MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
APRIL 26, 2011

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 April 26, 2011, at 7:05 p.m.

CALL TO ORDER

Mayor Argudo called the meeting to order at 7:05 p.m.

ROLL CALL

Members present:	House, Mendoza, Solis, Holloway, Argudo
Members absent:	None.
Staff Members present:	Interim City Attorney Casso, City Clerk Jacquez-Nares, Interim City Manager Romero, Chief of Police Lt. Cacheiro, Recreation Director Bistarkey, Records Technician Garcia, City Engineer Bill Pagett, Human Resources Manager Sainz, Assistant Planner Chow, and Acting Finance Director Leung.

PLEDGE OF ALLEGIANCE

Council Member House led the Pledge of Allegiance.

PRESENTATIONS-NONE

CITY COUNCIL REORGANIZATION

Mayor Argudo thanked the current Commission for the opportunity to be Chairman for the past year stating it was an honor to represent the Community. He acknowledged the year had held both good and bad challenges, noted unprecedented changes were made, which were positive, and provided a good learning experience. .

1. Outgoing remarks by Mayor Argudo

Mayor Argudo thanked the current Council for the opportunity to be Mayor for the past year stating it was an honor to represent the Community. He acknowledged the year had held both good and bad challenges, and noted unprecedented changes were made, which were positive, and provided a good learning experience.

2. Selection of Mayor and Mayor Pro Tem

Mayor Argudo declared it was time to select the Mayor and Mayor Pro Tem for the next term and passed the gavel to the City Clerk to conduct the nomination proceedings per the following protocol.

a. Mayor yields gavel to City Clerk
b. City Clerk entertains nominations for Mayor
c. If more than one nomination is received, Council casts paper ballots for Mayor
d. City Clerk announces newly appointed Mayor
e. City Clerk yields gavel to Mayor
f. Mayor entertains nominations for Mayor Pro Tem
g. If more than one nominations is received, Council casts paper ballots for Mayor Pro tem

City Clerk Jacquez-Nares entertains nominations for Mayor and receives the following recommendations:

John Solis nominates David Argudo
Vince House nominates Nadia Mendoza
Daniel Holloway nominates himself

City Clerk Jacquez-Nares verifies with the Council there are no further nominations.

Mayor Argudo moved to close the Nominations.

City Clerk Jacquez-Nares states multiple nominations (3) have been received; therefore the vote will be determined by paper ballots for the position of Mayor. The ballots are distributed and returned to Clerk Jacquez-Nares and results are announced:

Nominated:	**Votes Received:**	**Total**
Nadia Mendoza	House	1
David Argudo	Argudo, Solis	2
Daniel Holloway	Holloway, Mendoza	2

City Clerk Jacquez-Nares states due to a tie vote for two Council Members, another vote will take place and paper ballots are distributed. Clerk Jacquez-Nares announces the results as follows:

Nominated:	**Votes Received:**	**Total**
Nadia Mendoza	House	1
David Argudo	Argudo, Solis	2
Daniel Holloway	Holloway, Mendoza	2

City Clerk Jacquez-Nares states due to a second tie vote for two Council Members, she requests if the Council would like to vote again. A request to speak is made by Council Member Mendoza.

Council Member Mendoza states it is an honor to be nominated for the position of Mayor, but due to personal reasons requests her nomination be dropped and recommends the vote be between the tied nominees.

A third paper ballot is distributed due to a tie vote and Clerk Jacquez-Nares announces the results as follows:

Nominated:	**Votes Received:**	**Total**
David Argudo	Argudo, Solis	2
Daniel Holloway	Holloway, Mendoza	2
Abstain	House	0

A fourth paper ballot is distributed due to a tie vote and Clerk Jacquez-Nares announces the results as follows:

Nominated:	**Votes Received:**	**Total**
David Argudo	Argudo, Solis	2
Daniel Holloway	Holloway, Mendoza	2
Abstain	House	0

A fifth paper ballot is distributed due to a tie vote and Clerk Jacquez-Nares announces the results as follows:

Nominated:	**Votes Received:**	**Total**
David Argudo	Argudo, Solis	2
Daniel Holloway	Holloway, Mendoza	2
Abstain	House	0

Mayor Argudo thanks Council Member Solis for his vote and requests votes in his favor be donated to Council Member Holloway. Council Member House requests another vote be taken to reflect this request.

