MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
DECEMBER 14, 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.lapuente.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 December 14, 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
Staff Members present:	City Manager Kenline, Assistant City Manager Holliman, City Clerk Jacquez-Nares, Human Resources Manager Sainz, Interim City Attorney Casso, Community Development Director Yamachika, Acting Finance Director Leung, Chief of Police Cacheiro, Public Works Director Salas, City Engineering Pagett, Acting Assistant to the City Manager Ortega, Recreation Services Director Bistarkey, City Planner Arreola, Acting Management Analyst Galvan.

PLEDGE OF ALLEGIANCE

Council Member Solis led the Pledge of Allegiance

PRESENTATIONS

PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE PARTICIPANTS OF THE VETERAN'S DAY EVENT

The Mayor and the City Council presented the certificates of appreciation to the participants of the Veteran's Day Event.

ORAL COMMUNICATIONS

Leonard W. Rose Jr. He thanked the City Council for everything they do for the City of La Puente. He announced that on Friday, December 17, 2010 his church would be singing Christmas carols on Francisquito St.

Mayor Argudo welcomed the following dignitaries that were in attendance at the meeting: Manuel Garcia and Yvonne Garcia former Council Members; Mr. Aguirre and Mr. Scalera, water board members.

Helen Garcia, representing Yellow Cab Company, requested that the Council extend their franchise agreement.

Cesar Hernandez requested the opportunity to address the Council during their consideration of item E-2. He stated that his company is the largest cab company in the San Gabriel Valley.

Rudy Almeida requested that the Council reconsider taking minutes of their closed sessions. He expressed his concerns with marijuana use, the dispensaries, and requested that all the dispensaries be closed.

Vince House expressed his concerns with the action of the Council removing the powers of the City Manager, by approving a staffing freeze. He also expressed his concerns with the Council interfering with the City's Municipal Code.

Richard Polanko encouraged the City Council to work together and encouraged the City Manager to do the right thing for its constituents.

A. MINUTES OF PREVIOUS CITY COUNCIL/COMMISSION MEETINGS - None.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL & THE COMMUNITY DEVELOPMENT COMMISSION

B-1 JOINT PUBLIC HEARING FOR APPROVAL OF THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE CITY OF LA PUENTE COMMUNITY DEVELOPMENT COMMISSION AND JASMINE REAL ESTATE INVESTMENTS, LLC

Acting Assistant to the City Manager Ortega provided a brief summary of this item.

Mayor Argudo opened the public hearing at 7:36 p.m.

Ken Madeiras stated that the Council and Commission have a conflict of interest.

Mayor Argudo closed the public hearing at 7:45 p.m.

Ron Hollie, consultant for Charles Company, stated that tenants have received letters of intent and one tenant is ready to sign the lease. It is the Charles Company's intention to beat the timeline presented in the DDA.

Council Member Solis moved to adopt Resolution No. 10-4910 approving the Disposition and Development Agreement between the Commission and Jasmine Real Estate Investments, LLC; seconded by Council Member House. The motion carried by the following roll call vote: AYES: House, Mendoza Solis, and Holloway. NOES: None. ABSTAINED: Argudo

RECESS THE COMMUNITY DEVELOPMENT COMMISSION

Mayor Argudo recessed the Community Development Commission at 7:58 p.m.

B-2 CONSIDERATION OF A YOUTH EMPLOYMENT PLAN REQUIRED BY THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR THE PUENTE CREEK NATURE EDUCATION CENTER PROJECT

Community Development Director Yamachika provided a brief summary on this Item.

Mayor Argudo open the public hearing at 8:00 p.m.

Ken Medeiras spoke in opposition of the Puente Creek Nature Education Center Project

Jennifer Bruley, representing California conservation Corps., spoke in support of the Puente Creek Nature Education Center Project

Mayor Argudo closed the public hearing at 8:07 p.m.

