MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
August 8, 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 August 8, 2006, at 7:00pm.

CALL TO ORDER

Mayor Chavez called the meeting to order at 7:05 p.m.

ROLL CALL

Council Members present: Solis, Storing, Lujan, Perez and Chavez

Staff Members present: City Manager Ledford, City Attorney Casso, City Clerk Cowley, Community Development Director Yamachika, Community Services Director Adanto, Finance Director Kim, Assistant to the City Manager Lasher, Deputy City Clerk Giron, City Planner Arreola and Community Services Manager Bistarkey

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Council Member Lujan.

PRESENTATIONS

PRESENTATION OF CERTIFICATES OF AWARD TO PUENTE PRIDE AWARD WINNERS: DIANE GILLESPIE; THE MARTINEZ FAMILY; AND THE CARDENAS FAMILY

The Council presented certificates of award to Puente Pride Award winners Diane Gillespie and the Cardenas Family.

Mayor Chavez introduced Dan Holloway, Pat Nodal, Lois Maben and Freddie Velasquez, the Puente Pride Committee Members who were present.

PRESENTATION OF A CERTIFICATE TO THE CITY BY LUCY OLMOS, FIELD REPRESENTATIVE FOR CONGRESSWOMAN NAPOLITANO IN HONOR OF THE CITY'S 50TH ANNIVERSARY

Lucy Olmos, Field Representative for Congresswoman Napolitano presented Council with a certificate in honor of the City's 50th Anniversary.

PRESENTATION OF A CERTIFICATE TO THE CITY BY THE LOS ANGELES COUNTY FIRE DEPARTMENT IN HONOR OF THE CITY'S 50TH ANNIVERSARY

Assistant Fire Chief John Nieto and Deputy Chief Daryle Osby presented a certificate to Council in honor of the City's 50th anniversary on behalf of the Los Angeles County Fire Department.

City Manager Ledford introduced Sylvia Cabral the new Finance Technician in the Finance Department and welcomed her as an employee of the City.

Mayor Chavez announced that the City also received certificates from Senator Gloria Romero and Assemblyman Chavez in recognition of the City's 50th Anniversary.

ORAL COMMUNICATIONS

Claudia Ornelas from Southwest Voter Registration Education Project addressed Council regarding the National Latino Congreso that would be taking place in September 2006 in the City of Los Angeles. She requested Council's endorsement for the event indicating that major issues affecting the Latino community would be discussed at the congress. The endorsement of $150 would allow the City to send a delegate, who would have voting rights at the congress. It also included luncheons and workshops for five days. Ms. Ornelas then requested scheduling a meeting with the City Manager to discuss the possibility of the City sending a delegate to the congress.

Manuel Maldonado advised Council that members of the *No Te Dejas* organization were in attendance to express their opposition on Item No. B-2. They have also collected letters opposing the tax.

Nancy Medeiros read a newspaper article to Council regarding eminent domain for private development. She felt that all Cities involved in that type of government were creating a third world class in this country.

Ken Medeiros addressed Council referring to the article Mrs. Medeiros read. He expressed his opposition to redevelopment indicating his views. He also mentioned a television program he saw regarding a government agency's ability to dismiss employees without a reason then expressed his concerns regarding Staff Members that had two job titles, one with the City and another with the Redevelopment Agency.

David Alvarez expressed his opposition to the sewer tax increase indicting that there were many low-income families in the City and that the tax would be a financial hardship for them.

Leonard Rose, Jr. advised Council that Victory Outreach Church was moving to the City of Chino. He spoke about the various services the church provided during their 40 years in this community. Mr. Rose also suggested an invocation at Council meetings.

MINUTES OF PREVIOUS MEETINGS

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

Lujan moved to approve the minutes of the Regular Meeting of July 25, 2006; seconded by Perez.

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

PUBLIC HEARINGS

B-1 PUBLIC HEARING TO ADOPT BY REFERENCE AN ORDINANCE AMENDING TITLE 10, ANIMALS, OF THE LOS ANGELES COUNTY CODE AND AMENDING CHAPTER 3.36 OF THE LA PUENTE MUNICIPAL CODE (Continued from July 25, 2006)

Mayor Chavez re-opened the public hearing at 7:37 p.m.

