# MINUTES WHITTIER CITY COUNCIL WHITTIER REDEVELOPMENT AGENCY WHITTIER UTILITY AUTHORITY JOINT MEETING CITY COUNCIL CHAMBER, 13230 PENN STREET MAY 10, 2011

#### 1. CALL TO ORDER:

The Whittier City Council met in regular session on May 10, 2011, in conjunction with the Whittier Redevelopment Agency and the Whittier Utility Authority. Mayor Warner 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

OTHER OFFICIALS PRESENT:

Stephen W. Helvey, City Manager/Executive

Director

Richard D. Jones, City Attorney/Authority

Counsel

Toni Maigues, Assistant City Clerk-

Treasurer/Secretary-Treasurer

### 3. PLEDGE OF ALLEGIANCE:

City Attorney Jones led the Pledge of Allegiance.

### ANNOUNCEMENT - CITY COUNCIL MEETING FORMAT

City Manager Helvey announced that in an effort to reduce the cost of legal professionals required for Closed Session business, effective with the May 24, 2011 City Council meeting, the order of business will be changed to conduct Closed Session at 6:30 p.m. with the Open Session business starting at 7:30 p.m., on a 90-day trial basis.

### 4.A BLUE STAR PRESENTATIONS

Mayor Warner presented Cynthia and Gary Arakawa with a Blue Star flag, decal and pins in recognition of their son, Michael Brian James Arakawa, a 2010 La Serna High School graduate and United States Air Force Cadet 4<sup>th</sup> Class. Michael will earn a Bachelor of Science degree and receive a commission of Air Force 2<sup>nd</sup> Lieutenant when he graduates from the Air Force Academy.

Mayor Warner presented Catherine Orozco and Narciso Torres, and family members, with a Blue Star flag, decal and pins in recognition of Arnoldo J. Orozco, Jr., a 2009 California High School graduate and United States Marine Corps Lance Corporal. Cpl. Orozco received his basic training in San Diego and Fort Sill, OK; and upon recovery from injuries he suffered during his first tour of duty in Afghanistan, will receive the Purple Heart.

# 4.B PROCLAMATION – WHITTIER AREA GENEALOGICAL SOCIETY 30<sup>TH</sup> ANNIVERSARY

Mayor Pro Tem Newcomer presented a Proclamation to the Whittier Area Genealogical Society in recognition of their 30<sup>th</sup> anniversary; and said they research and promote the preservation of family histories. The WAGS have 200 members and meet at the Masonic Temple on Greenleaf Avenue at Mar Vista Street the third Saturday of every month.

#### 4.C PRESENTATION – CHAMBER OF COMMERCE REPORT

Whittier Area Chamber of Commerce President Ben Greer announced upcoming Chamber events: Wake-Up Whittier networking breakfast on Wednesday, May 11 at Whittier Hospital, ribbon cutting for Dr. Ted Tanabi on Thursday, May 12; business seminar on Thursday, May 19 at the Whittier Public Library; and said beginning in June the Wake-Up-Whittier networking breakfasts will be held on the third Wednesday of the month.

### 5. APPROVAL OF AGENDA: (See Page 4)

#### 6. ORAL COMMUNICATIONS:

Richard Krieger, 15208 Goodhue Street, Whittier; spoke about the closed car dealerships on Whittier Boulevard; suggested bringing an In-N-Out Burgers, Bob's Big Boy and movie theatres to the City; and said bus service needs to be extended to midnight.

The following speakers spoke in opposition to the proposed Mineral Extraction Project and cited the following concerns: having to defend Whittier's reputation against the perception of being low-income, gang-ridden and having bad air quality; long-term problems are not being managed; focus on the proposed oil drilling has stifled revenue opportunities; the need for whistle blower policies; an excerpt from the August 25, 2006 City Manager Newsletter; Matrix Oil was given access to view the mineral rights; the canyon will be filled with dirt; roads should be included in the acreage affected; the potential for up to 14.4 acres being affected; the need for grading; the use of Penn Street for trucks; potential oil spills on residential streets; decline in property values; potential seismic activities; not protecting the residents; anti oil drilling signs disappearing; possible flaws in the original Environmental Impact Report (EIR); and the total disturbed area will be 13 to 14 acres with the necessary grading.

