

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
WHITTIER UTILITY AUTHORITY
JOINT MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
DECEMBER 13, 2011, 6:30 P.M.**

1. CALL TO ORDER:

The Whittier City Council met in regular session on December 13, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Warner called the joint meeting to order at 6:39 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
Joe Vinatieri ,Council Member
Bob Henderson ,Council Member
Owen Newcomer ,Mayor Pro Tem
Cathy Warner ,Mayor

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/Executive
Director
Jeffrey W. Collier, Chief Assistant City
Manager/Deputy Director
Richard D. Jones, City Attorney/Authority
Counsel
Toni Maiques, Assistant City Clerk-
Treasurer/ Secretary-Treasurer
Kathryn A. Marshall, City Clerk-
Treasurer/Secretary-Treasurer (9:20 p.m.)

3. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Newcomer led the Pledge of Allegiance.

4.A BLUE STAR PRESENTATIONS

Mayor Warner presented Blue Star flags, decals, and lapel pins to Whittier families in recognition of family members serving in the military.

Renee and Benjamin Bennallack and Michelle Diaz in recognition of their husband, father and brother-in-law, Mark Bennallack, a Major in the United States Air Force. Major Bennallack has been deployed to Iran and Afghanistan; and was among the last draftees during the Vietnam War.

Martha and Ruben Lozano, in recognition of their son Gilbert Lozano, a Sergeant in the United States Army, who has been deployed to Iraq and Afghanistan; and is currently stationed in South Korea.

Karina, Aiden, Bob, Nancy, Gladys, John, Grace and Devin Rennie, in recognition of their husband, father, son and relative, Robert Rennie, a Specialist in the United States Army. Specialist Rennie has served in Korea, is currently stationed at Fort Carson, Colorado, and will be deployed to Afghanistan in early 2012.

4.B COMMENDATION - FRIENDS OF THE WHITTIER PUBLIC LIBRARY

Mayor Warner presented a Commendation to Director of Library Services Paymaneh Maghsoudi; AND Friends of the Library Board Members Margaret Martyn and Frances Miner, in recognition of the Friends of the Whittier Public Library being named the "Friendliest Friends" in the state of California.

4.C CHAMBER OF COMMERCE REPORT

Lynn Cardy, Chamber of Commerce Co-Executive Director, said the Chamber has a new website; encouraged local shopping; and announced the Chamber Expo in January, and the Wake-Up-Whittier Networking Breakfast at the Whittier Area Community Church.

4.D PROCLAMATION – CITY MANAGER STEVE HELVEY

Mayor Warner presented a Proclamation to City Manager Helvey in recognition of his for his 11 1/2 years of service. All of the Council Members thanked Mr. Helvey for his leadership, particularly his financial knowledge and guidance; and his management style and skill set. Mr. Helvey thanked the City Council for their support during his tenure; and said it was a great ride.

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5. APPROVAL OF AGENDA:

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously, to approve the agenda as presented.

6. PUBLIC COMMENTS:

Craig Schenk, 7959 Greenleaf Avenue, Whittier; said he is having problems with selling his property located on the northwest corner of La Cuarta Street and Greenleaf Avenue due to zoning restrictions.

Arthur Rock, Whittier; spoke regarding City Manager Helvey's service to the City; and wished everyone a Merry Christmas and Happy New Year.

Carole Bucher, Whittier; said she had served as an inspector on City Manager Helvey's election board; and said she will miss him as a City Manager.

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

Council Member Henderson declared a conflict of interest on Item 7.D because his business is a member of the Whittier Uptown Association; and recused himself from voting on the item.

Council Member Nordbak declared a conflict of interest on Item 7.N because Presbyterian Intercommunity Hospital is a customer of his family owned business, and recused himself from voting on the item.

Council Member Vinatieri declared conflicts of interest on Item 7.D because his business is a member of the Whittier Uptown Association; Item 7.N because Presbyterian Intercommunity Hospital is a business customer; and 7.Z because his business is located within the Alley Improvement Program area, and recused himself from voting on the items.

