MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
DECEMBER 13, 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 December 13, 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, and Solis
Members absent:	None
Staff Members present:	City Manager Plumlee, Interim City Attorney Casso, Acting Deputy City Clerk Garcia, Acting Finance Manager Leung, Chief of Police Lt. Cacheiro, Recreation Manager Lerma, Assistant Planner Chow, City Engineer Pagett, Administrative Services Komers, Recreation Manager Lerma, and Public Works Consultant DiMario

PLEDGE OF ALLEGIANCE

Chief of Police Lt. Pete Cacheiro, led the Pledge of Allegiance.

PRESENTATIONS

PRESENTATION OF CERTIFICATE OF RECOGNITION TO OUTGOING UNDER SHERIFF

City Manager Plumlee presented a Certificate of Recognition to Under Sheriff Larry Waldie for his retirement.

ORAL COMMUNICATIONS

Leonard Rose Jr. spoke on the Youth Safety Fair, and the safety of children.

Jeff Lewis, 15811 Singing Woods Road, La Puente, representing the Coalition of Concerned Citizens of La Puente, expressed concern over expenses for seminars attended by certain City Council Members.

Frank Sanchez, 15834 E. Main Street, La Puente, representing the Coalition of Concerned Citizens, expressed his concern regarding expense reports submitted by City Council Members, and commented about a recent meeting regarding towing companies.

Arturo Diaz, yielded his time to Mr. Sanchez. Mr. Sanchez explained that he had requested assistance from the City to allow a towing company to utilize his property, and expressed concern over a recent meeting regarding towing companies.

Arturo Diaz questioned why he was asked to provide his address upon speaking during oral communications. Mr. Casso responded that the Brown Act requires that speakers provide only their name. Mr. Diaz expressed his appreciation for financial information provided for fiscal year 2010-11.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 23, 2011.

Council Member House moved to waive further reading and approve the minutes of the regular meeting of August 23, 2011; seconded by Mayor Solis. The motion unanimously carried by the following roll call vote: AYES: House, Mendoza, Holloway, Argudo and Solis. NOES: None.

Interim City Attorney Casso requested that the minutes of both the regular meeting and the CDC meeting be corrected to reflect his attendance at both meetings. Corrections will be made to the minutes upon finalization.

B. PUBLIC HEARING BEFORE THE CITY COUNCIL

B-1 PUBLIC HEARING – ZONE CHANGE NO. 332 TO CONSIDER A REQUEST TO CHANGE THE ZONE DESIGNATION FROM R-1 TO R-3 FOR THE PROPERTY LOCATED AT 1111 LARIMORE AVENUE

Beth Chow, Assistant Planner, reported that the Planning Commission recommended approval of this zone change at it's meeting of November 2, 2011. She further reported that the site is currently developed with a single family home, and the property is similar in size and shape to surrounding properties. The surrounding area is developed with both single family and multi-family residential units, with the majority of properties along Larimore developed with multi-unit housing. Future proposed developments would be required to conform to the development standards. Ms. Chow reported that while the current zoning is R-1 single family residential, the General Plan land use designation is R-3 medium high density residential, and the zone change will bring the property into conformance with the land use policy and be consistent with the General Plan. No further environmental review would be required at this time. Ms. Chow stated that staff recommends approval of the zone change by 1) opening the public hearing; 2) taking public testimony; 3) reading the ordinance by title only and waive further reading; and 4) introducing the ordinance approving Zone Change 332 for subsequent adoption.

Mayor Solis opened the public hearing at 7:30 p.m. There being no one desiring to speak on the matter, Mayor Solis closed the public hearing at 7:30 p.m.

Mayor Pro Tem Argudo requested information regarding Government Code compliance of this matter. Ms. Chow responded that the Government Code requires zoning of properties to be in conformance with the General Plan Land Use Policy, and confirmed that in this instance, the zoning is in conflict with the General Plan.

Mayor Pro Tem Argudo requested information regarding the volume of calls for police services in the neighborhood. Chief of Police Cacheiro responded that there have been numerous problems and calls for service at 1118 Larimore, which was a known area for gang members to congregate and loiter. Mayor Pro Tem Argudo stated that most areas with gang activity tend to be high-density areas, and questioned if creating more density in these areas could potentially create more problems. Lt. Cacheiro stated that increasing the density could potentially drive the crime rate up, but working with the community and the management companies could make an impact in the selection of tenants.

