MINUTES
LA PUENTE CITY COUNCIL
July 22, 2008

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 July 22, 2008, at 7:00 p.m.

CALL TO ORDER

Mayor Pro Tem Holloway called the meeting to order at 7:00 p.m.

ROLL CALL

Council Members present: Mendoza, Solis, Storing, and Holloway
(Mayor Pro Tem Holloway left at 8:10 p.m.)
Council Members absent: Lujan

Staff Members present: City Manager Cowley, Assistant City Manager Yamachika, Deputy City Attorney Archuleta, City Clerk Turner, Finance Director Kim, Public Works Director Salas, City Planner Arreola, Recreation Director Bistarkey, Deputy City Clerk Giron

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Solis.

PRESENTATIONS

PRESENTATION OF COMMENDATION TO ESTEVAN LLANTADA FOR HIS ACCEPTANCE TO THE CITADEL MILITARY SCHOOL

The commendation was presented to Mr. Llantada along with a $500 scholarship certificate.

PRESENTATION BY MR. RUSSELL CASTAÑEDA CALLEROS OF RIO HONDO COLLEGE REGARDING THE "GO RIO" PROGRAM

Mr. Castañeda of Rio Hondo Community College made a presentation on the "GO-RIO" Transit Program that is offered to full-time students.

Mayor Pro Tem Holloway acknowledged Leon Garcia of the Upper San Gabriel Valley Water District and former Councilman Lou Perez.

ORAL COMMUNICATIONS

Leonard Wayne Rose Jr. spoke about a youth program at church, a speech he gave in the City of Covina, a letter regarding sport programs, Meagan's Law, and a 911 call he made from a 7-11 store.

Helen Cloutier addressed Council regarding her opposition to the sewer rate fee increase. Mayor Pro Tem Holloway advised her that the item is under the public hearing and gave her the option to speak during the public hearing and/or during oral communications. She asked what the annual Los Angeles County sewer tax includes and if it that money could be used when the sewer needs attention. She also asked how many requests the city received for a sewer fee increase. Ms. Cloutier submitted a petition in opposition of the sewer fee increase.

In response to Ms. Cloutier, City Engineer Sid Mousavi responded that there were two sets of fees that home owners will see on the annual property taxes statement. The statement includes a fee from the City and a fee from County. Mr. Mousavi explained that the County Sanitation District pays for the trunk line, the County of Los Angles consolidates with Maintenance District which pays for the maintenance of the line, and the City fee pays for the replacement of dilapidated pipelines.

In response to Ms. Cloutier, City Manager explained that people were not to reply if they consented to the sewer fee increase; they only needed to respond in opposition.

Nancy Medeiros asked about the expenditure of $1 million for the landscape at the Community Center. She also asked if the money used for the landscape will be done in-house or by an outside landscape company.

Ken Medeiros expressed his concerns regarding only one (1) vote per property for the sewer fee increase when there are multiple owners for a property; Proposition 218; and redevelopment projects.

MINUTES OF PREVIOUS CITY COUNCIL MEETINGS

A-1 READ AND APPROVE THE MINUTES OF THE:
a. SPECIAL MEETING OF APRIL 17, 2007;
b. SPECIAL JOINT MEETING OF AUGUST 2, 2007;
c. SPECIAL MEETING OF SEPTEMBER 25, 2007;
d. SPECIAL MEETING OF NOVEMBER 27, 2007;
e. SPECIAL MEETING OF DECEMBER 18, 2007;
f. SPECIAL MEETING OF JANUARY 22, 2008;
g. SPECIAL MEETING OF JULY 8, 2008;
h. REGULAR MEETING OF JULY 8, 2008.

Council Member Solis moved to waive the reading and approve the Minutes of the Special Meetings of January 22, 2008 and July 8, 2008, and the Regular Meeting of July 8, 2008; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway. NOES: None. ABSENT: Lujan.

