MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
NOVEMBER 8, 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 November 8, 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, Building Official Guerra, Rehabilitation Grant Specialist Galvan, Acting Finance Manager Leung and Recreation Manager Lerma.

PLEDGE OF ALLEGIANCE

Roxanne Lerma, Recreation Manager, led the Pledge of Allegiance.

PRESENTATIONS

PRESENTATION OF COMMENDATION TO PENNY FRAUMENI FOR CALIFORNIA'S 2011 NATIONAL DISTINGUISHED PRINCIPAL

City Manager Plumlee presented a commendation to Penny Fraumeni for California's 2011 National Distinguished Principal.

ORAL COMMUNICATIONS

Frank Sanchez spoke in opposition to Item C-1 on the agenda. Mr. Sanchez stated that there are vibrant businesses in the downtown area, and expressed concern that the businesses would be burdened by the proposed requirements.

Arturo Diaz expressed his thanks for the information provided on the City's website, and requested that the City's FY 2011-12 budget also be made available. Mr. Diaz commented about a recent Los Angeles Times article in which the City of La Puente was mentioned, and expressed concern with the proposed requirements for businesses in the City.

Ralph Flores spoke in opposition to Item C-1 on the agenda. He stated that retrofitting businesses would be expensive for the business owners.

Ernesto Cerda spoke in opposition to Item C-1. He suggested the City Council consider the proposed retrofit requirements at a later date when the economy shows improvement.

Rudy Almeida spoke in opposition of medical marijuana dispensaries. Mr. Almeida requested the City Council contact other elected officials to request their support in keeping the Post Office open.

Ken Medoiros spoke in opposition of redevelopment in the City.

Marty Paz commented that trees on Old Valley and Valley Boulevards are overgrown and in need of trimming. Mr. Paz suggested the City should offer low interest loans to downtown area merchants for the proposed building modifications.

RECESS THE COMMUNITY DEVELOPMENT COMMISSION

Mayor Solis recessed the Community Development Commission at 7:30 p.m.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETINGS HELD ON JUNE 28, 2011 AND JULY 12, 2011

Mayor Pro Tem Argudo moved to waive further reading and approve the minutes of the regular meetings of June 28, 2011 and July 12, 2011; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo and Solis. NOES: None.

A-2 READ AND APPROVE THE MINUTES OF THE JOINT SPECIAL MEETINGS OF JULY 7, 2011 AND JULY 14, 2011

Mayor Pro Tem Argudo moved to waive further reading and approve the minutes of the joint special meetings of July 7, 2011 and July 14, 2011; seconded by Council Member House. 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 - None.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 DISCUSSION AND DIRECTION REGARDING REQUIRING BUSINESSES IN THE CITY TO MODIFY THEIR BUILDING, BRING IT UP TO CODE, RETROFIT AND REQUIRE INSPECTION BY THE CITY ANYTIME THERE IS A MODIFICATION, CHANGE IN USE OF THE BUILDING, NEW OWNERSHIP, OR CHANGE IN TENANCY (Mayor Solis)

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

Mayor Solis stated that the proposed modifications are intended only for those businesses that experience a change in ownership, change in building use or change in tenancy.

Council Member Holloway stated that he has received phone calls from concerned business owners both in and outside of the downtown area who have many questions regarding this proposed item. He expressed concern that some information regarding this item was not received in a timely manner by the City Council, and further stated he was in opposition of the proposed item.

Mayor Pro Tem Argudo stated that the intent of the proposed item was to bring buildings up to code and to meet earthquake safety standards. He stated that the code requiring the seismic retrofitting of buildings was adopted in 1996, and property owners were notified at that time that they could rehabilitate and structurally reinforce their buildings in whatever time frame deemed appropriate. Mr. Argudo expressed concern that many structures have not been retrofitted, and are not in compliance with Los Angeles Building Codes as adopted by the City of La Puente. He reiterated that only those businesses that experience a change in ownership, a change in building use or change in tenancy would be required to comply with the proposed modifications.

Council Member Mendoza restated that owners who stay in their buildings would not be affected by the proposed modifications. She expressed concern that the City would not be seen as being "friendly" to business owners, and suggested that a forum with business owners is needed.