Council Member House stated that until the General Plan is amended to reflect requested changes, he would not support the requested zone change.

Council Member Holloway stated that less density would be preferable. He stated that the Southern California Association of Government (SCAG) mandates regarding housing resulted in higher density housing, and zone changes should be made in a uniform manner. Council Member Holloway requested future information regarding SCAG requirements.

Council Member House stated that there is a secondary mandate to create more jobs for residents, and suggested there should be a moratorium on zone changes until a decision is reached regarding zoning changes.

Council Member Holloway questioned the City Attorney regarding a moratorium on future changes, and asked if there would be a negative impact on such a moratorium. Interim City Attorney Casso responded that along with the negative impacts discussed at the last City Council meeting, there is also the issue of compliance with the Government Code as far as bringing the zoning code into compliance with the General Plan. He stated that in order to make changes to the General Plan, an update would be required, at a cost of $330,000. Mr. Casso further stated that this particular parcel is requesting the City to fulfill its obligation under the Government Code to make that zoning designation consistent with the General Plan. Mr. Casso reported that the Government Code states that a moratorium on zoning changes may be enacted when a use conflicts with the City's General Plan, and further reported that this requested zone change does not conflict with the General Plan.

Mayor Solis moved to deny Zone Change No. 332; seconded by Mayor Pro Tem Argudo. The motion carried by the following roll call vote: AYES: House, Mendoza, Argudo and Solis. NOES: Holloway

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 DISCUSSION AND DIRECTION REGARDING FLOODING LOCATIONS WITHIN THE CITY (Council Member Holloway)

Council Member Holloway stated that City Engineer Bill Pagett would provide updated information on this item. Mr. Pagett reported that the City's master plan relating to drainage had previously been discussed, and a subsequent report had been provided to the City Council. Mr. Pagett noted that a map within the report summarized the deficiencies and proposed improvements, and a separate list of deficiencies and the costs for taking care of the deficiencies were two important documents within the report. He reported on the number of deficiencies and the designs for improvement. He stated that the County owns the majority of the drains within the City and would be responsible for correcting the deficiencies of those drains. He stated that the County's storm drains provide approximately a 10-year protection.

Mr. Pagett summarized the deficient storm drains in the City, and stated that taking care of the deficiencies would cost approximately $16 million. He stated that portions of that amount would be paid for by the County and Union Pacific Railroad, making the City's financial responsibility approximately $1.5 million. He further reported that drainage improvements would be taken care of at the same time as street improvements, with outside funding being utilized for the drains.

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

D. CITY COUNCIL CONSENT CALENDAR

Mayor Solis removed Item D-5 for separate consideration.

Mayor Solis moved to approve Consent Calendar items D-1 through D-4; seconded by Council Member House. 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. 1310 FOR FISCAL YEAR 2011-12

Action Taken: The City Council adopted Resolution No. 11-4984 approving Warrant Register No. 1310.

D-2 APPROVAL OF SINGLE AUDIT REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011

Action Taken: The City Council received and filed the City's Single Audit Report for the fiscal year ended June 30, 2011.

D-3 APPROVAL OF CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011

Action Taken: The City Council received and filed the City's Annual Financial Report for the fiscal year ended June 30, 2011.

D-4 CONSIDERATION OF AUTHORIZATION TO SOLICIT BIDS FOR THE HANDICAPPED RAMPS AND SIDEWALKS PROJECT

Action Taken: The City Council 1) Approved the plans and specifications for the Handicapped Ramps and Sidewalks Project; and 2) Authorized staff to solicit bids.

D-5 CONSIDERATION OF AN AGREEMENT WITH CIVIC SOLUTIONS, INC. FOR PUBLIC WORKS SERVICES IN AN AMOUNT NOT TO EXCEED $10,000

Mayor Solis pulled this item for further discussion.

