

**MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
JULY 27, 2010**

Per *Robert's Rules of Order Newly Revised 10th Edition*, minutes are a record of the actions taken by the body. These minutes do not include a summary of the discussion but only reflect the action taken by the body. A complete audio recording of this meeting is available on the City's website www.lapueente.org

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 27, 2010, at 7:00 p.m.

CALL TO ORDER:

Mayor Argudo called the meeting to order at 7:02 p.m.

ROLL CALL

Members present: House, Mendoza, Solis, Holloway, and Argudo

Members absent: None

Staff Members present: City Manager Kenline, Assistant City Manager Holliman, City Clerk Jacquez-Nares, City Attorney Olivarez, Community Development Commission Attorney Casso, Community Development Director Yamachika, Police Chief Cacheiro, Finance Director Kim, Public Works Director Salas, Recreation Services Director Bistarkey, City Engineer Pagett, Special Counsel Davtyan, and Acting Deputy Clerk Garcia.

PLEDGE OF ALLEGIANCE

Council Member Mendoza led the Pledge of Allegiance.

PRESENTATIONS

PRESENTATION OF CERTIFICATES TO CITY OF LA PUENTE SCHOLARSHIP AWARD WINNERS

Acting Deputy City Clerk Garcia on behalf of the Education Commission congratulated the scholarship recipients and thanked State Farm for their continued support of the Main Street Run.

Council presented certificates to the scholarship winners from the La Puente High Schools as follows: Irais S. Barrientos, Nogales; Mayra K. Cazares, Wilson; Elizabeth Garcia, La Puente; Jose Gonzalez, Los Altos; Amanda Y. Hand, Nogales; Juan C. Lopez, La Puente; Ana B. Luna, Nogales; Camille M. Martinez, Wilson; Marishen N. Morales, La Puente; Vivian L. Morgan, Nogales; Ernesto Partida, Mountain View; Sergio A. Pena, Nogales; Pedro Plascencia, La Puente; Stephanie L. Rodriguez, La Puente; Cindy Salgado, Nogales; Yesenia Urbina, La Puente; Jonathon A. Vazquez, La Puente and not present Jose C. Orellana, Nogales.

Mayor Argudo clarified that the speakers wishing to address the Council during the Public Hearing item will also have the opportunity to speak during Oral Communications.

ORAL COMMUNICATIONS

Paul Esparza stated his concerns with the ongoing issues on his property.

Leonard Wayne Rose thanked the Sheriff's Department for their good job in the community and promoted the services of New Hope Ministry Church.

Tom Noice stated his support for the marijuana cooperatives.

Russell Downes stated his support for the marijuana cooperatives.

Leslie Costea stated her concerns with her neighbor's property.

Lou Perez stated his concerns with the use of the sewer fund money to balance the City's budget.

Rudy Almeida stated his concerns with marijuana use and the cooperatives.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETINGS

A-1 READ AND APPROVE THE MINUTES OF THE JOINT SPECIAL MEETING OF MAY 28, 2010

Council Member Holloway moved to approve the Minutes of the Joint Special Meeting of May 28, 2010 and waive further reading; seconded by Council Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway and Argudo. NOES: None.

A-2 READ AND APPROVE THE MINUTES OF THE JOINT SPECIAL MEETING STUDY SESSION OF JULY 7, 2010

Council Member Holloway moved to waive the reading and approve the Minutes of the Joint Special Meeting Study Session of July 7, 2010; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway and Argudo. NOES: None.

B. PUBLIC HEARINGS BEFORE THE CITY COUNCIL

B-1 CONTINUED PUBLIC HEARING - CONSIDERATION OF MUNICIPAL CODE AMENDMENT ("MCA - 131") AMENDING TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND THE OPERATION OF MEDICAL MARIJUANA FACILITIES IN LA PUENTE

Special Counsel Davtyan provided a PowerPoint presentation on this item.

