MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
MAY 10, 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 May 10, 2011, at 7:00 p.m.

CALL TO ORDER

Mayor Holloway called the meeting to order at 7:00 p.m.

ROLL CALL

Council Members present: Holloway, Argudo, House, Solis.

Council Members absent: Mendoza.

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

Mayor Pro Tem Argudo led the Pledge of Allegiance.

PRESENTATIONS

PRESENTATION OF MILITARY BANNER CERTIFICATES

Recreation Services Director Bistarkey provided a brief summary of the Military Banner program, noting the banners are displayed along Hacienda Boulevard.

The family of Jose D. Ibarra, United States Air Force was called forward for recognition and presentation of a Certificate.

The family of Richard Perez, United States Army was called forward for recognition and presentation of a Certificate.

ORAL COMMUNICATIONS

Leonard Rose Jr.
Mr. Rose referenced his previous conversation from April 26, 2011, regarding how important fitness and good health is to your body, instead of doing damage caused by negative habits. He

stated he was going to be interviewed on a television program by Channel 58 promoting positive lifestyles for your body.

Rudy Almeida
Mr. Almeida spoke regarding Marijuana use in the community, stating he had recently learned there were only 5 out of 10 known storefronts remaining. He noted the newspapers have been reporting State lawmakers are taking a stern approach against medical marijuana. He briefly mentioned some pro's and con's of Marijuana use and requested an improved approach in controlling the Community.

RECESS COMMUNITY DEVELOPMENT COMMISSION

Mayor Holloway recessed the Community Development Commission portion of the meeting at 7:12 p.m.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING – None.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL - None.

RECESS:

At 7:13 p.m., Mayor Holloway announced a brief recess for all in attendance to join together for refreshments and publicly acknowledge the April 26, 2011 re-organization of the City Council and Community Development Commission.

The recess ended and business was continued at 7:35 p.m.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 CONSIDERATION OF THE SOUTHERN CALIFORNIA EDISON (SCE) CALIFORNIA LONG-TERM ENERGY EFFICIENCY STRATEGIC PLAN (CEESP) MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS AND THE CITY OF LA PUENTE

Staff Recommendation: It is recommended that the City Council approve one of the following options:

1) Approve the Southern California Edison (SCE) California Long-Term Energy Efficiency Strategic Plan (CEESP) Memorandum of Understanding (MOU) between the San Gabriel Valley Council of Governments and the City of La Puente; or
2) Not approve the MOU and continue the City's participation in the grant without the reimbursement of staff time.

Interim City Manager Romero gave an overview of the Item to the City Council stating this has been brought back before the Council per their request. He noted two representatives from the San Gabriel Valley Council of Governments (COG) were present to provide clarification and answer any questions.

Becka Cook and Marissa Carder (COG representatives) addressed the Council providing background information regarding the MOU. It was noted this partnership program is designed to promote energy efficient projects and staff training for future endeavors (beyond 2012) and provide reimbursement up to $38,000 per participating City. It was noted the Public Utilities Commission (PUC) had provided $4.7 Million directly related to AB 32. Twenty-seven applications from twenty-nine Cities had been received in response to the 2010 Request for Proposal (RFP) including La Puentes.

The Council held discussion with the representatives, including previous legal issues. It was noted the previous wording did not change. Mayor Holloway noted decision before the Council was as identified in recommendation, to go forward and approve the MOU, or not approve.

Mayor Pro Tem Argudo made a Motion to concur with Recommendation No. 1 to accept the MOU as is. A second did not come forward; therefore the Motion did not stand. Mayor Holloway stated the Council has an member absent, therefore he directed staff to bring the Item back when a full council is present.

C-2 DISCUSS AN AMENDMENT TO THE LA PUENTE MUNICIPAL CODE TO ALLOW THE CITY COUNCIL TO REVIEW PLANNING COMMISSION ACTIONS

Staff Recommendation: It is recommended that the City Council discuss and provide staff direction.

