MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
MAY 12, 2009

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 12, 2009, at 7:00 p.m.

CALL TO ORDER

Mayor Lujan called the meeting to order at 7:01 p.m.

ROLL CALL

Council Members present:	Mendoza, Solis, Storing, Holloway, and Lujan.
Staff Members present:	Transition Manager Tripepi, Assistant City Manager Yamachika, City Attorney Casso, City Clerk Turner, Finance Director Kim, Public Works Director Salas, Recreation Director Bistarkey, and City Clerk Assistant Garcia.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Holloway led the Pledge of Allegiance.

PRESENTATIONS

CERTIFICATE OF RECOGNITION TO LA PUENTE HIGH SCHOOL STUDENT CARLOS GOMEZ - FOUR YEAR FULL RIDE SCHOLARSHIP TO SANTA CLARA UNIVERSITY

Carlos Gomez was presented with a certificate in recognition of receiving a four-year scholarship to Santa Clara University.

CERTIFICATE OF RECOGNITION TO LA PUENTE HIGH SCHOOL STUDENT MAURICIO LUNA - SELECTED FOR A $20,000 DELLS SCHOLARSHIP

Mauricio Luna was presented a certificate in recognition of receiving the Dell Scholarship.

PRESENTATION OF PROCLAMATION FOR PUBLIC WORKS WEEK

The proclamation was presented to Maintenance Supervisor Gonzales, Maintenance Worker Lopez, and Maintenance Work Gaeta.

ORAL COMMUNICATIONS

Violet Lewis shared information about the upcoming Relay for Life event to be held May 16-17 at La Puente High School.

Leonard Wayne Rose Jr. spoke about an article in the Tribune, repairs to his home, schools he has visited, the importance of exercise, and classes he plans to take.

The following speakers appeared to urge Council to not endorse SB 399, Item E-6 on the Agenda: Tracy Ponce, Sylvia Flores, Luz Ruiz, Margaret Ramirez, Ana Del Rio and Robert Moreno.

Council Member Solis stated that he was the person who requested Item E-6 be placed on the agenda and commented that after reading the bill, he didn't agree with all of the language.

Susan Reyes, on behalf of Assembly Member Hernandez, noted that she would pass along the public's opposition to SB 399 and gave an update on bond money and transportation projects. Mayor Pro Tem Holloway noted the potential lack of funds for the Gold Line to be extended to the Ontario Airport.

Evelyn Herrera, on behalf of the Education Commission, introduced Education Commissioners Duarte and Berdugo. She gave a brief overview of the efforts of the Education Commission relating to the La Puente Scholarships being considered tonight as Agenda Item No. E-2. Mayor Pro Tem Holloway and Council Member Mendoza each thanked the Education Commission for their efforts.

David Argudo spoke about the upcoming Relay for Life Event, shared some statistics about the fundraising, and invited all to participate.

Wendy Duran recognized Mauricio Luna and Carlos Gomez and shared more information about the scholarships they each received. She also recognized Williams Juarez who received a full ride scholarship to Boston College.

Rainbow Yeung of South Coast Air Quality Management District highlighted the importance of SB 696 to be considered tonight as Agenda Item No. E-5, noted that she would be available to answer any questions, and urged Council to support the bill.

Marty Paz expressed that Irma Saucedo, who works at the Senior Center, should receive the Employee of the Month. He also noted the need to trim the vegetation along Old Valley Boulevard and Dora Guzman.

Mayor Lujan asked for an update on the Employee of Month Recognition Program and the trimming of vegetation. Public Works Director Salas noted an estimate is being sought. Assistant City Manager Yamachika stated that he would follow-up on the Employee of Month Recognition Program.

Ken Medeiros spoke about curfew enforcement, an officer involved shooting, property maintenance, how City money is spent, and stipends received by Council Members.

MINUTES OF PREVIOUS CITY COUNCIL MEETINGS

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 28, 2009

Council Member Solis moved to waive further reading and approve the minutes of the Regular meeting of April 28, 2009; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway, and Lujan. NOES: None.

Hearing no objection, Mayor Lujan ordered Agenda Item E-6 forward for consideration.

NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-6 CONSIDERATION OF APPROVAL OF A LETTER OF SUPPORT OF SB 399, THE FAIR SENTENCING FOR YOUTH ACT (Requested by Council Member Solis)

Council Member Solis stated that after reading the bill he had concerns and asked that the item be removed from the Agenda.

