MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
JULY 24, 2012

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 24, 2012, at 7:00 p.m.

CALL TO ORDER

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

ROLL CALL

Members present:	Holloway, Klinakis, Argudo, House and Lewis
Members absent:	None
Staff Members present:	City Manager Plumlee, City Attorney Casso, City Clerk Jacquez-Nares, Director of Administrative Services Komers, Director of Development Services Di Mario, City Engineer Pagett, Police Chief Lt. Cacheiro, Finance Manager Leung, Code Enforcement Supervisor Blakley, and Intern Vargas

PLEDGE OF ALLEGIANCE

Mayor Holloway led the Pledge of Allegiance.

PRESENTATIONS – None

ORAL COMMUNICATIONS

Leonard Wayne Rose, Jr. stated he has completed 97 pages of the book he is writing, and read an excerpt. Mr. Rose stated his weight loss goal and his exercise regime.

Javier Hernandez of Bike SGV requested the City Council's support for his Los Angeles County Department of Public Health Grant application for $125,000 for the next four years. He is proposing to join forces with three cities in the San Gabriel Valley, Baldwin Park, South El Monte, and La Puente, in order to create a regional bike plan that would tie into the Los Angeles County bike plan. He encouraged the City Council to approve the letter of support listed on the agenda.

Max Leyva expressed his concerns with the non-compliance in returning the Sheriff's badge.

City Manager Plumlee responded that the status of the badge issue has not changed from the last meeting.

Patricia McMane stated her concerns with the San Gabriel Valley Council of Governments (SGVCOG) membership and with illegal fireworks.

City Manager Plumlee responded that the City has not paid the membership fee to SGVCOG for this current year. He further responded that the City encourages the reporting of illegal firework activity to the Sheriff's Department, who is proactively addressing this issue.

Mayor Pro Tem Klinakis stated that, as the SGVCOG representative for the City, he recommended to the City Manager that the City not pay the membership dues until their current situation is resolved.

Mayor Holloway commented that he had previously served as the SGVCOG representative for three years; and that the City is currently evaluating what the impact of not renewing the membership would have on grants that the City has obtained through the SGVCOG or other agencies.

Laurie Marshall reported on the Haddick's Towing Auto Body and Hot Rod Show, which was held on July 14, 2012. She thanked Mayor Holloway, Mayor Pro Tem Klinakis, and Council Member Lewis for attending the event's press conference the day before and thanked the City for its support.

Primo Castro, representing the office of Assemblymember Roger Hernandez, extended an invitation for all to attend the Citizenship Workshop scheduled for Saturday, August 4, 2012, from 9 a.m. to 4 p.m. at the La Puente Community Center.

Frank Sanchez stated his concerns with the travel expense reimbursement item. He requested that the advance notice be changed from five days to 30 days, in order to take advantage of lower airline rates. Mr. Sanchez stated his concerns with the abusive use of the Sheriff's badges by a former and present Council Member. He urged Council Member Argudo to return the Sheriff's badge.

Mayor Pro Tem Klinakis stated his concerns with the Sheriff's badge issue and asked what could be done to resolve this issue.

City Manager Plumlee responded that he has demanded that the badge be returned but it has not yet been returned. He is currently working with the Sheriff's Department to coordinate efforts to ensure that it is returned. City Manager Plumlee stated that the City Council could agendize an item to stipulate consequences if the badge is not returned.

Council Member Argudo asked City Manager Plumlee if he has ever issued him a Sheriff's badge. City Manager Plumlee responded that he has not personally issued Council Member Argudo a Sheriff's badge.

Henry Nodal inquired about the status of the City's downtown retrofitting. He requested clarification and explanation of the Council travel policy terms, namely the terms travel expense and travel agreement. Mr. Nodal stated that he supports Council travel. He suggested that the Council send one member to the out of town seminars and meetings and that member could bring back the information to the other members.