A sixth paper ballot is distributed due to a tie vote and Clerk Jacquez-Nares announces the results as follows:

Nominated:	Votes Received:	Total
Daniel Holloway	Argudo, Holloway, Mendoza, Solis	4
Abstain	House	0

City Clerk Jacquez-Nares states the majority of votes reflect Council Member Holloway is the new Mayor.

Mayor Holloway acknowledges his nomination stating it is an honor to serve the community in the capacity as Mayor. He further stated he is looking forward to the challenges noting a team effort is required for success. He then thanks the Council.

Newly appointed Mayor Holloway declared it was time to select the Mayor Pro Tem for the next term and passed the gavel to City Clerk Jacquez-Nares to conduct the nomination proceedings per the following protocol.

a. Mayor yields gavel to City Clerk
b. City Clerk entertains nominations for Mayor Pro Tem
c. If more than one nomination is received, Council casts paper ballots for Mayor Pro Tem
d. City Clerk announces newly appointed Mayor Pro Tem
e. City Clerk yields gavel to Mayor

City Clerk Jacquez-Nares entertains nominations for Mayor Pro Tem and receives the following recommendations:

Vince House nominates John Solis
Nadia Mendoza nominates David Argudo

Nominations were closed by Mayor Holloway, and City Clerk Jacquez-Nares passed out paper ballots.

Nominated:	Votes Received:	Total
Solis	House, Solis	2
Argudo	Argudo, Holloway, Mendoza	3

City Clerk Jacquez-Nares states the majority of votes reflect Council Member Argudo is the new Mayor Pro Tem.

3. Incoming remarks by newly appointed Mayor, Mayor Pro Tem, and Council Members

Newly appointed Mayor Pro Tem Argudo thanked his colleagues for their support. He stated he had enjoyed presiding as Mayor and is looking forward to his duties as Mayor Pro Tem. He further stated he is looking forward to working with Mayor Holloway, the Council and the Community.

ORAL COMMUNICATIONS

David Church:
Mr. Church identified himself as the responsible authority of the lobbying firm representing the City of La Puente. He then congratulated the Council / Commission on their efficiency. Mr. Church then stated his firm is the dominate public sector lobbying firm in the Los Angeles area, built on success on personal service. He acknowledged representation of personal service fell short on the last trip to Washington D.C. and noted the individual responsible for this is no longer with his firm. He apologized to the Council noting their interest was in Community Development Block Grants (CDBG) for Fiscal Year 2011. He noted the government has cut funds by 15% which will be reflected in the dollar amount the City will receive for the community in the future. Washington's actions will be reflected in the future.

Mayor Holloway thanked Mr. Church for his attendance and update and stated 3 Council Members attended the Washington D.C. trip. The Mayor further noted many funds are related to fiscal problems including lobbyists, and thanked Mr. Church for his support.

Belinda Campos:
Representative of California Center for Public Health Advocacy, and is here to support La Puente's Healthy Kid's Initiative. Ms. Campos works with the Boys & Girls Club, the kids and their parents regarding healthy snacks such as what is placed in vending machines throughout the City. Ms. Campos noted there are many overweight children and adults and stated she herself was once overweight but lost an extreme amount of weight by cutting out sugary drinks and drinking water.

Charles Karsh:
Executive from the East Valley Boys & Girls Club and is here tonight in support of La Puente's Healthy Kid's Initiative. Mr. Karsh stated obesity, diabetes, and heart disease are now being diagnosed in children. Mr. Karsh stated it is the responsibility of adults to make necessary changes for children, and urged to Council vote in favor of passing the proposed Initiative.

Angela Silva:
Ms. Silva stated she has been a resident of La Puente for nineteen years and stays healthy by physical activity such as walking and running. She stated she has noticed access to unhealthy soft drinks is easy for children. Ms. Silva recommended the healthy choices be provided and not sweetened beverages. She further states statistics reflect unhealthy beverages will be a child's first choice and requested the Council support the health Initiative.