Interim City Attorney Casso gave an overview of this Item, noting Council had discussed this subject previously and requested additional information be provided and the Item placed on the Agenda. Mr. Casso noted he had provided a Confidential Memorandum for each Council Member, an overview of various Cities protocol regarding this matter. The Council held many lengthy discussions between themselves and the Interim City Attorney, regarding protocol, the appeal and due process, fees paid and by whom, time limits of certain actions, reviewing or overturning a Planning Commission decision, the purpose of having a Planning Commission as an independent body, revising the existing Zoning Ordinance, and revision of the MC. The discussion reflected everyone provided input and was actively involved; multiple motions were made, along with several requests of clarification. During this process, City Clerk Jacquez-Nares and Associate Planner Chow provided input. Multiple Motions are as follows:

Mayor Pro Tem Argudo makes a Motion, to 1) Implement a policy where Planning Commission Items are placed on the City Council Agenda for information, and 2) to enable a City Council Member to initiate an appeal on any decision the Planning Commission has made, and 3) Implement the appeal process, and 4) Implement the change and revise the appropriate documents (Ordinance if applicable) if needed. Second is provided by Council Member Solis. Motion does not pass due to tie vote, two Council Members voting AYES: Argudo, Solis. NOES: Holloway, and House. ABSENT: Mendoza.

Council Member House then makes a Motion to 1) Notify the City Council in delivered written form (ink) of the Planning Commission's meeting results within 24 hours of their meeting.

Council Member House then clarifies the Motion per request to 1) Notify the City Council in written form (ink) via hand delivery (fax acceptable) of the Planning Commission's meeting results within 5 days of their meeting. Second does not follow, Motion dies.

Council Member House revises his Motion per request to 1) If any member of the City Council renders an appeal of any PC decision, once an appeal is rendered, they must be notified within 5 days from the PC Meeting or by the next Council Meeting. Second is made by Mayor Pro Tem Argudo.

Council Member House again revises his Motion per request to 1) Notify the City Council in written form (ink) of the Planning Commission's meeting results within 5 days of their meeting, and 2) Note Planning Commission's actions on the next City Council Agenda for informational purposes, and 3) Allow a Council Member to initiate an Appeal of any decision rendered by the Planning Commission 4) A Public Hearing will be set if an Appeal is made. Second is made by Mayor Pro Tem Argudo. Motion passes by majority vote: AYES: Argudo, House, Solis. NOES: Holloway. ABSENT: Mendoza.

ALTERNATE MOTION is considered by Mayor Pro Tem Argudo for the purpose of amending an Ordinance if needed and to state Council should not pay for an appeal.

Council Member House makes a Motion to reconsider the previous motion. Second is made by Mayor Pro Tem Argudo. Motion carries by unanimous vote. AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza. Previous Motion offered by Council Member House dies.

Council Member House makes a Motion stating 1) Note Planning Commission's actions are placed on the next City Council Agenda for informational purposes, and 2) Any member of the City Council may render a decision of any Planning Commission's actions, and 3) Any City Council Member may initiate an Appeal and not be subject to pay the Appeal charge, and 4) Due Process is followed whereby appropriate documents are revised (such as an Ordinance, etc.) if needed. Motion passes by majority vote: AYES: Argudo, House, Solis. NOES: Holloway. ABSENT: Mendoza.

D. CITY COUNCIL CONSENT CALENDAR

Council Member Solis requested to pull Item D-4 for further discussion.
Council Member House requested to pull Item D-5 for further discussion.

Council Member Solis made a Motion to approve Consent Calendar Items D-1 through D-3. Second was made by Mayor Pro Tem Argudo. The motion unanimously carried by the following vote: AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza.

D-1 APPROVAL OF RESOLUTION APPROVING WARRANT REGISTER NO. 1296 FOR FISCAL YEAR 2010-2011

Action Taken: Approved staff recommendation and adopted Resolution No. 11-4941 approving Warrant Register No. 1296.

D-2 SECOND READING - ADOPTION OF ORDINANCE No. 11-914 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

Action Taken: Approved staff recommendation and adopted Ordinance No. 11-914:

1) Waive further reading of Ordinance and read by title only; and
2) Adopted Ordinance No. 11-914 - 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.

