MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
OCTOBER 11, 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 October 11, 2011, at 7:00 p.m.

CALL TO ORDER

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

ROLL CALL

Members present:	House, Mendoza, Holloway, Argudo, Solis
Members absent:	None
Staff Members present:	City Manager Plumlee, Interim City Attorney Casso, Acting Deputy City Clerk Garcia, Chief of Police Cacheiro, Assistant Planner Chow, City Engineer Pagett, Rehabilitation Grant Specialist Galvan and Acting Finance Manager Leung.

PLEDGE OF ALLEGIANCE
Council Member House led the Pledge of Allegiance.

PRESENTATIONS
None

ORAL COMMUNICATIONS
Rudy Almeida expressed concern over medical marijuana and sex offenders living in the City.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING

A-1 READ AND APPROVE THE MINUTES OF THE SPECIAL MEETINGS OF APRIL 25, 2011, MAY 4, 2011 AND JUNE 13, 2011.

Council Member Mendoza moved to waive the reading and approve the minutes of the Special Meetings of April 25, 2011, May 4, 2011 and June 13, 2011; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL - None.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL - None

D. CITY COUNCIL CONSENT CALENDAR

Council Member Holloway pulled items D-2 and D-5 for separate discussion.

Mayor Pro Tem Argudo pulled items D-1 and D-6 for separate discussion.

Council Member Holloway moved to approve Consent Calendar items D-3 and D-4; 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.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NO. 1306 FOR FISCAL YEAR 2011-12

Mayor Pro Tem Argudo requested information related to the sound wall currently under construction on Valley Boulevard, specifically billing for the design of the wall, observation of construction and construction management. Bill Pagett, City Engineer, responded that the wall must be designed for each property it crosses, due to different elevations and drainage, and cannot be a standard wall for all properties. He further stated that construction management encompasses the entire project and includes the supervisor and positions above him, and observation of construction relates to the cost for an inspector.

Council Member Holloway confirmed that all phases of the sound wall have been approved, and expressed concern that other projects not be financially impacted by the sound wall construction. Mr. Pagett stated that $400,000 of the capital improvement budget is being utilized for the construction of the sound wall, and over $7 million remained for other projects.

Following discussion, Mayor Pro Tem Argudo moved to adopt Resolution No. 11-4969 approving Warrant Register No. 1306; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

D-2 PRESENTATION OF A REPORT CONCERNING THE LOCATION OF A TAXICAB FRANCHISE FACILITY WITHIN THE CITY LIMITS

Council Member Holloway reported that when a taxicab franchise had been selected at a previous City Council meeting, the franchisee was asked to relocate the operation in the City of La Puente. At a recent meeting, Cesar Hernandez of Express Transportation stated that City codes limited the area where the taxicab business could locate, and requested permission to move into a location just outside of the City limits. Mr.

Holloway stated that the report being presented recommends the City Council receive and file the report, but does not require action related to the request to locate outside of City limits. He requested that the City Council make a decision regarding the location of the business.

Council Member Holloway and Mayor Solis stated it was their understanding that the business could proceed with signing the lease allowing them to move into a building outside of the City limits.

Mayor Pro Tem Argudo stated that zoning does not allow a taxicab franchise to move into certain areas of the City, and this should be addressed during a future zoning update.

City Manager Bret Plumlee stated that the agreement with the taxicab franchise provides for one year to establish a vehicle maintenance facility within the City limits, and does not prevent the franchise from moving into a location outside of the City during that time. The agreement could be modified by April 2012, if the City Council should desire to do so.

Mr. Hernandez stated that the taxicab business does not wish to move into a temporary facility, and further stated they are looking for a location within the City for a maintenance facility.

Following discussion, Mayor Solis moved to amend the contract by deleting Section 17 of the agreement, and 2) direct the mayor to execute the amendment on behalf of the City; seconded by Council Member Holloway. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

D-3 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH MARTIN & CHAPMAN FOR ELECTION SERVICES IN AN AMOUNT NOT TO EXCEED $42,907.38

Action Taken: The City Council approved Professional Services Agreement No. 11-1062 with Martin & Chapman for election services.

D-4 SECOND READING: CONSIDERATION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE AUTHORIZING THE CITY TO MAKE CERTAIN REMITTANCES TO THE LOS ANGELES COUNTY AUDITOR-CONTROLLER IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 34194 AND TO TAKE ALL OTHER ACTIONS REQUIRED IN ORDER TO CONTINUE REDEVELOPMENT ACTIVITIES IN THE CITY OF LA PUENTE

Action Taken: The City Council adopted Ordinance No. 11-919 authorizing the City to make certain remittances to the County Auditor-Controller in accordance with Health &

Safety Code Section 34194 and to take all actions required to continue redevelopment services in the City.