Mayor Pro-Tem Holloway moved to adopt the proposed Youth Employment Plan for the use of County Safe Neighborhood Parks Bond funds for the Puente Creek Nature Education Center Project; seconded by Council Member Nadia Mendoza. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

B-3 CONSIDERATION OF MUNICIPAL CODE AMENDMENT NO. 133 ("MCA-133") - ADOPTION OF ZONING REGULATIONS PERTAINING TO AUTOMOBILE DEALERSHIPS IN THE C-2 (GENERAL COMMERCIAL) ZONE

City Planner Arreola provided a brief summary on this Item.

Mayor Argudo opened the public hearing at 8:13 p.m.

The following speakers spoke in opposition to Municipal Code Amendment No.133 ("MCA-133") on Automobile Dealership in the C-2 (General Commercial) Zone.

Jose Chavez, Tom Ayoni, Tom Drummond, Ali of Ed Butts Ford, Efrain Aguirre, Jonathon Padilla Ed Butts Ford, Ken Medeiras, Alan Frank Core Ed Butts Ford, Marty Paz, and Ricardo Gomez.

Mayor Argudo closed the public hearing at 8:45 p.m.

Mayor Pro Tem Holloway moved to reject and receive and file; seconded by Council Member Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

B-4 CONSIDERATION OF URGENCY ORDINANCE AND NON-URGENCY ORDINANCES ADOPTING BY RERERENCE 2010 LOS ANGELES COUNTY BUILDING, FIRE AND OTHER CODES

Jim Guerra Building Official provided a brief summary on this item.

Interim City Attorney Casso provided a brief summary on the voting process.

Mayor Argudo opened the public hearing at 9:15 p.m.

There being no speakers to come forth, Mayor Argudo closed the public hearing at 9:15 p.m.

Mayor Pro Tem Holloway moved to waive the reading of Urgency Ordinance No. 10-908 and read by title only; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

Interim City Attorney Casso read Urgency Ordinance by title only:

URGENCY ORDINANCE 10-908

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2, TITLE 26 OF LOS ANGELES COUNTY BUILDING CODE, INCORPORATING BY REFERENCE CALIFORNIA BUILDING CODE 2010 EDITION; TITLE 27 OF LOS ANGELES COUNTY ELECTRICAL CODE, INCORPORATING BY REFERENCE CALIFORNIA ELECTRICAL CODE 2010 EDITION; TITLE 28 OF LOS ANGELES COUNTY PLUMBING CODE, INCORPORATING BY REFERENCE CALIFORNIA PLUMBING CODE 2010 EDITION; TITLE 29 OF LOS ANGELES COUNTY MECHANICAL CODE, INCORPORATING BY REFERENCE CALIFORNIA MECHANICAL CODE 2010 EDITION; TITLE 30 OF LOS ANGELES COUNTY RESIDENTIAL CODE, INCORPORATING BY REFERENCE CALIFORNIA RESIDENTIAL CODE 2010 EDITION; TITLE 31 OF LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE, INCORPORATING BY REFERENCE CALIFORNIA GREEN BUILDING CODE 2010 EDITION; TITLE 32 OF LOS ANGELES COUNTY FIRE CODE, INCORPORATING BY REFERENCE CALIFORNIA FIRE CODE 2010 EDITION AND MAKING REQUIRED FINDINGS FOR SAME

Mayor Pro Tem Dan Holloway moved to 2) Introduce and Adopt Urgency Ordinance No. 10-908- An Urgency Ordinance of the City Council of the City of La Puente Adopting by Reference, Pursuant to Government Code Section 50022.2, Title 26 of Los Angeles County Building Code, Incorporating by Reference California Building Code 2010 Edition; Title 27 of Los Angeles County Electrical Code, Incorporating by Reference California Electrical Code 2010 Edition; Title 28 of Los Angeles County Plumbing Code, Incorporating by Reference California Plumbing Code 2010 Edition; Title 29 of Los Angeles County Mechanical Code, Incorporating by Reference California Mechanical Code 2010 Edition; Title 30 of Los Angeles County Residential Code, Incorporating by Reference California Residential Code 2010 Edition; Title 31 of Los Angeles County Green Building Standards Code, Incorporating by Reference California Green Building Code 2010 Edition; Title 32 of Los Angeles County Fire Code, Incorporating by Reference California Fire Code 2010 Edition and Making Required Findings For Same; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

