MINUTES
LA PUENTE CITY COUNCIL AND
COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING OF
AUGUST 23, 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 August 23, 2011, at 7:00 p.m.

CALL TO ORDER

Mayor/Chair Solis called the meeting to order at 7:00 p.m.

ROLL CALL

Members present:	House, Mendoza, Argudo, and Solis.
Members absent:	Holloway (Council Member/Commissioner Holloway arrived at 8:20 p.m.)
Staff Members present:	Interim City Manager Romero, Interim Administrative Services Director Plumlee, Interim City Attorney Casso, Acting Deputy City Clerk Garcia, Chief of Police Cacheiro, Assistant Planner Chow, City Engineer Pagett, and Acting Finance Manager Leung.

PLEDGE OF ALLEGIANCE

Council Member/Commissioner House led the Pledge of Allegiance.

PRESENTATIONS

Interim Administrative Services Director Brett Plumlee provided a summary of the Military Banners, and presented a Military Banner Certificate to the family of Louis Portillo, U. S. Air Force.

Rita Armijo and Joe Gaeta were presented retirement plaques in recognition of their years of service to the City of La Puente.

Interim City Attorney Casso stated that a matter related to possible litigation had come to his attention that afternoon, and requested that the City Council add the item as Item F-2 to the agenda. Mayor Solis moved to add the item as Item F-2 to the agenda; seconded by Council

Member House. The item failed by the following roll call vote: AYES: House, Mendoza, and Solis. NOES: Argudo. ABSENT: Holloway.

Mayor Solis recessed the City Council meeting at 7:20 p.m. and reconvened the meeting at 7:21 p.m.

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

Mayor Solis moved to add the item as Item F-2 to the agenda; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Argudo, and Solis. NOES: None. ABSENT: Holloway

ORAL COMMUNICATIONS

Debra Ashby representing the South Coast Air Quality Management District announced a special event for seniors to be held on September 15, 2011, at the Los Angeles Convention Center. Ms. Ashby summarized several programs offered by the South Coast AQMD.

Leonard Wayne Rose, Jr. commented on the recent demolition of buildings, and commented on cartoon movies and acting programs for students.

Josie Martinez spoke about towing services in the City.

Carolyn Dulak requested the Council to consider a quiet zone similar to that in the City of Walnut.

Yanuen Trujillo commented about checkpoints and towing services in the City.

Greg Tuttle commented on police services, code enforcement, towing services and the fees associated with towing in the City.

Ruth Montano stated that she is the owner of the 99 Cent Store, and expressed concern that she has not been able to obtain a business license from the City.

Ken Mediros spoke about towing services in the City.

Rudy Almeida expressed his concerns with marijuana use and commented on towing services.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION

Chair/Mayor Solis recessed the Community Development Commission Meeting at 7:47 p.m.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING – None

B. PUBLIC HEARING BEFORE THE CITY COUNCIL

B-1 ZONE CHANGE NO. 330 – PUBLIC HEARING TO CONSIDER A REQUEST TO CHANGE THE ZONE DESIGNATION FROM 4-1 TO 4-2 FOR THE PROPERTY LOCATED AT 212 N. 2ND STREET

Assistant Planner Chow provided a summary of the item. Ms. Chow stated that the property is currently developed with a single family home, and is similar in size to surrounding properties. She stated that the zone change is not currently associated with any proposed development, and any future development would need to conform to development standards. Ms. Chow stated that the proposed zone change would bring the property into conformance with existing land use policy, and will be consistent with the General Plan.

Mayor Solis opened the public hearing at 7:52 p.m.

Jeff Day read a statement representing 53 residents of the community. The residents stated that they are not in agreement with the proposed zone change, and expressed concerns with ongoing traffic congestion. Mr. Day stated that the residents disagree with the Planning Commission's decision to approve the zone change, and reiterated that they are in opposition of the proposed zone change.

Esther Quinoes spoke in opposition to the proposed zone change.

Ken Medeiros spoke in opposition to the proposed zone change.

There being no further speakers, Mayor Solis closed the public hearing at 8:05 p.m.

Mayor Pro Tem Argudo expressed concerns with parking and congestion in the neighborhood, and commented that over 53 residents have signed a statement in which they oppose the zone change.

Mayor Solis stated there are currently problems with parking in the neighborhood, and stated he is not in favor of the zone change.

Council Member House concurred that there are parking problems on the street, and all aspects should be reviewed before approving a zone change.

