MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
June 13, 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 June 13, 2006, at 7:00pm.

CALL TO ORDER

Mayor Chavez called the meeting to order at 7:00 p.m.

ROLL CALL

Council Members present:	Storing, Chavez, Lujan, Perez Council member Solis arrived at 7:25 p.m.
Staff members present:	Acting City Manager Yamachika, City Attorney Casso; Deputy City Clerk Giron; Community Services Director Adanto, Finance director Kim, City Planner Arreola; Assistant to the City Manager Lasher

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mayor Chavez.

PRESENTATIONS

PRESENTATION OF COMMENDATION RECOGNIZING CLAUDIO DIAZ FOR RECEIVING THE 41ST ANNUAL OLDER AMERICANS RECOGNITION BY THE LOS ANGELES COMMISSION ON AGING

The Mayor and City Council presented Claudio Diaz with a commendation for being recognized as one of the 41st Annual Older Americans by the Los Angeles Commission on Aging.

ORAL COMMUNICATIONS

Nancy Medeiros expressed her concerns about a Council Member who made negative comments about her and her daughter. She gave a brief history of her daughter's mental health condition. Ms. Medeiros then indicated that she was a strong advocate for people who had issues with the City's transportation services.

Leonard Wayne Rose Jr. addressed the Council regarding a speech he made at a Los Angeles School Board meeting regarding youth learning activity centers and activities activity centers provide. He spoke about the importance of eating healthy, exercising and living a healthy lifestyle. Mr. Rose then talked about school courses that he was taking to become a recreation leader.

Meryl Iriarte addressed Council regarding the proposed sewer fee. She expressed her lack of understanding as to why the City would be instituting a sewer fee when the County was already charging a service fee for the sewers. She suggested that Council seek a vote from the residents regarding the sewer rate charge.

Rainbow Yeng introduced herself as the liaison from South Coast Air Quality Management District (AQMD) for the San Gabriel and Gateway region. She explained that AQMD was a government agency responsible for leading this region into compliance with state and federal air quality standards. AQMD will provide the City with assistance in designing an effective program to apply motor vehicle registration fee funds. They would also provide material and training for Staff. Ms. Yeng would schedule an appointment with Staff to provide more details. She also spoke about the District's lawnmower exchange program; the annual clean air awards event; the 2007 calendar contest; and the ride and drive program for city officials. She provided Council with an information packages.

Manuel Maldonado congratulated Dr. Ed Hernandez on his victory in the recent preliminary election. He expressed his concerns regarding the two commendations under the agenda consent calendar. He also spoke about the proposed tax to be imposed on the community indicating that it would result in a recall election of the three City Council Members. Mr. Maldonado then addressed Council regarding vandalism incidents at his house indicating that the police were unable to catch anyone responsible for these acts. He said that some streets receive more attention from the police department than other streets.

Ken Medeiros addressed Council regarding the sewer rate study indicating that proposition 218 was illegal. He also spoke about a newspaper article regarding a state regulation that stated trains were not supposed to leave their engines idling for more than half an hour, but that did not mean anything because trains were controlled by federal regulations. Mr. Medeiros then spoke about the City's organization chart not listing the Redevelopment Agency. He then expressed his concerns that Council and Staff had two titles one for the City and one for the Redevelopment Agency when there was an agreement between the City and Redevelopment agency.

MINUTES OF PREVIOUS MEETINGS

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 9, 2006 AND SPECIAL MEETING OF MAY 15, 2006

Council Member Lujan moved to waive the reading and approve the Minutes of the Regular Meeting of May 9, 2006 and the Special Meeting of May 15, 2006; seconded by Mayor Pro Tem Perez. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

PUBLIC HEARINGS

B-1 PUBLIC HEARING -- MUNICIPAL CODE AMENDMENT 120-CONSIDERATION OF A PROPOSED MUNICIPAL CODE AMENDMENT TO PERMIT WIRELESS TELECOMMUNICATION FACILITIES IN THE OPEN SPACE (O.S.) ZONE AND AMENDING DEVELOPMENT STANDARDS THERETO

Mayor Chavez opened the public hearing at 7:34 p.m.