Shelley Myers, Whittier; also said that City officials should be required to attend Ethics training

Roy McKee, Whittier Hills Oil Watch Vice President

Dan Espinal, 13813 Penn Street, Whittier

Marta Borbon, Glennon Drive, Whittier

Matt Berkelhammer, Whittier area, also spoke about the proposed public hearing time limits

Anthony Martinez, Whittier

Manny Ortiz, 11253 Hadley Street, Whittier; spoke about starting a drunk driving taxi business within a 25 mile radius using his bicycle; provided contact information at <a href="mailto:manfred.ortiz@yahoo">manfred.ortiz@yahoo</a> and fix.a.ride.com, and requested any assistance available; and he wished luck to parties on both sides of the proposed mineral extraction project, as long as Whittier stays prosperous.

George Poochigian, Whittier; said under the Brown Act the Council cannot meet outside of public meetings; he believes all five Council members think the same way; he believes the County will receive funds from oil drilling before the City; and he objected to the proposed utility rate fee increases.

Ralph Marsico, Whittier; congratulated Mayor Warner on her election; he said he and his father had brought their trolley back to the City; and they received a parking citation at the Whittwood Town Center while participating in a car show they had been invited to.

Joe Marsico, Whittier; said as a political activist he has been helping the poor for 35 years; he has been working on the street sweeping tickets issue since 1975; he commented on the destruction of City Council meeting video tapes; and said his family has been terrorized by the City the last two years.

Council Member Henderson responded to oral communications and said the proposed oil lease agreement says the oil drill rig or processing plant have to be contained within seven acres; the disturbed areas are required to be re-vegetated at a ratio of 3-to-1 or 2-to-1; Ethics training is held biennially for all City Council and Board and Commission Members as well as specified staff members; most of the oil is transported by pipeline; the oil fields were drilled for over 100 years with no seismic activity; he agrees there is no excuse for stealing the signs; the City Council supports displaying signs for 30 days; the proposed public hearing limits are a result of the 7-Eleven public hearing held in March; and all hearings must have an impartial jury until all the facts are presented.

### **5. APPROVAL OF THE AGENDA:** (Continued from Page 2)

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

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

Council Member Henderson declared a conflict of interest on Item 7.C because some of his clients are recipients of Social Services Funding, and recused himself from taking action on the item.

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

Council Member Nordbak requested separate consideration of Item 7.L.

It was moved by Council/Agency Member/Director Henderson and seconded by Council/Agency Member/Director Vinatieri that the Consent Calendar be approved, except Items 7.C, 7.L and 7.O, and that Resolution Nos. 8375 (Item 7.D), 8376 and 8377 (Item 7.U), and WRA-11-06 (Item 7.S) be read by title only, further reading be waived, and they be declared adopted.

Assistant City Manager Mendez stated that staff had requested the removal of Item 7.U from the agenda prior to the meeting.

Council Members Henderson and Vinatieri amended their motion and second to exclude Item 7.U, removing Resolution Nos. 8376 and 8377 from action.

City Attorney Jones declared he had a conflict of interest on Item 7.U because he sits on the California Domestic Water Company Board of Directors.

The amended motion carried unanimously by roll call vote.