PUBLIC HEARINGS BEFORE THE CITY COUNCIL

B-1 INTRODUCTION OF AN ORDINANCE FOR THE 3-YEAR SEWER SERVICE CHARGE INCREASE

Deputy City Attorney Archuleta explained that at this time Council opens public hearing and protest hearing and continues this item to another meeting. She reminded Council that at the last Council meeting there was a motion to introduce the ordinance by title only and waive further reading.

Public Works Director Salas provided Council with an overview of the staff report.

Mayor Pro Tem Holloway opened the Public Hearing at 7:43 p.m.

Louis Perez spoke in opposition of the sewer fee increase and that inflation is financially affecting residents in La Puente. He said that Council should focus on current projects that will bring in more sales tax revenue to the City.

Helen Cloutier advised Council that she submitted a folder that contained a petition with 28 pages with approximately 515 signatures in opposition of the sewer tax fee increase. She also spoke in opposition of the sewer fee increase and asked Council to consider not raising the sewer fee.

Victor Beltran addressed Council and expressed his opposition for the sewer fee increase.

Ken Medeiros addressed Council and asked for clarification that the sewer fee is not a tax, it is a fee. He expressed concern that the petition in opposition for the sewer fee increase would not be considered because it was worded incorrectly.

Nancy Medeiros addressed Council indicating that two (2) years ago it was decided that the sewer fee increase was a fee and residents felt that it was a tax because the fee was included on the property tax statement.

Arthur Quintana asked how many houses were included in the sewer fee increase and how much money has been collected in sewer fees.

In response to Mr. Quintana, City Manager Cowley indicated that there are 6,529 single-family homes, 300 condominiums, 224 multi-units, 1 mobile park and several commercial buildings and properties. Finance Director Kim indicated that the City received $820,000 in sewer fees in the previous year.

Henry Nodal addressed Council regarding the sewer fee increase indicating that the issue is that Council did not make the public feel confident that the sewer fees are being spent wisely. Mr. Nodal felt that the sewer repairs should have started on Valley Boulevard where there is a bad odor coming from the sewer.

Jenny Ramirez addressed Council regarding the public hearing notice she received in the mail and suggested that the notice be written in English and Spanish so that more people understood the notice. She felt that a bilingual notice would result in a higher attendance at the public hearing.

Marty Paz addressed Council noting that there is a senior discount and he previously suggested the implementation of a handicapped discount. However, he has not heard anything about a handicapped discount being offered and would like an update on that matter. Mr. Paz then said that he would like to see a picture of sewer pipe lines that have been excavated and replaced along Glendora Avenue to Hacienda Boulevard.

Richard Jaramillo explained that the reason why Mr. Paz will not see the pipe lines is because it is more economical to leave the pipes in the ground than to remove them. He said the reason why the pipes lines are increasing in size is for future development, but unfortunately it will also increases the sewer fees. Mr. Jaramillo said that the City should spend within its budget for the sewer project. He also spoke about the wording used in the notice of public hearing.

City Clerk Turner announced that the City has received 10 written letters of protest and approximately 516 unverified signatures.

Mayor Pro Tem Holloway noted that it is important that people opposed to the sewer fee increase understand that he and Council Member Mendoza were not on the City Council when sewer fee was initially approved. The reason the City issued bonds is because the City did not have a plan for sewer maintenance.

At 8:10 p.m. Mayor Pro Tem Holloway continued the item and moved it to the end of the agenda.

Mayor Pro Tem Holloway excused himself from the meeting at 8:10 p.m. and Council Member Storing continued to preside over the meeting.

B-2 CONSIDERATION OF MUNICIPAL CODE AMENDMENT (MCA-124) - ADOPTION OF ZONING REGULATIONS PERTAINING TO SMOKE SHOPS IN THE GENERAL COMMERCIAL ZONE (C-2) WITHIN THE CITY

City Planner Arreola provided Council with an overview of the staff report.

Council Member Storing opened the public hearing at 8:13 p.m.

Ken Medeiros asked where the General Commercial Zone (C-2) was located in the City.

In response to Mr. Medeiros, City Planner Arreola explained that the General Commercial Zone which is the main retail zone in the City of La Puente and gave a general description of the commercial zone locations in the City.