Police Chief Cacheiro provided the Los Angeles Police Department statistics on the crimes in the vicinity of these clinics and there has been an increase of 200 percent in burglaries. In the City of La Puente, there have been 48 calls for service from January 1, 2007 to July 27, 2010.

In response to Mayor Argudo's inquiry regarding statistics, Sergeant Wolak provided the information on the type of calls in the City of La Puente.

Special Counsel Davtyan provided clarification on the reports and articles gathered for over a year on the problems with these facilities.

Mayor Argudo opened the Public Hearing at 8:15 p.m.

Lou Perez stated his concerns with the lack of Council action on this issue of the dispensaries.

Alma Alvarado spoke in opposition of the dispensaries and requested that the City regulate these dispensaries.

Greg Nicholson spoke in favor of dispensaries and requested that the City consider that the dispensaries provide a medical alternative.

Tom Noice spoke in favor of dispensaries and stated that the Federal government made it legal for the Veteran's hospitals to dispense medical marijuana.

Rudy Almicda spoke in opposition of the dispensaries and provided statistics on the negative side effects on the use of marijuana.

Marty Paz requested that law enforcement ticket the people that use these facilities for their infractions.

Mayor Argudo asked for the written correspondence from South Hills Property Management dated June 15, 2010.

Special Counsel Davtyan provided clarification on the comments raised during the Public Hearing.

In response to Mayor Argudo's request for an update on Assembly Bill (AB) 2650, Special Counsel Davtyan stated that if AB 2650 is adopted it would impose a 600 foot distance requirement on these facilities from any schools and that a hearing is set for August 2, 2010.

City Attorney Olivarez stated that the letter from South Hills Limited Partnership had been distributed to Council.

Noting no more speakers appearing to make public testimony, Mayor Argudo closed the Public Hearing at 8:30 p.m.

Council Member House moved to adopt the Notice of Exemption; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway, and Argudo. NOES: None.

Council Member House moved to waive further reading of Ordinance No. 10-903 and read by title only; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway, and Argudo. NOES: None.

City Clerk Jacquez-Nares read the title to Ordinance No. 10-903 for the record.

ORDINANCE NO. 10-903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE ADDING CHAPTER 10.100 TO TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND THE OPERATION OF MEDICAL MARIJUANA COOPERATIVES AND COLLECTIVES IN THE CITY (MUNICIPAL CODE AMENDMENT NO. 131)

Council Member House moved to Introduce Ordinance No. 10-903, adding Chapter 10.100 to Title 10 (Zoning) of the La Puente Municipal Code to prohibit the establishment and the operation of medical marijuana cooperatives and collectives in the City as presented by the Planning Commission in its unaltered form; seconded by Council Member Holloway.

Mayor Argudo stated his reservations to the ordinance and requested that it be amended to extend or eliminate the amortization period.

Council Member Mendoza requested clarification on the existing motion made by Council Member House before Mayor Argudo's recommendation to amend the ordinance.

City Attorney Olivarez stated that Council Member House's motion was pending and that the Mayor could propose a substitute motion.

City Clerk Jacquez-Nares informed City Attorney Olivarez that a second had been made on Council Member House's motion.

City Attorney Olivarez informed Council that due to the second on Council Member House's motion Council needed to move forward with the vote on this motion.

A Council discussion ensued as to the validity and time of the motion as it pertained to the Mayor's request to make a substitute motion on Council Member House's motion.

City Attorney Olivarez informed Council that they would need to move forward with the vote on this item.

Mayor Pro Tem Holloway stated his position on banning medical marijuana in the City and he has done his due diligence by listening to everyone on this item.

City Attorney Olivarez clarified that the ordinance before Council has minor changes and that the Council needs to be aware of the correct version of the ordinance before them.

Mayor Pro Tem Holloway requested clarification on the protocol for making a substitute motion when a motion and a second have been made.

