MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
AUGUST 12, 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 August 12, 2008, at 7:00 p.m.

CALL TO ORDER

Mayor Lujan called the meeting to order at 7:03 p.m.

ROLL CALL

Council Members present: Mendoza, Storing, Holloway, Lujan
Council Members absent: Solis (arrived at 7:12 p.m.)

Staff Members present: City Manager Cowley, Assistant City Manager Yamachika, City Attorney Casso, City Clerk Turner, Finance Director Kim, Public Works Director Salas, Recreation Director Bistarkey, City Planner Arreola, City Clerk Assistant Garcia, and Management Analyst Ayala.

PLEDGE OF ALLEGIANCE

Council Member Mendoza led the Pledge of Allegiance.

Lieutenant Baltazar of the Los Angeles County Sheriff Department announced that Jason Wolak was in a traffic accident, broke his leg, and is expected to be out for the next six weeks. He introduced Sergeant Kevin Walk who will be standing in for Officer Wolak until his return.

PRESENTATIONS

PRESENTATION BY DANIEL SWABY, RELATIONSHIP MANAGER FOR THE IRS - UPDATE ON NON-FILING STATUS OF ECONOMIC STIMULUS REBATES AND THE VITA (VOLUNTEER INCOME TAX ASSISTANCE) PROGRAM

Daniel Swaby and Maria Jauregui of the Internal Revenue Service presented a Power Point presentation outlining the economic stimulus rebate program and the volunteer income tax assistance program.

Mayor Lujan asked Mr. Swaby to coordinate with staff in order to place the information presented in the La Puente Spotlight Newsletter.

PRESENTATION BY CHARLES KARSCH, CHIEF PROFESSIONAL OFFICER, FOR THE EAST VALLEY BOYS & GIRLS CLUB - REGARDING ITEM NO. E-1 CONSIDERATION OF APPROVING AN AGREEMENT WITH THE EAST VALLEY BOYS & GIRLS CLUB TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING

Charles Karsch, Chief Professional Officer for the East Valley Boys & Girls Club reviewed a Power Point presentation outlining their programs.

PRESENTATION BY DAVID REYNO, DIRECTOR OF GOVERNMENT RELATIONS FOR FOOTHILL TRANSIT - OVERVIEW REGARDING ITEM NO. E-2 CONSIDERATION OF ACCEPTING THE CITY OF PASADENA TO JOIN THE FOOTHILL TRANSIT JOINT POWERS AUTHORITY.

David Reynos of Foothill Transit presented a Power Point Presentation outlining the importance of Pasadena joining the Joint Powers Authority.

PROCLAMATION PROCLAIMING MAY 1ST AS SILVER STAR BANNER DAY IN REMEMBRANCE OF WOUNDED AND ILL SOLDIERS

Mayor Lujan read the proclamation proclaiming May 1, 2009 as Silver Star Banner Day.

ORAL COMMUNICATIONS

Leonard Rose Jr. spoke about earthquakes and the importance of being prepared, the Bee Movie that was shown at La Puente Park, and a letter he wrote to Assembly Member Hernandez about the State Budget crisis.

(Mayor Lujan left the Chamber at 7:47 p.m. and returned at 7:48 p.m.)

Robert Young apologized for not being truthful about where he lived when he was interviewed for the Parks & Recreation Commission.

Leon Garcia, President of Upper San Gabriel Water District, gave a brief update to Council about the current drought and upcoming projects. He stated he would like to return with a formal presentation and noted that he was available to answer any questions.

Nancy Medeiros expressed concern that the agenda packet could not be checked out from the library.

Ken Medeiros spoke about computers not being green, questioned why Congestion Management Program money was being used on Temple Avenue, spoke of police officers writing tickets, spoke about the Boys & Girls Club, and spoke about a recent article in the newspaper.

MINUTES OF PREVIOUS 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 AUGUST 28, 2007
d. SPECIAL MEETING OF AUGUST 29, 2007
e, SPECIAL MEETING OF SEPTEMBER 25, 2007
f. SPECIAL MEETING OF NOVEMBER 27, 2007
g. REGULAR MEETING OF MAY 13, 2008
h. SPECIAL MEETING OF JULY 28, 2008

Council Member Solis moved to approve the minutes as presented; seconded by Mayor Lujan. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None. Mayor Pro Tem Holloway and Council Member Mendoza abstained from voting on minutes a through f.

