CORRECTED MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
May 9, 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 May 9, 2006, at 7:00pm.

PLEDGE OF ALLEGIANCE

The Pledge of allegiance was led by Council Member Solis.

PRESENTATIONS

PRESENTATION OF AN AMERICAN FLAG FLOWN OVER CAMP DELTA AT GUANTANAMO BAY BY SERGEANT RICHARD AGUAYO

Assistant to the City Manager Lasher presented a the flag and a certificate of authenticity to City Council on behalf of Sergeant Aguayo who was unable to attend the City Council meeting.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO THE BASSETT HIGH SCHOOL CHEERLEADERS FOR WINNING 1ST PLACE IN THE SHARP INTERNATIONAL LAS VEGAS NATIONALS

Council presented Certificates of Recognition to the Bassett High School cheerleaders and coaches.

PRESENTATION OF SCHOLARSHIP AWARDS

Education Commissioner Christina Lujan gave a brief history of the La Puente Scholarship Program and presented the scholarship awards to the recipients.

The Mayor recessed the meeting at 7:15 p.m. reconvened at 7:26 p.m.

PRESENTATION OF PROCLAMATION IN HONOR OF NATIONAL PUBLIC WORKS WEEK

Council presented the proclamation to the Public Works Division.

Mayor Chavez acknowledged La Puente Librarian Jeniffer Freel.

ORAL COMMUNICATIONS

Assistant Chief John Nieto announced that May was Fire Service Month and invited Council and the public to attend their Fire Service Day event. There would be equipment exhibitions and activities for the children. Mr. Nieto also provided Council with the fire department's annual report along with a slide show presentation of their activities in the City.

David Sanchez addressed Council regarding the increase of youth violence during the summer suggesting that Council monitor the violence in an effort to save lives. Mr. Sanchez then announced that he was a candidate for the county supervisor seat for this district.

MINUTES OF PREVIOUS MEETINGS

A-1. READ AND APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 25, 2006

Lujan moved to waive the reading and approve the Minutes of the Regular Meeting of April 25, 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

None.

UNFINISHED BUSINESS

C-1 CONSIDERATION TO REJECT BID AND AUTHORIZE RE-BID OF THE REPAIRS AND RENOVATIONS OF THE COMMUNITY CENTER PROJECT

Community Services Director Adanto provided Council with the staff report. She reviewed the prequalification process for the request for proposal indicating that only one company submitted a bid for this project. That company did not provide an itemized bid or timeline for completion of the project. Staff was requesting to go out to bid on a broader scale to receive a more responsible bid. Staff also recommended that Council reject the bid and reopen the bid process the following day.

Perez moved to reject the bid submitted by SMC Construction and re-open the bid process for the Community Center project; seconded by Lujan.

Thereafter, a lengthy discussion ensued regarding the prequalification for contractors and document rating process. Council expressed concerns indicating they did not want any problems with this project. Community Service Director Adanto indicated that Staff would check references extensively to ensure Staff found a responsible contractor. Staff was in the process of interviewing a project manager. Council Member Solis expressed concern regarding the difference in the bid estimated cost and bid amount submitted by the contractor. Ms. Adanto responded that the bid was not a responsible bid because it did not include an itemized bid and timeline schedule. There was further discussion regarding the completion of the project plans. Council directed Staff to reopen the bid when the project plans were completed.

Council Member Solis asked Mayor Pro Tem Perez if he would add holding off on the bid until the plans were complete to his motion. Mayor Pro Tem Perez agreed to include the completion of the plans before the bid re-opened and called for the question.

After further discussion Mayor Chavez asked City Attorney Casso to clarify the motion.

City Attorney Casso clarified that the motion was to reject the bid submitted by SMC Construction; re-open the bid process for the Community Center Project; Staff to provide a revised schedule of events to Council in their mail boxes indicating when the plans would be completed.

Mayor Pro Tem Perez and Council Member Lujan agreed with the motion.

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

CONSENT CALENDAR

Lujan moved to approve Items D-1 through D-9; seconded by Perez.

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. 1178 FOR FISCAL YEAR 2005-06

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

D-2 REJECTION OF CLAIM FOR PROPERTY DAMAGE - POUK & STEINLE, INC.

Staff Recommendation: It is recommended that the City Council reject the claim of Pouk & Steinle, Inc. and direct the City Clerk to send a rejection letter to claimant.

D-3 CONSIDERATION OF DISPOSING OF CITY SURPLUS VEHICLES

Staff Recommendation: It is recommended that the City Council (1) declare the two 2000 Eldorado Link Shuttle buses as surplus vehicles; and (2) authorize the disposal of the surplus vehicles through an auction company.

