MINUTES
LA PUENTE CITY COUNCIL AND SUCCESSOR AGENCY
REGULAR MEETING OF
AUGUST 12, 2014

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 12, 2014, at 6:30 p.m.

6:30 P.M. CLOSED SESSION AGENDA

CALL TO ORDER

Mayor Pro Tem Holloway called the meeting to order at 6:30 p.m.

ROLL CALL

Members present: Holloway, Argudo (arrived at 6:36 p.m.) Klinakis and Muñoz.

Members absent: Lewis.

Staff present: City Manager/Executive Director/ Carmany, City Attorney/Legal Counsel Casso, City Engineer Pagett, Chief Deputy City Clerk Garcia, and Administrative Secretary Ramirez.

ORAL COMMUNICATIONS – None.

CLOSED SESSION:

RECESS INTO CLOSED SESSION:

City Attorney Casso recessed the City Council into closed session at 6:32 p.m. to discuss the items as posted on the agenda.

THE CITY COUNCIL/SUCCESSOR AGENCY WILL RECESS TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:
PROPERTY: 1545 N. HACIENDA BLVD., APN 8471-020-900
CITY/AGENCY NEGOTIATORS: DAVID CARMANY, CITY MANAGER/EXECUTIVE DIRECTOR AND JAMES M. CASSO, CITY ATTORNEY/ AGENCY COUNSEL
NEGOTIATING PARTY: DAN ALMQUIST, FRONTIER INVESTMENTS
UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT

RECONVENE TO OPEN SESSION

Mayor Pro Tem Holloway reconvened the meeting to open session at 7:00 p.m.

REPORT OUT OF CLOSED SESSION

City Attorney Casso reported that the Council recessed into closed session to discuss items as posted on the agenda. No final action was taken and there was nothing further to report. He announced Council Member Argudo arrived during closed session at 6:39 p.m. and participated in 95% of the closed session.

7:00 P.M. OPEN SESSION AGENDA

CALL TO ORDER

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

ROLL CALL

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| Members present: | Lewis (arrived at 7:43), Holloway, Argudo, Klinakis and Muñoz |
| Members absent: | None. |
| Staff members present: | City Manager/Executive Director Carmany, City Attorney/Legal Counsel Casso, Director of Administrative Services Bird, Lieutenant Cacheiro, City Engineer Pagett, Finance Manager Purificacion, Recreation Manager Lerma, Chief Deputy City Clerk Garcia and Administrative Secretary Ramirez. |

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Manager Carmany.

PRESENTATIONS - None

ORAL COMMUNICATIONS

Leonard Wayne Rose Jr. spoke about his church and read a few verses from the Bible.

Jamie Vega stated that he was having issues with speeding vehicles on Duff Avenue and Beckner. He has had two vehicles crashed into and requested a stop sign or speed bumps to slow down the traffic.

Dino Tadiar spoke regarding the Zoning Code Workshop being held at the Los County Library in La Puente on August 19, 2014 from 3-5:00 p.m. He extended an invitation to the RiT Gallery located at 15866 Main Street from 6-9:00 p.m. to continue discussion on the zone changes.

Marty Paz thanked the City for having the Mariachi Divas preform at the Concerts at the Park. He also expressed that he was disappointed that a performer from the audience was not allowed to sing a tribute song to honor his mother who had passed. He also commented regarding dogs at La Puente Park.

BOARDS COMMITTEE COMMISSION REPORTS

Council Member Muñoz stated that she and City Manager Carmany attended the League of California Cities Los Angeles Division Installation Dinner on August 7, 2014.

Mayor Pro Tem Holloway shared a press release from the San Gabriel Valley Mosquito & Vector Control District regarding the Tiger Mosquito and the schedule for spraying; he distributed copies of the press release to the Council Members.

Mayor Lewis requested that the City Manager disseminate the items from S.G.V. Mosquito & Vector Control on the City's Facebook for public information.

A. MINUTES OF PREVIOUS CITY COUNCIL AND SUCCESSOR AGENCY

A-1 READ AND APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 17, 2014, MAY 13, 2014 AND JULY 22, 2014.

Council Member Argudo moved to waive the reading and approve the Minutes of the Regular meeting of April 17, May 13, and July 22, 2014; seconded by Council Member Argudo. The motion unanimously carried by the following roll call vote: AYES: Lewis, Holloway, Argudo Klinakis, and Munoz. NOES: None.

B. PUBLIC HEARINGS BEFORE THE CITY COUNCIL – None.

C. UNFINISHED BUSINESS OF THE CITY COUNCIL – None.

D. CITY COUNCIL AND SUCCESSOR AGENCY CONSENT CALENDAR

Council/Agency Member Argudo stated that he would like to pull item D-5 and D-6 for discussion.