Mayor Holloway responded that each Council Member has a travel budget which can be used as they like and they are allowed to take their families at the Council Member's expense.

City Manager Plumlee clarified that the travel agreement must be signed by the traveling Council Member in advance of traveling and the expense report is used to report the Council Member's expenses for the trip.

BOARDS/COMMISSION/COMMITTEE REPORTS

Mayor Pro Tem Klinakis reported that he attended the San Gabriel Valley Council of Governments meeting. He provided a brief summary of the items that were discussed at the meeting.

Council Member House reported that he attended the Southern California Joint Powers Insurance Authority (JPIA) meeting. He provided a brief summary of the items that were discussed at the meeting.

Mayor Holloway reported that he attended the San Gabriel Valley Mosquito & Vector Control District meeting. He provided a brief summary of the items that were discussed at the meeting.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING - None

B. PUBLIC HEARING BEFORE THE CITY COUNCIL - None.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 CONSIDERATION OF A RESOLUTION ADOPTING THE CITY'S FISCAL YEAR 2012-2013 ANNUAL BUDGET AND THE CITY'S GANN APPROPRIATION LIMIT AND ESTABLISHING CONTROLS ON CHANGES IN APPROPRIATIONS FOR THE VARIOUS FUNDS

Director of Administrative Services Komers provided a brief summary updating this item.

Council Member House moved to adopt Resolution No. 12-5023 approving the City's Annual Budget and Appropriation Limit for Fiscal Year 2012-2013; seconded by Mayor Pro Tem Klinakis. The motion carried by the following roll call vote: AYES: Holloway, Klinakis, House and Lewis. NOES: None. ABSTAIN: Argudo.

C-2 CONSIDERATION OF A SPECIAL ASSESSMENT FOR ABATEMENT OF PUBLIC NUISANCE, FOR PROPERTY LOCATED AT 16207 BAMBOO STREET, LA PUENTE, CA, PARCEL NUMBER 8247-017-009

City Manager Plumlee introduced this item.

Mayor Holloway opened the Administrative Hearing at 7:40 p.m.

Code Enforcement Supervisor Blakely provided a summary updating this item and stated that Ms. Smith has declined the options offered to her by the City. She stated that the Habitat for Humanity Brush of Kindness Program would help Ms. Smith rectify the issues on her property if she would accept their assistance. Code Enforcement Supervisor Blakely outlined the options presented to the City Council for their consideration.

Mary Smith, property owner, stated her opposition to this abatement and further stated City staff has treated her unfairly. Ms. Smith declined to accept any assistance for her property issues.

Mayor Holloway confirmed that outstanding issues, aside from refuse issues, could be resolved by the Habitat for Humanity program.

City Manager Plumlee stated that Ms. Smith did not wish to enroll with Valley Vista for trash service, even though they would provide rollout curb service for her trashcans.

Nancy Medeiros stated her support for Ms. Smith, and stated her opposition to this abatement. Ms. Medeiros stated that she would provide all of her concerns to the newspaper.

Mayor Holloway responded that there are City ordinances that regulate how properties need to be maintained.

Council Member Argudo stated that he supports Option E but all the abatement issues need to be rectified. He would like to have the option to enforce these and future charges at a later date, if the City needs to abate Ms. Smith's property again.

Code Enforcement Attorney Dapeer clarified that a waiver could be considered as a gift of public funds. He stated that he did not believe the Council could waive the fees and re-enforce charges if these issues arise again. City Ordinances regulate how properties need to be maintained and making concessions would undermine Code Enforcement efforts when Officers attempt to enforce these ordinances. Attorney Dapeer further stated that if the Council provides a finding that the abatement was not warranted, then they can waive the fees and that is why the option was presented for Council consideration.

City Attorney Casso agreed with Attorney Dapeer as to the waiver being a gift of public funds. He stated that the Council should be cautious that it does not set a precedent for dealing with future code enforcement issues involving residents.

