular session on August 23, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Pro Tem Newcomer 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:**

J. Greg Nordbak, Council Member/Agency  
Member/Authority Director  
Joe Vinatieri, Council Member/Agency  
Member/Authority Director  
Bob Henderson, Council Member/Agency  
Member/Authority Director  
Owen Newcomer, Mayor Pro Tem /Vice  
Chair  
Cathy Warner, Mayor/Chair (6:35 p.m.)

**OTHER OFFICIALS PRESENT:**

Jeffrey W. Collier, Chief Assistant City  
Manager/Deputy Director  
Richard D. Jones, City Attorney/Authority  
Counsel  
James L. Markman, Agency Counsel (7:47  
p.m.)  
Kathryn A. Marshall, City Clerk-  
Treasurer/Secretary-Treasurer

Mayor Pro Tem Newcomer announced the City Council is seeking applicants for a vacancy on the Cultural Arts Commission.

**3. PLEDGE OF ALLEGIANCE:**

Council Member Henderson led the Pledge of Allegiance.

**4. APPROVAL OF AGENDA:**

City Attorney Jones recommended the City Council/Agency Board delay consideration of Agenda Item 7.A until Agency Council Markman arrives. There being no objection, Mayor Pro Tem Newcomer declared it so ordered.

**5. ORAL COMMUNICATIONS:**

Rosanne Silva, 7855 Bacon Road, Whittier, reported that her son's bike was stolen from East Whittier Middle School because the school does not keep its gates locked during the summer; she has filed a claim against the School District and asked that the City work with the School District to protect students during the summer.

Mayor Warner joined the meeting at 6:35 p.m.

(See Page 3 for Items 6 – 9.)

**10. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION**

Chief Assistant City Manager Collier recommended the City Council and Agency Board conduct the following Closed Sessions.

**10.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.

**10.B** City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with the listed property owners, regarding price and terms of payment; City/Agency negotiators: Stephen Helvey and Jeffrey Collier:

1. Brookfield Homes – AIN 8170-013-904 (Nelles property);
2. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – AIN 8170-026-006 (Altec Motors);
3. Southern Pacific Transportation Co. SBE 872 19 254E PAR – AIN 8170-013-815 and AIN 8170-013-816;
4. Mure Corporation – AIN 8140-032-001; and
5. State of California – AIN 8170-013-904.

**10.C** City Council – Government Code Section 54956.9(a) to discuss the claim of Del Terra Construction vs. the City of Whittier.

**10.D** City Council/Redevelopment Agency – Government Code Section 54956.9(b) to discuss two cases of potential litigation; the City and Agency are not specifically identifying the potential litigation to be

discussed or the facts supporting this Closed Session item because to do so would jeopardize the City's and Agency's positions.

Mayor Pro Tem Newcomer adjourned the meeting to Closed Session at 6:35 p.m.

**11. RECONVENE IN OPEN SESSION**

Mayor Warner reconvened the meeting in Open Session at 8:05 p.m. with all Council/Agency members present, and City Attorney Jones and Agency Council Markman in the Council Chamber

**12. CLOSED SESSION REPORT**

There was no report from the Closed Session.

**6. RECESS CITY COUNCIL AND ADJOURN UTILITY AUTHORITY MEETINGS:**

Mayor Warner recessed the City Council meeting and adjourned the Utility Authority meeting at 8:05 p.m.

**7.A ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**

Following discussion, it was moved by Vice Chair Newcomer, seconded by Agency Member Henderson and carried unanimously, by roll call vote, that Resolution No. WRA-11-12 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH" be read by title only, further reading be waived and it be declared adopted.

**8. RECONVENE CITY COUNCIL IN JOINT SESSION WITH REDEVELOPMENT AGENCY:**

Mayor Warner reconvened the City Council meeting in joint session with the Redevelopment Agency at 8:21 p.m. Agency Counsel Markman left the meeting.

**9. COUNCIL/AGENCY MEMBER COMMENTS AND CONFERENCE REPORTS:**

There were no conference reports or comments requiring follow-up.

**10. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:**

(See Page 2.)

**11. RECONVENE IN OPEN SESSION:**

(See Page 3.)

**12. CLOSED SESSION REPORT:**

(See Page 3)

**13. ADJOURNMENT:**

Mayor Warner adjourned the joint meeting at 8:27 p.m.

Respectfully submitted,

---

Kathryn A. Marshall  
City Clerk-Treasurer/  
Secretary Treasurer