Mr. Medeiros spoke in opposition of the smoke shops and asked to see a map of the commercial zone. He asked for the distance of the housing, churches, and schools from the commercial zone.

Nancy Medeiros spoke in opposition of the smoke shops in the City. She felt that the smoke shops were a negative element for children in the City.

Council Member Storing closed the public hearing at 8:21 p.m.

Council Member Storing moved to waive the reading of Ordinance No. 08-874 and read by title only; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

City Manager Cowley read Ordinance No. 08-874 by title only.

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE AMENDING CHAPTERS 10.08 (DEFINITIONS) AND 10.40 (GENERAL COMMERCIAL ZONE (C-2)) OF TITLE 10 (ZONING ORDINANCE) OF THE CITY OF LA PUENTE MUNICIPAL CODE AND ADOPTING SMOKE SHOPS ZONING REGULATIONS WITHIN THE CITY

Council Member Storing moved to introduce Ordinance No. 08-874; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan

B-3 CONSIDERATION OF MUNICIPAL CODE AMENDMENT (MCA-125) - ADOPTION OF A ZONING ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY

City Planner Arreola provided Council with an overview of the staff report.

Council Member Storing opened the public hearing at 8:30 p.m.

Nancy Medeiros spoke in favor of the staff report.

Council Member Storing closed the public hearing at 8:31 p.m.

Council Member Storing moved to waive the reading of Ordinance No. 08-875 and read by title only; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

City Manager Cowley read Ordinance No. 08-875 by title only.

AN ORDINANCE OF THE CITY OF LA PUENTE ADDING CHAPTER 10.100 TO TITLE 10 (ZONING ORDINANCE) OF THE CITY OF LA PUENTE MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY

Deputy City Attorney Davtyan provided Council with background information of the Compassion Use Act, the Medical Marijuana Program, and the Controlled Substance Act. She explained the conflict between the state and federal laws. Thereafter ensued a brief discussion regarding marijuana dispensary inquiries and implications for the City.

Council Member Storing moved to introduce Ordinance 08-875, adding Chapter 10.100, entitled "Medical Marijuana Dispensaries" to Title 10 (Zoning Ordinance), prohibiting the establishment of medical marijuana dispensaries within the City ; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

B-4 GENERAL PLAN AMENDMENT 08-01 - DRAFT HOUSING ELEMENT UPDATE (Continued from meetings of June 24, 2008 and July 8, 2008.)

Assistant City Manager Yamachika explained that it would be appropriate at this time to take additional testimony because this is a continued public hearing item. He also informed Council that the City received an award from the state and approved all the revisions to the Draft Housing Element. The document only requires action from City Council. Mr. Yamachika also explained that because this item was already agendized as a continued public hearing item, the consultant was not advised to attend this meeting to make a presentation on this item. Staff is requesting that this item be continued to the next Regular City Council meeting.

Council Member Storing opened the public hearing at 8:41 p.m.

There being no one to speak, Council Member Storing continued the public hearing to the next Regular City Council meeting.

UNFINISHED BUSINESS OF THE CITY COUNCIL

None.

CITY COUNCIL CONSENT CALENDAR

Council Member Storing moved to approve Consent Calendar Items D-1 through D-8; seconded by Council Member Solis. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1231 FOR FISCAL YEARS 2007-08 AND 2008-09

Staff Recommendation: It is recommended that the City Council adopt Resolution No. 08-4733.

D-2 TREASURER'S/FINANCIAL REPORT FOR THE MONTH ENDED APRIL 30, 2008

Staff Recommendation: It is recommended that the City Council receives and files the Monthly Treasurer's/Financial Report for the month April 30, 2008.

D-3 TREASURER'S/FINANCIAL REPORT FOR THE MONTH ENDED MAY 31, 2008

Staff Recommendation: It recommended tht the City Council receives and files the Monthly Treasurer's/Financial Report for the month ended May 31, 2008.

D-4 APPROVAL OF PROGRAM SUMMARY MONTHLY REPORT FOR CDBG HOUSING REHABILITATION PROGRAM FY 2007-08

Staff Recommendation: It is recommended that the City Council approve the CDBG Housing Rehabilitation Program Summary report and authorize that it be filed for audit.