Council/Agency Member Argudo moved to approve Consent Calendar Items D-1, D-2, D-3, D-4; seconded by Council/Agency Member Klinakis. The motion unanimously carried by the following roll call vote: AYES: Holloway, Argudo, Klinakis and Muñoz. NOES: None.

D-1 CONSIDERATION OF RESOLUTION APPROVING WARRANT REGISTER NOS. 24 AND 1369

Action Taken: The City Council adopted Resolution No. 14-5152 approving Warrant Register No. 1369 and Resolution No. 14-38 approving Warrant Register No. 24.

D-2 PRESENTATION AND DISCUSSION REGARDING THE FOURTH QUARTER INVESTMENT REPORT

Action Taken: the City Council received and filed this report.

D-3 AWARD OF CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT IN THE AMOUNT OF $648,532.00 FOR THE LOCAL STREET IMPROVEMENTS AND SANTO ORO STORM DRAIN IN THE CITY OF LA PUENTE

Action Taken: The City Council: 1) Approved the plans and specifications for the Local Street Improvements and Santo Oro Storm Drain Improvements in the City of La Puente; and (2) Authorizes Staff to solicit for bids.

D-4 AWARD OF CONSTRUCTION CONTRACT TO EXCEL PAVING CO. IN THE AMOUNT OF $376,343.00 FOR CYCLE 10 SAFE ROUTES TO SCHOOL (SR2S) PROGRAM FOR STREET AND PEDESTRIAN IMPROVEMENTS IN THE VICINITY OF LA PUENTE HIGH SCHOOL, SIERRA VISTA MIDDLE SCHOOL AND WORKMAN ELEMENTARY SCHOOL [SR2SL-5331(018)]

Action Taken: The City Council:

1) Awarded the contract to Excel Paving Co. in the amount of $376,343.00;
2) Authorized the City Manager to approve change orders up to 10% of the original bid amount; and
3) Authorized the appropriation of up to $70,687 of Gas Tax funds from available fund balance.

D-5 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH MILAN MRAKICH FOR CODE ENFORCEMENT MANAGEMENT SERVICES

Council Member Argudo asked for clarification as he thought the City was going to go with a part-time person.

City Manager Carmany responded that with the budget reductions the City eliminated the in-house Code Enforcement with the idea of using a contract arrangement in order to not pay benefits.

Council Member Argudo understood that the Lieutenant would be overseeing the department and coverage was included in the Sheriff Department's contract.

City Manager Carmany responded that once the Code Enforcement team was deployed it would be under the direction of the chief of police and the City was not currently paying for this service.

Action Taken: Council/Agency Member Argudo moved to approve the professional services agreement for interim code enforcement management services; seconded by Council/Agency Member Munoz. The motion unanimously carried by the following roll call vote: AYES: Holloway, Argudo, Klinakis and Muñoz. NOES: None.

D-6 CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTION NO. 14-5143 AND AMENDING THE COMPREHENSIVE PERSONNEL SYSTEM AND ESTABLISHING THE NUMBER OF AUTHORIZED POSITIONS, MONTHLY SALARY RANGES AND HOURLY RATES FOR CITY EMPLOYEES

Council Member Argudo pulled item D-6 from the consent calendar for discussion. He noted after reviewing the agenda report provided by staff that he had no concerns in regards to the reclassification of the lead maintenance worker position to a maintenance supervisor position because the incumbent had been working out of class for 2 years or so. Nor did Council Member Argudo have concerns about the recreation manager being promoted to director of recreation. He noted that the City was still in negotiations with the union concerning the contract and that he could not support the adjustments of salaries for non-union employees because historically in the City of La Puente whatever is negotiated with the union members is granted all employees, and the City Council.

City Manager Carmany introduced the item and gave a brief overview, explaining that this agenda item concerns the compensation portion of the City's classification and compensation civil service plan. The City Manager explained that the city has an annual contract with a number of its employees whose work is represented on this list and that the negotiations with the SEUI for those workers represented by that union have now concluded. The City and employees are at the stage of the collective bargaining process with the union members where there is agreement now as to the Council's last, best and final offer. The contract document has been sent to the union for signature which will return, assuming they sign it, on the very next agenda. City Manager Carmany explained that the adjustments that are recommended are consistent with that which was offered the SEIU. In this case the SEIU had some provisions of their contract which were more important to them than a raise and so they chose to hold on to those provisions rather than receive a raise. Summarizing, the City Manager noted that the resolution is consistent with the direction given with respect to the bargaining and that is recommended for adoption this evening.

In response to questions from Council Member Argudo about who gave such direction, City Manager Carmany noted it was the City Council during closed sessions while the SEIU's contract was being negotiated.

