MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
JULY 12, 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 July 12, 2011, at 7:00 p.m.

CALL TO ORDER

Mayor Solis called the meeting to order at 7:03 p.m.

ROLL CALL

Council Members present:	Solis, Argudo, Holloway, House, Mendoza.
Council Members absent:	None.
Staff Members present:	Interim City Attorney Casso, Interim City Manager Romero, Police Chief 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 Holloway led the Pledge of Allegiance.

PRESENTATIONS

PRESENTATION OF PROCLAMATION
JULY IS PARKS AND RECREATION MONTH

A Proclamation was given to the Parks and Recreation Department declaring the Month of July as Parks and Recreation Month throughout the State. City Clerk Jacquez-Nares read the Proclamation for the record. The Department received acknowledgement for all of the hard work they do for the Community.

Recreation Coordinator Dominguez accepted the Proclamation and noted their upcoming events, and thanked the Council for their continued support in providing programs and entertainment for the Community.

EMERGENCY ITEM

Interim City Attorney Casso stated there was an Emergency Item to be added to the Agenda arose after the Agenda had been distributed. He noted the representatives were present, stating the matter was in reference to a tour of the Heights area. The tour is scheduled to take place at the end of July and the promoters are in need of sponsorship to allow them to advertise. Attorney Casso noted the Item could be added to the Agenda under the New Business section as Item E-3. The Council concurred with the Emergency Request of the Item.

Council Member House made a Motion to add an Emergency Item to the Agenda, under the New Business Section, as Item E-3 for consideration of sponsorship for the "First Annual Tour of the Heights." Second was provided by Mayor Pro Tem Argudo. The motion unanimously carried by the following vote: AYES: Solis, Argudo, Holloway House, Mendoza. NOES: None.

ORAL COMMUNICATIONS

Leonard Rose Jr.
Attended camp to encourage parents and children. Regarding another matter, there was a severe accident within the City on Temple Street at a location where accidents happen continually, and recommended a signal be considered at this location. He also noted his concern of illegal fireworks.

Agustin Ramos
Spoke in reference to a newspaper article from June 14, and the budget deficit. He spoke of all of the additions and positive changes which have progressed throughout the years. He noted several schools which have needs, such as a baseball field, a swimming pool, and a lack of a theater.

Bill Macias for Dwyer
Stated there are no sidewalks on Peggy Avenue in a housing development built in the early 1950's. Other areas close to this location have received sidewalk improvements; however this community does not want sidewalks. He was informed by the City their area would receive sidewalks due to a Grant for "Safe Route to Schools." Mr. Macias carried a petition throughout the neighborhood, and the consensus is they do not want this improvement, and requested Council to abide by their choice. A request for a speed bump was made.

Interim City Attorney Casso advised the City Council not to provide an answer, since it would be only their opinion, they could not advise on a matter that was not before them on the Agenda. City Engineer Bill Pagett noted funding for the sidewalks is indeed from a Grant, although their specific neighborhood has not yet been scheduled. Mr. Pagett noted there are times when fifty percent or more of a neighborhood has a preference, their request is considered.

Laurie Marshall
Gave handouts to the Council for her business (an Auto-Body shop). She noted they have done work for City vehicles. Notified everyone a car show will be held at her location for the Sheriff's Department which is a fund raiser for children's programs.

Manuel Maldonado
Concerned regarding two issues, sent an email to Mayor Pro Tem Argudo and Council Member Holloway, never heard back from anyone, had requested a speaker for LAPD to come to a City Council meeting to referenced phone calls which are a scam requesting money, police report was filed without any action taken.

Mayor Pro Tem Argudo offered to speak at his workshop, and requested dates. Council Member Holloway also responded to Mr. Maldonado stating he had responded back to him and the problem was with setting the date.

Marty Paz
Stated he was at the Council Meeting several weeks previously noting who had replaced a wonderful employee. He noted the person's replacement came and met with him previously, all of his concerns were listened to and the Parks and Recreation Department also worked late to clean up.

Rudy Almeida
Arson to his property took place on April 16m 2011. Mr. Almeida informed the Council / City the matter has been referred to the District Attorney and the Federal Bureau of Investigations.

CLOSED SESSION WAS BROUGHT FORWARD BY REQUEST OF MAYOR SOLIS:
RECESS TO CLOSED SESSION

Mayor Solis recessed to Closed Session at 7:53 p.m.