Mayor Solis stated that an ad hoc committee meeting was held earlier in the day, and the committee is close to reaching an agreement to add a member to the City staff. Mayor Solis further stated he did not wish to approve additional funding for a consultant at this time.

Council Member Holloway inquired if the City Manager agreed with the Mayor's recommendation. City Manager Plumlee stated that staff could work with either hiring or not hiring the consultant at this time. He stated that Civic Solutions, Inc. is currently handling public works services, however, that funding is coming to an end.

Council Member Holloway stated that it is his recommendation that an employee should be hired and funding should not be spent on consulting services.

Mayor Solis concurred and stated the committee will know within one to two days if the employee will be hired.

No action was taken on Item D-5.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-1 DISCUSSION AND DIRECTION REGARDING THE ANNUAL EMPLOYEE HOLIDAY GIFT CARDS (REQUESTED BY MAYOR SOLIS)

Mayor Solis stated that it had previously been the practice to present City staff with gift cards for their work throughout the year, and inquired if the City Council wished to continue the program for the current year.

Council Member Holloway stated that the program was stopped two years ago, and due to financial difficulties he did not think it appropriate to utilize public funds for the program at this time. He suggested that local businesses could be approached for donations, and City Council Members and executive staff members could contribute.

Mayor Pro Tem Argudo stated that there had been a concern in the past with City Council presenting gifts to staff members. He further stated the program was not discontinued, and requested information as to the cost of continuing the program. Acting Finance Manager Leung responded that the estimated cost would be approximately $2800, and would include presenting gift cards to both full and part time employees.

Council Member Holloway questioned the City Attorney regarding the presentation of gifts to staff members. Interim City Attorney Casso responded if the recipients were Form 700 filers, they would be required to report the gift should it exceed the $50 gift limit.

Council Member Holloway expressed concern that the City has made claims of financial hardship in the past, and presenting gifts could cause those claims to be questioned. He further stated that staff had worked hard and should be recognized in some way. Mayor Pro Tem Argudo concurred that staff should be recognized.

Council Member Mendoza offered a portion of her travel expense budget for the program. Council Member Holloway declared his support of Council Member Mendoza's offer, and reiterated his support of a donation of funds by City Council and executive staff members.

Council Member House moved to approve the purchase of gift certificates for 1) 26 full-time employees, in the amount of $75 each; and 2) 36 part-time employees, in the amount of $25 each, for a total of $2800; seconded by Mayor Solis. The motion carried by the following roll call vote: AYES: House, Argudo and Solis. NOES: Holloway and Mendoza.

E-2. CONSIDERATION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DESMOND, MARCELLO & AMSTER TO PROVIDE SPECIAL VALUATION SERVICES IN CONNECTION WITH APPLICATIONS FILED BY MEDICAL MARIJUANA DISPENSARIES TO EXTEND THE CITY'S AMORTIZATION PERIOD

Acting Finance Manager Leung reported that on February 22, 2011, the City Council approved an agreement for $30,000 with Desmond, Marcello & Amster (DM&A) to perform special valuation services in connection with the applications filed by medical marijuana dispensaries to extend the City's amortization period. Reports for three applicants were completed, and two of the reports were presented to the Planning

Commission during a public hearing on December 6, 2011. Ms. Leung stated that the Planning Commission requested additional financial information from La Puente Co-Op, and the public hearing was continued. In order for completion of the requested supplemental valuation report, it is necessary for the agreement to be extended to cover costs totaling $32,500 incurred by DM&A. All charges by DM&A are passed on to La Puente Co-Op, pursuant to a cost recovery agreement. Ms. Leung reported that the City has already received a reimbursement of $20,780 from the applicants, and staff recommends that the contract be increased by $20,000, for a total contract amount of $50,000.

Mayor Pro Tem Argudo requested further clarification of the amount being requested. Ms. Leung responded that the additional amount requested includes the cost to provide a supplemental report, as well as the attendance of DM&A staff at the Planning Commission meeting, and attendance at the future meeting to present the supplemental report.

Council Member Holloway requested clarification regarding the number of applications included in the original proposal. Ms. Leung responded that five applications were in the original proposal, and three applications were completed. Mr. Holloway questioned the discrepancy in the number of applications processed and the total amount charged. Mr. Casso stated that it was his understanding that La Puente Co-Op offered additional documentation during the Planning Commission meeting, and the Commission made a determination that that documentation should be evaluated and considered.