Eric Caranza:
Mr. Caranza noted he has lived in the community eleven years and uses the parks consistently. He noted there are unhealthy treats in vending machines. Mr. Caranza stated he supports the proposed health policy with the hope to decrease the chance of overweight children and adults. Mr. Caranza supports a healthy lifestyle for everyone in the community.

Sylvia Prieto:
Ms. Prieto stated she is a Pediatrician Doctor in LA County concerned with Public Health for children. She stated she is involved in administering obesity prevention grants for Centers for Disease Control and Prevention, and requests support for health conscious for community. Health issues are showing at younger ages, something reflected by age 6. Community opportunity to implement healthy food and beverage policy. Success will be reflected in social behavior. Unhealthy cost more funds to treat poor health in lieu of healthy behavior. Role model as a community.

Krikor Deramerean:
Pediatriation doctor for Kaiser Permanante. Mr. Deramerean noted La Puente has a great opportunity to demonstrate how important health is. As a doctor, he is diagnosing 11 and 12 years old with obesity and diabetes, which are preventable. He further stated diabetes will shortened their lives regardless of the fact we have the technology and research to change this. Children and families are suffering from poor choices. The community has an opportunity to make a difference.

Andrea Giancoli:
Registered dietician and public health advocacy. Ms. Giancoli provided a power point reflecting public health policies for healthy food. She narrates the presentation slides reflecting the proper choices of food to eat, such as fat, salt and sugar. Ms. Giancoli states the Policy before the Council tonight will make a difference toward a healthy environment and impact those who follow proper health recommendations. She noted in addition to obesity and health issues, dental care is also impacted. Carbonated and caffeine drinks are not just the issue, but sugars are also disguised in "vitamin waters, flavored teas, energy drinks and sports drinks".

David Carvantes:
Representative of the new Employees bargaining group for those in mid-level management. Mr. Carvantes stated he has concerns that many in this group have been treated unfairly especially related to lay-offs when they are close to retirement. He noted others were offered "golden handshakes" and many in this group are close to retirement and have not been provided with any consideration. He stated a claim has been filed and requested the Council not take any further action against those in this group for at least thirty days to investigate this issue.

Robin Nayhem:
Representative of new bargaining group for La Puente: Mid Management and Professional Mid Management Supervisory. Ms. Nayhem stated although this was a new bargaining group, employees belonging to this group have already been laid off regardless of seniority status. She noted she is the representative of this group for 6 counties and this situation is applicable only to the City of La Puente and many in this group feel they have been unfairly targeted. Ms. Nayhem further stated a claim has been filed with the Public Review Board. She requested the Council not take any further action against the members of this bargaining group for thirty days due to the filed claim.

RECESS COMMUNITY DEVELOPMENT COMMISSION

Mayor Holloway recessed the Community Development Commission portion of the meeting at 8:05 p.m.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING – None.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL - None.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL – None.

D. CITY COUNCIL CONSENT CALENDAR

Mayor Pro Tem Argudo requested to pull Item D-6 for further discussion.

Council Member House moved to approve Consent Calendar Items D-1 through D-5. Second was made by Council Member Solis. The motion unanimously carried by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

D-1 APPROVAL OF RESOLUTION APPROVING WARRANT REGISTER NO. 1295 FOR FISCAL YEAR 2010-2011

Action Taken: Approved staff recommendation and adopted Resolution No. 11-4937 approving Warrant Register No. 1295.

D-2 SECOND READING - ADOPTION OF ORDINANCE AMENDING THE APPOINTMENT PROCESS FOR PLANNING COMMISSIONERS

Action Taken: Approved staff recommendation to: 1) Waive further reading of Ordinance No. 11-913 and read by title only; and 2) Adopt Ordinance No. 11-913 - An Ordinance of the City Council of the City of La Puente amending Section 2.16.010 of Chapter 2.16 of the La Puente Municipal Code changing the manner of appointment, removal and the terms of Planning Commission Members.

D-3 APPROVAL OF THE TREASURER'S/FINANCIAL REPORT FOR MARCH 31, 2011

Action Taken: Approved staff recommendation to receive and file the Monthly Treasurer's/Financial Reports for March 31, 2011.