### **City Council**

- 7.A The City Council denied claims filed by Thomas A. Keim, Edmundo Burgos, Victoria L. Langle, Richard P. Edel, Ruben Guzman, Farmers Insurance Group for Doug Forbes and Nyela Hart, Margaret A. Huber, Jose Armenta, Jesus Medina, Jerry Montellano, and Leonard Paul Gongora.
- **7.B** The City Council received and filed the Gateway Cities Council of Governments update for April 2011.
- **7.D** The City Council took actions regarding Italian Stone Pine (Pine) trees:
  - 1. Affirmed the removal of seventeen mature Pine trees;
  - 2. Affirmed the major crown reduction trims on eight Pines and trimming of an additional eight Pines;
  - 3. Approved replacement of the seventeen Pines; and
  - 4. Adopted Resolution No. 8375 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR THE REMOVAL, REPLACEMENT, TRIMMING OF THE RECOMMENDED ITALIAN STONE PINES AND EVALUATION OF ALL ITALIAN STONE PINES THROUGHOUT THE CITY," in the amount of \$76,331.
- **7.E** The City Council approved an agreement with Richards, Watson, & Gershon in an amount not to exceed \$200,000 for legal services for the Whittier Main Oil Field Development Project; and authorized the City Manager to execute the agreement.
- **7.F** The City Council accepted the work performed by California Commercial Pool for re-plastering the Palm Park Aquatic Center pool; and authorized the City Clerk-Treasurer to record the Notice of Completion.
- **7.G** The City Council received and filed a quarterly update on the remediation efforts at the Omega Chemical Superfund site located at 12504 Whittier Boulevard.
- 7.H The City Council approved the revised Santa Gertrudes Avenue at Lambert Road Traffic Signal Modification Union Pacific Railroad Grade Crossing Protection Improvement Agreement; and authorized the City Manager to execute the Agreement with the Union Pacific Railroad Company.
- **7.I** The City Council received and filed the Fiscal Year 2010-11 3<sup>rd</sup> Quarter Budget Update report.

- 7.J The City Council approved the modification to the professional services agreement with Marine Research Specialists for processing the Environmental Impact Report for the proposed Whittier Main Mineral Extraction Project due to a revised application; and authorized the City Manager to sign the agreement.
- 7.K The City Council approved the modification to the professional services agreement with Comprehensive Planning Services for management of the conditional use permit, development review and environmental processing for the proposed Whittier Main Mineral Extraction Project; and authorized the City Manager to sign the agreement.
- **7.M** The City Council approved the allocation of Whittier Cultural Arts Foundation funding of \$10,600 in support of local cultural arts programs for Fiscal Year 2011-12.
- 7.N The City Council temporarily suspended collection of electrical permit fees for projects submitted through Southern California Edison's approved contractor(s) as related to the State of California Public Utilities Commission Direct Install Program for Small Businesses effective immediately and extended the suspension to a sunset date of June 30, 2012.

### **Redevelopment Agency**

- **7.P** The Agency Board took the following actions regarding the Whittier Marketplace reimbursement:
  - Accepted a loan from the City of Whittier for \$54,742 representing 50% of the sales tax generated by the Whittier Marketplace project during the time period of July to December 2010, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Whittier Marketplace, Inc.; and
  - 2. Approved reimbursement to Whittier Marketplace, Inc. of the November 2010 debt service payment on the Community Facilities District 1989-1 bonds in the amount of \$192,908 pursuant to the Whittier Marketplace DDA.