In response to an inquiry by staff, Interim City Attorney Casso stated that should the ordinance not be adopted, the property will remain as R-1. He further stated that as a part of the current zoning update there would be a change to meet the general plan land use designation in that area where all properties would be redesignated R-2.

Mayor Pro Tem Argudo moved to not introduce the ordinance approving Zone Change No. 330; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Argudo, and Solis. NOES: None. ABSENT: Holloway

ITEM WAS TAKEN OUT OF ORDER

RECESS TO CLOSED SESSION

Mayor Solis recessed to closed session at 8:20 p.m.

Interim City Attorney Casso recessed to closed session for discussion of Item F-1 as posted on the agenda; and Item F-2 as added to the agenda by the City Council.

F. CLOSED SESSION

F-1 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) CASE

F-2 THE CITY COUNCIL WILL RECESS INTO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c), INITIATION OF LITIGATION, TO CONFERENCE WITH LEGAL COUNSEL – ONE (1) CASE

RECONVENE TO OPEN SESSION

Mayor Solis reconvened to open session at 9:20 p.m.

REPORT OUT OF CLOSED SESSION

Interim City Attorney Casso report that on Item F-1, with a 5-0 vote, Council provided direction to legal counsel but no final action was taken. On Item F-2, direction was given to legal counsel but no final action was taken, and no vote was taken on Item F-2.

ITEM WAS TAKEN OUT OF ORDER

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-2 CONSIDERATION OF A RESOLUTION ADOPTING A PERFORMANCE IMPROVEMENT AGREEMENT WITH THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

Interim Administrative Services Director Plumlee reported that the City of La Puente is an original member of the California Joint Powers Insurance Authority (JPIA) pool,

having joined the Authority in 1978. Based on a series of meetings regarding risk management improvement issues, the Authority is requesting that the City implement a series of risk management performance improvements over the next 18 months. Mr. Plumlee further reported that the City has already taken action in each of the different areas.

Robert May, Risk Consultant, JPIA stated that focus on loss control and loss prevention makes a pool successful and reduces overall premiums for the members. The Authority monitors how a city carries out risk management issues, and steps in to partnership with the member city to bring about any needed changes. He further stated that meetings have been held with the City Council and staff over the past several weeks, and staff has moved forward in those areas identified. He concluded that adoption of the proposed resolution would solidify what the JPIA Executive Committee has approved and what the City has agreed to.

Following discussion, Council Member House moved to adopt Resolution No. 11-4959 adopting a Performance Improvement Agreement with the California Joint Powers Insurance Authority; seconded by Mayor Pro Tem Argudo. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None

B PUBLIC HEARING BEFORE THE CITY COUNCIL

B-2 ZONE CHANGE NO. 331 – PUBLIC HEARING TO CONSIDER A REQUEST TO CHANGE THE ZONE DESIGNATION FROM R-1 TO R-3 FOR THE PROPERTIES LOCATED AT 15125, 15225 FAIRGROVE AVENUE (APN'S 8471-022-009, 900, 901)

Assistant Planner Chow reported that the proposed zone change is part of a larger development project and involves three properties that front Fairgrove Avenue. A zone change is necessary to be consistent with the General Plan and allows for the proposed shopping center.

Mayor Solis opened the public hearing at 9:40 p.m.

Ken Mediros questioned if the properties were located in the redevelopment zone, and asked why the zone change was being requested. Council Member Holloway stated that the property had been purchased previously, the City is not using eminent domain, and only a zone change is being proposed.

There being no further speakers, Mayor Solis closed the public hearing at 9:42 p.m.

Mayor Pro Tem Argudo inquired as to why the requested zone designation is R-3 and not a commercial land use. Ms. Chow responded that the reason the zone designation is R-3 is to be consistent with the General Plan, which allows for the development of the

properties as part of a larger commercial site without rezoning to the C-2 zone. She stated that rezoning to R-3 is a more expedient path.

Following discussion, Council Member Holloway moved to waive reading of the ordinance and read by title only; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None

Interim City Attorney Casso read the Ordinance by title only.

