MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
April 25, 2006

A Regular Meeting of the City Council of the City of La Puente was held in the Council Chambers of City Hall, 15900 East Main Street, La Puente, California, on April 25, at 7:00 p.m.

ROLL CALL

Council Members present:	Solis, Storing, Lujan, Perez, Chavez
Staff Members present:	Acting City Manager Yamachika, City Attorney Casso, City Clerk Cowley, Community Services Director Adanto, Finance Director Kim, City Planner Arreola, Assistant to the City Manager Lasher, Deputy City Clerk Giron

PLEDGE OF ALLEGIANCE

Council Member Lujan led the pledge of allegiance.

PRESENTATIONS BY CITY COUNCIL

PRESENTATION OF CERTIFICATES OF AWARD TO PUENTE PRIDE AWARD WINNERS: THE WONG FAMILY; THE RODRIGUEZ FAMILY; AND THE PEREZ FAMILY

The Council presented certificates of award to Puente Pride Award winners Mr. and Mrs. Wong and Mr. and Mrs. Perez.

Mayor Chavez introduced the Puente Pride Committee Members who were present Dan Holloway and Lois Maben.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO BISHOP AMAT HIGH SCHOOL GIRLS' VARSITY BASKETBALL TEAM

Coach Richard Wiard thanked Council on behalf of Bishop Amat High School and the team for recognizing the girls' basketball team. This was the team's third consecutive year in winning the CIF championships and the second consecutive year in winning the state championships. The Council presented Coach Richard Wiard with the certificates of recognition on behalf of his team.

Field Representative Jesse Salcedo from Congresswoman Grace Napolitano's office presented Coach Wiard with a certificate of recognition for the girls' basketball team.

PRESENTATION OF COMMENDATION TO KIWANIS INTERNATIONAL OF LA PUENTE INDUSTRY ON ITS 50TH ANNIVERSARY

The City Council presented a commendation to Mr. Vern Moyer, President of the Kiwanis International of La Puente-Industry on its 50th Anniversary.

Mr. Moyer thanked the City for their recognition.

ORAL COMMUNICATIONS

Leonard Wayne Rose, Jr. addressed Council suggesting they acknowledge the local businesses that supported the bingo event at St. Joseph's Church. He also informed Council that he would be attending a televised Los Angeles School Board meeting to speak about the importance of a healthy diet on May 9th.

Nancy Medeiros addressed her concerns regarding the way the redevelopment funds were being spent in the City. She expressed her opposition for the $75,000 the City was going to pay an engineer to prepare the sewer rate study. Mrs. Medeiros then read an initiative petition that opposed economic development. She indicated that she had the petition for that proposed measure for anyone who was interested in signing it.

MINUTES

A-1 READ AND APPROVE THE MINUTES OF THE SPECIAL JOINT MEETING OF MARCH 22, 2006 AND THE REGULAR MEETING OF APRIL 11, 2006

Lujan moved to approve the Minutes of the Special Joint Meeting of March 22, 2006 and the Regular Meeting of April 11, 2006; seconded by Solis.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

PUBLIC HEARINGS

B-1 CONSIDERATION OF MUNICIPAL CODE AMENDMENT NO. 122 A PROPOSED AMENDMENT ESTABLISHING DEVELOPMENT AND PARKING STANDARDS FOR ACCESSORY OUTDOOR STORAGE FOR SPECIFIC PERMITTED USES IN THE C-2 (GENERAL COMMERCIAL) ZONE (APPLICANT: ANDRE OBELAK)

City Planner Arreola presented the Staff report indicating that the Planning Commission held a public hearing on March 7, 2006 and adopted Resolution No.

60-1387 amending Municipal Code Amendment No. 122 regarding permitted uses in the C-2 Zone. Mr. Arreola indicated that the amendment would regulate the outdoor storage in an orderly manner and explained the regulations.

Mayor Chavez opened the public hearing at 7:24 p.m.

Nancy Medeiros expressed her opinion that the way the public hearings were structured, and the Planning Commission's recommendation, that a decision was already made and that public input would not matter.

There being no further comments, Mayor Chavez closed the public hearing at 7:25 p.m.

Perez moved to introduce the Ordinance, amending Title 10, Chapter 10.72, Section 10.72.120 of the La Puente Municipal Code by title only and waive further reading; seconded by Lujan.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

Lujan moved to introduce the ordinance for subsequent adoption and adopt the Resolution approving the Negative Declaration; seconded by Solis.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

Interim City Manager Yamachika read the title of the ordinance into the record.