D-4 APPROVAL OF A RESOLUTION ACKNOWLEDGING THAT THE LA PUENTE COMMUNITY DEVELOPMENT COMMISSION WILL BORROW $36,426 FROM THE COMMISSION'S LOW MODERATE INCOME HOUSING FUND TO PAY THE STATE-MANDATED SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND

Action Taken: Approved staff recommendation to adopt Resolution No. 11-4938 acknowledging that the La Puente Community Development Commission will borrow $36,426 from the CDC's Low Moderate Income Housing fund to pay the State-mandated Supplemental Educational Revenue Augmentation Fund and Authorizing the Interim City Manager to so inform the County Auditor.

D-5 CONSIDERATION OF APPROVING AMENDMENT TO AGREEMENT WITH ALL CITY MANAGEMENT SERVICES (ACMS) AGREEMENT FOR FISCAL YEAR BEGINNING JULY 1, 2011 THROUGH JUNE 30, 2012

Action Taken: Approved staff recommendation to authorize the Interim City Manager to execute an Amendment to the Agreement entered on February 27, 2003 with all City Management Services (ACMS) for Fiscal Year beginning July 1, 2011 through June 30, 2012.

CONSENT ITEM D-6 PULLED FOR FURTHER DISCUSSION:

D-6 APPROVAL OF EXTENSION OF THE CONTRACT WITH TEAMAN, RAMIREZ & SMITH, INC.

Staff Recommendation: It is recommended that the City Council approve the auditing services including in the engagement letter provided by Teaman, Ramirez & Smith, Inc. and authorize the Interim City Manager to sign the engagement letter for auditing services for fiscal year ending June 30, 2011.

Discussion regarding staff recommendation:

Mayor Pro Tem Argudo stated this contract had initially been issued in 2002, the contract amount was under $25,000 and recommended in lieu of approving an extension to this Contract, the City would be better served to informally open the bid process to the open market and receive 3 additional bids. He acknowledged this would also promote transparency.

Mayor Holloway stated he supports the Mayor Pro Tem's recommendation, yet requested the financial audit timelines should not be impacted. The Mayor additionally requested a complete financial audit be done in the future for transparency.

Mayor Pro Tem Argudo concurs with the Mayor regarding further auditing be requested, but recommends the audit be Forensic, not a Comprehensive audit.

Mayor Holloway clarifies only this item is being currently addressed, and confirms the Council will address further auditing in the future.

Mayor Pro Tem Argudo makes a motion for 1) an extension not be made to the existing Contract, and 2) informal bids be open to competitors for a period of 10 days, and 3) the bidders reflect they can meet the existing timeline, and 4) bid results and all findings be brought back to the City Council for determination at the next scheduled Council meeting. Mayor Holloway seconds the motion. Consent Item D-6 is passed by the following majority vote: AYES: Holloway, Argudo, Mendoza, Solis. NOES: House.

Council Member Solis requests a break be taken to allow the City Clerk to examine and update the voting screen.

Meeting recessed at 8:11 p.m.
Meeting reconvened at 8:12 p.m.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF A RESOLUTION FOR THE HEALTHY POLICY YIELDS HEALTHY KIDS INITIATIVE

Mayor Pro Tem's Recommendation: It is recommended that the City Council:

1) Adopt a Resolution for the Healthy Policy Yields Healthy Kids Initiative; and
2) Direct staff to execute all documents pertaining to the update of this policy.

Interim City Manager Romero provided an overview of this Item.

Mayor Pro Tem Argudo noted he attended a conference related to this subject matter and learned of the many opportunities to help implement a healthy lifestyle for all residents in the Community. He noted the many professionals who attended the meeting tonight who concur a healthy lifestyle is important. Mayor Pro Tem Argudo further stated in the future a Feasibility Study should be done regarding the promotion of safe curbs, sidewalks, and bike routes in the Community.

Mayor Holloway confirms the Council supports all that can be done to support a healthy lifestyle and communities, and noted school districts had previously started similar programs and suggests coordination with the school districts. He further stated physical activity should be promoted for children, it is important to change not only the drinks consumed, but to promote health in general to change lifestyles.

Council Member House stated he professionally and personally promotes the reduction of sugar drinks with the substitution of 100% fruit juice.