Acting City Manager Yamachika gave a brief report explaining that Cingular Wireless had a dead zone in their network within the vicinity of Hacienda Boulevard and Temple Avenue. Cingular Wireless approached the City with a request to locate a cellular monopole at La Puente Park. He also explained the current restrictions on telecommunication monopole structures in the Open Space Zone, explaining these types of structures were only allowed in the General Commercial Zone. Cingular Wireless worked closely with Staff on drafting the ordinance and the location of the structure within La Puente Park. Cingular Wireless also negotiated with Staff to lease space in the park to locate the monopole facility. Mr. Yamachika reviewed the requirements and revisions of the proposed ordinance. The Planning Commission reviewed the use permit from Cingular Wireless and approved the location in the park contingent upon adoption of Municipal Code Amendment 120 and City Council authorization and approval to lease space in the park to Cingular Wireless. Staff's intent was to bring the actual proposal of the facility to be located at the park at a future meeting.

Ken Medeiros expressed his concerns regarding the amendment to the ordinance. He said that the staff report did not indicate there would be a building in conjunction with the monopole. Mr. Medeiros then spoke about the City's need for recreational space instead of leasing space at the park.

Manuel Maldonado expressed his opposition to locate a telecommunications monopole facility at the park indicating that the facility was not good for recreational sports at the park and that the antenna could attract lightening when it rained

Clayton Boutin asked if the sheriff's department received a dead signal at the park because they contract with Cingular Wireless.
Acting City Manager explained that the public hearing for the Municipal Code Amendment should be considered on its own merit to allow the possibility of telecommunications facility in the park it is not for this specific proposal from Cingular wireless; that was the reason the proposal from Cingular Wireless would be considered at a different time.

Captain Smith indicated that the sheriff's department did not contract with Cingular Wireless for cellular services.

Acting City Manager Yamachika responded to Council Member Storing's question regarding the telecommunications building explaining that most monopoles facilities required an equipment house building. In this case, it was Cingular Wireless that required a 240 square foot building at the base of the monopole. Mr. Yamachika reiterated the objective was not to review the specific proposal by Cingular Wireless, but rather consideration of the ordinance, which would allow telecommunications facilities at the park to be considered. Each individual application would have to be considered by the Planning Commission and the City Council because it was a public park. Mayor

Mayor Chavez closed the public hearing at 7:46 p.m.

Mayor Pro Tem Perez moved to read the ordinance by title only waiving further reading; seconded by Mayor Chavez.

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

> AN ORDINANCE OF THE CITY OF LA PUENTE AMENDING CHAPTER 10.60, UNCLASSIFIED USES, TO PERMIT WIRELESS TELECOMMUNICATION FACILITIES IN THE OPEN SPACE (O.S.) ZONE AND AMENDING DEVELOPMENT STANDARDS FOR SUCH FACILITIES

Mayor Pro Tem Perez moved to introduce the ordinance and adopt the resolution approving the Negative Declaration; seconded by Mayor Chavez. The motion carried by the following roll call vote: AYES: Solis, Lujan, Chavez, and Perez. NOES: Storing.

UNFINISHED BUSINESS

C-1 CONSIDERATION OF THE PROPOSED SEWER RATE STUDY REPORT

Community Services Director Adanto introduced John Farnkopf with Hilton Frankopf and Hobson and Joe Yew from De La Rosa and Company. She provided a brief history of Council's approval for the completion of a sewer rate study by Hilton Farnkopf and Hobson on April 11, 2006. A prior sewer rate study was conducted by AAE in 2004 which outlined the current condition of the sewer system and the need for capital improvements. That sewer rate study was met with public resistance due to inequities in the fee structure.

John Farnkopf gave a brief power point presentation reviewing the maintenance of the sewer structure, the condition of sewer infrastructure throughout the City, the maintenance service fees, and the proposed sewer service charge.

A brief discussion ensued regarding fees, service charges and fees that were considered a tax.

Community Service Director Adanto discussed addressing the customers' concerns by implementing an appeals process. She then reviewed the fiscal impacts and Staff's recommendations.

Acting City Manager Yamachika explained to Council that this item was the first step in the establishment of a fee for the sewer system and asked Council to authorize Staff to proceed to advertise proposed rates and hold public hearings.

After being asked by Council Member Solis whether the proposed condominium development project was included in the sewer study fee, a discussion ensued regarding the implementation of development impact fees for all new development in the City. And the implementation of a five year capital improvement program to fine tune costs.

Acting City Manager Yamachika explained that any future fee increases would require public hearings and would not require a vote of the people. City Attorney Casso explained Proposition 218 and bond issuance procedures.

