

**IRWINDALE CITY COUNCIL CHAMBERS
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706**

**DECEMBER 8, 2021
WEDNESDAY
5:30 P.M.**

The Irwindale **CITY COUNCIL** met in special session at the above time and place.

ROLL CALL:

Present: Councilmembers Albert F. Ambriz; Mark A. Breceda, Manuel R. Garcia; Mayor Pro Tem Larry G. Burrola; Mayor H. Manuel Ortiz

Also Present: William Tam, City Manager; Adrian Guerra, City Attorney; Mary Hull, Human Resources Manager; Jeanette Duran, Interim Director of Finance / City Treasurer

**SPONTANEOUS
COMMUNICATIONS**

None.

**RECESS TO
CLOSED SESSION**

At 5:32 p.m., the City Council met in Closed Session to discuss the following:

Conference with Labor Negotiator

Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: William Tam, City Manager; Adrian Guerra, Legal Counsel; Mary Hull, Human Resources Manager; Jeanette Duran, Interim Director of Finance / City Treasurer
Employee Organizations: IMEA, ICEA, IPOA, and Unrepresented Employees

ACTION: Discussion held, direction provided; no reportable action taken

Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(c), (d)(2), e(3)

A point has been reached where, in the opinion of the legislative body of the local agency, upon the advice of its legal counsel based on existing facts and circumstances, that there is significant exposure to litigation against the local agency. The existing facts and circumstances consist of a claim filed by Five Points LLC, pursuant to the Government Claims Act, which alleges claims for damages in the amount of \$20 million for (1) breach of contract, (2) breach of implied-in-fact contract; (3) breach of the covenant of good faith and fair dealing; (4) promissory estoppel based on the purchase and sale agreement. A copy of the claim is included in this agenda package for public review and available for review in the City Clerk's Office upon request.

ACTION: Discussion held; no reportable action taken

Public Employee Appointment

Pursuant to California Government Code Section 54957

Title: City Manager / Interim City Manager

ACTION: Discussed, direction provided; no reportable action taken.

**RECONVENE IN
OPEN SESSION**

At 6:00 p.m., the City Council reconvened in Open Session with all members present.

CONSENT CALENDAR

MOTION

A motion was made by Councilmember Garcia, seconded by Councilmember Breceda, to approve the Consent Calendar. The motion was unanimously approved; Mayor Ortiz abstaining.

ITEM NO. 1
APPROVAL OF
AMENDMENT NO. 10
TO THE PROJECT
REIMBURSEMENT
AGREEMENT
RELATING TO SOLID
WASTE MATERIALS
RECOVERY FACILITY /
TRANSFER STATION
AGREEMENTS –
ARAKELIAN
ENTERPRISES, INC.,
DBA ATHENS
SERVICES

APPROVAL OF AMENDMENT NO. 10 TO THE PROJECT REIMBURSEMENT AGREEMENT (AKA – DEPOSIT AGREEMENT) RELATING TO SOLID WASTE MATERIALS RECOVERY FACILITY / TRANSFER STATION AGREEMENTS BETWEEN THE CITY AND ARAKELIAN ENTERPRISES, INC., DBA ATHENS SERVICES

1) The City Council approved Amendment No. 10 to the Project Reimbursement Agreement between the City and Arakelian Enterprises, Inc., dba Athens Services ("Athens"), and 2) the City Manager was authorized to execute Amendment No. 10 following approval as to form by the City Attorney.

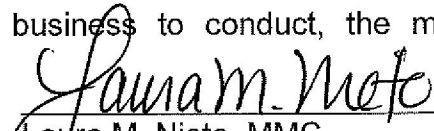
ITEM NO. 2
WAIVE CONDITION OF
CLOSING FOR THE
SALE OF PROPERTY
LOCATED AT 2200
ARROW HIGHWAY TO
ATHENS SERVICES,
AUTHORIZATION TO
VEST TITLE IN
IRWINDALE
INVESTMENTS, LLC,
A SPECIAL PURPOSE
ENTITY, AND
AUTHORIZATION TO
EXECUTE CC&R'S TO
IDENTIFY CITY AS
BENEFICIARY
THERETO

WAIVE CONDITION OF CLOSING FOR THE SALE OF PROPERTY LOCATED AT 2200 ARROW HIGHWAY BY THE SUCCESSOR AGENCY TO ATHENS SERVICES, AUTHORIZATION TO VEST TITLE IN IRWINDALE INVESTMENTS LLC, A SPECIAL PURPOSE ENTITY, RATHER THAN ATHENS AS PART OF THE SALE OF PROPERTY, AND AUTHORIZATION TO EXECUTE CC&R'S TO IDENTIFY CITY AS BENEFICIARY THERETO

The City Manager was authorized to execute the CC&R's for the property at 2200 Arrow Highway ("Property") to identify the City as the beneficiary of the CC&R's.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:30 p.m.



Laura M. Nieto, MMC
Chief Deputy City Clerk

Approved as submitted at the meeting held January 26, 2022.