Mayor Warner declared a conflict of interest on Item 7.K because her business is located within 500 feet of the Bus Shelter Improvement Project area, and recused herself from voting on the item.

Mayor Pro Tem Newcomer stated he would abstain from voting on Item 7.S.

Council Member Vinatieri requested separate consideration of Items 7.C, 7.O and 7.S.

It was moved by Mayor Pro Tem Newcomer, seconded by Council Member Henderson, and carried, by roll call vote, that the Consent Calendar be approved, except Items 7.C, 7.O and 7.S, with Council Member Henderson recused on Item 7.D; Council Member Nordbak recused on Item 7.N; Council Member Vinatieri recused on Items 7. D, 7.N and 7.Z; and Mayor Warner recused on Item 7.K; and that Resolution Nos. 8427, 8428, WRA-11-15 through WRA-11-17, and WUA 11-07 be read by title only, further reading be waived, and they be declared adopted.

City Council

7.A The City Council denied claims filed by Walter L. Banga; Desiree Magat; John A. Napoles; Mary Rawalt; SAE & JGE, LLC; and Shae Stuard.

- 7.B** The City Council approved a Facility Usage Agreement Amendment with Rio Hondo College for extended use of the Palm Park Aquatic Center; and authorized the City Manager to execute the Amendment.
- 7.D** The City Council approved the Administrative Agreement with the Whittier Uptown Association for Calendar Year 2012; and authorized the City Manager to execute the Agreement.
- 7.E** The City Council adopted Resolution No. 8427 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, RESCINDING RESOLUTION NOS. 6653 AND 6589 WITH IMMEDIATE EFFECT AND RESCINDING SECTION 3 OF RESOLUTION NO. 8408 EFFECTIVE JANUARY 1, 2012 AND DESIGNATING THE CITY'S REPRESENTATTIVES TO THE CALIFORNIA TRANSIT INSURANCE POOL (CAL TIP) BOARD OF DIRECTORS."
- 7.F** The City Council approved the amended 2011-13 Whittier City Employees' Association Comprehensive Memorandum of Understanding to correct the effective dates of the CalPERS Employee Contribution Increase.
- 7.G** The City Council adopted Resolution No. 8428 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-2012 BUDGET TO ACCEPT A GRANT FROM CALIFORNIA STATE LIBRARY," in the amount of \$30,000 to acquire a book dispensing machine during the Whittwood Branch Library closure.
- 7.H** The City Council approved out-of-state travel for one volunteer Police Department Chaplain to attend the International Conference of Police Chaplains 2012 Annual Regional Training Seminar and Workshop on January 9-12th in Cannon Beach, Oregon.
- 7.I** The City Council received and filed the 2010-2011 General Plan Annual Progress Report; and directed staff to forward a copy to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.
- 7.J** The City Council received and filed the budget review for the period July through October 2011.
- 7.K** The City Council approved the specifications for the Phase 2 Bus Shelter Improvement Project at various locations along Whittier Boulevard between Santa Gertrudes Avenue on the east and Esperanza Avenue on the west; and authorized staff to advertise the project for construction bids.