D-3 SECOND READING - ADOPTION OF ORDINANCE No. 11-915 OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, STATE OF CALIFORNIA, DELETING CHAPTER 2.15 OF THE CITY OF LA PUENTE MUNICIPAL CODE TO REFLECT THE ELIMINATION OF THE FINANCE DIRECTOR POSITION

Action Taken: Approved staff recommendation and adopted Ordinance No. 11-915:

1) Waive further reading of Ordinance and read by title only; and
2) Adopted Ordinance No. 11-915 - 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.

CONSENT ITEM D-4 PULLED FOR FURTHER DISCUSSION:

D-4 CONSIDERATION OF FIREWORKS SALES PERMITS FOR VETERANS GROUPS FOR THE 2011 INDEPENDENCE DAY SEASON

Action Taken: Council approved Staff Recommendation and approved the issuance of permits to sell Safe and Sane Fireworks by Veterans of Foreign Wars, Post 1944, American Legion Post 75, and American Legion Post Women's Auxiliary, pursuant to all applicable code requirements.

Council Member Solis pulled this Item for further discussion. Council and Interim City Attorney Casso held discussion regarding who is authorized to rent the booth, the renters of the booth sub-letting booths to other entities to either run the booth for the Veterans, or for other organizations sub-letting the booth for their own use. Issues such as permits, licenses, enforcement, liabilities, profits, and policies in existence or creating were also discussed. Confirmation was made regarding the purpose of booth rental was to be made by Veteran associations for the sole purpose of fundraising, and monitoring was the responsibility of the City Manager.

Mayor Holloway made a Motion to 1) approve the issuance of permits to sell Safe and Sane Fireworks by Veterans of Foreign Wars, Post 1944, American Legion Post 75, and American Legion Post Women's Auxiliary, pursuant to all applicable code requirements. Second was made by Council Member House. Motion carried by the following vote: AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza.

CONSENT ITEM D-5 PULLED FOR FURTHER DISCUSSION:

D-5 CONSIDERATION OF A RESOLUTION AMENDING THE CITY'S FISCAL YEAR 2010-2011 ADOPTED BUDGET

Staff's Recommendation:

1) Adopted Resolution No. 11-4942 amending the FY 2010-2011 Adopted Budget, and
2) Approved the Amendment to Agreement with James Corcoran and authorized the Interim City Manager to execute the Agreement, subject to review and approval by the Interim City Attorney as to form.

Council Member House pulled this Item for further discussion, specifically regarding the high cost of legal fees. Discussion was held with the appropriate staff personnel regarding the purpose of the fees. Many topics were discusses, such as the use of the Joint Power Insurance Agency (JPIA), management response to personnel problems, claims filed, legal obligations and requirements, future mitigation, risk analysis, updating policies and procedures, legislative updates and appropriate training and action by all parties involved. Consensus was to improve internal handling of issues as they arise.

This discussion continued, and a vote was taken to end the discussion / debate: Mayor Holloway made the Motion. Interim City Attorney Casso stated a Second was not needed. The motion failed, AYES: 2 NOES: 2 ABSENT: 1 The Motion failed, and the discussion / debate continued. Another lengthy discussion followed.

Action Taken: Motion made by Council Member House to 1) Adopt Resolution No. 11-4942 to amend 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. Second was made by Mayor Pro Tem Argudo. Motion carried by the following majority vote: AYES: Argudo, Holloway, House. NOES: Solis. ABSENT: Mendoza.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF MAYOR'S APPOINTMENTS TO VARIOUS BOARD POSITIONS

Staff Recommendation: It is recommended that 1) the Mayor make appointments to the various agency boards; and 2) the Council adopt the Resolution appointing specific representatives to the San Gabriel Valley Council of Governments.

After brief overview by Mayor Holloway, the following appointments were made to the various Board Positions as noted on the following table. Council concurred with the appointments made, and therefore adopted Resolution No. 11-4943 by consensus. A listing noting the multiple appointments is attached.