Mayor Solis stated that he had not received any calls from business owners in regard to this item, and commented that the proposed building modifications are for the entire city, not just for downtown businesses. He stated that the City Council desires to improve the City and wants all businesses to thrive.

Council Member House commented that some buildings in the City are not maintained and are in disrepair, and may not be in compliance with the City's building codes. He stated that these violations could not be ignored, and there is a need to find a way to bring the buildings into compliance for the benefit of owners, tenants and residents of the City.

Following discussion, Mayor Solis moved to require businesses throughout the City to modify their building, bring it up to code, retrofit and require inspection by the City anytime there is a modification, change in use of the building, new ownership, or change in tenancy. Mayor Pro Tem Argudo amended the motion to include directing staff to bring back recommendations on implementing the modification requirement; motion seconded by Mayor Pro Tem Argudo. The motion carried by the following roll call vote: AYES: House, Argudo and Solis. NOES: Holloway and Mendoza.

C-2 REVIEW AND APPROVAL OF THE PROPOSED VALLEY BOULEVARD IMPROVEMENT PROJECT PHASE II BLOCK WALL COVERING 16648 INYO STREET TO 16534 INYO STREET AND 16528 INYO STREET TO 16320 INYO STREET

Staff Recommendation: It is recommended that the City Council (1) Approve the plans and specifications for the Valley Boulevard Improvement Project Phase II and authorize staff to solicit bids; or (2) Approve the proposed 2,200 feet of wall as one project and its funding; or (3) Direct staff to bring the project back for further review.

City Manager Plumlee introduced the item to the City Council, and stated that Bill Pagett, City Engineer, would present the staff report.

Mr. Pagett reported the City budgeted $413,470 in Community Development Block Grand (CDBG) funds, and $100,000 in Measure R funds in FY 2011-12 for Phase II of the Valley Boulevard Improvement Project. Plans and specifications have been completed and the project is ready to go out to bid. At the October 25, 2011, City Council meeting, staff was directed to look into the possibility of extending the proposed wall further west with any available funding sources, and to present their findings at the November 8 City Council meeting. He reported that staff has researched the possibility of augmenting 1,400 feet of block wall to the west end of the project, at an estimated cost of $900,000. Possible funding sources for this addition are $840,440 in Gas Tax funds and up to $59,560 in unallocated CDBG funds. Mr. Pagett stated that if Gas Tax funds were utilized for the project, certain scheduled street improvements would be delayed for approximately four months (from March 2012 to July 2012), and those street improvements would be budgeted in FY 2012-13. The Valley Boulevard Improvement Project could be advertised as Phase II for 800 feet of wall, with completion by March 2012. The proposed additional 1,400 feet of wall could be designed as a separate project or could be combined with the 800 feet of wall as one project, and would be completed by June 2012. Mr. Pagett outlined the fiscal impact of the project.

Council Member House questioned the difference in costs of the two proposed wall projects. Mr. Pagett responded that the difference in wall heights and differences in properties affects the costs, and stressed that the costs are estimates at this time and the precise costs would be available in January.

Council Member Holloway expressed his concern that other projects throughout the City would not be addressed due to lack of funding.

Following discussion, Mayor Pro Tem Argudo moved to approve the proposed 2,200 feet of wall as one project and it's funding; seconded by Mayor Solis. 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 item D-1; 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 A RESOLUTION APPROVING WARRANT REGISTER NO. 1308 FOR FISCAL YEAR 2011-12

Action Taken: The City Council adopted Resolution No. 11-4979 approving Warrant Register No. 1308.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 CONSIDERATION OF AN AGREEMENT WITH JAMES CORCORAN FOR CODE ENFORCEMENT CONSULTANT SERVICES IN AN AMOUNT NOT TO EXCEED $28,800.00

Staff Recommendation: It is recommended that the City Council approve agreement with James Corcoran for code enforcement consultant services for a total amount not to exceed $28,800.00, and authorize the City Manager to execute the agreement, subject to review and approval by the City Attorney as to form.

This item was pulled from the agenda.

E-2 DISCUSSION ON POSSIBLE CLOSURE OF THE CITY OF INDUSTRY UNITED STATES POSTAL SERVICE PROCESSING AND DISTRIBUTION

Staff Recommendation: It is recommended that the City Council discuss the proposed USPS Industry Processing and Distribution Center consolidation and provide direction to staff.