- 7.L** The City Council approved the issuance of Contract Change Ordered No. 3 to Crabtree Glass Company in the amount of \$28,783 for the City Hall Window Replacement Project, Department of Energy Award Number DE-SC0002083.
- 7.M** The City Council took actions regarding Mills Avenue sidewalks:
1. Approved the plans and specifications for the construction of Mills Avenue Sidewalks, State Project No. SR2SL-5111 (057);
 2. Authorized the City Engineer to approved Phase 2 as change order work pending approvals by the Public Utilities Commission (PUC) and Union Pacific Railroad (UPRR);
 3. Authorized the City Clerk-Treasurer to advertise for construction bids; and
 4. Authorized the City Clerk-Treasurer to sign the easements for sidewalk purposes.
- 7.N** The City Council accepted the public sidewalk easement deed at 12455 Washington Boulevard associated with the Presbyterian Intercommunity Hospital-Kidney Dialysis Center improvements; and authorized the City Clerk-Treasurer to execute the easement document.
- 7.P** The City Council approved a reduced banner fee request submitted by Hillcrest Congregational Church, as approved in Fiscal Year 2010-11, reducing the fee from \$1,500 to \$405.
- 7.Q** The City Council approved an Encroachment License Agreement for 14856 Mar Vista Street in substantially the form attached; and authorized the Mayor to execute the agreement subsequent to the City Engineer's approval of the final plans and the City Attorney's approval as to form of the final agreement.
- 7.R** The City Council took actions regarding Area 3 Pavement Surface Treatment:
1. Approved the specifications for the Pavement Surface Treatment Program Fiscal Year 2011-12 for Area 3 bounded by Santa Fe Springs Road and Washington Boulevard on the west, La Cuarta Street on the north, Catalina and Gunn Avenues on the east and the County border on the south;
 2. Authorized staff to advertise the project for construction bids; and
 3. Ordered collection of the proportionate share of costs for the widening of Persing Drive in accordance with an Agreement for Zone Variance Case V82-09 between the City and Eduardo D. Ceniceros.

- 7.T** The City Council approved a Special Counsel contract with Jones & Mayer for the Whittier Hills Oil Field Development and Mineral Extraction Program; and authorized the City Manager to execute the contract.
- 7.U** The City Council approved a fee waiver in the amount \$572 for shuttle transportation for the Dignity Memorial Vietnam Wall on display at Rose Hills Memorial Park and Mortuary from March 23 through March 30, 2012.

Redevelopment Agency

- 7.V** The Agency Board approved \$252,734 in total tax increment and sales tax reimbursement to the owners of the Whittwood Town Center pursuant to the Owner Participation Agreement as follows: \$78,936 to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) and \$173,798 to Cole MT Whittier CA, LP.
- 7.W** The Agency Board adopted Resolution No. WRA-11-15 entitled: "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE BEGIN PROGRAM."
- 7.X** The Agency Board received and filed the Agency Annual Report for Fiscal Year 2010-11.
- 7.Y** The Agency Board adopted resolutions regarding Low and Moderate Income Housing Fund Administration costs:
 - 1. Resolution No. WRA-11-16 entitled: "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY DETERMINING THAT THE PLANNING AND ADMINISTRATION EXPENSES FUNDED IN FISCAL YEAR 2010-11 BY THE LOW- AND MODERATE-INCOME HOUSING SET ASIDE FUND WERE NECESSARY FOR THE PRODUCTION, IMPROVEMENT AND/OR PRESERVATION OF AFFORDABLE HOUSING FOR LOW- AND MODERATE- INCOME HOUSEHOLDS"; and
 - 2. Resolution No. WRA-11-17 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY DETERMINING THAT THE PLANNING AND ADMINISTRATION EXPENSES FUNDED IN FISCAL YEAR 2011-12 BY THE LOW- AND MODERATE-INCOME

HOUSING SET ASIDE FUND WERE NECESSARY FOR THE PRODUCTION, IMPROVEMENT AND/OR PRESERVATION OF AFFORDABLE HOUSING FOR LOW- AND MODERATE-INCOME HOUSEHOLDS."

Utility Authority

- 7.Z** The Board of Directors took actions regarding the Alley Improvement Program:
1. Approved the contract specifications for Alley Pavement Rehabilitation within an area generally bounded by Whittier Boulevard to the south, Palm Avenue to the west, Beverly Drive to the north, and Painter Avenue to the east;
 2. Authorized the Secretary-Treasurer to advertise for bids; and
 3. Adopted Resolution No. WUA-11-07 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WHITTIER UTILITY AUTHORITY AMENDING THE FISCAL YEAR 2011-12 BUDGET TO FUND REPAIRS TO THE LANDFILL ROADWAY," in the amount of \$ 30,000.
- 7.AA** The Board of Directors approved the specification for the Greenleaf Avenue 24-inch Corrugated Metal (CMP) Lining Project; and authorized the Secretary-Treasurer to advertise for construction bids.