ORDINANCE NO. 11-917
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE AMENDING CHAPTER 10.12 ZONES AND DISTRICTS GENERAL TITLE 10 ZONING OF THE LA PUENTE MUNICIPAL CODE CHANGING ZONE DESIGNATION OF PROPERTY LOCATED AT 15125, 15225 FAIRGROVE AVENUE, LA PUENTE, CA

Council Member Holloway moved to introduce Ordinance No. 11-917 – an ordinance of the City Council of the City of La Puente amending Chapter 10.12 zone and districts General Title 10 zoning of the La Puente Municipal Code changing zone designation of property located at 15125, 15225 Fairgrove Avenue, La Puente, CA; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None

B-3 PUBLIC HEARING – CONSIDERATION OF A RESOLUTION TO SELF-CERTIFY COMPLIANCE WITH THE LOCAL LOS ANGELES COUNTY CONGESTION MANAGEMENT PROGRAM GUIDELINES

Assistant Planner Chow reported that all cities within Los Angeles County are required to comply with the countywide Congestion Management Program (CMP). Cities that do not comply could be forced to forfeit their gas tax funds, which would amount to $1.1 million for the City of La Puente during fiscal year 2011-2012.

Mayor Solis opened the public hearing at 10:01 p.m. There being no one desiring to speak on this item, Mayor Solis closed the public hearing.

Mayor Pro Tem Argudo moved to adopt Resolution No. 11-4958 certifying that the City is in compliance with the 2010 Congestion Management Program, adopting the 2011 CMP Local Implementation Report and directing the City Clerk to forward a certified copy of said Resolution to Los Angeles County Metro; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 DIRECTION ON HOW TO PROCEED WITH THE 2010-11 SOBRIETY CHECKPOINT MINI-GRANT LABOR DAY MOBILIZATION PERIOD CHECKPOINT AND 2011-12 SOBRIETY CHECKPOINT MINI GRANT APPLICATION

Interim Administrative Services Director Plumlee reported that the Council had previously voted to suspend sobriety checkpoints for a period of 30 days, and the 30-day period has lapsed. To date, four checkpoints have been held for the fiscal year with two checkpoints remaining. One of the remaining checkpoints was retracted on August 10, and mobilization for the second remaining checkpoint is for the period August 19 through September 5, 2011. Based upon City Council's direction, two checkpoints could be deployed before September 5, 2011. Mr. Plumlee stated that staff is seeking direction with regard to moving forward with the Sobriety Checkpoint Mini Grant application for 2011-2012. The application deadline is September 15.

Mayor Solis stated that several meetings have been held with members of the Sheriff's Department, and requested the City Council support the continued suspension of the checkpoints until the August 24 scheduled meeting with Sheriff Baca is held.

Mayor Pro Tem Argudo concurred with Mayor Solis and moved to table Item C-1 to a future date; seconded by Mayor Solis.

Council Member Holloway stated that there are deadlines for the grant, and expressed concern that the deadlines may be missed.

The City Council meeting was extended at this time.

Mayor Pro Tem Solis commented that there was some discrepancy in towing records, and stated that the towing records should be categorized and should reflect more information. Council Member Mendoza concurred that the towing records should reflect more information, and expressed concern that the grant deadline may be missed.

Following discussion, the motion to table Item C-1 to a future date carried by the following roll call vote: AYES: House, Argudo, and Solis. NOES: Holloway and Mendoza

C-2 CONSIDERATION OF A RESOLUTION ADOPTING A PERFORMANCE IMPROVEMENT AGREEMENT WITH THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY

This item was taken out of order and previously discussed.

C-3 CONSIDERATION OF A RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED BUDGET FOR PUBLIC SAFETY SERVICES

Interim City Manager Romero reported that this item was presented for the City Council's consideration since a suspension of the liability trust fund by the Board of Supervisors has resulted in a savings of $149, 900 to the City.

Mayor Solis stated that the contract for law enforcement services would be discussed at the upcoming August 24 meeting with Sheriff Baca, and a report would be presented to the City Council at a future meeting. He recommended postponement of approval of the contract until after that meeting and findings are presented to the City Council.

Mayor Solis moved to postpone entering into the contract for law enforcement services until 1) after a meeting with the Sheriff's Department, and 2) the findings of the meeting are presented to the City Council at a later date; seconded by Mayor Pro Tem Argudo. The motion carried by the following roll call vote: AYES: House, Argudo, and Solis. NOES: Holloway and Mendoza

D. CITY COUNCIL CONSENT CALENDAR

Mayor Pro Tem Argudo moved to approve Consent Calendar items D-1 to D-5; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1303 FOR FISCAL YEAR 2010-11/2011-12

Action Taken: The City Council adopted Resolution No. 11-4961 approving Warrant Register No. 1303.