Council Member Nadia Mendoza moved to waive the reading of Non-Urgency Ordinance No. 10-909 and read by title only; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

Interim City Attorney Casso read Non Ordinance by title only:

ORDINANCE NO. 10-909

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.22, TITLE 26 OF LOS ANGELES COUNTY BUILDING CODE, INCORPORATING BY REFERENCE CALIFORNIA BUILDING CODE 2010 EDITION; TITLE 27 OF LOS ANGELES COUNTY ELECTRICAL CODE, INCORPORATING BY REFERENCE CALIFORNIA ELECTRICAL CODE 2010 EDITION; TITLE 28 OF LOS ANGELES COUNTY PLUMBING CODE, INCORPORATING BY REFERENCE CALIFORNIA PLUMBING CODE 2010 EDITION; TITLE 29 OF LOS ANGELES COUNTY MECHANICAL CODE, INCORPORATING BY REFERENCE CALIFORNIA MECHANICAL CODE 2010 EDITION; TITLE 30 OF LOS ANGELES COUNTY RESIDENTIAL CODE, INCORPORATING BY REFERENCE CALIFORNIA RESIDENTIAL CODE 2010 EDITION; TITLE 31 OF LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE, INCORPORATING BY REFERENCE CALIFORNIA GREEN BUILDING CODE 2010 EDITION; TITLE 32 OF LOS ANGELES COUNTY FIRE CODE, INCORPORATING BY REFERENCE CALIFORNIA FIRE CODE 2010 EDITION AND MAKING REQUIRED FINDINGS FOR SAME

Council Member House moved to introduce Non-Urgency Ordinance No. 10-909 - An Ordinance of the City Council of the City of La Puente Adopting by Reference, Pursuant to Government Code Section 50022.22, Title 26 of Los Angeles County Building Code, Incorporating by Reference California Building Code 2010 Edition; Title 27 of Los Angeles County Electrical Code, Incorporating by Reference California Electrical Code 2010 Edition; Title 28 of Los Angeles County Plumbing Code, Incorporating by Reference California Plumbing Code 2010 Edition; Title 29 of Los Angeles County Mechanical Code, Incorporating by Reference California Mechanical Code 2010 Edition; Title 30 of Los Angeles County Residential Code, Incorporating by Reference California Residential Code 2010 Edition; Title 31 of Los Angeles County Green Building Standards Code, Incorporating by Reference California Green Building Code 2010 Edition; Title 32 of Los Angeles County Fire Code, Incorporating by Reference California Fire Code 2010 Edition and Making Required Findings For Same; 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 Council directed staff to schedule a public hearing for the adoption of the Non-Urgency Ordinance for January 11, 2011.

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

C. UNFINISHED BUSINESS OF THE CITY COUNCIL - None

D. CITY COUNCIL CONSENT CALENDAR

Council Member House moved to approve Consent Calendar Items D-1 through D-8; 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. 1287 FOR FISCAL YEAR 2010-11

Action Taken: The City Council adopted Resolution No. 10-4911 approving Warrant Register No. 1287.

D-2 APPROVAL OF SINGLE AUDIT REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010

Action Taken: The City Council received and filed the City's Single Audit Report for the fiscal year ended June 30, 2010.

D-3 APPROVAL OF CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010

Action Taken: The Council received and filed the City's Annual Financial Reports for the fiscal year ended June 30, 2010.

D-4 APPROVAL OF THE TREASURER'S/FINANCIAL REPORT FOR OCTOBER 31, 2010

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

D-5 APPROVAL OF CONTRACT FOR ESCROW SERVICES FOR THE CITY'S HOUSING REHABILITATION PROGRAM

Action Taken: The City Council approved the agreement and authorized the Mayor to execute it on behalf of the City.