Council Member Argudo stated that this option should not have been presented to the Council for approval if there were concerns that a waiver could be considered a gift of public funds.

Council Member House stated that the property owner displays no remorse and continues to state that she does not wish to comply with the City's laws. He believes the issues will continue due to the homeowner's attitude and lack of cooperation.

Council Member Lewis inquired if the property owner or her representative have provided a counter offer or compromise for the abatement costs. Ms. Smith responded that she did not provide a counter offer because she sees no reason to comply.

Mayor Pro Klinakis stated that it was a difficult situation to deal with and waiving the fees would set a precedent. He stated that he was in favor of Option C.

Mayor Holloway stated that the intent of the City Council was that Ms. Smith not lose her home but that the costs be recovered. Council was considering placing a lien on the property that would be enforceable only when Ms. Smith sold or refinanced the house.

Council Member House moved to adopt Resolution No. 12-5024 ordering the placement of a lien on the property for the full amount of the costs associated with the abatement and investigation $6,637.20 (Option B); seconded by Council Member Argudo. The motion carried by the following roll call vote: AYES: Holloway, Argudo, House and Lewis. NOES: Klinakis.

D. CITY COUNCIL CONSENT CALENDAR

Council Member Argudo moved to approve the Consent Calendar items D-1 through D-5; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None.

D-1 CONSIDERATION OF A RESOLUTION APPROVING WARRANT REGISTER NO. 1322 FOR FISCAL YEAR 2011-12 AND FISCAL YEAR 2012-2013

Action Taken: The City Council adopted Resolution No. 12-5025 approving Warrant Register No. 1322.

D-2 APPROVAL OF THE TREASURER'S/FINANCIAL REPORT FOR MAY 31, 2012

Action Taken: The City Council received and filed the Monthly Treasurer's/Financial Reports for May 31, 2012.

D-3 APPROVAL OF THE UN-AUDITED TREASURER'S/FINANCIAL REPORT FOR JUNE 30, 2012

Action Taken: The City Council received and filed the Monthly Treasurer's/Financial Reports for June 30, 2012.

D-4 CONSIDERATION OF THE ACTUARIAL STUDY OF RETIREE HEALTH LIABILITIES AS OF JUNE 30, 2011, AS REQUIRED BY THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB 45)

Action Taken: The City Council approved the actuarial study of retiree health liabilities as of June 30, 2011.

D-5 ACCEPTANCE OF NOTICE OF COMPLETION FOR THE CITY HALL HVAC PROJECT

Action Taken: The City Council: 1) Accepted the project as complete, and 2) Authorized staff to execute the Notice of Completion and submit for recordation.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

ITEM E-5 WAS TAKEN OUT OF ORDER

E-5 CONSIDERATION OF A RESOLUTION ADOPTING COUNCIL POLICIES CC – 2.1, TRAVEL EXPENSE REIMBURSEMENT AND CC – 3.1, AUTOMOBILE AND COMMUNICATION ALLOWANCE, AND RESCINDING RESOLUTIONS 08-4738 AND 06-4549.

City Manager Plumlee provided a brief summary of this item.

Mayor Holloway stated that the Ad Hoc Travel Committee, comprised of Council Member Lewis and himself, was established to review and evaluate the City's existing travel policy. The Committee met several times and interviewed staff members involved in administering the policy, as well as a resident who had been monitoring City's travel and identifying alleged abuses for some time. After assessing the existing policy and the travel policies from other cities, the Ad Hoc Committee prepared a list of recommendations, including expense reimbursement forms, requiring travelers to sign a travel agreement prior to travel, and using specific language and provisions throughout the policy to ensure that City travelers are being as prudent as possible when traveling on essential City business.

Council Member Lewis stated that the Committee looked at other Cities travel policies to help with the new travel policy. A travel agreement was added to the policy as well as guidelines that need to be adhered to. She stated that the policy now establishes procedures and guidelines that are outlined step by step.