City Manager Ledford provided Council with a brief report explaining that the County recently adopted an ordinance that required dogs to be spayed or neutered and injected with a micro identification chip. The County has requested the City adopt a matching ordinance to make it consistent with the County ordinance. This would ease enforcement in the City's incorporated areas and the county's unincorporated areas.

Ken Medeiros addressed Council and after being warned about his disruptive behavior, was escorted out of the Council Chambers.

Nancy Mediros addressed Council in support of the ordinance and expressed her gratitude should Council vote in favor of adopting the ordinance.

Manuel Maldonado expressed his support of the ordinance because there were too many loose dogs on the street.

Leonard Rose, Jr. informed Council that he saw loose dogs on major streets that were hit by cars. He felt that the identification tag was a good idea so that dogs were returned to their owners.

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

Perez moved to adopt the ordinance; seconded by Lujan.

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

B-2 PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED SEWER RATE CHARGES AND RECEIVE ANY PROTESTS THEREON

Community Services Director Adanto provided Council with a report regarding the proposed sewer system funding project. She indicated that the sewer problem was long coming and described the sewer system's deteriorating condition. Ms. Adanto provided Council with a power point presentation on the proposed sewer charges and rate structure and advised Council about the federal mandate that would become effective in 2007, in which all cities in the United States had to comply with an emergency response to spillage in sewer systems or be severely fined.

City Engineer John Oskoui provided Council with background information on the sewer project and the master plan. He advised that the City was responsible for 64 miles of sewer lines that were 8 to 12 inches in diameter. He reiterated the consequences of the new federal mandate on cities indicating cities could be held criminally liable and fined up to $25,000 a day for not having a mechanism to prevent sewer spillage.

Community Services Director Adanto further advised the potential health hazards and contamination issues that would occur if the sewers were not replaced. She advised that sewer project was estimated to cost at approximately $13.5 million over the next 10 years and the general fund could not be burdened with that cost. Ms. Adanto stated that Staff would come back to Council to establish a development impact fee, so future developments would also pay their share. Without this revenue the sewer facilities would continue to deteriorate and operating costs would increase. Ms. Adanto then reviewed the the fee rate structure.

City Manager Ledford informed Council and the audience that this public hearing was to receive written and verbal comments and protests. The City mailed out 7,760 notices to property owners that were subject to this sewer fee. The City Clerk would tabulate and announce the number of protests received. If a majority of protests were not submitted then the Council may consider and act on this matter.

Mayor Chavez opened the public hearing at 8:08 p.m.

Nancy Medeiros expressed her opposition to the sewer rate fee and the legal mandate pointing out households that had multiple families increase the water use asking whether that was factored into the sewer fee schedule.

Michael Zuniga expressed his opposition to the sewer charges questioning the contents of the study and the authenticity of the pictures of the condition of the sewer pipes. He questioned whether the proper bidding procedures were followed and whether the City of Industry would be contributing to the sewer project.

City Attorney Casso responded to Mr. Zuniga's comments indicating that the City complied with state and city policies with regard to seeking qualified bidders and accepting qualified bids. Council awarded the bid in March and an agreement with Hilton Frankopf was approved in April. He also confirmed that the photographs depicting the deteriorating condition of the sewer pipes were taken by AAE, Inc. with video cameras placed throughout the City's sewer lines when they conducted the initial sewer study in 2003.

Pat Nodal addressed Council expressing her concerns regarding single-family dwellings that housed three to four families. She felt that the sewer rate fee should be based on usage per family. Mrs. Nodal said that she did not mind paying her fair share of the sewer fee, however she did not want to pay a fee that supplemented others.

Bill Ruh with Government Affairs for Citrus Valley Association of Realtors, addressed Council regarding the need for repairs and improvements to the City's infrastructure. He suggested an alternative method that was more equitable such as an increment sales tax increase be considered. He explained his feelings that a sales tax increase would be more beneficial and provided statistical data to support his suggestion. Mr. Ruh indicated that the Association wanted to approach the City to create a more equitable solution that would be a win-win solution for both the City and residents.