D-6 APPROVE STATE PROGRAM SUPPLEMENT AGREEMENT NO. N011 FOR PRELIMINARY ENGINEERING FOR TRAFFIC SIGNAL IMPROVEMENT AT AMAR ROAD AND TONOPAH AVENUE

Action Taken: The City Council: 1) adopted Resolution No. 10-4912 approving State Program Supplement Agreement No.N011 for the preliminary engineering for traffic signal improvement at Amar Road and Tonopah Avenue and 2) authorized the City Manager or her designee to execute the Administering Agency - Program Supplement Agreement No. 10-1035 on behalf of the City.

D-7 CONSIDERATION OF A RESOLUTION AUTHORIZING PARTICIPATION IN THE ENERGY UPGRADE CALIFORNIA IN LOS ANGELES COUNTY

Action Taken: The City Council adopted Resolution No. 10-4913 authorizing participation in the Energy Upgrade California in Los Angeles County.

D-8 CONSIDERATION OF A RESOLUTION ESTABLISHING A $.10 PER PAGE PHOTOCOPYING FEE FOR DUPLICATION OF RECORDS PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT.

Action Taken: The City Council considered and adopted Resolution No. 10-4914, establishing a photocopying fee of $.10 per page for duplication of records under the Act and repealing the current fee of $.25 per page that was established in 1998

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF A REVISED AGREEMENT WITH THE HACIENDA-LA PUENTE UNIFIED SCHOOL DISTRICT FOR THE USE OF A PORTION OF THE NELSON ELEMENTARY SCHOOL PROPERTY IN CONJUNCTION WITH THE NATURE EDUCATION CENTER

Community Development Director Yamachika provided a brief summary on this item.

Council Member House moved to approve the revised Agreement No. 10-1007-01 with the Hacienda-La Puente Unified School District and authorize the Mayor to execute the Agreement on its behalf; seconded by Mayor Pro Tem Holloway. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza Solis, Holloway, and Argudo. NOES: None.

E-2 CONSIDERATION OF REJECTION ALL PROPOSALS AND TO RE-SOLICIT PROPOSALS FOR AN EXCLUSIVE FRANCHISE TO PROVIDE TAXICAB SERVICE WITHIN THE CITY OF LA PUENTE

Community Development Director Yamachika provided a brief summary on this Item.

Mayor David Argudo moved to reject staff's recommendation and move forward with Request for Proposals; seconded by Council Member House. The motion carried by the following roll call vote: AYES: House, Mendoza, Holloway, and Argudo. NOES: Solis.

RECESS THE CITY COUNCIL

Mayor Argudo recessed the City Council meeting at 10:10 p.m.

RECONVENE THE CITY COUNCIL

Mayor Argudo reconvened the City Council at 10:19 p.m.

RECESS TO CLOSED SESSION

Mayor Argudo recessed into closed session at 10:24 p.m.

Interim City Attorney Casso recessed the City Council into closed session with all members present for discussion of one item (F-3) with Public Employee Performance Evaluation (Title: City Manager) as posted on the agenda.

F. CLOSED SESSION

F-1 THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 TO CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY:	1545 Hacienda Boulevard
AGENCY NEGOTIATORS:	Josefina Mendez Kenline, Executive Director, Al Holliman, Deputy Executive Director, James Casso, Commission Counsel
NEGOTIATING PARTIES:	Evergreen Real Estate Development and Remer Radcliff Corp
UNDER NEGOTIATION:	Price and Terms

The Mayor moved this Item to the next Scheduled City Council Meeting.

F-2 THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 TO CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY:	12811 Amar Road, APN 8464-032-041 and 8464-032-042
AGENCY NEGOTIATORS:	Josefina Mendez Kenline, Executive Director, Al Holliman, Deputy Executive Director, James Casso, Commission Counsel
NEGOTIATING PARTIES:	Edgar B. Gonzalez, REA Real Estate
NEGOTIATION:	UNDER Price and Terms

The Mayor moved this Item to the next Scheduled City Council Meeting.