Mayor Pro Tem Holloway noted that he received additional opposition from Ann Kennedy.

Council Member Storing announced that she does not support the bill and expressed her prayers and sympathies to those families who have lost loved ones.

Council Member Mendoza also thanked the families for attending and expressing their concern and echoed her opposition to the bill.

Hearing no objection, Mayor Lujan ordered the item pulled from the agenda.

PUBLIC HEARINGS BEFORE THE CITY COUNCIL

None.

UNFINISHED BUSINESS OF THE CITY COUNCIL

None.

CITY COUNCIL CONSENT CALENDAR

Council Member Solis moved to approve Consent Calendar Items D-1 through D-3; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway, and Lujan. NOES: None.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1249 FOR FISCAL YEAR 2008-09

Staff Recommendation: It is recommended that the City Council adopt Resolution No. 09-4793.

D-2 APPROVAL OF FIREWORKS SALES PERMITS FOR VETERANS GROUPS FOR THE 2009 INDEPENDENCE DAY SEASON

Staff Recommendation: It is recommended that the City Council: 1) approve the issuance of permits to sell Safe and Sane Fireworks by American Legion Post 75, Veterans of Foreign Wars Post 1944, and AM Vets Post 62, pursuant to all applicable code requirements and 2) approve the issuance of permits for a third booth for American Legion Post 75, pursuant to all applicable code requirements.

D-3 AUTHORIZATION TO SUBMIT A FINANCIAL ASSISTANCE APPLICATION TO THE CLEAN WATER STATE REVOLVING FUND FOR THE CONSTRUCTION OF THE FOURTH PHASE OF THE SEWER SYSTEM ON NELSON AVENUE, MAIN STREET, INYO STREET, WICKFORD BOULEVARD, VALLEY BOULEVARD, ELDON AVENUE, WARINGWOOD ROAD, FERRERO LANE, AND TURK ROAD (SEWER IMPROVEMENTS PHASE IV - VARIOUS STREETS)

Staff Recommendation: It is recommended that the City Council adopt Resolution No. 09-4794 authorizing the submittal of the application for the Sewer Phase IV project to the State Resources Control Board.

NEW BUSINESS (CONTINUED)

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

Lieutenant Wolak, on behalf of Captain Claus, reviewed the crime statistics report with Council.

Following a brief discussion, the report was received and filed.

E-2 CONSIDERATION OF SCHOLARSHIP AWARDS TO LA PUENTE RESIDENTS

Mayor Pro Tem Holloway moved to award 30 scholarships at $500 each for FY 2009-2010 to the 30 eligible applicants and direct staff to schedule the presentation of scholarship awards at the Council meeting of May 26, 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.

E-3 CONSIDERATION OF A REQUEST FOR WAIVER OF THE ACCRUAL OF INTEREST ON LANDSLIDE REMEDIATION COSTS FOR PROPERTIES ON HILLCREST/ROUNDABOUT FOR FOUR YEARS

Transition Manager Tripepi noted that the original recommendation was to waive interest but stated he felt it was premature to do so because there has been no immediate demand for principal or interest. He recommended that Council continue to float the interest, and at the time when the property changes hands, Council could consider whether it would be appropriate to waive fees at that time.

City Attorney Casso noted that Council could pull the item and no further action would be necessary.

Hearing no objection to pulling the item, Mayor Lujan ordered it pulled from the agenda.

E-4 CONSIDERATION OF RESOLUTION TO UPDATE CITYWIDE ENGINEERING AND TRAFFIC SPEED SURVEY

Transition Manager Tripepi noted that the speed survey is required to be completed by the City in order to enforce radar speed violations.

Council Member Solis moved to 1) adopt Resolution No. 09-4796 appropriating $24,000 from Gas Tax funds to Line Item No. 32-4330-3111-53 and 2) authorize Advanced Applied Engineering, Inc. to update the citywide engineering and traffic speed survey and submit the final report to the City of La Puente and the municipal courts; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway, and Lujan. NOES: None.