Interim City Attorney Casso provided a brief overview of City Council Items to be discussed in Closed Session, noting Item F-2 would not be discussed.

F. CLOSED SESSION

NOTE: Items F-1 and F-2 pertain to the City Council. Item F-3 pertains jointly to the City Council and the Community Development Commission.

F-1 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6 TO CONFERENCE WITH LABOR NEGOTIATOR AGENCY DESIGNATED REPRESENTATIVE INTERIM CITY MANAGER RAUL ROMERO, EMPLOYEE ORGANIZATION SEIU LOCAL 721

F-2 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 ONE (1) CASES

F-3 THE CITY COUNCIL AND THE COMMUNITY DEVELOPMENT COMMISSION WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8 TO CONFERENCE WITH REAL PROPERTY NEGOTIATORS

PROPERTY:	15849 Main Street, La Puente, CA 91744
AGENCY NEGOTIATORS:	Interim City Manager and Interim Executive Director Raul Romero, and Interim City Attorney and Interim Commission Attorney James Casso
NEGOTIATING PARTIES:	Khiem and Ivy Pham
UNDER NEGOTIATION:	Price and Terms

RECONVENE TO OPEN SESSION

Mayor Solis reconvened the City Council meeting to open session at 8:30 p.m.

REPORT OUT OF CLOSED SESSION

Interim City Attorney Casso reported on Closed Session Items stating for Item F-1 there was no reportable action, Item F-2 was removed from discussion. Interim City / Commission Attorney Casso reported on Closed Session Joint Item F-3 and noted there was reportable action. A vote was taken with the result of 3 to 2. AYES: Solis, Argudo, House NOES: Holloway, Mendoza. Direction was given to Interim City Manager / Interim Executive Director Raul Romero.

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

RECESS THE COMMUNITY DEVELOPMENT COMMISSION

Mayor Solis recessed the Community Development Commission portion of the meeting at 8:31 p.m.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL

B-1 PUBLIC HEARING - APPEAL OF BUSINESS LICENSE OFFICER'S DECISION PERTAINING TO THE RENEWAL OF A BUSINESS LICENSE CERTIFICATE FOR TRINITY WELLNESS (This matter was continued at the June 28, 2011, meeting.

Staff Recommendation: It is recommended that the City Council reopen and conduct the public hearing pursuant to La Puente Municipal Code Section 5.04.300 and upon the conclusion of that hearing find that the decision of the business license officers was proper and uphold the decision or take any other action deemed appropriate by the City Council.

A. Public Hearing procedures for City Council consideration was proper.

1. Staff report by Acting Finance Manager Leung, Assistant City Attorney Sparks, and Interim City Attorney Casso. History of the issuing of the Permit and the problems involved were discussed. It was noted updated information had been received late on June 28, 2011 in response to the charges alleged.

2. Mayor Solis opens the Public Hearing at 8:56 p.m.

Appellant's representative Jamie Hall from Channel Law Group spoke on behalf of Trinity Wellness Center, a Medical Marijuana collective. Mr. Hall stated the existing Ordinance is in violation with the current laws. He noted Trinity Wellness Center jumped through hoops obtaining an Occupancy Permit, Building Permits, Electrical Permits, and then was eventually told he could no longer operate due to an error of the City's computer system. He noted employees, patients, and many others were available in the audience to speak.

Lou Perez, asked the Council what is the best for the people? Mr. Perez had gone out to the neighborhoods to find out what they want, stating they do not want a Marijuana collective operating in their City. He challenged the Council to represent the people of La Puente, not the business.

Rudy Almeida, against Marijuana, reminded the Council he had brought in a letter from Los Angeles County Supervisor Molina regarding this issue. He noted children are taught not to abuse alcohol, drugs, yet we allow storefronts to handle Marijuana. He addressed the pro's and con's of marijuana use.

Jonathan Salman from Trinity Wellness Center addressed the Council. He noted he went to many Cities which did not have an Ordinance against medical Marijuana, stating La Puente did not. When he first approached the City, at their request, found multiple locations, which was not close to schools or churches, received confirmation from the City to open at his existing location and was granted a Certificate of Occupancy. He stated he followed all requests from the Planning, Fire and Police Departments, and City Staff. He was informed by the City Trinity Wellness Center would be the model of what a collective should be, based on a safe and secure environment. The collective opened in January, and later was informed this Business License was not valid.