Council Member Solis confirms to reduce sugar intake is a great approach.

Council Member Mendoza noted her concern with youth sports drinks being sold at City snack shops and questions if we can consider the snack shop to follow this approach.

Mayor Holloway requests Council Member Solis to address this issue. Council Member Solis stated water and Gatorade is sold the most and suggested if juice was offered it would also be purchased. A discussion was held by the full Council regarding the offering of healthy snacks in addition to drinks, what the snack shops were currently offering for sale, the purpose is to introduce and not mandate, or eliminate any profit that is currently being made by the sport teams. Verbiage of the Resolution was discussed to see if modification was needed, and what was considered a City facility. Existing City contracts with vending companies will be researched. Council Member Mendoza stated for the City to introduce 100%, and impact what is available then perhaps sport teams will follow.

Andrea Giancoli (public comment speaker) stated sports drinks are not specifically addressed, yet it is important they only be used when cardio activity is consistent for 60 minutes or more. She addressed the schools requested sports drinks be left in athletic programs and stated she would meet with the sport teams.

Action taken: Motion made by Mayor Pro Tem Argudo to: 1) Adopt Resolution No. 11-4939 for the Healthy Policy Yields Healthy Kids Initiative; and 2) Direct staff to execute all documents pertaining to the update of this policy. Second made by Mayor Holloway. Item E-1 passed unanimously by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

E-2 CONSIDERATION OF A RESOLUTION AMENDING THE CITY'S FISCAL YEAR 2010-2011 ADOPTED BUDGET

Staff Recommendation: It is recommended that the City Council 1) adopt a Resolution amending the FY 2010-2011 Adopted Budget and 2) approve the Amendment to Agreement with James Corcoran and authorize the Interim City Manager to execute the Agreement, subject to review and approval by the Interim City Attorney as to form.

Interim City Manager Romero addresses this Item, stating Staff is currently requesting to continue this to a later date. Council concurs.

E-3 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT AMENDMENT-TWO YEAR ADDITIONAL SERVICE CREDIT (CORRECTED)

Staff Recommendation: It is recommended that the Mayor and City Council adopt the Corrected Resolution of Intention of the Mayor and City Council of the City of La Puente, Authorizing a Corrected Amendment to the Contract between the City Council of the City of La Puente and the Board of Administration of the California Public Employees' Retirement System and execute the required documentation (Certification of Governing Body's Action, Certification of Compliance with Government Code Section 7507, the Certification of Compliance with Government Code Section 20903 and the list of job classifications that are eligible for additional service credit).

Interim City Manager Romero introduces this item and states Human Resources Manager Sainz will provide a brief report.

Manager Sainz states this Item is brought back to Council for correction from January 11, 2011. She noted due to the reorganization of staff, one additional position eligible for the additional service credit (Community Development Services Director). Manager Sainz stated CalPers has provided clarification how to implement this addition, noting Council needs to approve the corrected Resolution.

Mayor Holloway confirms with Council there are no additional comments or questions.

Action Taken: Staff Recommendation: Motion was made by Mayor Pro Tem Argudo, to adopt the Corrected Resolution of Intention (Resolution No. 11-4918) of the Mayor and City Council of the City of La Puente, Authorizing a Corrected Amendment to the Contract between the City Council of the City of La Puente and the Board of Administration of the California Public Employees' Retirement System and execute the required documentation (Certification of Governing Body's Action, Certification of Compliance with Government Code Section 7507, the Certification of Compliance with Government Code Section 20903 and the list of job classifications that are eligible for additional service credit). Second made by Council Member House. Item E-3 is passed unanimously by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

E-4 CONSIDERATION OF A RESOLUTION OF THE CITY OF LA PUENTE RECOGNIZING LA PUENTE PROFESSIONALS, SUPERVISORS, MANAGERS AND CONFIDENTIAL EMPLOYEES ASSOCIATION AS THE EXCLUSIVE BARGAINING AGENT FOR NEWLY FORMED BARGAINING UNITS TO BE KNOWN AS THE SUPERVISORS UNIT AND THE PROFESSIONALS UNIT

Staff Recommendation: It is recommended that the City Council of La Puente adopt a resolution establishing the two proposed units as bargaining units within the work force of the City of La Puente and recognizing LPPSMCEA as the exclusive bargaining agent for each of those units.