- **7.Q** The Agency Board took the following actions regarding the Whittier Quad reimbursement:
  - Accepted a loan from the City of Whittier for \$177,475 representing 50% of the sales tax generated by the Quad Shopping Center in the Whittier Earthquake Recovery Redevelopment Project Area in the second half of Fiscal Year 2009-10, pursuant to the Cooperation and Loan Agreement with the City and the Disposition and Development Agreement (DDA) with the property owner, Terramar Retail Centers (TRC MM, LLC, formerly GMS Realty, LLC); and
  - 2. Approved reimbursement to TRC MM, LLC of the 2009-10 debt service payments on the Community Facilities District 1991-1 bonds in the amount of \$327,371 pursuant to the Quad at Whittier DDA.
- 7.R The Agency Board approved \$242,015 in tax increment and sales tax reimbursement, representing 50% of sales tax generated in Fiscal Year 2009-10, to Morgan Stanley (PPF RTL 15603 Whittwood Lane, LP) pursuant to the Owner Participation Agreement for the Whittwood Town Center.
- **7.S** The Agency Board took actions regarding Heritage Housing Partners:
  - 1. Adopted Resolution No. WRA-11-06 entitled, "A RESOLUTION OF THE BOARD OF THE WHITTIER REDEVELOPMENT AGENCY AMENDING THE FISCAL YEAR 2010-11 BUDGET FOR THE PURPOSE OF FUNDING A LOAN FROM LOW- AND MODERATE-INCOME HOUSING SET-ASIDE FUND TO HERITAGE HOUSING PARTNERS UNDER AN EXCLUSIVE NEGOTIATION AND LOAN AGREEMENT," in the amount of \$97,747;
  - 2. Approved the Exclusive Negotiation and Loan Agreement with Heritage Housing Partners; and
  - 3. Authorized the Chair to execute the Agreement.
- **7.T** The Agency Board took actions regarding the Gables Project at 16050 and 16110 Whittier Boulevard:
  - Approved the Affordable Housing and Regulatory Agreement with Far West, LLC to ratify and re-institute the previously approved Agreement and Amendments to use Low and Moderate Income Housing Set Aside funds to provide 16 remaining affordable ownership housing units; and
  - 2. Authorized the Executive Director to execute the Agreement.

### **City Council and Utility Authority**

- 7.U It is recommended the City Council and Board of Directors take actions regarding lease of water production rights in the Main San Gabriel Basin:
  - 1. City Council adopt Resolution No. 8376 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 adopt Resolution No. 8377 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 authorize 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 concurs with the above City Council recommended actions.

### City Council, Redevelopment Agency and Utility Authority

- **7.V** The City Council, Agency Board and Board of Directors took actions regarding Minutes:
  - City Council, Agency Board and Board of Directors approved the Minutes of the Regular Meetings of March 22, April 12 and April 26, 2011;
  - 2. City Council approved the Minutes of the Adjourned Regular Meeting of April 25, 2011.

### 7.C FISCAL YEAR 2011-12 SOCIAL SERVICES FUNDING

Following brief discussion, it was moved by Council Member Vinatieri, seconded by Council Member Nordbak, and carried, by roll call vote, with Council Member Henderson recusing, to approve Fiscal Year 2011-12 Social Services Funding of \$64,250 from Community Development Block Grant funds; and receive and file the Matching Fund allocations of \$112,000 and \$5,000 for a Community Health Program to be incorporated and approved as part of the Fiscal Year 2011-12 budget.

### 7.L SANTA FE SPRINGS LAW ENFORCEMENT SERVICES AGREEMENT

Following brief discussion, it was moved by Council Member Nordbak, seconded by Council Member Henderson, and carried unanimously, by roll call vote, to approve the Law Enforcement Services Agreement with the City of Santa Fe Springs for the period July 1, 2011 through June 30, 2014; and authorize the Mayor to execute the agreement.

# 7.0 JANUARY THROUGH MARCH 2011 QUARTERLY ECONOMIC DEVELOPMENT REPORT

Council Member Nordbak said he was concerned that there had been no physical visits to businesses in the quarter; he stated one of the main goals of economic development was to conduct face-to-face visits; and he does not want to see another quarter pass with no physical visits.

Following brief discussion, it was moved by Council Member Vinatieri, seconded by Council Member Nordbak, and carried unanimously, to receive and file the January through March 2011 Quarterly Economic Development Report.

# 8. RECESS REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

Mayor Warner recessed the Redevelopment Agency and Utility Authority meetings at 7:44 p.m.

### 9.A PUBLIC HEARING – MEDICAL MARIJUANA DISPENSARY REGULATIONS

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider the recommendation of the Planning Commission to approve Zoning Code Amendment 11-001 and adopt an ordinance establishing a minimum distance requirement between medical marijuana dispensaries and a maximum cap on the total number of medical marijuana dispensaries that may be established citywide.