City Attorney Casso stated that he has reviewed the policy and found it to be acceptable.

Council Member House stated that he has questions that he would like to submit to the Ad Hoc Committee in writing.

City Attorney Casso cautioned that he does not recommend that a Council Member ask questions of the Ad Hoc Committee outside of a public meeting. He further stated it could be construed as a discussion among three Council Members and could give rise to a Brown Act violation. He suggested that any questions should be entertained and discussed at a City Council meeting.

Council Member House stated that his interpretation of the Brown Act does not prohibit that he submit the questions in writing. He had too many questions to discuss at this time. Council Member House stated his concerns with the possible impacts to employees with this Travel Policy and further stated he was not ready to vote on the matter at this time.

Council Member Lewis stated that the Committee attempted to account for every possible scenario and the policy could be amended at a later date if needed.

Council Member Argudo suggested the item be continued to the next meeting to allow time to review the information provided and to address Council Member House's questions.

Mayor Holloway asked City Attorney Casso if questions could be submitted to either the City Manager or City Attorney. Mr. Casso confirmed that questions could be submitted to either the City Manager or to him. Mayor Holloway instructed the Council Members to submit their questions and suggested the item be brought back for discussion at the next scheduled meeting. He further suggested that the Council formally extend the travel moratorium.

City Attorney Casso suggested a deadline be set for submitting these questions to the City Manager or to him.

Mayor Holloway responded that questions should be submitted by 9 a.m. on Monday, August 6, 2012.

City Manager Plumlee suggested that answers and feedback to the questions could be provided at the next City Council meeting.

City Attorney Casso reiterated that the questions must be submitted for public review and discussed in an open forum.

Mayor Holloway moved to extend the travel moratorium; seconded by Council Member Lewis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None.

Mayor Holloway moved to adopt Resolution No. 12-5028 rescinding Resolution No. 06-4549 and approving the Automobile and Communication Allowance Policy; seconded by Council Member Argudo. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

City Attorney Casso stated that any response from the City Attorney's office that involves personnel would be provided in a confidential memo to the Council and not in a staff report.

ITEM E-6 WAS TAKEN OUT OF ORDER

E-6 DISCUSSION AND DIRECTION REGARDING BIKE SGV'S REQUEST FOR SUPPORT OF ITS GRANT APPLICATION (Mayor Holloway)

City Manager Plumlee stated that one sentence has been eliminated from the draft resolution and draft letter of support, which will take away future commitment while providing a level of support for the grant application.

Council Member Argudo questioned if the elimination of the sentence will impact the grant request.

Javier Hernandez of Bike SGV responded that he did not think it would cause an impact.

City Manager Plumlee explained that the City's bike master plan would need to be updated if the sentence was not eliminated.

A Council discussion ensued on the deadline for this support letter, a financial impact on the City needed to be researched and other potential funding resources such as AQMD Funds.

Mayor Holloway moved to adopt Resolution No. 12-5029 as presented by staff; seconded by Council Member Argudo. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

E-1 CONSIDERATION OF A RESOLUTION APPROVING A SUBORDINATION AGREEMENT BETWEEN THE CITY, PATRICIA ESPINOSA, AND JP MORGAN CHASE BANK N.A., WITH RESPECT TO THE CALHOME LOAN PROGRAM

Director of Administrative Services Komers briefly reported that the property owner/applicant had previously received a Calhome loan from the City for housing rehabilitation purposes. The applicant was in the process of refinancing the property, and would execute a promissory note in favor of JP Morgan Chase Bank. The Bank requires that the Deed of Trust be senior to the City's position and that the City subordinate its position to JP Morgan Chase Bank.