Action taken: Mayor Holloway announced the appointments to the various agency boards; and 2) the Council adopted Resolution No. 11-4943 appointing specific representatives to the San Gabriel Valley Council of Governments by consensus.

Motion made by Mayor Holloway, Second made by Mayor Pro Tem Argudo to 1) approve the appointments made by the Mayor to the various agency boards; and 2) Adopted Resolution No. 11-4943 appointing specific representatives to the San Gabriel Valley Council of Governments. Motion carried by the following majority vote: AYES: Argudo, Holloway, House, Solis. NOES: None. ABSENT: Mendoza.

NOTE:
Action Taken: No Vote taken for Resolution

Therefore I would have to presume the above Motion

BOARD APPOINTMENTS MADE 05-10-2011 (ITEM E-1) BY MAYOR HOLLOWAY

COUNCIL MEMBER / COMMISSIONER	DELEGATE	ALTERNATIVE
Daniel C. Holloway	Sanitation Districts 15 & 21 Whittier, CA League of California Cities Los Angeles County Division Sylmar, CA When necessary following League Meetings City Selection Committee (Meetings held in conjunction with the League monthly meeting) San Gabriel Valley Mosquito & Vector Control District	San Gabriel Valley Mosquito & Vector Control District
David Argudo	S.G.V. Council of Governments Foothill Transit Zone	Sanitation Districts 15 & 21 Whittier, CA National League of Cities Washington, DC
Vince House	California Contract Cities Assoc. Downey, CA	S.G.V. Economic Partnership / Valley Corporate Center Irwindale, CA S.G.V. Council of Governments Pasadena, CA
Nadia Mendoza	Southern California JPIA La Palma, CA	League of California Cities Los Angeles County Division Sylmar, CA When necessary following League Meetings City Selection Committee (Meetings held in conjunction with the League monthly meeting)
Haydee Sainz City of La Puente Interim HR Manager		Southern California JPIA La Palma, CA

E-2 AUTHORIZATION TO SOLICIT BIDS FOR THE SANITARY SEWER MAINTENANCE SERVICES IN THE CITY OF LA PUENTE

Staff Recommendation: It is recommended that the City Council: 1) approve the specifications for the Sanitary Sewer Maintenance Services in the City of La Puente; and 2) authorize staff to solicit bids.

Report was given by City Engineer Bill Pagett regarding the need to solicit bids for a maintenance and emergency contract in the amount of $100,000. Every 3 years all of the lines within the city will be cleaned. New city maintenance fund will provide money to cover for this contract and fulfill the current legislation requirements. Discussion was held with staff and Council related to the proposed contract activities.

Action Taken: Council approved Staff Recommendation. Council Member House made a Motion to 1) Approved the specifications for the Sanitary Sewer Maintenance Services in the City of La Puente; and 2) Authorized staff to solicit bids. Second provided by Mayor Pro Tem Argurdo. Item carried unanimously by the following vote: AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza.

RECESS
Mayor Holloway calls a Recess at 9:02 p.m.
Mayor Holloway ends the Recess at 9:03 p.m.

E-3 CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PUENTE SUPPORTING A REORGANIZATION OF CITY PERSONNEL AND AMENDING THE CITY OF LA PUENTE CLASSIFICATION PLAN, COMPENSATION PLAN, AND TABLE OF ORGANIZATION

Staff Recommendation: It is recommended that the City Council adopt a Resolution supporting City reorganization and amending the City's Classification Plan, Compensation Plan and Table of Organization.

Overview was provided by Human Resources Manager Sainz, noting the elimination of 18 positions and adding 6 new positions. Lengthy discussion was held by Council.

Action Taken: Motion is made by Council Member Solis to 1) Removed the position identified as "Item 13" from the Classification and Compensation Plans, from the Table of Organization, and from the Resolution, then 2) Adopted Resolution No. 11-4944 (once the change is made) in support of the City reorganization of City personnel. Second was made by Council Member House. Item passed by a majority vote: AYES: Argudo, House, Solis. NOES: Holloway. ABSENT: Mendoza.

E-4 CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, 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 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.