PUBLIC HEARINGS

B-1 GENERAL PLAN AMENDMENT 08-01 - DRAFT HOUSING ELEMENT UPDATE (Continued from meetings of June 24, 2008, July 8, 2008, and July 22, 2008.)

Mayor Lujan opened public hearing at 8:05 p.m.

City Planner Arreola gave an overview of the staff report.

Laura Stetson of Hogle-Ireland presented a power point presentation giving an overview of the steps the City went through when updating the Housing Element.

A discussion determined that the City's definition of "proactive" is acceptable, that the recommendations made were not unrealistic, that the City is not penalized if the goals are not met, and that a physical location needs to be given for for a homeless shelter.

Ken Meideiros spoke about losing low-income housing, the California Association of Realtors, practices of the Planning Commission, and that there is no such thing as low-cost housing.

Leonard Wayne Rose Jr. expressed concern that people could afford low-income housing and still be able to pay their bills and buy food.

Seeing no one else wishing to address the City Council, Mayor Lujan closed the public hearing at 8:33 p.m.

City Attorney Casso confirmed that Negative Declaration could be approved at the same time as the draft Housing Element.

Ms. Stetson, responding to a question about how low-income was defined, she stated that income categories are defined by the state and are tied to the county median income and that very low income is defined as someone who earns from 0-50% of average county median income.

Mayor Lujan moved to adopt Resolution No. 08-4725, adopting General Plan Amendment 08-01 - draft 2008-2014 Housing Element Update with the amendments in response to the Housing and Community Development's comments and adopting the Negative Declaration; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

Mayor Lujan asked if there were any objections to moving items E-1 and E-2 forward. Hearing none, items E-1 and E-2 were moved forward in the agenda.

NEW BUSINESS

E-1 CONSIDERATION OF APPROVING A LEASE AGREEMENT WITH THE EAST VALLEY BOYS & GIRLS CLUB TO PROVIDE YOUTH DEVELOPMENT PROGRAMMING AT THE YOUTH LEARNING ACTIVITY CENTER

Recreation Services Director Bistarkey gave an overview of the staff report.

Recreation Services Director, responding to a question about how City employees could be differentiated from Boys & Girls Club employees, he noted that City employees will wear blue polo shirts indicating they are City of La Puente employees.

Council Member Solis expressed his support of this item.

Mayor Pro Tem Holloway expressed his support of this type of program.

A question was raised if other providers of this type of program were approached. City Manager Cowley responded that the Boys & Girls Club approached the City for this project and that it was not originally the intention of the City to go with this type of program.

A discussion raised concern about the lack of transportation provided for this program. It was determined that a policy would be in place that a Boys & Girls Club representative would stay until all children had been picked up.

Mr. Bistarkey clarified that the original term of the contract was for ten (10) years, that it was reduced to five (5) years, and that either party can opt out with a written 45 day notice.

A discussion determined that the Boys & Girls Club will provide equipment and computers, that the City will have access to all facilities and equipment, that this program should have no effect on the STARS program, that a database will be maintained by the Boys & Girls Club to determine the percentage of La Puente residents who are using the program, that the splitting of janitorial costs could be addressed at a later date if changes needed to be made, and that the Boys & Girls Club will not have an external sign.

In response to a question about the length of time to obtain membership status, Charles Karsch responded that parental consent is needed and that it only takes about 15-20 minutes to process the application and obtain an ID card.
Mr. Karsch stated that they expect between 100 and 200 participants in their program, that their Youth Development Professionals are high school seniors and juniors, that their professional staff are all required to have a minimum of an AA degree, that the Boys & Girls Club provides all of the training, and that fingerprinting and background checks are run on all employees. He also stated that before the center actually opens the Boys & Girls Club will be actively raising money and hiring staff.