Interim City Manager Romero introduces this Item and states Human Resources Manager Sainz will provide a brief report.

Mayor Holloway confirms a report is not necessary and Council proceeds to vote.

Action Taken: Staff Recommendation: Motion was made by Council Member House to adopt Resolution No. 11-4940 establishing the two proposed units as bargaining units within the work force of the City of La Puente and recognizing LPPSMCEA as the exclusive bargaining agent for each of those units. Second made by Mayor Pro Tem Argudo. Item E-4 passed unanimously by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

E-5 CONSIDERATION OF AN ORDINANCE OF THE CITY OF LA PUENTE, CALIFORNIA, ADDING SECTION 2.13 TO THE LA PUENTE MUNICIPAL CODE RELATING TO EXCEPTIONS TO THE CIVIL SERVICE SYSTEM

Staff Recommendation: It is recommended that the City Council:

1) Waive further reading of Ordinance and read by title only; and
2) Introduce Ordinance – an Ordinance of the City of La Puente, adding Section 2.13 to the La Puente Municipal code relating to exceptions of the Civil Service System.

Interim City Manager Romero addresses this Item, stating Staff is currently requesting to continue this to a later date. Council concurs.

E-6 CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, CALIFORNIA, RESCINDING RESOLUTION NO. 11-4928, AND AMENDING THE COMPREHENSIVE PERSONNEL SYSTEM AND ESTABLISHING THE NUMBER OF AUTHORIZED POSITIONS, MONTHLY SALARY RANGES AND HOURLY RATES FOR CITY EMPLOYEES

Staff Recommendation: It is recommended that the City Council adopt a Resolution of the City of La Puente Supporting City Reorganization and Adoption of an Amendment to the City of La Puente Classification Plan, Compensation Plan and Table of Organization.

Interim City Manager Romero addresses this Item, stating Staff is currently requesting to continue this to a later date. Council concurs.

E-7 CONSIDERATION OF AN ORDINANCE OF THE CITY OF LA PUENTE, CALIFORNIA, AMENDING SECTIONS 2.12.010, AND 2.12.020 TO THE LA PUENTE MUNICIPAL CODE RELATING TO APPOINTMENT, OF CITY TREASURER

Staff Recommendation: It is recommended that the City Council:

1) Waive further reading of Ordinance and read by title only; and
2) Introduce Ordinance – an Ordinance of the City of La Puente, amending Section 2.12.010 and 2.12.020 to the La Puente Municipal code relating to the appointment of the City Treasurer.

Interim City Manager Romero introduces this item and states Human Resources Manager Sainz will provide a brief report.

Manager Sainz states this Item is needed to amend the Municipal Code (MC) due to the reorganization. Currently the MC addresses only the Assistant City Manager. With the revised structure, both the City Manager and Finance Manager should be added. It was noted the Administrative Services Director needs to be included.

Discussion is held with City Attorney Casso, Mayor Holloway, Manager Sainz, and City Clerk Jacquez-Nares regarding amendment options, since only the City Treasurer is addressed. Attorney Casso determines verbal instruction can be given by the Council to add both titles to the body of the Ordinance (since the Ordinance was properly distributed) the position titles have been revised regarding who can step- in for the Treasurer; (the Finance Manager is already listed), the City Manager and the Administrative Services Director need to be added. Attorney Casso questions why the revised information is not reflected within the title of the Ordinance. The appropriate location was discussed; both Manager Sainz and the City Clerk confirmed the verbiage is within the body of the Ordinance, not the title.

Action taken: Motion was made by Mayor Pro Tem Argudo to 1) Waive further reading of Ordinance and read by title only; and 2) Introduce Ordinance – An Ordinance of the City of La Puente, amending Section 2.12.010 and 2.12.020 to the La Puente Municipal Code relating to the appointment of the City Treasurer, and 3) State within the body of the Ordinance the positions of City Manager, Finance Manager and Administrative Services Director are authorized to step-in for the Treasurer in addition to the Finance Manager. Second made by Council Member House. Item E-7 is passed unanimously by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

City Clerk Jacquez-Nares read the full title of the Ordinance for the record.

