MINUTES
LA PUENTE CITY COUNCIL
REGULAR MEETING OF
AUGUST 28, 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 August 28, 2012, at 7:00 p.m.

CALL TO ORDER

Mayor Holloway called the meeting to order at 7:02 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 DiMario, City Engineer Pagett, Police Chief Lt. Cacheiro, Finance Manager Leung, Assistant Planner Chow, Recreation Manager Lerma and Code Enforcement Specialist Blakeley.

PLEDGE OF ALLEGIANCE

Council Member Lewis led the Pledge of Allegiance.

PRESENTATIONS

The Mayor and City Council presented Certificates of Recognition to Josephine Martinez, Sergio Espinoza, and Ruth Espinoza for their many years of service as Volunteers on Patrol.

PRESENTATION FROM THE AMERICAN CANCER SOCIETY

Mary Pantoja, Relay for Life Event Chair, thanked the City Council for their support and thanked Council Member House for serving as Sponsorship Chair for the event. Ms. Pantoja presented the City Council and Mr. House with plaques commemorating their support.

ORAL COMMUNICATIONS

David Stone, representing the Los Angeles County Fire Department, announced the upcoming Community Emergency Response Team (CERT) class beginning on September 8, 2012.

Christine Halstead commented on her previous remarks at a City Council meeting and expressed her appreciation to the City for the cleaning of debris from her neighborhood. She encouraged changes within the City.

John Marinakis thanked Mayor Pro Tem Klinakis for the appointment of Lou Perez to the La Puente Planning Commission and encouraged the clean up of City property.

Manuel Maldonado expressed his concerns with the recent comments by Council Members and the appointment of Lou Perez to the Planning Commission. He commented on the construction in progress on Nelson and California Avenues.

Esther Quinonez expressed concerns over the zoning within the City and urged Mayor Pro Tem Klinakis to recuse himself from zoning issues. Mayor Pro Tem Klinakis responded that the General Plan is already in place and the Zoning Code should match the General Plan.

Frank Sanchez commented on the Zoning Code and commended Mayor Pro Tem Klinakis for the appointment of Lou Perez to the Planning Commission. He encouraged the City Council to resolve the recent issue of Sheriff's badges that were presented to City Council Members.

Council Member Argudo commented on remarks made by Mr. Sanchez.

Ken Medeiros commented on the Senior Center and zoning issues.

BOARDS/COMMISSION/COMMITTEE REPORTS

Council Member Argudo clarified that Council Member House represents the City as the voting delegate and he is the alternate for the League of California Cities.

Mayor Holloway asked that Council Member Argudo submit his request to change the Alternate and Delegate for the League of California Cities in writing.

Mr. Argudo stated that he would discuss the issue with the City Manager. Council Member House confirmed that he is willing to serve as delegate.

Council Member House reported that he attended the California Contract Cities Association; however, due to a lack of a quorum, no business was discussed.

Mayor Holloway requested an update on the San Gabriel Valley Council of Governments (SGVCOG) membership. City Manager Plumlee responded that the City Manager's Association of SGVCOG will meet on September 10 to discuss the pros and cons of the SGVCOG membership and staff will present an update at the second meeting in September.

A. MINUTES OF PREVIOUS CITY COUNCIL MEETING

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 26, 2012

Council Member House moved to waive further reading and approve the minutes of the regular meeting of June 26, 2012; seconded by Mayor Pro Tem Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None

B. PUBLIC HEARING BEFORE THE CITY COUNCIL

B-1 CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 3.36 (ANIMAL CONTROL ORDINANCE) OF TITLE 3 (PUBLIC SAFETY AND MORALS) OF THE LA PUENTE MUNICIPAL CODE CONCERNING THE DOG LICENSING FEE; AND CONSIDERATION OF A RESOLUTION AMENDING FEES FOR DOG LICENSES IN THE CITY

Code Enforcement Supervisor Blakely reported that a fee study was conducted in order to determine the cost of the dog licensing fee increase and a review of dog licensing fees in surrounding cities was made. An amendment to the annual dog license fee is recommended to maintain a program consistent with the City's fiscal policy of full cost recovery. Based on the City's fee study, staff proposes an increase to the annual dog license fee to $28 for an altered dog ($8 increase); and $75 for an unaltered dog ($15 increase). The senior citizen rate for an altered dog would remain the same at $7.50. She reported that total revenue received last fiscal year was $79,570, and net program costs were $94,601. Code Enforcement Supervisor Blakely stated that representatives from Los Angeles County Animal Control were present and available to answer in questions.