Mayor Warner opened the public hearing at 7:52 p.m.

City Attorney Jones stated that adoption of the proposed ordinance would establish criteria by which to allow medical marijuana dispensaries in the community by way of a cap and an established formula; the proposed ordinance would allow for one legally operating dispensary in the community; and anyone speaking in favor of the item supports the proposed ordinance.

The following individuals spoke in opposition to the item:

Darren McKeever; Washington Avenue and Beverly Boulevard, Whittier; said he is a primary caregiver for three patients; allowing only one dispensary in the City will create a monopoly; and he will lose his clinic.

Miguel, 16336 Janine Drive, Whittier; said the City has not accepted any new applications for dispensaries; and the owner of the only dispensary in the City sits on the Chamber of Commerce Board of Directors.

Matthew Ojinaga; said he is here to serve his patients; he does not make money; he did not get the opportunity to show that he is a legitimate business; said he treats military, burn and accident victims; and having only one dispensary in the City will create a monopoly.

Laura Capone, a medical marijuana patient, said she does not have a card due to the cost; a doctor recommendation is required to obtain medical marijuana; having one dispensary in the City will create a monopoly which will raise prices; she has no rights to choose where to get her medications and no funds for transportation.

There being no other speakers wishing to testify before the City Council, it was moved by Council Member Newcomer, seconded by Council Member Henderson, and carried unanimously, to close the public hearing at 8:00 p.m.

Council Member Vinatieri said his view is that marijuana is against federal law; he is unhappy about having one clinic in the City; having a cap of one is more than adequate; he objects to language in the proposed ordinance to possibly allow another clinic based on a compelling need; and he believes the City should stay with what is currently established.

Council Member Henderson said the City allowed one clinic to avoid an explosion of illegal clinics; and he is content with capping the number of clinics at one.

Following discussion, it was moved by Council Member Henderson, seconded by Council Member Newcomer, and carried unanimously, that Ordinance No. 2968 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 18.45 (MEDICAL MARIJUANA REGULATIONS) OF THE WHITTIER MUNICIPAL CODE BY ESTABLISHING A MINIMUM DISTANCE REQUIREMENT BETWEEN MEDICAL MARIJUANA DISPENSARIES AND A MAXIMUM CAP ON THE TOTAL NUMBER OF MEDICAL MARIJUANA DISPENSARIES THAT MAY BE ESTABLISHED CITYWIDE (CASE NO. ZONING CODE AMENDMENT 11-001; APPLICANT: CITY OF WHITTIER)," be read by title only, further reading be waived, and this be declared its first reading, as amended to delete "A second, additional, medical marijuana dispensary may be allowed through a Conditional Use Permit only if it can be demonstrated through documented evidence

that there is a compelling need and demand for a second facility to serve residents of the City of Whittier only" from Section 18.45.030 Conditionally Permitted Uses.

Mayor Warner recessed the City Council meeting at 8:10 p.m. At 8:20 p.m. she reconvened the meeting with all Council Members present.

# 9.B PUBLIC HEARING – U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 2011-12 ACTION PLAN

City Manager Helvey announced it was the date and time set and duly noticed for a public hearing to consider approval of the City's proposed U. S. Department of Housing and Urban Development (HUD) 2011-12 Action Plan (the "Plan"). He recommended the City Council receive testimony provided on the Plan regarding allocation of Community Development Block Grant (CDBG) and HOME funds to provide affordable housing and economic opportunities for low-income people; direct staff to finalize the Plan and submit it to HUD; and select Veteran's in Community Service, Inc. to coordinate and implement the Minor Home Repair Grant program for Fiscal Year 2011-12.

Redevelopment Manager Pongetti reported that the amendments distributed to the City Council reflected the changes to the Plan authorized by the Council at the May 7, 2011 Budget Study Session to back fill graffiti abatement with general funds, in order to keep the Southeast Area Social Services Funding Authority (SASSFA), Salvation Army and Interfaith Food Center funding whole.