E-8 CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, STATE OF CALIFORNIA, DELETING SECTIONS 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, AND 2.14.060 OF THE CITY OF LA PUENTE MUNICIPAL CODE TO REFLECT THE ELIMINATION OF THE FINANCE DIRECTOR POSITION

Staff Recommendation: It is recommended that the City Council:

1) Waive further reading of Ordinance and read by title only; and
2) Introduce Ordinance – An Ordinance of the City of La Puente, deleting Sections 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, and 2.14.060 of the City of La Puente Municipal Code to reflect the elimination of the Finance Director Position.

Interim City Manager Romero introduces this item and states Human Resources Manager Sainz will provide a brief report.

Manager Sainz states this Ordinance will amend the Municipal Code (MC) to reflect the recent reorganization approved March 7, 2011 (Resolution No. 11-4927). The position previously reflected as the Finance Director is now the Finance Manager. Approval of this Ordinance will update the Municipal Code and eliminate the verbiage of Director of Finance or Finance Director.

Action Taken: Staff Recommendation: Mayor Pro Tem Argudo makes a motion to 1) Waive further reading of Ordinance and read by title only; and 2) Introduce an Ordinance of the City of La Puente, deleting Sections 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.050, and 2.14.060 of the City of La Puente Municipal Code to reflect the elimination of the Finance Director Position. Second is made by Council Member Mendoza. Votes are not taken at this time.

City Attorney Casso questions if it would be easier to drop the naming of each Section and identify the complete Chapter, such as Chapter 2.14. Manager Sainz states this would be acceptable, since the verbiage relates only to the Finance Director.

Alternate Motion is made by Mayor Pro Tem Argudo to 1) Waive further reading of Ordinance and read by title only; and 2) Introduce an Ordinance of the City of La Puente, deleting Chapter 2.14 of the City of La Puente Municipal Code to reflect the elimination of the Finance Director Position. Second is made by Council Member Mendoza. Item E-8 is passed unanimously by the following vote: AYES: Holloway, Argudo, House, Mendoza, Solis. NOES: None.

City Attorney Casso requested the title of the Ordinance be read for the record.

City Clerk Jacquez-Nares read the full title of the Ordinance with the approved changes:

> AN ORDINANCE OF THE CITY OF LA PUENTE, DELETING CHAPTER 2.14 OF THE CITY OF LA PUENTE MUNICIPAL CODE TO REFLECT THE ELIMINATION OF THE FINANCE DIRECTOR POSITION

E-9 DISCUSSION OF PLANNING COMMISSION APPROVAL OF UNCLASSIFIED USE PERMIT (UUP) FOR 119 N. SECOND STREET (FORMERLY KNOWN AS LE CHALET BASQUE) APPROVING ALCOHOL BEVERAGE CONTROL TYPE 47 LICENSE (Council Members Solis and House)

Interim City Manager Romero introduces this item and states Council Members Solis and House may prefer to provide a brief report since it is their Item.

A lengthy discussion was held between all Council Members, the City Attorney and City Clerk.

Council Member House stated this Item was originally before the Planning Commission. He noted the concern was due to last minute changes to the Unclassified Use Permit (UUP). He noted the restaurant previously at this location served both food and alcohol. Questions were related to Unclassified Use Permit, specifically the changes which were made before approval was granted by the Planning Commission. Council Member House requests clarification.

Mayor Holloway requested City Attorney Casso to give an overview of each appropriate process (the appeal process and the Council's involvement and potential actions).

City Attorney Casso noted a UUP is the same as a Conditional Use Permit (CUP) as identified in some cities. He noted an application is submitted to the City Planning staff, and a fee is charged for review. City staff then identifies any potential discrepancies or potential problems. If the process meets expected standards, the project is forwarded to the Planning Commission for approval via a Public Hearing. If approved, the Planning Commission adopts a Resolution which identifies conditions of approval; if the project is not approved, or if others do not agree with any decision made, there is an appeal process to follow. An appeal must be filed within 10 days, an established fee must be paid to the City Clerk, and all involved are notified according to due process. A public hearing is then scheduled before the City Council.