Mayor Holloway opened the Public Hearing at 7:55 p.m.

Manual Maldonado spoke in opposition to the increase and suggested postponement of the increase until the economy improves.

Ken Medeiros stated his concerns with City fees.

Abigail Able questioned the use of the proposed fees. Code Enforcement Supervisor Blakely responded that the fees would be utilized to offset all of the

costs for animal control services. Ms. Able suggested that fees should be increased for impound services, and further stated she opposed the increase in fees.

There being no additional speakers, Mayor Holloway closed the public hearing at 8:03 p.m.

Mayor Pro Tem Klinakis requested clarification on impound fees. Code Enforcement Supervisor Blakely responded that impound fees are reflected under Redemption Credit on the Fee Study.

Council Member House commented that many dogs in the City are unlicensed, and licensing was not enforced. Code Enforcement Supervisor Blakely responded that staff was recommending citywide dog license compliance canvassing which would generate about 1,000 additional licenses after the canvassing was completed.

Council Member Argudo expressed his concerns that responsible dog owners would be burdened by the increase and suggested fees could be associated with certain types of high-risk dogs and also structured on field services.

Carlos Pineda, County Canvassing Representative, described the purpose of licensing of dogs. Janet Yarborough, Enforcement Services Division Manager, stated that the State requires the licensing of dogs, and Animal Control educates the public regarding the laws. Ms. Yarborough stated that canvassing brings in revenue to the City, which offsets the costs of services provided by County Animal Control. Canvassing the City would require approximately 2,000 hours and could be accomplished in one fiscal year. The cost for canvassing would be approximately $62 per hour.

Luis Villegas, Field Supervisor, stated that approximately 10 to 20 citations for unlicensed animals are issued per week. He stated that Animal Control Services personnel attempt to educate residents regarding licensing.

Council Member Argudo moved to canvass the City with no increase of fees at this time; seconded by Mayor Pro Tem Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None

B-2 CONSIDERATION OF AN URGENCY ORDINANCE EXTENDING FOR 12 MONTHS THE TERMS AND PROVISIONS OF ORDINANCE NO. 11-920 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS AND TECHNICIANS IN THE CITY

Assistant Planner Chow reported that an Urgency Ordinance was needed to extend the current moratorium on the establishment, expansion, or relocation of new and existing massage establishments and massage technicians in the City. An update to the Zoning Code to include regulations for massage establishments and massage technicians in accordance with State law has not been completed. Ms. Chow stated that the Ordinance presented has been revised to exempt establishments that have certified California Massage Therapy licenses for all employees.

City Clerk Jacquez-Nares stated that e-mail communication had been received from Beverly May, Director of Governmental Affairs California Massage Therapy Council, and had been provided to all City Council Members.

Mayor Holloway opened the Public Hearing at 8:52 p.m.

Arturo Diaz remarked that residents should have the opportunity to be educated on the item before being asked to speak.

Manuel Maldonado remarked that the moratorium will enable the City to provide the residents with additional information and further remarked that he does not approve of massage parlors in the City.

There being no additional speakers, Mayor Holloway closed the public hearing at 8:55 p.m.

Staff was directed to bring back options regarding zoning regulations on massage establishments.