D-5 CONSIDERATION OF AN AGREEMENT BETWEEN UNION PACIFIC RAILROAD (UPRR), THE CITY OF INDUSTRY AND THE CITY OF LA PUENTE CONCERNING THE REPLACEMENT OF UPRR'S DRAINAGE CULVERT AT UPRR'S RAILYARD

Interim City Attorney Casso reported that the City had previously been informed that an agreement that would allow the City of La Puente staff to review the plans and specifications was impending; however, within the past 24 hours the City has learned that Union Pacific Railroad (UPRR) does not plan to request that the City of Industry contribute funds to the project and no agreement would be forthcoming. UPRR's attorney has since informed the City that there is no need for an agreement. He further reported that the project has already begun and is nearing completion.

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

D-6 CONSIDERATION OF A RESOLUTION APPROVING AN AGREEMENT WITH ANYONE COLLECTIVE, LLC FOR THE MANAGEMENT, CREATION AND DEVELOPMENT OF A CITY WEBSITE IN AN AMOUNT NOT TO EXCEED $30,750.00 AND ADOPTING FINDINGS TO DISPENSE WITH THE COMPETITIVE BIDDING PROCESS

Mayor Pro Tem Argudo requested an update on the revised agreement received by the City Council.

City Manager Bret Plumlee responded that the agreement was revised due to the fact that the consultant had requested payment in a time period earlier than 30 days. He further stated that since that is not the City's standard practice, a compromise was reached to pay for supplies and equipment in advance, resulting in minor revisions to the Professional Services Agreement.

Mayor Pro Tem Argudo moved to adopt Resolution No. 11-1063 making findings that given the nature of the services, competitive bidding will not result in the lowest price to the City, and therefore dispensing with the competitive bidding process, and awarding a contract to Anyone Collective, LLC for the creation, development and management of a City website, in an amount not to exceed $30,750.00. seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF AN AMENDMENT TO THE AGREEMENT BETWEEN ABC PR LLC AND THE CITY FOR PRODUCTION AND DISTRIBUTION OF THE CITY'S QUARTERLY NEWSLETTER

Rehabilitation Grant Specialist Galvan reported that on February 26, 2008, the City entered into an agreement with ABC PR LLC for publication and distribution of the Spotlight La Puente newsletter. The original agreement lapsed on February 1, and the City granted the consultant two additional one-year extensions from the date of termination of the agreement. Since that time, three extensions have been granted, with the third extension valid through September 13, 2011. She stated that staff has recently looked into a cost saving measure of utilizing the printing services of the Los Angeles County Sheriff's Department North County Correctional Facility (NCCF) print shop. After the review, two quotes for printing the newsletter were received. The quotes were $5,700 and $3,400 respectively; however, after further evaluation, NCCF determined it would not be able to enter into a contract with the City for a number of reasons. Ms. Galvan stated that in addition to approval of the agreement with ABC PR LLC, staff is requesting direction on the delivery method of the newsletter. The current cost for doorstep delivery is $5,280 per year, and the cost for mailing the newsletter would cost $7,320 per year.

Following discussion, Mayor Pro Tem Argudo moved to 1) continue to approve the production of the newsletter on a quarterly basis; 2) remove the one-year extension, and 3) continue to look for alternative cost saving measures.

Council Member Holloway stated that the motion did not address the delivery of the newsletter, and further stated that there had been complaints about the hand delivery method. Mayor Pro Tem Argudo responded that issues regarding the hand delivery method have been addressed, and asked staff if there have been further complaints since addressing those issues. Ms. Galvan responded that there were complaints from two streets regarding delivery of the newsletter.

Following a brief discussion, Mayor Pro Tem Argudo amended the original motion to include the delivery method via US Postal delivery; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

E-2 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH CITY CLERK MANAGEMENT SERVICES, INC., FOR ELECTION OFFICIAL SERVICES IN AN AMOUNT NOT TO EXCEED $35,000.00

City Manager Bret Plumlee reported that at the September 27, 2011, City Council meeting, staff was directed to enter into an agreement with Martin and Chapman to provide election services. He further reported that in addition to an agreement for election services, the City would need an agreement with an election official to assist with the election. The firm of Martin and Chapman assisted with providing a scope of services for the election official. Mr. Plumlee further stated that due to the nature of the services provided, the City's purchasing officer has determined that the bidding process will not likely result in the lowest price, therefore, the Council may adopt a resolution to make findings dispensing with the competitive bidding process to engage in the services of an election official for the April 2012 election. He stated that staff has reviewed various proposals and interviewed candidates, and based upon the review of the proposals, is recommending City Clerk Management Services, Inc. to provide the services needed for the April 10, 2012, election for an amount not to exceed $35,000.00. Mr. Plumlee stated that Vida Barone of City Clerk Management Services was available to answer any questions.