Manuel Maldonado presented several letters opposing the sewer rate fee to the City Clerk then expressed his opposition to the sewer charges, making reference to comments made by others and expressing his reasons for opposition.

Diane Slattery addressed Council expressing her opposition to the sewer charges stating her reasons therefore.

Jolene Fraizer, owner of apartments on Hacienda and Rowland expressed her opposition indicating that the sewer charges would result in her having to increase the rent collected from tenants who could not afford to pay higher rents.

Leo Diaz presented three letters of opposition to the City Clerk then read his letter protesting the proposed sewer fees increase into the record.

There being no one further wishing to address the Council on this item, Mayor Chavez closed the public hearing at 8:36 p.m.

City Clerk Cowley advised Council that a total of 7,760 public notices were mailed out to property owners; 1,019 were mailed to out of area property owners and 6,567 were mailed to local property owners. To receive a majority of protests the City would have to receive 3,881 protests. Ms. Cowley reported 59 letters of protests were received at the Council Meeting, 12 letters were received via Unites States Mail, and 7 verbal protests, for a total of 78; the City did not receive a sufficient amount of protests.

Thereafter followed a lengthy discussion regarding the reasons for not using the general funds and for not obtaining grant money to pay for the sewer system project.

Council Member Storing expressed her opinion that because the sewer fee was an unending tax, the people should vote on the sewer tax.

Discussion continued regarding the total cost of the project and he length of time the citizens would have to pay the sewer charges.

Council thereafter asked questions regarding the various issues raised and expressed their points of view regarding the need to replace the sewers, the mechanism for paying the cost, the suggested alternatives for paying the costs and the manner in which the sewer charges were being implemented.

Perez moved to adopt the sewer rate charges; seconded by Lujan.

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

UNFINISHED BUSINESS

C-1 ADOPTION OF AN ORDINANCE ADDING CHAPTER 4.10 OF THE LA PUENTE MUNICIPAL CODE RELATING TO SEWER RATES (Introduced and title read at the meeting of July 25, 2006)

Lujan moved to adopt the ordinance adding Chapter 4.10 of the La Puente Municipal Code relating to sewer rates; seconded by Perez.

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

CONSENT CALENDAR

Lujan moved to approve Consent Calendar Items D-1 through D-4; 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. 1184 FOR FISCAL YEAR 2006-07

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

D-2 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-3 APPROVAL OF AGREEMENT WITH MEALS ON WHEELS FOR FUNDING FOR DELIVERY OF HOT MEALS TO SENIOR CITIZENS IN THE COMMUNITY

Staff Recommendation: It is recommended that the City Council approve the agreement with Meals On Wheels and authorize the Mayor to execute the agreement.

D-4 ADOPTION OF AN ORDINANCE AMENDING TITLE 10, CHAPTER 10.72, BY ADDING SECTION 10.12.1110 OF THE LA PUENTE MUNICIPAL CODE CHANGING THE ZONE DESIGNATION OF PROPERTY LOCATED AT 1068 LARIMORE AVENUE FROM R-1 (ONE-FAMILY RESIDENTIAL) TO R-3 (MULTIPLE RESIDENTIAL) (Introduced and title read at the meeting of July 25, 2006)

Staff Recommendation: It is recommended that the City Council adopt the ordinance amending Title 10, Chapter 10.72, Section 10.12.1110 of the La Puente Municipal Code.

NEW BUSINESS

E-1 CONSIDERATION OF WAIVING FEES FOR THE YOUTH SPORTS ORGANIZATIONS (Requested by Council Member Solis)

Council Member Solis indicated that wanted to pull this item off the agenda because he spoke to the City Manager who suggested another way to cover the fees which would be brought back to Council.

City Manager Ledford informed Council that he and Council Member Solis had discussed the possibility of allocating funds to the youth sports groups from the $8,000 of unspent money that was left over from the fund that was set aside for the various community groups rather than waiving the fees. Staff also discussed reducing the field use fees.