Frank Iego, a Medical Marijuana user, stated this specific business is above and beyond their competitors. He noted children are not allowed and stated they are a respectable business.

Lou Ariano has a nerve birth defect and is a Medical Marijuana user. He noted Trinity Wellness is one of the best run shops and abides by the law. He stated Medical Marijuana is legal in California, and does not understand why La Puente is so against this type of business.

3. City Clerk Jacquez-Nares reported no public correspondence has been received for this Item.
4. Testimony:
Interim City Attorney Casso states correspondences was received and presented to the Council noting the same position as presented previously. Respond to a comment to a comment Jonathan Salman made to an Ordinance and Municipal Code. The issue is the application was not received for amortization within a timely matter.

5. Mayor Solis closes the Public Hearing at 9:15 p.m.
6. Recommendation: That the City Council:
   a. Find that the decision of the business license officer was proper and uphold the decision or take any other action deemed appropriate by the City Council.

Council held a lengthy discussion regarding the letters received earlier in the year. It was discussed there was a computer error which issued the Business License. It was noted the purpose of Business License was to bring revenue into the City. It was noted the existing license would be ending September 30, 2011. Discussion was made to allow an exception and allow them to operate until the September date. Questions were asked and answered regarding the Municipal Code. It was confirmed initially the City had no preference to allow or disallow this type of business since there was not an existing Ordinance in place.

Mayor Pro Tem Argudo discussed making a Motion to accept an amortization package which would allow them to operate. Interim City Attorney Casso stated this type of decision was not within the parameters of what was before the Council. The decision must be to either Sustain or overturn the decision of Business License offer. Mayor Pro Tem Argudo questioned if they could allow Trinity Wellness to continue to operate until September 30, 2011 and then overturn the delinquent license.

Mayor Solis pulls the Motion so a recess may take place at the request of Interim City Attorney Casso.

Although the Public Hearing was closed, Mayor Solis grants Jonathan Salman request's to speak. Mr. Salman stated the business did request to file a late amortization packet, however, his request to file was denied and the application required extensive financial information. He noted he did not have legal representation at that time. His request is to allow the City to accept a late amortization packet now so the business can continue to operate.

Interim City Attorney Casso states due to this additional information, it appears good faith was attempted to fulfill the requirements.

Council Member Holloway made a motion to uphold staff recommendation and deny their appeal and not issue the Business License. Second was provided by Council Member Mendoza.

Discussion followed regarding the City being business friendly, timelines, and due diligence. It was noted there are other operatives, which are operating in La Puente without a Business License, yet they are still open. Interim City Attorney Casso stated he is in the process of working with them for a resolution. It was discussed this Item was before the Council at the request of Trinity Wellness Center because of the appeal they had filed.

Action Taken Council Member Holloway made a motion to uphold staff recommendation and deny their appeal and not issue the Business License. Second was provided by Council Member Mendoza. The motion carried by the following majority vote: AYES: Holloway, House, Mendoza. NOES: None. ABSTAIN: Solis, Argudo.

Mayor Solis stated he would like to continue this Item.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 CONSIDERATION OF APPOINTMENTS TO THE PLANNING COMMISSION

Staff Recommendation: It is recommended that the City Council make appointments to fill vacancies on the Planning Commission

A brief discussion was held with Mayor Solis, Interim City Attorney Casso and City Clerk Jacquez-Nares regarding required deadlines.

D. CITY COUNCIL CONSENT CALENDAR

Mayor Pro Tem Argudo made a Motion to approve Consent Calendar Items D-1 through D-2. Second was provided by Council Member Mendoza. 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. 1300 FOR FISCAL YEAR 2010-2011

Action Taken: Approved staff recommendation and adopted Resolution No. 11-4953-A approving Warrant Register No. 1300 for time frame of June 21, 2011 through June 30, 2011.

D-2 ACCEPTANCE OF NOTICE OF COMPLETION FOR REHABILITATION OF CITY STREETS ON INYO STREET AND ARDILLA STREET AND SEWER IMPROVEMENTS IN INYO STREET

Action Taken: Approved staff recommendation and accepted the project as complete, and authorized the City Clerk to execute the Notice of Completion.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 APPROVAL OF THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2011 LOCAL SOLICITATION APPLICATION

Staff Recommendation: **It** is recommended that the City Council authorize Staff to prepare and submit the City's application for Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds in support of overtime costs for the City's SAO Team assigned through the Los Angeles County Sheriff's Department.