City Council, Redevelopment Agency, Utility Authority

- 7.BB** The City Council, Agency Board and Board of Directors took actions regarding Minutes:
1. City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of November 8 and November 22, 2011; and the Adjourned Regular Meeting of November 28, 2011.
 2. City Council approved the Minutes of the Special Meeting of November 8, 2011; and the Adjourned Special Meetings of November 9, November 14, November 15, November 21, November 22, and November 28, 2011.

7.C THEATRE SOUND SYSTEM

Following discussion, it was moved by Mayor Pro Tem Newcomer, seconded by Council Member Vinatieri, and carried unanimously, by roll call vote, to approve the purchase and installation costs for a Theatre Sound System; and adopt Resolution No. 8426 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2011-12 BUDGET FOR REPLACEMENT OF THE COMMUNITY CENTER THEATRE SOUND SYSTEM," in the amount of \$43,000.

7.0 TOLLING AGREEMENT - WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously to authorize the City Manager and/or his designee to sign the Tolling Agreement with the Water Replenishment District of Southern California (WRD) proposed by the WRD to avoid multiple lawsuits and allow for continued collection of the current assessment while statute of limitations issues are being decided by the courts.

City Manager Helvey left the meeting from 7:28 to 7:29 p.m.

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4.E ASSEMBLY MEMBER HAGMAN PRESENTATION TO FRIENDS OF THE LIBRARY

Assembly Member Curt Hagman presented a Resolution, signed by all four members of the California Legislature, to the Friends of the Whittier Library in recognition of their continued work for the community.

7.S WHITTWOOD BRANCH LIBRARY EXPANSION AND RENOVATION PROJECT

Following discussion, it was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried, with Mayor Pro Tem Newcomer abstaining, to approve the specifications for thirteen trade packages for the Whittwood Branch Library expansion and renovation project; and authorize staff to advertise the project for construction bids.

8. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Warner recessed the Redevelopment Agency and Utility Authority meetings at 7:33 p.m.

9.A PUBLIC HEARING - DEVELOPMENT REVIEW DRP11-044 AND CONDITIONAL USE PERMIT CUP10-007

Chief Assistant City Manager Collier announced it was the date and time set and duly noticed for a de novo public hearing to review the Planning Commission's denial of Development Review No. DRP11-044 and Conditional Use Permit No. CUP 10-007 to expand the retail floor area within an existing convenience store in conjunction with the operation of an existing gas station d.b.a. "Valero" with exterior improvements located at 10808 Beverly Boulevard, Whittier. (Applicant: R.E.V. Group; Owner: AKM Properties, LLC).

Planning Manager Adams presented a staff report and said the Planning Commission had denied a Conditional Use Permit (CUP) and a Development Review (DRP) application for the sale of beer and wine for off-site consumption and the expansion of the retail floor area within an existing convenience store in conjunction with the operation of an existing gas station d.b.a. "Valero" with exterior improvements, located at 10808 Beverly Boulevard; the applicant appealed the denial of both applications and withdrew the alcohol portion of the CUP request; the expansion would include the conversion of three service bays into convenience store space; a new store front; would provide six parking stalls as required by the Municipal Code; the applicant would landscape approximately 8% of the site; the Municipal Code requires 10% landscaping or compliance as close as possible; the market would continue their current operating hours of 6:00 a.m. to 12:00 midnight; the fuel islands will continue operating 24 hours per day; the Police Department does not have any concerns about the proposed expansion; and staff will return with implementing resolutions based on the City Council consensus and direction. He said the City Council could approve the applicant's CUP and DRP requests for expansion of the existing convenience store with exterior improvements and no alcohol sales; or uphold the Planning Commission's denial of both the CUP and DRP; and the primary concern of the Planning Commission was the alcohol sales.

Mayor Warner opened the public hearing at 7:46 p.m.

In response to Council Member questions, the project architect, Jihan Trandian, on behalf of the owner, said only the east elevation is changing; the owner wants to continue doing business even without alcohol sales; the operation is not making money currently; Chevron has approved the site but will not get involved with the new project until the City has approved the application; Chevron is not concerned about the alcohol sales; enlarging the market would provide a better opportunity to work with Chevron and bring additional revenue to the City; the service bays are not profitable; and eleven new cameras will be installed as requested by the Planning Commission.