Mayor Pro Tem Argudo stated that all proposals were not provided to the City Council for review, and further stated he would like to table the item.

Interim City Attorney Casso explained that tabling the item would require that it be placed on a future meeting agenda to remove from the table, and then placed on a subsequent meeting agenda for consideration. If the item were to be removed from the table and considered at the same meeting, this could be considered a violation of the Brown Act.

Following discussion Mayor Pro Tem Argudo moved to table the item; seconded by Council Member House. The motion carried by the following roll call vote: AYES: House, Mendoza, Argudo, and Solis. NOES: Holloway

E-3 DISCUSSION AND DIRECTION REGARDING THE KEEPING OF A MINUTE BOOK FOR CLOSED SESSIONS

Council Member House stated that approximately one year ago the City Council discussed the keeping of a record of closed session meetings, either by audio recording or a minute book; however, no decision was made at that time to keep such a record. He stated that keeping a record of closed session discussions would result in a more accurate documentation of direction given by the City Council. He further stated that the Government Code states that the City Council may designate a clerk or employee to attend closed session meetings and keep a minute book of topics discussed at those meetings. He commented that the minute book would not be subject to public inspection.

Council Member Holloway stated there could be security concerns, and expressed concern that the City Council would not have control of the closed session records. He further stated he was not in favor of audio recording of the closed session meetings.

Mayor Pro Tem Argudo agreed with Council Member Holloway's security concerns, and stated that the lack of a records management system is a concern with regard to the security of the City's records. He further stated that he could support Council Member House's suggestion only if the City has a strong records management system in place.

Mayor Solis stated that from time to time there were inconsistencies in direction given at closed session meetings, and having a record of the closed session meetings would provide accurate documentation. Mayor Solis agreed with previous comments regarding security concerns.

Council Member Holloway questioned if closed session notes could be subpoenaed. Interim City Attorney Casso responded that if there were an alleged violation of the Brown Act, a Court of General Jurisdiction might be able to require the records for review to determine if a violation has occurred.

Council Member Mendoza commented that she recalled that during the previous discussions it was stated that closed session minutes would not be available indefinitely, and questioned how long the minutes would be kept. Ms. Mendoza further stated that she recalled that it was stated that the minutes would be available only to those Council Members who were present at the closed session discussion, and would be kept by the City Clerk. Interim City Attorney Casso stated that most City documents should not be held indefinitely, and the Closed Session minutes could be destroyed. Mr. Casso commented that all City Council members would be permitted to review the closed session minutes whether they were in attendance at that meeting or not. He further stated that the City Council could provide direction regarding the matter of Closed Session minutes, and vote on a policy at a future City Council meeting. Ms. Mendoza suggested that keeping closed session minutes should not be implemented until the City Clerk's position is filled. Mr. Casso clarified that the City does have a City Clerk who is presently on administrative leave.

Mayor Pro Tem Argudo inquired if Council Member House would consider discussion of the item at a future meeting when the City has a records management system in place. Council Member House concurred with the suggestion.

F. CLOSED SESSION - None

AD HOC COMMITTEE REPORTS

Mayor Pro Tem Argudo confirmed Council Member Holloway's availability for meeting on October 12 regarding the current ad hoc committee.

COUNCIL AB1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Council Member Holloway acknowledged the passing of Robert Rodriguez, a U.S. Navy veteran, master magician and long time resident of the City of La Puente, and requested the meeting be adjourned in his honor.

Mayor Solis acknowledged the passing of Andrea Vargas who was involved with the La Puente Girl's Softball Team for many years.

Mayor Solis requested an update of recruitment for vacant staff positions. City Manager Plumlee responded that an offer was made for the Recreation Manager position, and upcoming offers will be made for the Director of Administrative Services and Director of Development Services positions.

Council Member Holloway reported that he and City Manager Plumlee recently attended a meeting regarding ground water restrictions.

Mayor Pro Tem Argudo confirmed there were no plans for an upcoming Halloween activity. Mayor Solis responded that a local car club had expressed a desire to distribute candy at a local park. Mayor Pro Tem Holloway questioned if the City could offer a Halloween activity for residents. City Manager Plumlee responded that staff could provide information on the type of activities that could be provided and furnish that information to the City Council.

ORAL COMMENTS FROM STAFF - None.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Solis adjourned the meeting at 8:35 p.m.

Approved this 24th day of January, 2012

Adrian Garcia	David E. Argudo
Acting Deputy City Clerk	Mayor Pro-Tem