After a brief discussion regarding the comprehensive study of the sewer conditions conducted by AAE and the revenue requirement projections, Council Member Storing expressed her feelings that the sewer rate charge should be taken to the vote of the people.

Mayor Pro Tem Perez indicated that this City Council had to deal with the current conditions of the sewer system. Neglecting the infrastructure of the sewer system may result in future consequences that would cost the City a more money.

Council Member Lujan expressed his views that the sewer system was a complex issue which involved health and safety issues, indicating Council should look at this as a long term investment that would avoid future problems. The community had a tenancy to think in the present instead of in the future. Mr. Lujan urged everyone to think of all the issues that were involved in this project.

Council Member Lujan moved to further evaluate the Sewer Master Plan; continue coordination with Consolidated Sewer Maintenance District to define areas of responsibility; finalize the capital improvement program prior to setting rates for FY 2007-08; evaluate the pay-as-you-go process versus debt financing prior to setting rate for FY 2007-08; implement an appeals process; further evaluate an equitable development impact fee for sewer rates; repay the general fund loan for the payment of the Sewer Master Plan and the Sewer Rate Study and other expenses; and direct Staff to further evaluate the provision of a discount rate should the City Council wish to consider a discount for senior and/or low income and low flow households stating the financial cost must be subsidized by the City's General Fund and cannot be borne by other rate payers and bring that back to Council; seconded by Mayor Pro Tem Perez. The motion carried by the following roll call vote: AYES: Lujan, Chavez, and Perez. NOES: Solis, and Storing.

C-2 CONSIDERATION OF A RESOLUTION ADOPTING THE CITY'S FISCAL YEAR 2006-2007 ANNUAL BUDGET IN CONJUNCTION WITH THE ADOPTION OF THE CITY'S GANN APPROPRIATIONS LIMIT AND ESTABLISH CONTROLS ON CHANGES IN APPROPRIATIONS FOR THE VARIOUS FUNDS

Acting City Manager Yamachika advised Council regarding receipt of a letter from the Sheriff's Department requesting that the Council increase the budget an additional $30,000 for the upcoming fiscal year for public safety services. The additional funds would provide for additional direct patrols on Friday and Saturday evenings to help with the recent increase of gang activities in the City. Mr. Yamachika asked Council to consider the inclusion of an additional $30,000 for public safety services.

Council Member Solis asked if the additional $30,000 included parole and probation sweeps in conjunction within the county.

Captain Smith responded that the Sheriffs Department was in the process of bringing other resources to the City for Operation Safe Streets. They have continuous parole and probation sweeps, which were funded by the county.

Council Member Solis moved to adopt the resolution approving the City's annual budget and appropriations limit for fiscal year 2006-07 adding an additional $30,000 for public safety services; seconded by Council Member Storing.

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

CONSENT CALENDAR

Council Member Lujan moved to approve the following Consent Calendar Items D-1 through D-14; seconded by Council Member Solis.

City Attorney Casso addressed Item D-9 asking for clarification as to why 10% was added to $390,000 bid being awarded.

Acting City Manager Yamachika clarified that the $430,000 Staff was recommending was not the contract amount, it was a budgeted amount to pay for the construction which provided a 10% contingency to provide sufficient budget should there be a need for a change order.

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. 1180 FOR FISCAL YEAR 2005-06

Staff Recommendation: It is recommended that the City Council adopt the resolution.

D-2. FINANCIAL REPORT FOR MONTH ENDED APRIL 30, 2006

Staff Recommendation: It is recommended that the City Council receive and file the Monthly Financial Report for the month ended April 30, 2006.

D-3 CONSIDERATION OF NEW PARTICIPANT(S) FOR CALHOME HOUSING REHABILITATION PROGRAM FOR ROUND TWO FUNDING

Staff Recommendation: The Screening Committee recommends that the City Council authorize the Community Development Director to execute the necessary documents to implement the Housing Rehabilitation Program in the amount of $20,000.

D-4 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 $14,000.

D-5 APPROVAL OF COMMENDATION TO KEN MANNING FOR RECEIVING THE DISTINGUISHED SCOUTER AWARD BY THE BOY SCOUTS OF AMERICA, GOLDEN EAGLE DISTRICT (To be presented on June 21, 2006)

Staff Recommendation: It is recommended that the City Council approve the Commendation for presentation to Mr. Manning on June 21, 2006.