Council Member Solis moved to approve the Lease Agreement with East Valley Boys & Girls Club and authorize the City Manager to execute the Agreement on behalf of the City; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

E-2 CONSIDERATION OF APPROVING THE CITY OF PASADENA AS A FOOTHILL TRANSIT JOINT POWERS AUTHORITY MEMBER AND CHANGE TO THE GOVERNING STRUCTURE, IF PASADENA ACCEPTS

Mr. Reyno explained the benefits of including Pasadena in the Joint Powers Authority (JPA) and explained why they were not originally included. He stated that Foothill transit would not add service if it did not make sense or if it were a burden to the other cities of the JPA.

Council Member Solis moved to approve including Pasadena into the membership of the JPA; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

UNFINISHED BUSINESS

C-1 CONSIDERATION OF PARKS & RECREATION COMMISSION AND EDUCATION COMMISSION APPOINTMENTS

City Clerk Turner gave a brief overview of the staff report.

Upon consensus of the Council, the letter of resignation was accepted from Parks & Recreation Commissioner Evelyn Herrera.

Council Member Solis stated that he wished to reappoint Gilda Ochoa to the Education Commission but had not yet received confirmation that she was willing to continue to serve. He asked for his appointment to be continued until the next meeting.

Mayor Lujan appointed Evelyn Herrera to the Education Commission.

Mayor Lujan moved to appoint Veronica Juarquin and Ana Serrano to the Parks & Recreation Commission for terms that will expire June 30, 2009; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway, and Lujan. NOES: None.

C-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 LA PUENTE - 2nd READING (Read by Title only and introduced at the July 22, 2008 Regular City Council Meeting.)

City Planner Arreola gave a brief overview of the staff report.

Following a discussion, it was determined that maps were needed to see which commercial areas would be affected by the ordinance.

Mayor Lujan asked if any members of the Council objected to having this item brought back to the next regular meeting. Mayor Pro Tem Holloway stated that he objected to continuing the

item. Hearing no other objections, Mayor Lujan continued the item to August 26, 2008 directing staff to include a map indicating potential locations of smoke shops.

C-3 CONSIDERATION OF MUNICIPAL CODE AMENDMENT ("MCA-125") - ADOPTION OF A ZONING ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF LA PUENTE - 2nd READING (Read by title only and introduced at the July 22, 2008 Regular City Council Meeting.)

City Planner Arreola provided a brief overview of the staff report.

Mayor Pro Tem Holloway stated his support of banning medical marijuana dispensaries and cited text from the 60 Minutes television program.

Mayor Lujan stated that he does not support this item because the dispensaries are the only option of the seriously ill who need it.

In response to a question, City Planner Arreola indicated that the report deals with land use issues and was not viewed from the revenue aspect. He noted that other cities have stated that it would be a taxable revenue. He further reported that the Sheriff's Department has concern with medical marijuana dispensaries in the City. He also noted that although the Sheriff's Department would not raid the dispensaries, the Federal Government still could.

Mayor Pro Tem Holloway moved to adopt Ordinance No. 08-875; the motion died for lack of a second.

City Attorney Casso cautioned that without any kind of zoning mechanism, a medical marijuana dispensary could open anywhere in the city. Mayor Pro Tem Holloway was the only Council member interested in applying zoning standards.

CONSENT CALENDAR

Council Member Solis moved to approve Consent Calendar Items D-1 through D-5; seconded by Council Member Storing. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1232 FOR FISCAL YEAR 2008-09

Staff Recommendation: It is recommended that the City Council adopt Resolution No. 08-4737.

D-2 APPROVE COMMENDATION TO CITY OF SOUTH EL MONTE

Staff Recommendation: It is recommended that the City Council approve the commendation to the City of South El Monte that was presented at their 50th Anniversary celebration on August 2, 2008.

D-3 CONSIDERATION OF NEW PARTICIPANT(S) FOR CDBG HOUSING

REHABILITATION PROGRAM (D97301-08)-FISCAL YEAR 2008-09

Staff Recommendation: The Screening Committee recommends that the City Council approve the allocations and authorize the Assistant City Manager to execute the necessary documents to implement the Housing Rehabilitation Program in the amount of $12,000.