E-5 REQUEST TO SUBMIT LETTER OF SUPPORT FOR SENATE BILL 696 (WRIGHT) LEGISLATION PROVIDING CEQA EXEMPTION FOR ADOPTION AND IMPLEMENTATION OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD) RULES PROVIDING CREDITS FROM THE DISTRICT'S INTERNAL BANK

Transition Manager Tripepi noted that Ms. Yeung of the AQMD reported on this item during Oral Communications. He suggested that Council should direct staff to notify the legislative advocate of Council's support of the bill.

Mayor Lujan moved to submit a letter of support for SB 696 legislation that provides CEQA exemption for adoption and implementation of South Coast Air Quality Management District rules providing credits from the District's internal bank; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Storing, Holloway, and Lujan. NOES: None.

E-7 CONSIDERATION OF A BAN ON SMOKING ON ALL CITY PROPERTIES (Requested by Council Member Solis)

Council Member Solis stated that with the upcoming Relay for Life he had been asked to consider banning smoking at the park and felt that to show support for cancer, the Council should consider banning smoking at all City facilities and properties.

Assistant City Manager Yamachika noted that the current La Puente Municipal Code bans smoking within 20 feet of any City facility entrance, within 20 feet of the children's playground at La Puente Park, at the baseball fields including the bleachers at La Puente Park and at the concession stand at La Puente Park. He further noted that the code does not currently prohibit smoking in all other areas.

Following a brief discussion, Assistant City Manager Yamachika noted that the main difference between the code now and the proposed change is that there would be no smoking anywhere in the park or anywhere on any City facility grounds.

City Attorney Casso noted that if the Council chose to move forward with this item, direction should be given to staff to draft an Ordinance for Council consideration.

Lieutenant Wolak from the Sheriff's Department stated that they have written several tickets for smoking violations in the park.

Council Member Solis moved to direct staff to draft an Ordinance for Council consideration; seconded by Council Member Storing. The City Attorney determined that the motion failed for lack of a majority voting in favor. AYES: Solis and Storing. NOES: None. ABSTAIN: Mendoza, Holloway, and Lujan.

COUNCIL AB1234 REPORTS

None.

ORAL COMMENTS FROM COUNCIL

None.

ORAL COMMENTS FROM STAFF

Transition Manager Tripepi announced that an urgency item came up after the posting of the agenda. The item is consideration of a resolution to temporarily relinquish ownership to L.A. County of a portion of a bridge for seismic retrofit. He noted that a 4/5 vote was necessary to consider the item as Urgency and add it to the agenda.

Mayor Pro Tem Holloway moved to add the requested item to the agenda; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: Mendoza, Solis, Holloway, and Lujan. NOES: None. ABSTAIN: Storing.

URGENCY ITEM

Transition Manager Tripepi stated that L.A. County is requesting the City to temporarily relinquish ownership of the Valley Boulevard Bridge so that seismic retrofit repairs can be made. He further noted that there is no cost to the City and that ownership would be returned to the City upon completion of the project. The recommendation is to adopt Resolution No. 09-4797, consenting to the establishment of Valley Boulevard Bridge over Old Valley Boulevard and Union Pacific Railroad, within said city, as part of the system of highways of the County of Los Angeles

Mayor Lujan opened the floor to any member of the public who wished to speak on this item.

Ken Medeiros asked why it was necessary for the City to relinquish ownership and stated that he felt the City should be liable for any damages.

Mayor Lujan moved to approve the resolution relinquishing a portion of Valley Bridge to LA County; seconded by Council Member Mendoza. The motion carried by the following roll call vote: AYES: Mendoza, Holloway, and Lujan. NOES: Solis. ABSTAIN: Storing.

RECESS TO CLOSED SESSION

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

City Attorney Casso announced that the City Council would adjourn to closed session pursuant to Government Code Section 54956.9(b) to conference with Legal Counsel regarding one case of anticipated litigation and that nothing further would be discussed.

Major Lujan recessed the City Council Meeting to closed session at 8:59 p.m.

RECONVENE TO OPEN SESSION

Mayor Lujan reconvened the City Council Meeting to open session at 9:21 p.m.

City Attorney Casso announced that the City Council recessed the closed session as to Item F-1 on the agenda. He noted that no reportable action was taken and that nothing further was discussed.

ADJOURNMENT

There being no other business to come before the City Council, Mayor Lujan adjourned the City Council Meeting at 9:21 p.m.

Approved this 26th day of May, 2009.

Amy M. Turner, City Clerk

Louie A. Lujan, Mayor