City Manager Bret Plumlee stated that the City received notice that the United States Postal Service (USPS) has initiated a study to evaluate relocating processing operations from the City of Industry to Santa Ana, California. This would result in a net decrease of approximately 379 positions, and residents and businesses could be impacted due to loss of services. Mr. Plumlee reported that a public meeting is scheduled for November 17, 2011, at which time results of the study will be presented and members of the community will be given an opportunity to speak on the matter.

Council Member Holloway stated that the City Council previously adopted a resolution opposing the closure of the operations facility, and further stated that an additional item of concern for residents and businesses is the proposed closure of the City of Industry Post Office. Mr. Holloway stated that the City should go on record as opposing the closure of the Post Office.

Mayor Pro Tem Argudo suggested that a letter reiterating the City Council's opposition to the closure of the facility should be sent.

Council Member Holloway moved to generate a letter from the Mayor to the USPS reiterating the City Council's position, and to include a copy of the previously adopted resolution opposing the closure the closure of the operations facility; seconded by Council Member Mendoza. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo, and Solis. NOES: None.

E-3 DISCUSSION AND DIRECTION REGARDING THE LIGHTING AT THE LA PUENTE PARK AND POSTING OF RULES FOR THE USE OF THE PLAYING FIELDS

Staff Recommendation: It is recommended that the City Council discuss and provide direction to City Staff regarding posting a sign with the rules for use of the fields at La Puente Park.

City Manager Bret Plumlee reported that residents representing a local soccer group addressed the Council at a recent City Council meeting regarding the park lighting schedule. Mr. Plumlee stated that staff has met with the soccer group, and since that meeting security safety lights have been replaced and are in operational order.

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

E-4 DISCUSSION AND DIRECTION REGARDING REQUEST FOR QUALIFICATIONS FOR CITY ATTORNEY SERVICES AND FORMATION OF AN AD HOC COMMITTEE (Council Member House)

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

Council Member House stated that an ad hoc committee was needed for the purpose of determining the qualifications and reviewing all options for city attorney services.

Following discussion, Mayor Solis announced the formation of an ad hoc committee for the purpose and function of developing a Request for Qualifications (RFQ) for City Attorney services (excluding Redevelopment), and to bring recommendations back to the

City Council for review. The ad hoc committee shall consist of Council Member House, Mayor Solis, and City Manager Plumlee.

RECESS THE CITY COUNCIL

Mayor Solis recessed the City Council at 8:55 p.m.

RECONVENE THE CITY COUNCIL

Mayor Solis reconvened the City Council meeting at 8:56 p.m.

RECESS TO CLOSED SESSION

Mayor Solis recessed to closed session at 8:56 p.m.

Interim City Attorney Casso recessed to closed session for discussion of two items as posted on the agenda.

At this time Mayor Pro Tem Argudo welcomed Roxanne Lerma, Recreation Manager.

F. CLOSED SESSION

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

F-2 THE CITY COUNCIL WILL RECESS INTO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a), EXISTING LITIGATION, *Trinity Wellness Center Inc., et al., v. City of La Puente,* Los Angeles Superior Court Case No. BC472548.

RECONVENE TO OPEN SESSION

Mayor Solis reconvened to open session at 9:40 p.m.

REPORT OUT OF CLOSED SESSION
Interim City Attorney Casso reported that Item F-1 had no reportable action; as to Item F-2 a vote of 4 –1, with Mayor Solis casting the single vote of one (1), gave direction to legal counsel, no final action was taken and there was nothing further to report at this time.

AD HOC COMMITTEE REPORTS - None.

COUNCIL AB1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Council Member Holloway stated that Carol Hamilton of the Hacienda Historical Society has requested that old photographs be shown on the City's cable television station, and requested City staff to work with Ms. Hamilton regarding her request and report back to the City Council. City Manager Plumlee stated that he would be in contact with Ms. Hamilton.

ORAL COMMENTS FROM STAFF - None.

ADJOURNMENT
The meeting was adjourned in memory of Annaheed Sobachian.

Approved this 24th day of January, 2012

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