D-4 CONSIDERATION OF NEW PARTICIPANT(S) FOR CALHOME HOUSING REHABILITATION PROGRAM FOR ROUND 4 FUNDING

Staff Recommendation: The Screening Committee recommends that the City Council authorize the Assistant City Manager to execute the necessary documents to implement the Housing Rehabilitation Program in the amount of $37,790.00

D-5 CONSIDERATION OF APPROVING THE CONSTRUCTION OF BUS PAD IMPROVEMENTS ON HACIENDA AVENUE AND AMAR ROAD

Staff Recommendation: It is recommended that the City Council: 1) adopt Resolution No. 08-4740, appropriating $17,000 from Prop C funds to Line Item No. 49-5524-0000-69; and 2) authorize Sully-Miller Contracting Co. to remove and reconstruct the bus pad at Hacienda Boulevard and Amar Road.

NEW BUSINESS

E-3 CONSIDERATION OF A RESOLUTION OF THE CITY OF LA PUENTE REVISING ITS POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR CITY COUNCIL MEMBERS, MEMBERS OF BOARDS AND COMMISSIONS, AND CITY EMPLOYEES

City Manager Cowley gave an overview of the staff report.

City Attorney Casso stated that the city currently has in place several different policies relating to actual and necessary expenses and that the combination of those various policies are in compliance with AB1234.

A discussion determined that Section 4 of the policy should be removed to alleviate any ambiguity; Section 8 should be changed to read that documentation of the flight is required for reimbursement, Section 8(c) should be changed to read that City vehicles are available for conferences; Section 9(a) should be changed to read that the per diem will be adjusted annually administratively.

Mayor Lujan moved to adopt Resolution No. 08-4738, revising La Puente's expense and reimbursement policy as amended and direct all of the City's employees, elected officials, and City board, committee and commission members to immediately comply with the requirements of this revised policy; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

E-4 CONSIDERATION OF ADOPTING A RESOLUTION OPPOSING STATE BUDGET DECISIONS THAT WOULD BORROW LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS

City Manager Cowley gave a brief overview of the staff report.

Mayor Pro Tem Holloway moved to adopt Resolution No. 08-4739 and authorize the City Manager to send the resolution and communicate the Council's strong opposition to the appropriate State Legislators and the Governor; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

E-5 CONSIDER DESIGNATING A VOTING DELEGATE AND UP TO TWO (2) ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 24-27 IN LONG BEACH

Council Member Solis moved to ratify the voting delegate for the League of California Cities Annual Conference as Mayor Lujan; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: Solis, Storing, Holloway, Lujan, and Mendoza. NOES: None.

E-6 CONSIDERATION OF APPROVING A CHANGE ORDER TO THE CONTRACT WITH CHEVRON ENERGY SOLUTIONS FOR MODIFICATIONS TO THE COMMUNITY CENTER LED SIGN AND ADOPTING RESOLUTION AMENDING THE FY 2008/09 BUDGET

Recreation Services Director Bistarkey gave a brief staff overview.

(Mayor Lujan left the chamber at 10:17 and returned at 10:19 p.m.)

Following discussion a consensus was received to use the last approved sign at the Community Center and to use the money from AT&T for a bigger LED sign at Hacienda and Temple.

COUNCIL AB1234 REPORTS

None.

ORAL COMMENTS FROM COUNCIL

None.

ORAL COMMENTS FROM STAFF

City Manager Cowley announced the upcoming concerts in the park.

RECESS

At 10:38 p.m. Mayor Lujan recessed the City Council meeting.

Mayor Lujan reconvened the City Council meeting at 10:44 p.m.

RECESS TO CLOSED SESSION

F-1 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

CITY MANAGER

City Attorney Casso announced that the City Council would adjourn to closed session pursuant to Government Code Section 54957 Public Employee Performance Evaluation of the City Manager.

Mayor Lujan recessed to closed session at 10:45 p.m.

RECONVENE TO OPEN SESSION

Mayor Lujan reconvened the City Council meeting at 11:55 p.m.

City Attorney Casso reported as to Item F-1, the performance evaluation of the City Manager. He stated that no reportable action was taken.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Lujan adjourned the meeting at 11:55 p.m.

Amy M. Turner, City Clerk

Louie A. Lujan, Mayor