Overview was provided by Human Resources Manager Sainz and Council concurred with the new organization listing with the removal of the position identified as "Item 13" from all of the documents related to this Item including the Resolution.

Action Taken: Motion is made by Mayor Pro Tem to 1) Approve the new organization listing with the removal of the position identified as "Item 13" from all of the documents related to this Item including the Resolution, then 2) Adopted Resolution No. 11-4945 (once the changes were made) in support of the City 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. Second was made by Council Member House. Item passed by a majority vote: AYES: Argudo, House, Solis. NOES: Holloway. ABSENT: Mendoza.

E-5 CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, 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 the Ordinance and read by title only; and
2) Introduce the Ordinance - An Ordinance of the City of La Puente, adding Section 2.13 to the La Puente Municipal Code relating to exceptions to the Civil Service System.

Human Resources Manager Sainz stated this Ordinance adds the 6 new positions and noted these positions are "at-will" which is an advantage to the City.

Action Taken: Council follows staff recommendation to 1) Waived further reading of the Ordinance, read the Ordinance title only, and 2) Introduced the Ordinance - An Ordinance of the City of La Puente, adding Section 2.13 to the La Puente Municipal Code relating to exceptions to the Civil Service System. Motion was made by Council Member House, Second was made by Council Member Solis and carried unanimously by the following vote: AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza.

City Clerk Jacquez-Nares then read the Ordinance title.

E-6 AWARD OF CONTRACT FOR PAYROLL / TIME & ATTENDANCE / HR AND BENEFITS ADMINISTRATION

Staff Recommendation: It is recommended that the City Council award the Payroll / Time & Attendance/HR and Benefits Administration service contract to ADP in the amount of $11,870 per year and authorize the Mayor to sign the contract.

Council Member House requests clarification of proposed charge stating the amount may be low. Questions if there are additional charges for additional various charges. Total annual cost of payroll, Human Resources benefit administration, time and attendance. ADP representatives are available. Lengthy discussion takes place with Council and ADP representatives. It was discussed the cost of ADP is not less than but more. Council requests to bring this Item back to the Council after further evaluation.

Action Taken: Council did not follow staff's recommendation and made the following Motion:

Motion was made by Council Member to receive and file the Service Contract. Second was made by Council Member Solis and passed unanimously by the following vote: AYES: Holloway, Argudo, House, Solis. NOES: None. ABSENT: Mendoza.

RECESS THE CITY COUNCIL AND RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION

Mayor Holloway recessed the City Council Meeting and reconvened to the Community Development Commission portion of the meeting at 10:20 p.m.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION AND RECONVENE THE CITY COUNCIL

Mayor Holloway recessed the Community Development Commission Meeting and reconvened to the City Council portion of the meeting at 10:36 p.m.

RECESS TO CLOSED SESSION

Mayor Holloway recessed to Closed Session at 10:46 p.m.

F. CLOSED SESSION

F-1 CITY COUNCIL CLOSED SESSION ITEM PURSUANT TO GOVERNMENT CODE 54957.6(f) TO CONFERENCE WITH LABOR NEGOTIATOR AGENCY

DESIGNATED REPRESENTATIVE: HAYDEE SAINZ, HUMAN RESOURCES MANAGER EMPLOYEE ORGANIZATION: SEIU LOCAL 721

F-2 CITY COUNCIL CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b), SIGNIFICANT EXPOSURE TO LITIGATION, TO CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION THREE (3) CASES

RECONVENE TO OPEN SESSION

Mayor Holloway reconvened to open session at 10:47 p.m. May 10, 2011

REPORT OUT OF CLOSED SESSION

Mayor Holloway reported at 10:47 p.m. Closed Session was not held due to lack of quorum.

AD HOC COMMITTEE REPORTS - None.

COUNCIL AB 1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL / COMMISSION ORAL - None.

ORAL COMMENTS FROM STAFF - None.

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 10:47 p.m. May 10, 2011.

Approved this 25th day of October 2011

Adrian Garcia
Acting Deputy City Clerk

Daniel C. Holloway
Mayor