D-6 APPROVAL OF COMMENDATION TO DR. EDWARD LEE VARGAS, SUPERINTENDENT OF HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT UPON HIS RESIGNATION AFTER FIVE YEARS OF DEDICATED SERVICE (Presented on June 9, 2006)

Staff Recommendation: It is recommended that the City Council approve the Commendation presented to Dr. Vargas on June 9, 2006

D-7 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 behind 133 and 139 Roundabout Drive and 140 Hillcrest and 148 Hillcrest Drive.

D-8 ADOPTION OF A RESOLUTION RESCINDING RESOLUTION NO. 06-4517 AND AMENDING THE COMPREHENSIVE PERSONNEL SYSTEM AND ESTABLISHING THE NUMBER OF AUTHORIZED POSITIONS, MONTHLY SALARY RANGES AND HOURLY RATES FOR CITY EMPLOYEES

Staff Recommendation: It is recommended that the City Council adopt the resolution to be effective July 1, 2006.

D-9 AWARD OF CONTRACT FOR THE OVERLAY/RECONSTRUCTION OF TEMPLE AVENUE/WILLOW AVENUE/MAIN STREET

Staff Recommendation: It is recommended that the City Council award a contract in the amount of $430,098, which includes a ten percent contingency to All American Asphalt for the overlay/reconstruction of Temple Avenue/Willow Avenue/Main Street.

D-10 CONSIDERATION OF FIREWORKS SALES PERMITS FOR 2006 INDEPENDENCE DAY SEASON BY VETERANS GROUPS

Staff Recommendation: It is recommended that the City Council approve the issuance of permits to sell Safe & Sane Fireworks by American Legion Post 75, Veterans of Foreign Wars Post 1944 and AM Vets Post 62, pursuant to all applicable code requirements.

D-11 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-12 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-13 CONSIDERATION OF A RESOLUTION INCREASING THE AUTOMOBILE ALLOWANCE THAT IS PAID TO THE MEMBERS OF THE CITY COUNCIL AND REPEALING RESOLUTION NO. 03-4306

Staff Recommendation: It is recommended that the City Council adopt a resolution repealing Resolution No. 03-4306 which previously established the auto allowance and increasing the automobile allowance that is paid to members of the City Council.

D-14 ADOPTION OF ORDINANCE AMENDING LA PUENTE MUNICIPAL CODE CHAPTER 9.04 PROHIBITING THE USE OF ILLEGAL FIREWORKS (Introduced and title read at meeting of May 9, 2006)

Staff Recommendation: It is recommended that the City Council adopt the ordinance as presented.

NEW BUSINESS

E-1 CONSIDERATION OF QUARTERLY CRIME REPORT PRESENTED BY CAPTAIN MICHAEL SMITH, INDUSTRY STATION

Captain Michael Smith provided Council with a brief report regarding the quarterly crime statistics and responded to questions posed by Council.

Mayor Pro Tem Perez moved to receive and file the report as presented; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-2 CONSIDERATION OF PROPOSED AMENDMENT TO AGREEMENT WITH MDG ASSOCIATES FOR PROFESSIONAL SERVICES FOR IMPLEMENTATION OF THE CITY'S CDBG HOUSING AND COMMERCIAL REHABILITATION PROGRAMS

Council Member Lujan moved to approve Amendment No. 2 to Agreement No. 05-790 for Community Development Block Grant Housing and Commercial Rehabilitation consultant services with MDG Associates for Fiscal Year 2006-07; seconded by Mayor Pro Tem Perez. After a brief discussion on the issue, the motion carried by the following roll call vote: AYES: Lujan, Chavez, and Perez. NOES: Solis, and Storing.

E-3 CONSIDERATION OF ALTERNATIVES FOR THE CITY'S CLAIMS HANDLING RESPONSIBILITY

Acting City Manager Yamachika gave a brief report explaining the City's claims procedure and statute of limitations. It was Staff's recommendation that Council consider one of the following options: upon receipt of a claim to immediately place it on the City Council agenda for consideration and forward the claim to Carl Warren for review; or have the City Clerk review the claim and provide the claimant with a response to assure that the City responded within the 45 day period.