Rehabilitation Grant Specialist Galvan, La Puente has been allocated funds this year which will be used to cover overtime costs related to Gan problems. Deadline is July 21, 2011 for submittal.

Council Member House made a Motion to authorize Staff to prepare and submit the City's application for Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds in support of overtime costs for the City's SAO Team assigned through the Los Angeles County Sheriff's Department. Second was provided by Council Member Holloway. The motion unanimously carried by the following vote: AYES: Solis, Argudo, Holloway House, Mendoza. NOES: None.

E-2 LEAGUE OF CALIFORNIA CITIES DESIGNATION OF VOTING DELEGATE FOR ANNUAL CONFERENCE

Staff Recommendation: **It** is recommended that the Mayor and City Council appoint a voting delegate and up to two alternates, and direct the City Clerk to forward the Voting Delegate / Alternate Form to the League of California Cities.

Discussion was held by the Council regarding the appointment of staff to represent the City at the League of California Cities. Mayor Solis recommended Council Member House as the Delegate and Council Member Solis as the Alternate.

Mayor Solis made a Motion to recommended Council Member House as the Delegate and Council Member Solis as the Alternate. The motion unanimously carried by the following vote: AYES: Solis, Argudo, Holloway House, Mendoza. NOES: None.

EMERGENCY ITEM ADDED TO AGENDA

E-3 FIRST ANNUAL TOUR OF HEIGHTS BY CYCLERTOPIA

Mr. Hernandez came forward to address the Council regarding the event he is requesting support and sponsorship for. He provided a Power Point presentation to help identify all of the details. It was noted this is a free event scheduled for July 30, 2011 and requested a stop be made at the Community Center. The plan is to have this stop be more than a "resting stop" but a "Rockin-Rest Stop", which would offer a Disc Jockey, refreshments including Jamba Juice is providing free juice. He noted there are many organizations involved. The event will have 2 groups, one group under 18 and one for over 18. There will be 2 lengths, on is 2.5 miles, one for 15 miles. Mr. Hernandez is requesting help in advertising and anything else the City could provide. The goal is to promote healthy activity and for this to become an annual event.

Question and answers were discussed regarding the event; it was encouraged by the Council to promote health. Other issues stressed was the closing of streets, stragglers, liability, safety equipment for riders, involvement by school districts, printing of flyers, using Reserve Police so the City would not cost incur additional costs, and providing water. It was determined liability issues would be determined by the legal department.

Mayor Pro Tem Argudo made a Motion to approve sponsorship and participation with each Council Member donating $100. from their travel funds. Second was provided by Council Member House. The motion unanimously carried by the following vote: AYES: Solis, Argudo, Holloway House, Mendoza. NOES: None.

RECESS THE CITY COUNCIL AND RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION

Mayor Solis recessed the City Council meeting and reconvened the Community Development Commission at 9:34 p.m.

RECONVENE THE CITY COUNCIL

Mayor Solis recessed reconvened the City Council at 9:34 p.m.

AD HOC COMMITTEE REPORTS

Mayor Pro Tem Argudo questioned the status of the Building Safety Contract. Currently the selection is Mayor Pro Tem Argudo and Council Member Holloway. Both concurred they will remain on the Committee.

Mayor Solis wanted to establish a Recruitment Committee to oversee the decision making process of all future employees. During discussion by Council, Interim City Attorney Casso, Interim City Manager Romero, consensus was the Council is responsible for the hiring of the City Manager, and the City Manager should be responsible for the hiring of his staff.

COUNCIL AB1234 REPORTS

Council Member Mendoza stated she attended an Ethics and Harassment training.

ORAL COMMENTS FROM COUNCIL / COMMISSION

Mayor Solis congratulated Mayor Pro Tem Argudo and Council Member House from graduating from the Los Angeles County Sheriffs Community Academy.

ORAL COMMENTS FROM STAFF – None.

City Engineer Bill Pagett reported on a sink hole in the intersection of Temple and California Streets. He noted he has been in contact with Los Angeles, and this sewer line is one that is jointly owned by both entities per the new Contract. He noted the County stated they had just repaired the same line, further in their territory and this made be related. He noted La Puente residents were jointly using this line.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Solis adjourned the City Council meeting at 9:50 p.m. July 12, 2011.

Approved this 8th day of November, 2011

Adrian Garcia
Acting Deputy City Clerk

John M. Solis
Mayor