D-4 ADOPTION OF ORDINANCE REGULATING THE PLACEMENT AND LOCATION OF SECURITY SCREENS AND SHUTTERS AND AMENDING THE LA PUENTE MUNICIPAL CODE (MCA-114)

Staff Recommendation: It is recommended that the City Council adopt the ordinance as introduced on April 25, 2006.

D-5 ADOPTION OF ORDINANCE AMENDING CHAPTER 10.72 (HEIGHT, YARD AND LOT LIMITATIONS) OF TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE ESTABLISHING NEW FENCES WITHIN RESIDENTIAL ZONES IN THE CITY (MUNICIPAL CODE AMENDMENT 121)

Staff Recommendation: It is recommended that the City Council adopt the ordinance amending Title 10, Chapter 10.72, Section 10.72.120 of the La Puente Municipal Code.

D-6 ADOPTION OF ORDINANCE AMENDING CHAPTER 10.40 GENERAL COMMERCIAL (C-2), 10.60 UNCLASSIFIED USES, AND CHAPTER 10.65 OFF-STREET PARKING, OF TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE ESTABLISHING NEW DEVELOPMENT AND PARKING STANDARDS FOR OUTDOOR STORAGE FOR SPECIFIC USES IN THE C-2 (GENERAL COMMERCIAL) ZONE IN THE CITY OF LA PUENTE (MUNICIPAL CODE AMENDMENT 122)

Staff Recommendation: It is recommended that the City Council adopt the ordinance amending Title 10, Chapters 10.40, 10.60 and 10.65 of the La Puente Municipal Code.

D-7 CONSIDERATION OF NEW PARTICIPANT(S) FOR CDBG HOUSING REHABILITATION PROGRAM (D97301-06) FISCAL YEAR 2005-06

Staff Recommendation: It is recommended that the City Council approve the allocations and authorize the Community Development Director to execute the necessary documents to implement the Housing Rehabilitation Program in the amount of $7,000.

D-8 CONSIDERATION OF NEW PARTICIPANT(S) FOR CALHOME HOUSING REHABILITATION PROGRAM FOR ROUND TWO FUNDING

Staff Recommendation: It is recommended that the City Council authorize the Community Development Director to execute the necessary documents to implement the Housing Rehabilitation Program in the amount of $80,000.

D-9 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.

NEW BUSINESS

E-1 CONSIDERATION OF COUNCIL MEETING SCHEDULE FOR MAY 2006

Acting City Manager Yamachika presented a staff report indicating three Council Members would not be in town for the second meeting in May. Staff requested that Council call for an adjournment for the regular meeting of May 23, 2006 and to call for a special meeting on Tuesday, May 30, 2006 for the annual budget meeting.

Lujan moved to announce their intent to adjourn the regular meeting of May 23, 2006 due to anticipated lack of a quorum and call a special meeting for Tuesday, May 30, 2006 at 6:30 p.m.; seconded by Perez.

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

E-2 CONSIDERATION OF OPPOSING THE COMMUNICATIONS, OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006 (COPE) (BARTON-RUSH BILL)

City Clerk Cowley gave a presentation of the Staff report indicating that she called the League of California Cities to find out if the Barton-Rush Bill passed, but she had not received a returned call. Ms. Cowley explained that if the Barton-Rush Bill passed Staff wanted to oppose the bill because it would affect the City's cable television communication franchise by allowing telephone companies to offer video service through the internet. This would result in customers canceling their cable television service, which would cut down on the franchise. This bill would also give the federal government authorization over the City's public right-of-ways.

Lujan moved to authorize the Mayor to send letters opposing this bill to members of the Senate, if the Communications Opportunity, Promotion, and Enhancement Act of 2006, is approved by the House of Representative; seconded by Perez.

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

E-3 CONSIDERATION OF AUTHORIZATION TO SOLICIT BIDS FOR THE OVERLAY/RECONSTRUCTION OF TEMPLE AVENUE, WILLOW AVENUE, AND MAIN STREET

Perez moved to approve the specifications and authorize Staff to solicit bids for the Overlay/Reconstruction of Temple Avenue from Hacienda Boulevard to Glendora Avenue; Willow Avenue from Homeward Street to Nelson Avenue; Main Street from Old Valley Boulevard to Bamboo Street ; seconded by Lujan.