D-5 APPROVAL OF PROGRAM SUMMARY MONTHLY REPORT FOR CALHOME HOUSING REHABILITATION PROGRAM REUSE ACCOUNT AND ROUND 2

Staff Recommendation: It is recommended that the City Council approve the CalHome Housing Program Summary report and authorize that it be filed for audit.

D-6 AUTHORIZATION TO PURCHASE AND INSTALL FURNITURE EQUIPMENT AT THE COMMUNITY CENTER AND YOUTH LEARNING ACTIVITY CENTER

Staff Recommendation: It is recommended that the City Council approve the purchase and installation of furniture equipment from M3, the authorized dealer of Herman Miller Inc., under the piggyback clause of the bid awarded to Herman Miller Inc. by the County of Fairfax.

D-7 ACCEPTANCE OF NOTICE OF COMPLETION FOR THE HANDICAPPED SIDEWALKS AND RAMPS PROJECT CDBG 600880-07

Staff Recommendation: It is recommended that the City Council: 1) accept the project as completed; and 2) authorize staff to execute the Notice of Completion and record it with the Los Angeles County Clerk-Recorder.

D-8 ADOPTION OF A RESOLUTION TO APPROVE AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008-2009 TO REVISE THE USE OF PROPOSITION 1B FUNDS FOR LOCAL STREET AND ROAD IMPROVEMENT PROJECTS

Staff Recommendation: It is recommended that the City Council adopt Resolution No. 08-4734, to amend the FY 2008-2009 Capital Improvement Program and approve the use of Proposition 1B funds for the specified projects identified.

NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF RESOLUTION AND PROMISSORY NOTE TO COVER COMMUNITY DEVELOPMENT COMMISSION LOAN WITH BANK OF THE WEST

Deputy City Attorney Archuleta recommended that this item be continued to the end of the meeting, then adjourn the item to the City Council meeting on Thursday, July 24, 2008 due to the severity of this item and the absence of two (2) council members.

Council Member Storing continued this item to end of the meeting.

E-2 CONSIDERATION OF APPROVING THE CONSTRUCTION OF BUS PAD IMPROVEMENTS ON ORANGE AVENUE AND AMAR ROAD

Public Works Director Salas provided Council with an overview of the staff report.

Council Member Solis moved to adopt Resolution No. 08-4736, appropriating $35,000 from Prop C funds to Line Item No. 49-5523-0000-69, and authorize the County of Los Angeles Department of Public Works to remove and reconstruct the bus pad at Orange Avenue and Amar Road; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

E-3 REJECTION OF ALL BIDS FOR LEFT TURN SIGNAL INSTALLATION ON TEMPLE AVENUE AT CALIFORNIA AVENUE, ORANGE AVENUE, AND SUNSET AVENUE AND AUTHORIZATION TO USE HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS IN LIEU OF PROP 1B

Council Member Solis moved to reject all bids for the Left Turn Signal Installation on Temple Avenue at California Avenue, Orange Avenue, and Sunset Avenue; seconded by Council Member Storing. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

AD HOC COMMITTEE REPORTS

None.

COUNCIL AB1234 REPORTS

None.

ORAL COMMENTS FROM COUNCIL

None.

ORAL COMMENTS FROM STAFF

City Manager Cowley reminded everyone of concerts in the park series on Wednesdays at 6:30 p.m. and movies in the park on July 28th and August 4th at 8:00 p.m. Ms. Cowley noted that the Public Works Department completed the landscape at the Abbey Street slope.

Council Member Solis moved to adjourned the Regular Meeting as to Item No. A-1 and Item No. E-1 to Thursday, July 24, 2008 at 6:00 p.m.; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Solis, Storing. NOES: None. ABSENT: Holloway, Lujan.

ADJOURNMENT

There being no further business to come before the City Council, Council Member Storing adjourned the meeting at 8:49 p.m.

Amy M. Turner, City Clerk

Lola K. Storing, Council Member