Community Development Commission Attorney Casso clarified the amendment motion process. He stated that when a motion and a second have been made an amendment can be made only if the maker agrees to accept the amendment to their original motion.

Mayor Argudo stated his opposition to the current ordinance because the amortization period is very short and does not do justice to the business owners and ensuing litigation.

Council Member House did not accept the amendment to his original motion. Therefore, the original motion by Council Member House carried by the following roll call vote: AYES: House, Mendoza, Solis, and Holloway. NOES: Argudo.

Mayor Argudo moved Item E-4 forward on the agenda for consideration which is related to the ordinance in the public hearing.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

- E-4 CONSIDERATION OF ADOPTING A RESOLUTION DECLARING AN EMERGENCY, CALLING AND GIVING NOTICE OF A SPECIAL ELECTION ON TUESDAY, NOVEMBER 2, 2010, FOR THE PURPOSE OF SUBMITTING TO THE LA PUENTE VOTERS GENERAL TAX MEASURES IMPOSING A BUSINESS LICENSE TAX ON BOTH MEDICAL MARIJUANA BUSINESSES AND CANNABIS BUSINESSES; APPROVING THE SUBMITTAL TO THE VOTERS OF THE BALLOT MEASURES AND ACCOMPANYING ORDINANCES; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; AND REQUESTING THAT LOS ANGELES COUNTY CONDUCT THE ELECTION

Special Counsel Davtyan clarified the procedure for consideration of this item and provided an overview on this item.

A Council discussion ensued as to the information provided.

Council Member House moved that the medical marijuana dispensaries business license tax measure include: (1) the amount of \$50 the business license tax to be imposed per square foot; (2) the 10 percent rate of the business license tax to be imposed per gross receipts (e.g. dollar amount or percentage); and (3) the threshold amount of gross receipts of 10 percent per \$1000; seconded by Mayor Argudo. The motion carried by the following roll call vote: AYES: House, Mendoza, and Argudo. NOES: Holloway. ABSTAINED: Solis.

Mayor Argudo moved to reconsider the motion to reflect a \$100 per square foot rate for business license tax for Medical Marijuana dispensaries; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Solis, and Argudo. NOES: None.

Council Member House requested a recess. Mayor Argudo recessed the meeting at 9:30 p.m.

Mayor Argudo reconvened the meeting at 9:45p.m.

Special Counsel Davtyan provided a summary of the proposed cannabis business license tax measure due to the legalization of marijuana by the passing of Proposition 19.

Mayor Pro Holloway moved that cannabis business license tax measure include: (1) the rate 10 percent of the business license tax to be imposed per gross receipts; and (2) the threshold amount of \$1000 gross receipts; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway, and Argudo. NOES: None.

Mayor Pro Tem Holloway moved to adopt Resolution No. 10-4889 - A Resolution of the City Council of the City of La Puente, California, Declaring an Emergency; Calling and Giving Notice of a Special Election on November 2, 2010, For the Purpose of Submitting to the La Puente Voters General Tax Measures Imposing a Business License Tax on Both Medical Marijuana Businesses and Cannabis Businesses; Approving the Submittal to the Voters of the Ballot Measures and Accompanying Ordinances; Establishing Policies and Procedures in Connection with Such an Election; and Requesting That Los Angeles County Conduct the Election and to include the direction provided by Council on the imposed tax amounts; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: Vince House, Dan Holloway, David Argudo, Nadia Mendoza, and John Solis. NOES: None.

Mayor Argudo pulled items C-1, C-2, E-2 and E-3 for continuation to the next scheduled City Council meeting on August 10, 2010.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 CONSIDERATION OF ELIGIBLE AB2766 SUBVENTION FUND PROJECTS AND PROGRAMS

Item C-1 was continued to the August 10, 2010 City Council meeting.

C-2 CONSIDERATION OF AWARD OF BID FOR PURCHASE OF A 2010 FORD ESCAPE HYBRID FWD FOR THE CITY MANAGER AND APPROVAL OF BUDGET RESOLUTION FOR THE SAME

Item C-2 was continued to the August 10, 2010 City Council meeting.