Don Reese, 10849 Beverly Drive, Whittier; spoke in opposition to the project and said his property value was not increasing because of these types of businesses in the area; he believes Chevron may not be interested in the project without liquor sales; he cannot sleep with his window open; he wants the area to be quiet; and his truck was broken into twice the previous week.

Dan Montenegro, 10839 Beverly Drive, Whittier; spoke in opposition to the project and said there is a convenience store located across the street; he is unsure about the parking; the front parking will not work with customers driving through; he is concerned about convenience store deliveries; he has to close his windows because of noise; and he is concerned about late night deliveries.

In response, Mr. Trandian said any development adds value to neighboring properties; with the conversion of the bays and elimination of the mechanics, there is no

need for speakers to call mechanics, eliminating potential noise; the proposed parking complies with all Code requirements; the expansion will not create interference with traffic, the gas stations or tanks; the project was reviewed by City planners and the manager; deliveries cannot be limited, however delivery hours can be limited; owners of mom and pop stores such as this do many of their own deliveries because the owners maintain their own merchandise; and the water and air stations will remain.

There being no other speakers wishing to testify before the City Council, it was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and carried to close the public hearing at 7:58 p.m.

In response to Council Member questions, Planning Manager Adams said there are no limitations on hours for neighboring businesses; the Code allows for 7:00 a.m. to 10:00 p.m. deliveries; the store located across the street is considered a small market not a convenience store; there is no restriction on the number of convenience stores for an area; and a handicapped parking stall will be located in front of the store.

In response to Council Member questions, Assistant Director of Public Works Magdosku said the peak traffic hours at the location are 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m.; and the gas tankers can enter the site from Norwalk Boulevard.

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Nordbak, and carried unanimously, to approve Development Review No. DRP 11-044 and Conditional Use Permit No. CUP 10-007 to allow the expansion of the retail floor area within an existing convenience store in conjunction with the operation of an existing gas station d.b.a. "Valero" with exterior improvements, including delivery times as included in the Municipal Code; and direct staff to return with implementing resolutions.

City Attorney Jones stated that Item 11.C was moved up by order of the Chair with no objections, to be considered before Item 10.A.

11.C WHITTWOOD BRANCH LIBRARY FUNDRAISING

It was moved by Council Member Henderson, seconded by Council Member Vinatieri, and carried unanimously to approve a donation program for Whittwood Branch Library fundraising.

10.A PLANNING COMMISSION VACANCY

Following discussion, there was City Council concurrence to interview James Becerra, Jeanette Fasone, John L. Quintanar, Luis Rodriguez, Jr., Christopher Segura and Scott Hamilton Young for the Planning Commission vacancy; and schedule interviews for Tuesday, January 24, 2012 beginning at 5:00 p.m.

11.A AB X1 27 REMITTANCE

It was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried, unanimously, by roll call vote, to approve staff's proposal to use available and unappropriated General Funds as the source for the AB X1 27 remittance if the payment requirement is upheld by the State Supreme Court; and receive and file the report.

11.B LIGHT RAIL TRANSIT SUBCOMMITTEE

Following discussion it was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously, to appoint Council Member Vinatieri and Mayor Pro Tem Newcomer to a Light Rail Transit Subcommittee with a sunset date of December 31, 2012; and to direct the subcommittee to return in the future with a report on options regarding contracting with a lobbyist for the light rail project.

11.D SUBDIVISION MAP ACT AND WHITTIER MUNICIPAL CODE VIOLATIONS - 16018 AND 16024 PUESTA DEL SOL DRIVE.

It was moved by Council Member Vinatieri, seconded by Mayor Pro Tem Newcomer, and carried unanimously to dismiss the hearing relating to violations of the Subdivision Map Act and the Whittier Municipal Code against properties addressed as 16018 and 16024 Puesta Del Sol Drive.