Mayor Warner opened the public hearing at 8:28 p.m.

There being no speakers wishing to testify before the City Council, it was moved by Council Member Henderson, seconded by Mayor Pro Tem Newcomer, and carried unanimously to close the public hearing at 8:28 p.m.

It was moved by Council Member Henderson, seconded by Council Member Nordbak, and carried unanimously to direct staff to finalize the Plan and submit it to HUD; and select Veteran's in Community Service, Inc. to coordinate and implement the Minor Home Repair Grant program for Fiscal Year 2011-12.

#### 10.A BOARDS AND COMMISSIONS ANNUAL VACANCIES

Following brief discussion there was City Council concurrence to direct staff to re-advertise for vacancies occurring July 1<sup>st</sup> on the Board of Library Trustees, Cultural Arts Commission, Historic Resources Commission, Parking and Transportation Commission, Personnel Board, and Social Services Commission; and return with a report on June 28, 2011. The City Council concurred to not fill the Planning Commission vacancy until after the Whittier Mineral Extraction Project public hearings, resulting in Commissioner Stone remaining on the Commission.

### 11.A PUBLIC HEARING TIME LIMITS

Following discussion, there was City Council concurrence to establish public hearing time limits as follows: the applicant or appellant will have 20 minutes to present their case and an additional 10 minutes for rebuttal comments at the conclusion of the public hearing; and speakers in support of or opposition to a proposal will have three minutes each, however may be granted up to two one-minute extensions at the request of any Council Member. The City Council directed staff to return on May 24, 2011 with a resolution implementing the Council consensus.

### 11.B CITY COUNCIL SUBCOMMITTEE CHANGES

Following discussion, it was moved by Council Member Vinatieri, seconded by Council Member Henderson, and carried unanimously to take the following actions regarding changes to Subcommittees and representatives to other local government associate organizations: sunset the Santa Fe Springs Policing Contract and Uptown Association subcommittees; form the Greenway Trail East Extension Subcommittee with members Mayor Pro Tem Newcomer and Council Member Henderson; and the Nelles Property Development Subcommittee with members Council Members Nordbak and Vinatieri, expiring May 2012; and extend the Mineral Extraction Project Subcommittee to May 2012 with members Mayor Warner and Council Member Henderson.

#### 11.C STATE REDISTRICTING

Following discussion, it was moved by Council Member Nordbak, seconded by Council Member Vinatieri, and carried, with Mayor Pro Tem Newcomer dissenting, to send a letter to the Citizen's Redistricting Commission justifying keeping Whittier whole to be included in an Assembly District bounded in general by the 605 Freeway on the west, the 57 Freeway on the east, the 60 Freeway on the north, and the Los Angeles County border on the south; and a cohesive Congressional District to include the La Habra, Brea, and Fullerton areas.

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

At 9:40 p.m. Mayor Warner reconvened the Redevelopment Agency and Utility Authority meetings in joint session with the City Council.

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

None requiring follow-up.

### 14. ADJOURN REDEVELOPMENT AGENCY AND UTILITY AUTHORITY MEETINGS:

### 15. CITY COUNCIL CLOSED SESSION:

City Manager Helvey recommended the City Council conduct a Closed Session pursuant to:

- 15.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.
- **15.B** City Council Government Code Section 54956.9(b)(1) to discuss one case of potential litigation; the City is 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 position.

Mayor Warner adjourned the City Council meeting to Closed Session at 9:48 p.m.

### 16. RECONVENE IN OPEN SESSION:

Mayor Warner reconvened the City Council meeting in Open Session at 10:17 p.m.

#### 17. CLOSED SESSION REPORT:

None.

#### 18. ADJOURNMENT:

At 10:17 p.m. Mayor Warner adjourned the City Council meeting in memory of Frank Scott.

Respectfully submitted,

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