Council Member Solis moved to allocate $2,500 each to the football, softball, and baseball sport groups.

City Attorney Casso advised that the motion was outside the scope of consideration as the item was listed on the agenda. He suggested that Council consider waiving up to $2,500 per organization. That would be within the scope of the agenda item as presented.

Solis moved to waive up to $2,500 for the football, baseball, and softball sport groups and that no additional days on the field be allowed for any group. ; seconded by Chavez.

Mayor Pro Tem Perez expressed his opposition to allocating money to the ports organizations stating his reasons. He indicated he was not opposed to revisiting the fee schedule. He suggested the sports groups be audited.

Thereafter followed a discussion regarding the use of the funds set aside for social service groups, the location of these organizations, the current facility use fee structure and the use of the fields.

After further Discussion the City Attorney reiterated the motion to waive up to $2,500 for the football, baseball and little league and softball league for the cost of field usage for the 2006 season and with regard to the allocation of up to $2,500, directed Staff to bring this matter back at mid-year budget study session for further Council consideration. City Manager Ledford added that the motion include that the sports groups not increase their field use fees above the previously reserved level.

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

E-2 CONSIDERATION OF DIRECTING THE CITY MANAGER TO ANNOUNCE THE REASON WHEN A COUNCIL MEMBER IS ABSENT FROM A CITY COUNCIL MEETING BECAUSE HE/SHE IS REPRESENTING THE CITY AT A CONFERENCE OR MEETING HELD AT THE SAME TIME AS THE CITY COUNCIL MEETING (Requested by Council Member Storing)

Storing moved to authorize the City Manager to announce at the beginning of a meeting when requested to do so by a Council Member, the absence of the Council Member and the purpose when the Council Member was representing the City at a conflicting meeting or conference so that the public was made aware of the reason for the absence; seconded by Solis.

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

E-3 CONSIDERATION OF UTILIZING UNDERCOVER OFFICERS TO OBSERVE AND APPREHEND GRAFFITI VANDALS (Requested by Council Member Storing)

Storing moved to direct Staff to come back with recommendation to pursue graffiti vandals including cost effectiveness; seconded by Solis.

Thereafter ensued a brief discussion directing Staff to consult with the Sheriff's Department for their recommendations on types of programs available to combat graffiti and apprehend vandals. Council Member Lujan asked that the motion include the cost effectiveness.

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

COUNCIL REPORTS

Council Member Storing stated that she attended a conference in Montreal, Canada with the Foothill Transit Board. The conference addressed transportation problems and cures. There was also discussion on how to encourage use of public transportation to unclog the freeways and save money on gas.

Mayor Pro Tem Perez reported that he attended a League of California Cities Conference in Monterey, California. He attended workshops regarding telecommunications, cable companies, and franchises. Mr. Perez also attended another workshop that addressed AB 1234 government funds and municipal fund regulations.

Council Member Solis also attended the League of California Cities Conference and sat in on the same workshops as Mayor Pro Tem Perez. Mr. Solis reported that he had the opportunity to talk to other cities that attended the conference.

ORAL COMMENTS FROM COUNCIL

Mayor Chavez thanked Staff for their hard work organizing the City's 50th anniversary events complementing the good job they did.

Mayor Pro Tem Perez requested that the meeting be adjourned in memory of Mrs. Garcia a long time resident.

ORAL COMMENTS FROM STAFF

City Manager Ledford announced the summer concerts in the park on Wednesdays from 6:30 p.m. to 8:30 p.m.; the free summer lunch programs would continue until August 25th at La Puente Park, Del Valle Elementary School, and Nelson Elementary School. Lunch was served Monday through Friday to children 18 and under and was sponsored by the California Department of Education. Mr. Ledford also announced that work has already begun on the street improvement resurfacing project.

ADJOURNMENT

There being no further business to come before the City Council, the Mayor adjourned the meeting in memory of Mrs. Garcia at 9:53 p.m.

Carol Cowley

Carol Cowley, City Clerk

Renee Chavez

Renee Chavez, Mayor