D. CITY COUNCIL CONSENT CALENDAR

Council Member House moved to approve Consent Calendar Items D-1 through D-4; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway, and Argudo. NOES: None.

D-1 APPROVAL OF RESOLUTION APPROVING WARRANT REGISTER NO. 1278 FOR FISCAL YEAR 2009-10, 2010-11

Action Taken: The City Council adopted Resolution No. 10-4888, approving Warrant Register No. 1278.

D-2 APPROVAL OF THE TREASURER'S/FINANCIAL REPORT FOR MAY 31, 2010.

Action Taken: The City Council received and filed the Monthly Treasurer's/Financial Reports for the May 31, 2010.

D-3 APPROVAL OF THE UN-AUDITED TREASURER'S/FINANCIAL REPORT FOR JUNE 30, 2010.

Action Taken: The City Council received and filed the Monthly un-audited Treasurer's/Financial Reports for June 30, 2010.

D-4 ACCEPTANCE OF NOTICE OF COMPLETION FOR THE LA PUENTE PARK SIDEWALKS PROJECT (CDBG 601200-09)

Action Taken: The City Council accepted the project as complete and authorized staff to execute a Notice of Completion.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 LEAGUE OF CALIFORNIA CITIES DESIGNATION OF VOTING DELEGATE FOR ANNUAL CONFERENCE

Mayor Argudo moved to be the voting delegate and Council Members House and Solis as alternates, and to direct the City Clerk to forward the Voting Delegate/Alternate Form to the League of California Cities; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Solis, Holloway, and Argudo. NOES: None.

E-2 REVIEW OF THE CITY'S VEHICLE USAGE AND VEHICLE ALLOWANCE POLICIES

Item E-2 was continued to the August 10, 2010 City Council meeting.

E-3 REVIEW OF THE CITY'S VEHICLE REPLACEMENT POLICY

Item E-3 was continued to the August 10, 2010 City Council meeting.

RECESS TO CLOSED SESSION

City Attorney Olivarez announced that the City Council would recess to closed session with all members present to discuss one item with legal counsel for one case of anticipated litigation as posted on the agenda.

Mayor Argudo recessed to closed session at 9:50 p.m.

F. CLOSED SESSION

F-2 THE CITY COUNCIL WILL RECESS INTO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b) - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION: ONE (1) CASES

REPORT OUT OF CLOSED SESSION

City Attorney Olivarez announced that the City Council recessed to closed session to discuss one item as posted on the agenda and all members were present. The body unanimously voted to extend the meeting beyond the 10:30 p.m. deadline pursuant to La Puente Municipal Code. As to the item of anticipated litigation one case the City Council received a briefing, unanimous direction was given but no final action taken.

RECONVENE THE CITY COUNCIL

Mayor Argudo reconvened the City Council meeting at 11:08 p.m.

AD HOC COMMITTEE REPORTS

None.

REPORT OF AD HOC COMMITTEES

None.

COUNCIL AB1234 REPORTS

None.

ORAL COMMENTS FROM COUNCIL

None.

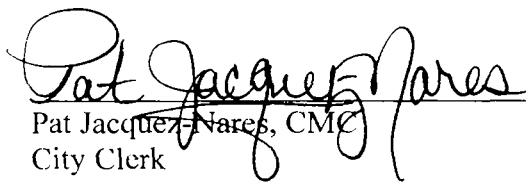
ORAL COMMENTS FROM STAFF

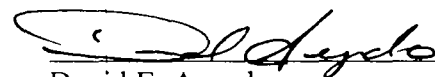
None.

ADJOURNMENT

There being no other business to come before the City Council, Mayor Argudo adjourned the meeting at 11:10 p.m.

Approved this 14th day of September 2010


Pat Jacques-Nares, CMC
City Clerk


David E. Argudo
Mayor