It was noted by Council and confirmed by the City Clerk; results of the meeting were not available immediately to allow anyone wishing to file an appeal within the allotted timeline. It was noted the audio tape of the Planning Commission reveals at the last minute before approval by the Planning Commission, the last sentence regarding the ratio of food and drink be omitted by the City Attorney.

The City Attorney noted due to established procedures, it was too late to file an appeal. He further stated he was of the belief the Planning staff and Applicant had agreed upon the alcohol and food ratio. A further complication was addressed; this project had a Notice of Exemption (NOE) filed with Los Angeles County Recorder's Office, a thirty-five day review to determine if any California Environmental Quality Assurance (CEQA) exemptions could apply to this project. Attorney Casso noted the Planning Commission's Resolution was approved March 1, 2011, making it impossible to now file an appeal. It was also noted proper notice of the Item were correctly provided to all per the Brown Act, therefore if the information was needed it could have been obtained. It was recommended if a Council Member decides to file an appeal in the future, the City Attorney advised the Council Member to not take part of the governing board for the same appeal.

Further discussion was held with the Council, the City Attorney, and City Associate Planner Chow noting various codes, food versus alcohol ratios, verifications and their impact. The substantial amounts of food versus alcohol percentages were discussed. The future process was discussed in the event a business is out of compliance with their Conditions of Approval identified in a Resolution. It was also noted there were other California Government Codes related to this issue, such as the Alcohol Bureau of Compliance (ABC) standards.

Mayor Holloway requested Item E-9 be continued for the purpose of discussion; to establish a set standard for food and alcohol ratio percents for future UUP's. It was noted the change could then be incorporated into La Puente's Municipal Code.

RECESS THE CITY COUNCIL

Mayor Holloway recessed the City Council at 9:18 p.m. to address Community Development Commission Items.

RECONVENE THE CITY COUNCIL

Mayor Holloway reconvened the City Council meeting at 9:21 p.m.

RECESS TO CLOSED SESSION

Mayor Holloway recessed to Closed Session at 9:21 p.m.

City Attorney Casso provided a brief overview of City Council Items F-3, F-4, and F-5 to be discussed in Closed Session.

F. CLOSED SESSION

NOTE: Items F-1 and F-2 pertain to the Community Development Commission's purview.

F-3 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6(f) TO CONFERENCE WITH LABOR NEGOTIATORS. AGENCY DESIGNATED REPRESENTATIVES: HAYDEE SAINZ, HUMAN RESOURCES MANAGER. EMPLOYEE ORGANIZATION: SEIU LOCAL 721 UPDATE.

F-4 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957, PUBLIC EMPLOYMENT: CITY MANAGER

F-5 THE CITY COUNCIL WILL RECESS INTO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b), SIGNIFICANT EXPOSURE TO LITIGATION, TO CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SEVEN (7) CASES

RECONVENE TO OPEN SESSION

Mayor Holloway reconvened to open session at 12:55 a.m. April 27, 2011

REPORT OUT OF CLOSED SESSION

City Attorney Casso provided the following update of Closed Session Items F-3, F-4, and F-5 as follows:

Item F-3	No current reportable action, Item is being deferred to a future date, May 3, 2011 at 5 p.m.
Item F-4	No reportable action.

Item F-5 Item consists of 7 cases of which 4 cases were discussed. The remaining 3 cases have no reportable action.

AD HOC COMMITTEE REPORTS

Mayor Holloway stated at the next regular scheduled meeting, City Council appointments to Boards and Committees would be determined. He noted the Mayor and Mayor Pro Tem would sit on their standard committees.

COUNCIL AB-1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Mayor Holloway reported there were no comments from Council.

ORAL COMMENTS FROM STAFF

City Attorney Casso stated at 10:29 p.m. the City Council concurred to extend the meeting beyond the 10:30 p.m. hour per existing policy; La Puente Municipal Code 2.04.020 (c).

ADJOURNMENT

There being no further business to come before the Commission, Mayor Holloway adjourned the City Council meeting at 12:59 a.m. April 27, 2011.

Approved this 25th day of October 2011

Adrian Garcia
Acting Deputy City Clerk

Daniel C. Holloway
Mayor