Council Member Argudo expressed further opinion and asked further questions of staff, stating that historically whatever has been negotiated and whatever benefits have been accepted by the unions have been granted all, including represented union and non-union and Council Members. For example, when the city and the union negotiated to reduce medical benefits it went across the board and represented non-union members, union members and City Council.

City Manager Carmany explained that the resolution being considered by the City Council applied to the salary portion of the compensation package for the coming year, but that the benefits portion will remain as is. There would not be changes to the City's healthcare package, dental package, the vision package or any of those benefitted items.

In addition, there would be some very minor cleanup language in the document pertaining to holidays. The previous document was fairly confusing in that it recognized certain City holidays, as well as State and Federal holidays, and employees did not know which holidays they got. City Manager Carmany reiterated there are no changes with respect to benefits and this is consistent with the agreement the City has reached with the SEIU.

Council Member Argudo stated he used the health care package as an example of what has been done in the past and noted what is before Council is a salary adjustment. He stated the union members have decided not to take the salary steps or salary adjustments in lieu of other items and whatever has been accepted practice in the past, whatever has been accepted from the union's contract, trickled over to non-union members as well as the Council Members. He reiterated this is not about a healthcare package but about the representation of the bargaining unit that in the past has represented the entire staff. He questioned why this item was before Council when the MOU would be brought to the next meeting, and was different from what was brought at this meeting because the bargaining unit is not accepting the 4% step increase. He reiterated past practice has been that whatever the union bargains was representative of the whole entire staff; that it had been the policy in the past and is something Mayor Pro Tem Holloway had been open about.

City Attorney Casso clarified that when it came to salary adjustments, if there is a salary adjustment for the staff whether they are represented or not represented, that salary adjustment does not go to the City Council. He explained City Council's salary can only be adjusted by adoption of an ordinance which only becomes effective after a general municipal election of the City Council has occurred. To say that it gets adjusted for the bargaining unit it gets adjusted for everyone including City Council is not accurate when it comes to salary adjustments.

Council Member Argudo concurred but noted it was accurate with regard to the healthcare package.

City Manager Carmany stated with regard to the benefits, there is that uniformity but not with regard to salary. Further, some employees at City Hall have civil service protections and others do not. Some are at-will employees who do not enjoy the benefit of civil service protection.

In response to an inquiry by Council Member Argudo, City Manager Carmany explained staff have had their salaries and merit step increases frozen for almost five years. He explained that a City establishes compensation for its workforce by classifying the employees and determining job content, knowledge, skills and abilities; devising an internal system of who reports to whom and who handles which scope of work; then by setting pay. He stated the City is competing for talent with nearby cities and needs to pay wages which reflect that. He would like to have salaries on the leading edge so that as positions become vacant the City is able to attract, recruit and retain the very best workers. The City looked at the labor market, its ability to pay and internal relationships

and produced the proposed revision to the salary schedule which reflects those factors. He did not see a reason to wait and recommended adopting the item.

Mayor Pro Tem Holloway commented that in the past when the City negotiated an MOU with the union it was because they gain benefits which were to be shared with the non-union employees, but that is the choice of the City Council. He stated in this case the City offered a very significant raise, step increases and other benefits to the union and noted they received a 4% raise not long ago. This would have been the second raise within the last year. Further, he stated the other employees should not be penalized because the union chose not to avail themselves of those benefits. They had the right and the option to accept those benefits but chose to accept something they thought was more valuable and the rest of the employees do not have that option. He further stated it is the right of the City and the City Council to determine increases and they are not doing this to spite the union, but because the union made an informed decision that they wanted to go another way and the City is respecting their right to do that.

When Mayor Lewis arrived, at her request City Manager Carmany recapped the earlier discussion and stated they were discussing the salary resolution that affects the pay given to the City's workforce. He further explained the resolution makes salary adjustments of 4% for those not represented by the SEIU and leaves where they are the people that are represented by the SEIU because that contract will not reflect raises for the current year. He further explained that one Council Member questioned whether it would be better to wait until the SEIU contract was executed and simultaneously in front of Council, but his intention was to return with the SEIU agreement as soon as it was signed.

Mayor Pro Tem Holloway recapped that Council Member Argudo's position was historically whenever a contract was negotiated with the union the rest of the employees would get what the union gets. He questioned why the City was negotiating a contract where there is no benefit, yet the rest of the employees would get increases.

Council Member Argudo stated Mayor Pro Tem Holloway was correct and that he would like to see this along with the MOU on the same agenda for the same type of discussion. He stated it was fine with the two staff reclassifications and requested Council wait for the other half of the resolution and the union contract for the next Council meeting.

Mayor Lewis commented that the decision of the union workers should not affect other employees who have nothing to do with that decision and does not know why Council should have them at the same time.