B-2 CONSIDERATION OF MUNICIPAL CODE AMENDMENT NO. 114 - A PROPOSED AMENDMENT TO THE LA PUENTE MUNICIPAL CODE ADOPTING REGULATIONS FOR THE DESIGN OF BUILDING SECURITY SHUTTERS AND SCREENS ON COMMERCIAL AND INDUSTRIAL BUILDINGS

Acting City Manager Yamachika presented the Staff report providing Council with the history of this ordinance. He also reviewed the security shutter and screen requirements that this ordinance proposed. This ordinance would provide a five year amortization schedule for security shutters and screens that were not in compliance with these requirements. The Planning Commission recommended approval of the ordinance.

Mayor Chavez opened the public hearing at 7:30 p.m. There being no one to speak the Mayor closed the public hearing at 7:30 p.m.

Perez moved to introduce the Ordinance by title only and waive further reading; seconded by Solis.
The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

Perez moved to introduce the Ordinance for subsequent adoption; seconded by Solis.

Acting City Manager Yamachika read the title of the ordinance into the record.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

B-3 CONSIDERATION OF APPEAL OF THE PLANNING COMMISSION DECISION TO DENY UNCLASSIFIED USE PERMIT NO. 233, A REQUEST TO SELL BEER AND WINE FOR OFF-SITE CONSUMPTION AT A MARKET AT 13825 AMAR ROAD # E/F (Robelio Dominguez)

City Planner Arreola presented the Staff report indicating that the Planning Commission had adopted Resolution No. 06-1385 to deny the unclassified use permit to allow the sale of beer and wine for offsite consumption. He expressed the Planning Commission's concerns indicating that allowing the sale of alcohol at the subject business would be detrimental to the public health, safety and wellfare. The Sheriff's Department had a concern with related crimes in the area that did not necessarily take place within the subject business location. He provided a brief history of the crime reported in that area. Mr. Arreola also indicated that the Planning Commission felt that approving this use permit would only increase the current crime situation.

Thereafter followed a discussion regarding the crimes attributable to the use of alcohol in that area.

Mayor Chavez opened the public hearing at 7:40 p.m.

Leonard Wayne Rose Jr. addressed Council expressing his opposition to the use permit to allow alcohol consumption in residential areas and in the park.

Marty Paz addressed Council advising he was in favor of allowing the business to sell alcohol.

There being no further comments, Mayor Chavez closed the public hearing at 7:44 p.m.

Lujan moved to adopt the Resolution upholding the Planning Commission's decision to deny Unclassified Use Permit No. 223; seconded by Storing.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

B-4 CONSIDERATION OF MUNICIPAL CODE AMENDMENT NO. 121 - A PROPOSED AMENDMENT ESTABLISHING NEW REQUIREMENTS FOR PERIMETER WALLS AND FENCES WITHIN RESIDENTIAL ZONES (THIS HEARING WAS CONTINUED FROM THE CITY COUNCIL MEETING OF MARCH 28, 2006)

City Planner Arreola addressed Council regarding the proposed ordinance explaining that the Los Angeles Building and Safety Codes have been in existence since 1933. Any wall or fence over six feet in height was illegal unless a permit was issued. This ordinance was tailored so that a wall or fence could be as high as 7 feet in height, but a building permit would have to be obtained. The building permit would require that any wall above 6 feet be engineered to withstand any wind load. Mr. Arreola reviewed and explained all of the requirements for this ordinance. Mr. Arreola addressed the Senior Center concerns pointing out that it was located in the community service zone in the Downtown Business District Specific Plan not in the residential zone, so the regulations in the ordinance would not apply to the Senior Center walls. In regards to the permit process, Staff was recommending the City adopt a no fee administrative review process to keep track of the walls and fences that would be built from this point forward. Mr. Richard Hubinger, the City's Building Official was present to answer any questions.

Thereafter followed a lengthy discussion regarding the issues and the fact that the building Code was State law adopted by Council and therefore any inconsistencies with the code could not be grandfathered in or waived.

Leonard Wayne Rose Jr. expressed his views regarding the proposed ordinance.

Nancy Medeiros addressed Council expressing her view that if a fence or a block wall could be built up to the property line then there should not be a problem with bushes being grown along the property line.

Marty Paz questioned Council on what he would have to do to hide a van if he built a six foot fence.

There being no further comments, Mayor Chavez closed the publich hearing at 8:17 p.m.

Perez moved to approve Municipal Code Amendment No. 121 and introduce the ordinance by title only and waive further reading; seconded by Lujan.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

Lujan moved to introduce the ordinance for subsequent adoption and adopt the resolution approving the Negative Declaration; seconded by Perez.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

Acting City Manager Yamachika read the title of the ordinance into the record.

UNFINISHED BUSINESS

None.

CONSENT CALENDAR

Council Member Storing pulled Agenda Item No. D-5. Council Member Solis pulled Agenda Item No. D-4.