12. RECONVENE REDEVELOPMENT AGENCY MEETING AND RECESS CITY COUNCIL MEETING:

Mayor Warner reconvened the Redevelopment Agency meeting and recessed the City Council meeting at 8:57 p.m.

13.A PUBLIC HEARING – WHITTIER REDEVELOPMENT AGENCY FIVE-YEAR IMPLEMENTATION PLAN

Deputy Executive Director Collier announced it was the date and time set and duly noticed for a public hearing for the Board of Directors of the Whittier Redevelopment Agency to receive testimony from all interested parties on the Five Year Implementation Plan; and to adopt a resolution approving and adopting a Five Year Implementation Plan, including the housing compliance plan component, for 2010-2014.

City Attorney Jones left the meeting and Agency Counsel Markman joined the meeting and took his seat at the dais at 8:58 p.m.

Redevelopment Manager Pongetti presented a staff report and said the City has four redevelopment areas; and a five-year implementation plan is required by redevelopment law to ensure actions are taken to improve blighted conditions. He said

some of the goals and objectives of the Plan are to continue to comply with inclusionary and replacement housing requirements of redevelopment law. He said the plan includes priority projects outlined by staff in January 2010; a chronology of redevelopment plans and amendments; continued Code Enforcement activities; economic incentive activities; commercial facade loans; and the glass replacement program. He said the budget includes the anticipated January 15, 2012 payment necessary for the Agency to continue operating, depending upon the Supreme Court's actions regarding AB X1 26 and AB X1 27.

Agency Counsel Markman stated the Plan needs to be in place because future actions will require findings; and the Plan is a predicate for other actions.

Chair Warner opened the public hearing at 9:04 p.m.

There being no speakers wishing to testify before the Agency Board, it was moved by Vice Chair Newcomer, seconded by Board Member Vinatieri, and carried to close the public hearing at 9:04 p.m.

It was moved by Vice-Chair Newcomer, seconded by Board Member Henderson, and carried unanimously, by roll call vote, that Resolution No. WRA-11-18 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY APPROVING AND ADOPTING A FIVE YEAR IMPLEMENTATION PLAN, INCLUDING THE HOUSING COMPLIANCE PLAN COMPONENT, FOR 2010-2014 PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33413 AND 33490," be read by title only, further reading be waived, and it be declared adopted.

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

Mayor Warner reconvened the City Council and Utility Authority meetings in joint session with the Redevelopment Agency at 9:05 p.m.

Agency Counsel Markman left the meeting at 9:05 p.m.

City Attorney Jones re-joined the meeting and resumed his seat at the dais at 9:06 p.m.

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

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

16. ADJOURN UTILITY AUTHORITY MEETING:

Mayor Warner adjourned the Utility Authority meeting at 9:16 p.m.

17. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

Mayor Warner adjourned the joint meeting to the closed session at 9:17 p.m.

17.A City Council - Government Code Section 54956.9(a) to discuss the claim of William Lamping vs. City of Whittier.

17.B City Council - Government Code Section 54956.9(a) to discuss the claim of Ronald Munson vs. City of Whittier.

17.C 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. 5. State of California – AIN 8170-013-904.

17.D City Council - Government Code Section 54957.6 to discuss labor negotiations between negotiators Stephen Helvey and Jeffrey Collier, and the Whittier Police Officer's Association.

NOTE: Council Member Nordbak may not participate in discussion on Item 17.D due to a conflict of interest.

17.E City Council – Government Code Section 54957, City Manager evaluation.

17.F City Council – Government Code Section 54956.9(c) to discuss one case of potential litigation regarding receivership of property located at 6542 Hill Avenue.

17.G City Council - Government Code Section 54956.9(a) to discuss the claim of Rosalba Alcala vs. City of Whittier.

17.H City Council - Government Code Section 54956.9(a) to discuss the claim of George Becerra vs. City of Whittier.

17.I 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.

18. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the joint meeting in Open Session at 10:46 p.m.

19. CLOSED SESSION REPORT:

None to report.

20. ADJOURNMENT:

Mayor Warner adjourned the joint meeting at 10:46 p.m.

Respectfully submitted:

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