Council Member Argudo stated he raised the issue because historically the MOU is agreed represented everybody, non-union employees as well as union employees and this time it is going in two different directions.

Council Member Klinakis stated his recollection was that Council unanimously said they were going to move forward with pay increases for the non-union employees.

City Attorney Casso cautioned Council against discussing in open session what is discussed in closed session. He stated that it is typical when in negotiations and looking at raises for different classes of employees, represented and non-represented, discussing the impact on the overall budget. He stated the City Manager and the Director of Administrative Services provided Council with an entire picture and its overall impact on all classes of employees. He has to respect the confidentiality of the closed session but recalls all Council Members were given the full picture of how it would impact the entire budget and impact all classes of employees.

Council Member Klinakis stated they were given the big picture and made their decisions based on the big picture.

City Attorney Casso clarified that in the contract that will likely come before Council at the next meeting, there is a provision in there with regard to layoffs that only pertains to the members of the represented unit and does not pertain to non-represented employees. He stated there are differences between what the represented unit gets and what the non-represented unit gets and a blanket statement cannot be made that all benefits are the same across the board.

Council Member Argudo reiterated that past practices have been that whatever is negotiated in the MOU goes to the rest of the staff and this time it is different. He asked if there was a policy or a resolution and stated he is not seeing consistency.

City Attorney Casso responded that he is not aware of any Council adopted resolution or policy. He pointed out that there are differences between what the represented unit gets and what the non-represented employees get and there is a significant difference with regard to layoffs and that represented employees have civil service protections where as many other employees do not. To say the benefits are across the board is not completely accurate.

Mayor Lewis stated the discussion had gone beyond what the scope of the item is and City Attorney Casso explained more than he needed to the differences in the employee groups. She further stated that historically certain decisions have been made to the benefit of all employees but Council is in a situation where the decision is different and one group should not be held accountable for the decisions of the other group or vice versa. It is at the discretion of the Council to offer things that do not necessarily have to be based base on the decision of the bargaining unit.

Council Member Argudo made a motion to approve what was before Council, only approving the promotions from maintenance worker to superintendent and recreation manager to recreation director.

Mayor Lewis stated the motion died for lack of a second and asked if there were any other motions or if anyone would like to discuss the item further.

Council Member Argudo asked how long they have to wait until the motion fails and City Attorney Casso responded it is at the discretion and asked if Council like to provide any further direction to staff. Council Member Argudo requested it be brought back at the next Council meeting.

Council Member Munoz recommended it be brought back at the next Council meeting as well and City Attorney Casso explained it would be rescheduled for lack of a second. In response to an inquiry by Mayor Pro Tem Holloway, Finance Director Bird explained the raises would go into effect the pay period beginning August 16. If it were brought back, it would take effect the following pay period. Staff would also bring the PERS resolution which recognizes that some of the employees will now be paying 4% into their retirement and the union employees would be paying 2%.

Council Member Argudo stated City Council can do something about the individual working out of class and the person that is being moved from a manager position to a director position. Mayor Lewis stated they cannot move as there is not a second to the motion.

Mayor Lewis directed that staff bring the item back.

NEW BUSINESS TO BE CONSIDERED BY THE CITY COUNCIL - None

ADHOC COMMITTEE REPORTS - None

AB 1234 REPORTS – None

ORAL COMMENTS FROM COUNCIL

Mayor Pro Tem Holloway thanked the Recreation Department for the Concerts and Movies at the Park events. He also thanked the Sheriff Department and commented that the Mariachi Divas was great as always.

Council Member Klinakis thanked City Manager Carmany, Recreation Manager Lerma and her staff for a successful National Night Out event. He also thanked City Attorney Casso, Assistant City Attorney Sparks, Lieutenant Cacheiro and the Sheriff Department for donations received for National Night out.

Mayor Lewis thanked the community for supporting the events, noted that staff works hard and requested if anyone had suggestions to make the events more successful to submit comments.

ORAL COMMENTS FROM STAFF

City Manager Carmany commented on the possibility of the La Puente Library being open five days per week. He announced that he and Mayor Pro Tem Holloway met with Southern California Edison (SCE) to discuss the 2014 Rule 20A Allocation and that SCE would be providing more information at an upcoming Council meeting. He further announced the Mexican Consulate would hosting a meeting at the La Puente Community Center on Thursday,

August 14, 2014, to discuss and provide important information on distributing driver's license to undocumented individuals beginning in January 2015.

ADJOURNMENT

There being no further business to come before the City Council/Agency, Mayor/Chair Lewis adjourned the meeting at 8:06 p.m.

Approved this 26th day of August, 2014.

Sheryl Garcia
Chief Deputy City Clerk

Violeta M. Lewis
Mayor/Chair