Mayor Holloway moved to adopt the Urgency Ordinance, as revised – An Urgency Ordinance of the City Council of the City of La Puente Extending by an Additional 12 Months the Terms and Provisions of Ordinance No. 11-920 Establishing a Moratorium on the Establishment, Expansion or Relocation of New and Existing Massage Establishments and Technicians; seconded by Mayor Pro Tem Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None

City Clerk Jacquez-Nares read the Ordinance by title only.

URGENCY ORDINANCE NO. 12-922

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE EXTENDING BY AN ADDITIONAL 12 MONTHS THE TERMS AND PROVISIONS OF ORDINANCE NO. 11-920 ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS AND TECHNICIANS IN THE CITY

ITEM TAKEN OUT OF ORDER

NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-4 CONSIDERATION OF AN AMENDMENT TO CONTRACT NO. 07-900 WITH HOGLE-IRELAND, INC. TO COMPLETE THE UPDATE OF THE CITY'S ZONING CODE IN AN AMOUNT NOT TO EXCEED $68,425.00

Development Services Director Di Mario reported that the City Council had previously awarded a contract to Hogle-Ireland, Inc. for the preparation of the City's Housing Element and Zoning Code update. The Housing Element was completed and certified by the State but the Zoning Code update remains incomplete. Mr. Di Mario stated that in November 2010, the City Council and Planning Commission held workshops to review and discuss the most recent draft of the Zoning Code update; however, due to budget constraints the necessary revisions were not completed. To ensure consistency in the project, Staff is recommending that the City amend its previous contract with Hogle-Ireland to complete the update of the City's Zoning Code in an amount not to exceed $68,425.

Mayor Pro Tem Klinakis confirmed that the intent is to update the Zoning Code to make it consistent with the General Plan and to ensure compliance with State law. Mr. Klinakis further confirmed that Specific Plans would not be affected by this update.

Council Member House expressed his concerns with the lapse in time between the adoption of the General Plan and the Zoning Code update.

Mayor Holloway commented that the General Plan was adopted after several public hearings; however, the Zoning Code was not updated following adoption of the General Plan.

Council Member Lewis requested clarification on legal repercussions if the Zoning Code was not updated.

City Attorney Casso stated that not having the General Plan and Zoning Code match was a violation of State law.

Council Member Argudo stated that the General Plan should be reviewed before updating the Zoning Code, and further questioned if the Mayor Pro Tem should recuse himself from discussion on the item due to his profession.

Mayor Pro Tem Klinakis stated that any changes to the General Plan would take two to three years and the City is not in compliance with State law since the Zoning Code does not match the General Plan. He further commented that property values in the City are a concern for residents.

Mayor Pro Tem Klinakis moved to authorize the amendment to the City's contract with Hogle-Ireland, Inc. to complete the update of the City's Zoning Code in an amount not to exceed $68,425; seconded by Council Member Lewis. The motion carried by the following roll call vote: AYES: Holloway, Klinakis and Lewis. NOES: Argudo and House.

ITEM TAKEN OUT OF ORDER

E-1 CONSIDERATION OF A COMMUNITY GARDEN AT LA PUENTE PARK

Development Services Director Di Mario introduced Deborah Fryman, Los Angeles Conservation Corps representative, who summarized the program. She stated that the program addresses obesity and health issues for children, and stated that the program targets lower income families in Los Angeles County by providing access to fresh fruits and vegetables and nutrition and gardening education.

Ms. Fryman introduced Alex Lopez, a resident of La Puente and member of the Los Angeles Conservation Corps. Mr. Lopez stated that the proposed Community Garden would not need funding from the City since there are funding sources for the Garden.

Hop Hopkins summarized the proposed Community Garden project, as well as other projects currently being developed and stated that he looks forward to working with the community.

Ms. Fryman introduced the remaining partners to the City Council and summarized the impact of Community Gardens.

Council Member Lewis voiced her approval of the program.

Mayor Pro Tem Klinakis questioned involvement of the organizations after completion of the project, and questioned procedures for ensuring the safety of children. Ms. Fryman stated that the organization remains involved for five years, and further stated procedures are taken to protect the children.