Mayor Pro Tem Argudo stated he could not support the item and moved to 1) deny approval of the amendment to the agreement with Desmond, Marcello & Amster; and 2) call the item up for review by the City Council.

Interim City Attorney Casso responded that the motion was not within the contents of the item as listed on the agenda, and would, therefore, be an improper motion to call up the item from the Planning Commission at this time.

Mayor Pro Tem Argudo amended the original motion to deny approval of the amendment to the agreement with Desmond, Marcello & Amster.

Mr. Casso stated that no final decision was made by the Planning Commission in regard to La Puente Co-Op, therefore, there was nothing to bring up before the City Council in regard to La Puente Co-Op. He cautioned that the Council should be respectful of the due process rights of the applicant.

Mayor Pro Tem Argudo withdrew the motion.
Council Member Holloway stated that the Planning Commission's intent was to make a decision after the additional information was received, and confirmed that allowing the information to be completed would allow the applicant's due process rights.

Council Member Mendoza stressed that in the future staff should inform consultants that the scope of services of contracts should be adhered to so that it is not necessary to allocate additional funds.

Council Member Holloway moved to approve an amendment to the agreement with Desmond, Marcello & Amster, in an amount not to exceed $50,000, subject to approval by the Interim City Attorney as to form; seconded by Council Member House. The motion carried by the following roll call vote: AYES: House, Mendoza, Holloway, and Solis. NOES: Argudo.

RECESS THE CITY COUNCIL

Mayor Solis recessed the City Council meeting at 8:49 p.m.

RECONVENE THE CITY COUNCIL

Mayor Solis reconvened the City Council meeting at 8:50 p.m.

RECESS TO CLOSED SESSION

Mayor Solis recessed the City Council into closed session at 8:50 p.m.

Interim City Attorney Casso recessed the City Council into closed session to discuss of Item F-1 as posted on the agenda.

F. CLOSED SESSION

F-1 THE CITY COUNCIL WILL RECESS INTO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 545956.9(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 9:25 p.m.

REPORT OUT OF CLOSED SESSION

Interim City Attorney Casso reported that as to Item F-1 direction was given to the City Attorney's office with a 5-0 vote on that direction, no final action was taken and there was nothing further to report.

AD HOC COMMITTEE REPORTS

Mayor Pro Tem Argudo reported that earlier in the day the Reorganization Ad Hoc Committee met and scheduled another meeting for tomorrow. He also stated that the Building and Safety Ad Hoc Committee has not met and they should try to meet soon.

City Manager Plumlee reported that qualifications for City Attorney have been distributed and bids are due on December 27.

COUNCIL AB1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Mayor Pro Tem Argudo and Council Member Holloway welcomed the City's new SAO Team. Police Chief Lt. Cacheiro introduced the Team members.

Mayor Solis thanked the members of the SAO Team, and thanked Recreation Manager Roxanne Lerma and her staff for a successful Christmas parade.

Council Member Mendoza welcomed the SAO Team and commended the Sheriff's Department for it's ongoing work in the City. Ms. Mendoza thanked the Recreation Manager and all participants for a successful Christmas parade.

Council Member House thanked the new members of the SAO Team, and extended thanks to the entire City staff for their hard work throughout the year.

Mayor Solis stated that former baseball player Cecil Fielder has expressed a desire to return to the community to make improvements to the playing fields.

ORAL COMMENTS FROM STAFF

Interim City Attorney Casso reported that the settlement agreement in the KZV litigation had been signed, and a majority of the money had been forwarded to the City.

Interim City Attorney Casso reported that in an action brought by the City against former contractor Sandra Rodriguez, the court awarded the City $5,000 for overpayment and $50 in costs. The City is now pursuing collection. Mr. Casso further reported that the City prevailed in a separate action in which Ms. Rodriguez sued the City for payment.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Solis adjourned the meeting at 9:30 p.m.

Approved this 27th day of March 2012

Pat Jacquez-Nares, CMC
City Clerk

John Solis
Mayor