Lujan moved to approve the Items D-1 through D-6, excluding D-4 and D-5 under the Consent Calendar; seconded by Solis.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1177 FOR FISCAL YEAR 2005-06

<u>Staff Recommendation</u>: It is recommended that the City Council adopt the resolution.

D-2 FINANCIAL REPORT FOR MONTH ENDED MARCH 31, 2006

<u>Staff Recommendation</u>: It is recommended that the City Council receive and file the Monthly Financial Report for the month ended March 31, 2006.

D-3 CONSIDERATION OF PROGRAM SUMMARY MONTHLY (PSM) REPORT FOR CALHOME HOUSING REHABILITATION PROGRAM ROUND 2

Staff Recommendation: It is recommended that the City Council approve the agenda report of the Acting City Manager and authorize that it be filed for audit.

D-6 CONSIDERATION OF PROGRAM SUMMARY MONTHLY (PSM) REPORT FOR CDBG HOUSING REHABILITATION PROGRAM FY 2004-05 AND FY 2005-06

Staff Recommendation: It is recommended that the City Council approve the agenda report of the Acting City Manager and authorize that it be filed for audit.

D-4 ADOPTION OF A RESOLUTION CONFIRMING THE CONTINUED NEED TO MAKE EMERGENCY REPAIRS OF AN IMMINENT HAZARD ON THE HILLSIDE BEHIND 133 AND 139 ROUNDABOUT DRIVE AND 140 AND 148 HILLCREST DRIVE

Staff Recommendation: It is recommended that the City Council adopt the Resolution confirming the necessity to make emergency hillside repairs to 133 and 139 Roundabout Drive and 140 and 148 Hillcrest Drive.

Interim City Manager Yamachika responded to Council Member Solis' request for an update on this item and gave a brief history of the landslide that occurred on Roundabout Drive. Staff initiated a public nuisance case and was taking emergency repair procedures to correct the situation on the hillside, which included a drainage channel. Mr. Yamachika also reported that Staff went through the process of designing remediation measures for the hillside which was currently being implemented. He then advised Council that Staff was trying to resolve an issue raised by one property owner that the new retaining wall was closer to his garage than the original retaining wall. To change this would cost additional funds and Staff was trying to get the homeowners approval.

City Attorney Casso clarified that the adoption of this Resolution was a declaration that an emergency continued to exist and was required under the public contract code so that the City was able to contract in the fashion it has to repair this problem.

Lujan moved to adopt the resolution confirming the necessity to make emergency hillside repairs to 133 and 139 Roundabout Drive and 140 and 148 Hillcrest Drive; seconded by Solis.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

D-5 ADOPTION OF RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PUENTE CREEK NATURE EDUCATION CENTER FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION LAND AND WATER CONSERVATION FUND PROGRAM

Staff Recommendation: It is recommended that the City Council approve the Resolution authorizing the submittal of an application for grant funds from the California Department of Parks and Recreation.

Council Member Storing pulled this item because she felt it was important for the people to be aware of this project and asked that staff make a presentation of the report.

Acting City Manager Yamachika presented a brief report indicating the City has been moving forward toward the development of a nature education center on property that was purchased with funds from the Rivers and Mountains Conservancy. The property was located between Nelson Elementary School and Puente Creek. This project would go before the Development Review Board to render a recommendation for the design of this project and then forwarded to City Council. The estimated cost of construction for the facility was $1.7 million. The City was informed by the Rivers and Mountains Conservancy that the City would be granted an additional $750,000 towards the construction of the project. The City was considerably short of meeting the goal of the $1.7 million. This grant was offered by the Department of Parks and Recreation Land and Water Conservation Program. Staff was requesting approval of the grant application to move forward with this project.

Lujan moved to approve the resolution authorizing the submittal of an application for grant funds from the California Department of Parks and Recreation ; seconded by Storing.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

City Attorney Casso suggested that Item No. E-3 under New Business be held over until after the Redevelopment Agency takes action on the same matter.

NEW BUSINESS

E-1 CONSIDERATION OF RESOLUTION OPPOSING HOUSE RESOLUTION 4437 (BORDER PATROL, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005)

Lujan moved to adopt a Resolution opposing House Resolution 4437 (Boarder Patrol, Antiterrorism, and Illegal Immigration Control Act of 2005); seconded by Solis.

A brief discussion regarding the staff report not including a copy of the bill ensued. Council Member Storing indicated that she could not vote for this item because she did not have enough information on this issue.