Discussion ensued regarding the site chosen for the Garden, the costs involved, and who would be eligible to participate.

Mayor Holloway questioned the City's liability. City Attorney Casso responded that the Joint Powers Insurance Authority (JPIA) has not yet been contacted. City Manager Plumlee responded that the City would work with JPIA and the organizations involved to protect the City from liability. Ms. Fryman stated that the organization is insured.

Council Member Argudo expressed concern over the proposed location but added his support of the program.

By Council consensus at 10:30 p.m., the meeting was extended past the 10:30 p.m. time limit.

By the consensus of the Council, Staff was directed to move forward with the Community Garden as proposed and to check with JPIA regarding liability.

E-2 DISCUSS AND PROVIDE DIRECTION REGARDING THE CITY BEING NAMED AS THE LEAD PARTICIPANT CITY FOR BIKE SAN GABRIEL VALLEY'S HEALTHY EATING ACTIVE LIVING GRANT APPLICATION

Recreation Manager Lerma reported that Bike San Gabriel Valley (Bike SGV) has requested that the City be named as the lead participant for the grant application and is requesting a response.

Javier Hernandez, representing Bike SGV, stated that the organization has approached seven cities and is requesting that La Puente be the lead partner in the grant application. He stated that if Bike SGV is selected to move to the next round, a City Council Member or staff member would be required to participate in an interview with the L.A. County Department of Public Health. The result of this grant would be a complete bicycle master plan with the only expense being City staff time.

City Manager Plumlee expressed his concerns with the unknown amount of staff time required and potential costs involved.

Mayor Pro Tem Klinakis also expressed his concerns over staff time and expenses.

Council Member Argudo stated that he was in favor of the City being named the lead participant.

Council Member Argudo moved to name the City of La Puente as the lead participant city for Bike San Gabriel Valley's Healthy Eating Active Living grant application; Council Member Lewis seconded the motion. The motion carried by the following roll call vote: AYES: Holloway, Argudo, House and Lewis. NOES: Klinakis.

ITEM TAKEN OUT OF ORDER

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-2 DISCUSS AND PROVIDE DIRECTION REGARDING THE 2012 MAIN STREET RUN AND CONSIDERATION OF REGISTRATION FEE INCREASE

Javier Hernandez, representing Bike SGV, stated that the organization had previously created a bicycle component with the City of Baldwin Park's annual 5k run, and participants were charged a fee of $10.

City Manager Plumlee stated that Staff was prepared to provide the Council with an update on expenditure reductions.

This item was moved for consideration after the discussion of the closed session items.

ITEMS TAKEN OUT OF ORDER

RECESS TO CLOSED SESSION

Mayor Holloway recessed to closed session at 11:00 p.m.

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

F. CLOSED SESSION

F-1 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6(f) TO CONFERENCE WITH LABOR NEGOTIATORS. AGENCY DESIGNATED REPRESENTATIVES: BRET M. PLUMLEE, CITY MANAGER; WARD KOMERS, DIRECTOR OF ADMINISTRATIVE SERVICES; AND JAY TRINNAMAN, COUNSEL. EMPLOYEE ORGANIZATIONS: CEA AND SEIU

F-2 THE CITY COUNCIL WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a), EXISTING LITIGATION: LA PUENTE PROFESSIONALS, SUPERVISORS, MANAGERS AND CONFIDENTIAL EMPLOYEES ASSOCIATION ("LPPSMCEA") V. CITY OF LA PUENTE (CASE NO. LA-CE-744-M)

RECONVENE TO OPEN SESSION

Mayor Holloway reconvened to open session at 11:26 p.m.

REPORT OUT OF CLOSED SESSION

City Attorney Casso reported that Item F-1 and F-2 had no reportable action.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL

C-1 DISCUSS AND PROVIDE DIRECTION ON FINANCIAL ADVISORY SERVICES FOR THE PROPOSED ISSUANCE OF REFUNDING BONDS

The City Council continued this item to the next City Council meeting.