Council Member Lujan moved to delegate the claims handling responsibility to the City Clerk; seconded by Mayor Pro Tem Perez. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-4 CONSIDERATION OF AN AGREEMENT WITH THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY TO RECEIVE GRANT FUNDS FOR CONSTRUCTION OF THE PUENTE CREEK NATURE EDUCATION CENTER

Mayor Pro Tem Perez moved to approve the attached agreement with the Rivers and Mountains Conservancy (RMC) and direct the City Manager to execute the agreement on its behalf; seconded by Council Member Lujan. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-5 CONSIDERATION OF A RESOLUTION ACCEPTING THE TRANSFER OF CITY OF INDUSTRY'S ALLOCATION OF PER CAPITA GRANT FUNDS UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002

Council Member Lujan moved to approve the resolution authorizing the transfer of funds from the City of Industry to the City of La Puente; seconded by Mayor Pro Tem Perez. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-6 CONSIDERATION OF ADOPTION OF URGENCY ORDINANCE AMENDING CHAPTER 9.04 OF THE LA PUENTE MUNICIPAL CODE RESTRICTING THE USE OF ILLEGAL FIREWORKS

Acting City Manager Yamachika presented a brief report to Council indicating that this item was related to Item D-14. He explained that Item D-14 was an ordinance that was introduced at the City Council meeting of May 9, 2006. The City Council did not have a second meeting in May to adopt that ordinance. The ordinance for Item D-14 would not become effective until after July 4, 2006. Therefore, Staff placed this item for adoption as an urgency ordinance so that the City would have these regulations in place before July 4, 2006.

Council member Lujan moved to adopt the urgency ordinance amending Chapter 9.04 of the La Puente Municipal Code restricting the use of illegal fireworks; seconded by Mayor Pro Tem Perez. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

E-7 REQUEST TO HAVE THE CITY ENGINEERS PERFORM A TRAFFIC STUDY AT THE INTERSECTION OF TEMPLE AVENUE AND SUNSET AVENUE TO DETERMINE WHETHER LEFT TURN SIGNALS SHOULD BE ADDED TO THE TRAFFIC LIGHT AT THAT INTERSECTION (Requested by Council Member Storing)

Council Member Storing indicated that the intersection of Temple Avenue and Sunset Avenue has had a history of accidents. The traffic signal did not have green arrow turn signals in either direction, which caused a lot of problems at that intersection. She requested a traffic study at that intersection to determine whether left turn signals should be added to the traffic signal.

Council Member Storing moved to direct the engineering department to conduct a traffic study at the intersections of Temple Avenue with Sunset Avenue; seconded by Council Member Solis.

Mayor Chavez asked if the motion could also include the intersections of Temple Avenue with Orange Avenue and California Avenue. Council Member Storing agreed to include that in her motion. The motion as amended, unanimously carried by the following roll call vote: AYES: Solis, Storing, Lujan, Chavez, and Perez. NOES: None.

ORAL COMMENTS FROM COUNCIL

Council Member Storing requested that the meeting be adjourned in memory of Mr. Frank Murrufo.

Mayor Pro Tem Perez requested that the meeting also be adjourned in memory of Mr. Pres Sanchez.

Council Member Solis reported that he attended a conference in Palm Springs. He met with developers and attended several meetings. Mr. Solis also attended a conference in Las Vegas. He met with Primstor Development, Inc., Mayor Pro Tem Perez, and Acting City Manager Yamachika.

Mayor Pro Tem Perez reported his attendance at ICSC Convention in Las Vegas. He met with Primstor Development, Inc., Ross Dress for Less and Chili's who expressed an interest in coming to the bowling alley development.

ORAL COMMENTS FROM STAFF

There were none.

At 9:25 p.m. the City Council recessed to the Redevelopment Agency to conduct business.

RECONVENE TO CITY COUNCIL

At 9:32 p.m. the City Council reconvened and recessed to closed session to conference with legal counsel pursuant to Government Code Section 54956.9(b) anticipated litigation.

CLOSED SESSION

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

ONE CASE

RECONVENED TO OPEN SESSION

At 9:50 p.m. the City Council reconvened to open session, at which time the City Attorney announced that the City Council recessed to a close session on Item F-1. No final action was taken. Direction was given to the Acting City Manager and City Attorney.

ADJOURNMENT

There being no further business to come before the City Council, the Mayor adjourned the meeting at 9:51 p.m. in memory of Frank Murrufo and Pres Sanchez.

Carol Cowley

Carol Cowley, City Clerk

Renee Chavez

Renee Chavez, Mayor