F-3 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957 FOR A PUBLIC EMPLOYEE PERFORMANCE EVALUATION (TITLE: CITY MANAGER)

Council Member House requested clarification on the completion of the materials for this item.

RECONVENE TO OPEN SESSION

Mayor Argudo reconvened the City Council at 12:17 p.m.

REPORT OUT OF CLOSED SESSION

City Attorney Casso reported that the City Council recessed into closed session only as to item F-3 Public Employee Performance Evaluation Title: City Manager. Council provided Interim City Attorney Casso direction which he will follow urgently. Interim City Attorney Casso asked City Manager Kenline if she had a statement to make.

City Manager Kenline thanked the City of La Puente for the opportunity to work with everyone in the City and effective immediately City Manager Kenline offered her resignation to the members of the City Council.

Mayor Argudo wished Ms. Kenline well in her future endeavors.

AD HOC COMMITTEE REPORTS – None.

COUNCIL AB1234 REPORTS – None.

ORAL COMMENTS FROM COUNCIL

Mayor Pro Tem Holloway wished every one a Merry Christmas and a Happy New Year, and thanked Ms. Kenline for her service.

Councilmember Mendoza wished everyone happy holidays.

Councilmember Solis wished everyone happy holidays and wished Ms. Kenline good luck.

Councilmember House wished everyone a Merry Christmas and a Happy New Year and thanked Ms. Kenline for her service.

Mayor Argudo wished everyone a Merry Christmas.

ORAL COMMENTS FROM STAFF

City Manager Kenline thanked staff for the opportunity to work with them and believes the City is moving in a positive direction. Ms. Kenline wishes the City well

Interim City Attorney Casso requested that the following be read into the record: on November 28, 2010 the City received a letter from Richard McKee with Californians Aware. Californians Aware is a Statewide organization that monitors public entities. Californians Aware sent letters to Executive Directors of various associations that represent public entities in Sacramento and throughout the state such as the League of California Cities, water agency associations, and the California special districts associations, talking about Brown Act issues. Mr. McKee sent the City of La Puente a letter calling into question three (3) meetings that occurred last month on November 9, 2010, November 16, 2010, and November 23, 2010. Mr. McKee believed and argued that certain announcements where not made prior to adjourning to closed session with regards to the anticipated litigation items on November 16, 2010 two (2) cases of anticipated litigation that were discussed and on November 23, 2010 three (3) cases of anticipated litigation that were discussed. Interim City Attorney Casso believes that on November 23, 2010 only two (2) cases were discussed, Mr. McKee asked pursuant to government code section 54956.9 under the anticipated litigation Mr. McKee argued that what should have been reported prior to adjourning to closed session was that a point was reached in the opinion of the legislative body of the local agency on its advice of legal counsel based on existing facts and circumstances that their was a significant exposure to litigation against the City and that it may result in litigation against the agency but which the local agency at that time believed were not yet known to the potential plaintiff or plaintiffs and at that point those facts and circumstances could not and need not be disclosed under the Brown Act. This is the City's effort in response to Mr. McKee, we have already sent him a letter saying that we would cure by having read this statement into the record we cured what Mr. McKee believed was a Brown Act violation others may argue that it wasn't. The other issued Mr. McKee was concerned with is City's .25¢ copying cost for Public Records established in 1998 by action of the Council today that amount has now been reduced to .10¢, now we have complied with what Mr. McKee asked us to fix.

Mayor Pro Tem Holloway commented that the cost of copies for records was established in 1998. He expressed his concerns because Mr. McKee has been around since then and has not mentioned this in the past after ten years.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Argudo adjourned the meeting at 12:26 a.m.

Approved this 22nd day of March 2011

Pat Jacquez-Nares, CMC
City Clerk

David E. Argudo
Mayor