C-2 DISCUSS AND PROVIDE DIRECTION REGARDING THE 2012 MAIN STREET RUN AND CONSIDERATION OF REGISTRATION FEE INCREASE

Recreation Manager Lerma reported that City staff had previously been informed that Students Run LA (SRLA) did not plan to participate in this year's Main Street Run (MSR), however, a representative from SRLA has informed Staff that the organization will participate in this year's event on October 21. Staff recommends moving forward with the event as scheduled. Due to the close proximity of the event, a bicycle component is not recommended at this time, but can be planned for next year's event. She further summarized the expenses connected with the Run, which include proposed reductions in expenses and increased registration fees.

Mayor Pro Tem Klinakis moved to direct Staff to conduct the 2012 Main Street Run including the proposed reductions in expenses and increased registration fees; seconded by Council Member Lewis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None

C-3 DISCUSS AND PROVIDE DIRECTION ON THE HEALTHY EATING ACTIVE LIVING RESOLUTION

The City Council continued this item to the next City Council meeting.

C-4 DISCUSS AND PROVIDE DIRECTION REGARDING LOS ANGELES COUNTY SHERIFF BADGES (City Manager to provide a verbal report at Council Meeting)

The City Council continued this item to the next City Council meeting.

D. CITY COUNCIL CONSENT CALENDAR

D-1 CONSIDERATION OF A RESOLUTION APPROVING WARRANT REGISTER NO. 1324 FOR FISCAL YEAR 2011-2012 AND FISCAL YEAR 2012-2013

Council Member Lewis moved to adopt Resolution No. 12-5036 approving Warrant Register No. 1324; seconded by Council Member Argudo. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None.

E. NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL

E-3 CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTIONS 95-3709 AND 98-3942, AND ADOPTING COUNCIL POLICY CC – 6.1, SENIOR CENTER USE

Recreation Manager Lerma reported that guidelines regarding the use of the Senior Center have been discussed and developed by a committee consisting of two Senior Center participants and members of City Staff. The guidelines will ensure the health and safety of participants of the Senior Center.

Discussion ensued regarding the wording in the guidelines that would prohibit games of chance, such as "50/50" which is sponsored by the Senior Club.

Council Member Argudo moved to adopt Resolution No. 12-5037 rescinding Resolution Nos. 95-3709 and 98-3942, and approve City Council Policy CC – 6.1, Senior Center Use contained in Attachment "A" with a modification stating that gambling or the exchange of money is prohibited except as sponsored by the Senior Center or Senior Club; seconded by Mayor Pro Tem Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Klinakis, Argudo, House and Lewis. NOES: None

RECESS THE CITY COUNCIL

Mayor Holloway recessed the City Council at 11:45 p.m.

RECONVENE THE CITY COUNCIL

Mayor Holloway reconvened the City Council at 11:46 p.m.

AD HOC COMMITTEE REPORTS - None.

COUNCIL AB1234 REPORTS - None.

ORAL COMMENTS FROM COUNCIL

Mayor Pro Tem Klinakis thanked City Engineer Pagett for the excellent work being done on the Valley Boulevard wall project.

Council Member Argudo also thanked staff and the City Council for the work on the Valley Boulevard wall.

Mayor Holloway requested that staff provide a report on the Community Center air conditioning since it is his understanding that it is not working properly.

Council Member House requested that an item be placed on the agenda for the next meeting to discuss the implementation of a commission to provide direction to improve and clean up the City. This item is co-sponsored by Mayor Pro Tem Klinakis.

ORAL COMMENTS FROM STAFF - None.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Holloway adjourned the meeting at 11:49 p.m. to September 4, 2012, at 4:00 p.m. in the Council Chambers and the City Council will recess to Closed Session pursuant to Government Code 54957 for a Public Employee Performance Evaluation (Title: City Manager).

Approved this 13th day of November 2012.

Pat Jacquez-Nares, CMC
City Clerk

Daniel C. Holloway
Mayor