D-2 AWARD A CONSTRUCTION CONTRACT FOR PUENTE CREEK NATURE EDUCATION CENTER

Action Taken: The City Council: 1) awarded a contract to Koam Construction, Inc. in the amount of $887,400.00; and 2) authorized the City Manager to approve change orders up to 10% of the bid amount.

D-3 CONSIDERATION OF A RESOLUTION OF THE CITY OF LA PUENTE APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF LA PUENTE EMPLOYEES LOCAL 721, SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU)

Action Taken: The City Council: 1) adopted Resolution No. 11-4962 approving the Resolution Approving the Memorandum of Understanding with Local 721, Service Employees International Union for the period of July 1, 2011 through June 30, 2012; and 2) authorized the City Manager to execute the Agreement.

D-4 CONSIDERATION OF A RESOLUTION OF THE CITY OF LA PUENTE APPROVING THE LA PUENTE PROFESSIONALS, SUPERVISORS, MANAGERS AND CONFIDENTIAL EMPLOYEE ASSOCIATION

Action Taken: The City Council adopted Resolution No. 11-4963 and approved the Letter of Agreement.

D-5 CONSIDERATION OF A SUBORDINATION AGREEMENT BETWEEN THE CITY, ARMANDO ROLDAN AND BANK OF AMERICA WITH RESPECT TO THE CALHOME PROGRAM

Action Taken: The City Council: 1) adopted Resolution No. 11-4964 Approving the Subordination Agreement between the City, Armando Roldan and Bank of America with respect to the CalHome program; and 2) authorized the City Manager to execute the Subordination Agreement.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF A CONTRACT WITH ANGEL MORALES FOR RECREATIONAL PROGRAM CONSULTANT SERVICES

Interim City Manager Romero stated that the contract for Recreational Program Consultant Services had been discussed previously during budget discussion, and the contract is for the period July 1, 2011, through June 30, 2012.

Following a brief discussion, Mayor Pro Tem Argudo moved to approve the agreement with Angel Morales for Recreational Program Consultant Services; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

RECESS THE CITY COUNCIL

Mayor Solis recessed the City Council at 10:45 p.m.

RECONVENE THE COMMUNITY DEVELOPMENT COMMISSION

D. CONSENT CALENDAR

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

D-1 APPROVAL OF RESOLUTION APPROVING WARRANT REGISTER CDC 149 FOR FISCAL YEAR 2010-11/2011-12

The Commission adopted CDC Resolution No. 11-84 approving Warrant Register No. CDC 149.

E. NEW BUSINESS TO BE CONSIDERED BY THE COMMUNITY DEVELOPMENT COMMISSION

E-1 CONSIDERATION OF A RESOLUTION SETTING FORTH THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34169.

Interim City Attorney Casso summarized AB 26 and AB 27, and briefly outlined payment obligations that the Commission must meet. He stated that the Commission would not be allowed to make the payments listed on the schedule if the payment schedule is not adopted.

Following a brief discussion, Commission Member Holloway moved to adopt CDC Resolution No. 11-85 establishing the Enforceable Obligation Payment Schedule and designating an official to manager information requests from the California Department of Finance to satisfy Health and Safety Code Section 34169; seconded by Commission Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

RECONVENE THE CITY COUNCIL

Mayor Solis reconvened the City Council meeting at 10:53 p.m.

RECESS TO CLOSED SESSION

Closed Session items discussed previously.

AD HOC COMMITTEE REPORTS

Council Member House reported he has received notification of his appointment to the California Contract Cities Association Legislation Committee.

Mayor Pro Tem Argudo reported the Building Safety Committee has not yet met, but intends to move forward in a short period of time.

COUNCIL AB1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Councilmember Holloway requested that the meeting be adjourned in the memory of long time La Puente resident Jeannette Green.

Mayor Pro Tem Argudo suggested that a memo be sent to Planning Commissioners reminding them of their options for decisions on items at Planning Commission meetings.

Mayor Solis congratulated Council Member Mendoza on the upcoming birth of her child.

Mayor Solis reported that he would participate in the September 11 commemoration in New York.

Councilmember Mendoza would like an update on the traffic signal at Hacienda and Nelson.

ORAL COMMENTS FROM STAFF - None.

City Engineer Pagett provided an update on the storm drain on Valley Boulevard.

Councilmember Holloway stated that flooding in another area at Elliott should be addressed.

ADJOURNMENT

There being no further business to come before the City Council, Mayor/Chair Solis adjourned the meeting at 11:05 p.m.

Approved this 13th day of December, 2011

Adrian Garcia
Acting Deputy City Clerk

John M. Solis
Mayor