Council Member Argudo moved to 1) Adopt Resolution No. 12-5026 approving the Subordination Agreement; and 2) Authorize the City Manager to execute the Subordination Agreement; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

E-2 CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTION NO. 12-5014 AND AMENDING THE COMPREHENSIVE PERSONNEL SYSTEM AND ESTABLISHING THE NUMBER OF AUTHORIZED POSITIONS, MONTHLY SALARY RANGES AND HOURLY RATES FOR CITY EMPLOYEES.

City Manager Plumlee stated that the resolution would provide for a part time Code Enforcement Officer on the weekends.

Director of Administrative Services Komers reported that the resolution would add the position of part time Senior Code Enforcement Officer position which will result in a savings of approximately $3,000 to the City.

Council Member Argudo moved to adopt Resolution No. 12-5027 rescinding Resolution No. 12-5014 and amending the comprehensive personnel system and establishing the number of authorized positions, monthly salary ranges and hourly rates for City employees contained in Attachment "A"; seconded by Mayor Pro Tem Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

E-3 CONSIDERATION OF AN AMENDMENT TO THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES ("ACMS") FOR SCHOOL CROSSING GUARD SERVICES

City Manager Plumlee reported that there are twelve public K-12 schools within the La Puente city limits and three of those schools are provided crossing guards. Funding for two is provided by the County and funding for the third, Hurley Elementary School, is provided by the City of La Puente. The City entered into an agreement with All City Management Services (ACMS) to provide crossing guard services at Hurley Elementary School at the City's expense in February 2003 and has renewed the agreement every fiscal year since. ACMS has requested that their contract be amended and extended into FY 2012-2013 and has offered to maintain the City's billing rates as they did for FY 2011-2012. City Manager Plumlee stated that funding was allocated in the budget.

Council Member Argudo questioned if there had been incidents at schools without crossing guards and suggested a study be done to determine the need for crossing guards.

Mayor Pro Tem Klinakis questioned if other cities subsidize crossing guards for school districts.

City Manager Plumlee responded that there were various options for providing crossing guards.

Mayor Pro Tem Klinakis suggested a discussion with the school district was needed.

Mayor Holloway stated a concern that crossing guards were being provided to only one school and agreed that the school districts should be involved in discussions in determining the need for crossing guards. He stated that providing services should be equitable throughout the City and suggested that alternative services, such as volunteers, should be pursued.

Council Member House concurred that the school districts should be responsible for providing crossing guards.

Council Member Argudo stated that volunteers could provide this service to school districts and further stated that he was in favor of approving the agreement for crossing guard services through the school year as well as for the summer program.

Mayor Pro Tem Klinakis moved to approve an agreement with ACMS for school crossing guard services and to inform Hurley Elementary School that they would need to find alternative resources to provide funding for crossing guard services in future years; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

E-4 CONSIDERATION OF A RESOLUTION ADOPTING THE CITY COUNCIL POLICY MANUAL POLICY

City Manager Plumlee stated that staff has developed the framework for updating over 30 policies contained in the City Council Policy Manual. Staff has prepared the City Council policy template to act as the blueprint for creating, formatting, and organizing all future policies.

Council Member Argudo moved to adopt Resolution 12-5030 adopting the City Council Policy Manual Policy; seconded by Council Member House. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House, Lewis. NOES: None.

RECESS THE CITY COUNCIL

Mayor Holloway recessed the City Council meeting at 9:20 p.m.

RECONVENE THE CITY COUNCIL

Mayor Holloway reconvened the City Council meeting at 9:21 p.m.

F. CLOSED SESSION - None

AD HOC COMMITTEE REPORTS – None

COUNCIL AB1234 REPORTS – None

ORAL COMMENTS FROM COUNCIL

Council Member Lewis reminded the public to attend the National Night Out on August 7, 2012.

ORAL COMMENTS FROM STAFF – None.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Holloway adjourned the meeting at 9:22 p.m.

Approved this 23rd day of October 2012

Pat Jacquez-Nares
City Clerk

Daniel C. Holloway
Mayor