The motion unanimously carried by the following roll call vote: AYES: Solis, Lujan, Chavez, and Perez. NOES: None. ABSTAIN: Storing

E-2 PROPOSED AMENDMENT TO AGREEMENT WITH MDG ASSOCIATES FOR ADDITIONAL PROFESSIONAL SERVICES FOR IMPLEMENTATION OF THE CITY'S CDBG PROGRAM

Perez moved to authorize the Mayor to execute Amendment No. 1 to Agreement No. 05-790 for Community Development Block Grant housing and administrative consultant services with MDG Associates and adopt the Resolution to increase the Fiscal Year 2005-06 Budget for Line Item No. 41-4420-3111 (Contract Services-Private) by transferring $8,400 from Line Item No. 41-4420-1111 (Salaries) ; seconded by Lujan.

Acting City Manager Yamachika made a correction on item No. 2 of the motion. Staff recalculated the funds that would be left over from the vacant position. It was $7,900 rather than $8,400 they would need an additional $500 from line item 41-4420-3972 which was being taken from conferences and meetings.

Mayor Pro Tem Perez indicated that his motion included the additional $500 transfer.

Council Member Solis expressed his opposition to this item.

A brief discussion ensued regarding paying a consultant rather than recruiting inhouse.

City Attorney Casso cautioned Council not to discuss personnel issues in open session.

The motion carried by the following roll call vote: AYES: Lujan, Chavez, and Perez. NOES: Solis, and Storing.

E-4 CONSIDERATION TO DIRECT STAFF TO PREPARE AN ORDINANCE AUTHORIZING THE SEIZURE OF VEHICLES IN FIREARMS OR NARCOTICS-RELATED CRIMES (Requested by Council Member Solis)

Council Member Solis stated that he brought this item to Council because of recent gang and narcotic activities in the Valinda corridor. He was requesting that the City Attorney research a law for seizure of vehicles.

Thereafter followed a general discussion regarding the issue, the need for such an ordinance and the City's authority to seize vehicles.

Solis moved to direct the City Attorney to prepare an ordinance authorizing the seizure of vehicles; seconded by Storing.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-5 CONSIDERATION TO DIRECT STAFF TO PREPARE A RESOLUTION AND SEND LETTERS TO CONGRESS AND THE UNITED STATES SENATE REQUESTING SUPPORT IN MAINTAINING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS OF NO LESS THAN $4.3 BILLION IN THE FY 2007 FEDERAL BUDGET (Requested by Mayor Chavez)

Lujan moved to adopt a Resolution and direct Staff to fax it to the members of the House and Senate; seconded by Perez.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-6 REQUEST TO DIRECT STAFF TO DEVELOP A POLICY FOR COUNCIL CONSIDERATION ON PRESENTATION OF CERTIFICATES OF RECOGNITION, COMMENDATIONS AND PROCLAMATIONS (Requested by Mayor Pro Tem Perez)

Mayor Pro Tem Perez indicted that a policy needed to be in place so that only the Mayor presented certificates. If the Mayor was unable to present the certificates then someone else from Council could do it in her place.

Thereafter followed a brief discussion on the issue.

Perez moved to direct Staff to develop a policy for Council consideration on the presentation of certificates of recognition, commendations and proclamations; seconded by Chavez.

Council Member Lujan indicated that one of the weaknesses is that there was no policy in place. He said he supported this item as recommended.

The motion carried by the following roll call vote: AYES: Lujan, Chavez, and Perez. NOES: Solis, and Storing.

ORAL COMMENTS FROM COUNCIL

Council Member Solis expressed opposition to No. E-6 stating that a Council Member that was not selected as Mayor would not have the opportunity to present certificates.

Mayor Pro Tem Perez thanked Staff for doing a great job on the Easter Egg Hunt Event.

ORAL COMMENTS FROM THE STAFF

Acting City Manager Yamachika provided Council with status on the demolition of the American Bakery on Main Street; the Community Center Project; and the demolition of the bowling alley project. He then announced the Cinco de Mayo Event at La Puente Park on Saturday, May 6th from 1 p.m. to 7 p.m.

The Mayor recessed the City Council Meeting and convened the Redevelopment Agency at 8:49 p.m.

The Mayor reconvened the City Council meeting to take action on Item No. E-3 under New Business.

E-3 APPROVAL OF COOPERATIVE AND USE AGREEMENT BY AND BETWEEN THE CITY OF LA PUENTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF LA PUENTE REGARDING THE USE OF CDBG FUNDS AS IT RELATES TO ED BUTTS FORD EXPANSION PROJECT

City Attorney Casso pointed out that this item was the same as Item No. E-1 on the Redevelopment Agency Agenda, but was now being considered by Council.

Perez moved to approve the "Cooperative and Use Agreement" to be entered into by the City of La Puente and the Redevelopment Agency of the City of La Puente as it relates to the Agency's use of Community Development Block Grant (CDBG) funds for the expansion project involving Ed Butts Ford; seconded by Solis.

The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:08 p.m.

Carol Cowley

Carol Cowley, City Clerk

Renee Chavez

Renee Chavez, Mayor