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

E-4 CONSIDERATION OF CONCEPTUAL DEVELOPMENT PLAN FOR THE PUENTE CREEK NATURE EDUCATION CENTER

Acting City Manager Yamachika explained that this project has been in the works for the past two years. Staff applied for a grant under the San Gabriel Lower Los Angeles Rivers Mountain Conservancy for $400,000 and the grant was approved. The City used the grant to purchase a one acre site east if the Nelson Elementary School. Mr. Yamachika reviewed the requirements for this particular grant, which should be targeted toward environmental education. Staff has also been working in conjunction with the Hacienda-La Puente Unified School District to create an education program that would coincide with the features of the site of the nature education center site. He then introduced Mr. Glenn Schmitt with the Schmitt Design Group.

Glenn Schmitt provided Council with a slide presentation of the Nature Education Center. He reviewed the site location indicating the three basic objectives were to provide environmental education with emphasis on the Puente Creek water shed; coordinate environmental education with the school curriculum and make sure it met all state standards, and to create a park for the community. He reviewed the park concept and circulation of the park. Mr. Schmitt pointed out there were issues with the budget, but they would provide a bid within the City's budget. The plan was to provide environmental education throughout the park. He demonstrated sketches of preliminary ideas. There was not full funding for the entire project, but they could build phase one with the money the City already acquired.

Storing moved to adopt the Resolution approving the conceptual plan for the proposed Puente Creek Nature Education Center and 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.

E-5 CONSIDERATION OF AMENDMENT TO LA PUENTE MUNICIPAL CODE, CHAPTER 9.04.070 PROHIBITING THE USE OF ILLEGAL FIREWORKS

Perez moved to introduce by title only and waive further reading, and introduce the ordinance amending Chapter 9.04.080 of the La Puente Municipal Code regarding illegal fireworks ; seconded by Lujan.

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 ordinance title into the record:

AN ORDINANCE OF THE CITY OF LA PUENTE, CALIFORNIA, AMENDING CHAPTER 9.04 OF THE LA PUENTE MUNICIPAL CODE RESTRICTING THE USE ILLEGAL FIREWORKS

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

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

ORAL COMMENTS FROM COUNCIL

Council Member Solis complimented the Cinco de Mayo event.

Mayor Pro Tem Perez advised Council that there had been a good response on the demise of the French Bakery. He complimented Staff for doing a good job on the Cinco de Mayo event. Mr. Perez also announced that he attended the Willow Campus 50th anniversary and that it was a great turn out.

Council Member Lujan thanked staff for all the work on the redevelopment plan and was looking forward to forthcoming projects.

Council Member Storing complimented Staff on the demolition of the French American Bakery indicating that the demolition was done very neatly.

Mayor Chavez reiterated Council Member Storing's compliment to Staff. She also complimented Community Services Manager Bistarkey and Community Service Director Adanto on the Cinco de Mayo car show.

ORAL COMMENTS FROM STAFF

Acting City Manager Yamachika announced that the community forum to discuss the sewer maintenance fee would take place on May 17th at 6:30 p.m. at the senior center.

At 8:15 p.m. the City Council recessed to the Redevelopment Agency to conduct business.

RECONVENE TO CITY COUNCIL

At 8:20 p.m. the City Council reconvened and recessed to closed session to conference with legal counsel pursuant to Government Code Section 54956.9(a) existing litigation.

CLOSED SESSION

F-1 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) TO CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

TERRENO CONSTRUCTION v. PERT CONSTRUCTION CO., INC., CITY OF LA PUENTE, FIRST NATIONAL INSURANCE CO. OF AMERICA, ET AL.,-- LOS ANGELES COUNTY SUPERIOR COURT CASE NO. KC046208

CD&C INC. v. PERT CONSTRUCTION CO. INC., CITY OF LA PUENTE, ET AL. – LOS ANGELES SUPERIOR COUNTY COURT CASE NO. BC328044

L.A. COMMERCIAL GROUP, INC. (DBA CONTINENTAL COMMERCIAL GROUP) v. SANG H. JEONG, CITY OF LA PUENTE, ET AL. – LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 05C00674

SANG JEONG v. PERT CONSTRUCTION CO., INC., CITY OF LA PUENTE, ET AL. – LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC334223

RECONVENED TO OPEN SESSION

At 8:24 p.m. the City Council reconvened to open session, at which time the City Attorney announced that the City Council recessed to a closed session on Item F-1. No vote was taken. No final actions was taken.

ADJOURNMENT

There being no further business to come before City Council, the meeting was adjourned in memory of Dominique Orcabal at 8:25 p.m.

Carol Cowley

Carol Cowley, City Clerk

Renee Chavez

Renee Chavez, Mayor