

MINUTES
Special Meeting of the
City of Huntington Park City Council
Tuesday, January 20, 2015

The special meeting of the City Council of the City of Huntington Park, California was called to order at 6:07 p.m. on Tuesday, January 20, 2015, in the Council Chamber at City Hall, 6550 Miles Avenue, Huntington Park, California; Mayor Rosa Perez presiding.

ROLL CALL

Present: Mayor Rosa E. Perez; Vice Mayor Karina Macias and Council Members Valentin Palos Amezquita, Ofelia Hernandez and Mario Gomez. Other City Officials and employees: John Ornales, Interim City Manager, Isabel Birrueta, City Attorney, Jorge Cisneros, Chief of Police, Josette Espinosa, Director of Parks and Recreation, Jan Mazyck, Interim Finance Director and Donna Schwartz, City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Marie Lopez from Hope Elementary School.

INVOCATION

The invocation was led by Mayor Perez.

PRESENTATIONS AND ANNOUNCEMENTS

Council presented a "Certificate of Appreciation" to Marie Lopez for leading the Pledge of Allegiance.

Council presented certificates to the families of Lazaro Sanchez and George Viveros in memory of their passing.

Former Interim City Manager Julio Morales presented a PowerPoint presentation on the City's accomplishments while under his direction.

Council presented "Certificates of Appreciation" to those who volunteered for the 2014 Turkey Giveaway and Toy Drive Program.

Not presented - Presentation on the "7th Annual Health Walk to Reduce Obesity."

Michael Kandilian of United Pacific Waste (UPW), presented an update on the new trash hauler transition.

PUBLIC COMMENT

City Attorney Birrueta announced to the public the rules for public comment by citing government code section 54954.3 and Municipal Code section 2-1.207.

1. Letter from Alice Lipscomb, resident, read by City Clerk Schwartz. Ms. Lipscomb's letter was in support of the new trash hauler.

PUBLIC COMMENT (continued)

2. Public comment card left by Fernando Ruiz, resident, read by Translator. Mr. Ruiz also spoke in support of the new trash hauler.
3. Attorney, representing 6341 Florence Development, LLC, spoke in regards to property located at 6115 and 6125 Pacific Boulevard and requested support from Council to allow commercial uses at said property.

Mayor Perez directed staff to speak with the Attorney in regards to his request and Council Member Gomez stated he could also contact him if he would like.

At 8:15 p.m. Mayor Perez excused herself for a brief break.

4. Rita Shakibkoo, property owner, of 6115 and 6125 Pacific Boulevard, also requested support in allowing different uses for said property.
5. Linda Caraballo, resident, commented on the service provided by the new trash hauler and questioned an inquiry to UPW made by her mother regarding discounts. Ms. Caraballo also commented on item 9 on the agenda and Clipper tickets being purchased by the City.
6. Henry Garcia, resident, commented on the issues surrounding the new trash hauler and feels the Vice Mayor could handle things differently. Mr. Garcia concluded with noting the behavior by all at the last council meeting.
7. Nick Ioannidis, resident, commented on living in Huntington Park.

At 8:30 p.m. Mayor Perez returned.

8. Balle Machuca, resident, spoke in regards to how supportive the prior Interim City Manager Morales was and thanked him. Mr. Machuca asked for support for the businesses in town and commented on parking being an issue.
9. Carlos Pando, resident, thanked Council, asked them to work together and to get the community involved and commented on newly elected Council after the elections.
10. Cohan Hennon, Rogers Poultry, spoke in support of the new trash haulers.
11. Ivonne Correa, resident, commented on the photos in the Los Angeles Times about the City, a meeting that was held by one of the potential candidates regarding parking who is not a representative of the City, and supports a letter read by a representative of the newspaper.
12. Rodolfo Cruz, resident, commented on the service of the new trash haulers, how the City looks, police service and information that should be provided to the seniors.

PUBLIC COMMENT (continued)

13. Melissa Rosales, Rosales Professional Services, spoke in regards to the trash issue and the actions of the old trash haulers.
14. Ana Pena, resident, commented on how the city looks, the decision by Council for the new trash contract, her effort to clean-up the city and her support for new candidates.

Mayor Perez closed public comment.

STAFF RESPONSE

Parks and Recreation Director Espinosa responded to the comment made regarding Clipper tickets stating that the tickets are being purchased by the Parks and Recreation Department as a group for the basketball program and that the parents reimburse the City.

Council Member Hernandez commented on the vote of the new trash contract stating that the vote was 4 to 1.

Council Member Amezquita clarified that the vote was 3 to 2. He voted no.

Interim City Manager Ornales announced that staff has obtained consulting services with H&H to monitor the performance of the new trash hauler contract.

At 8:55 p.m. Mayor Perez recessed to closed session.

CLOSED SESSION

1. Pursuant to Government Code Section 54957.6(a) – Conference with Labor Negotiator Regarding Represented Employees
City’s Designated Representative(s) for Negotiations: John Ornelas, Interim City Manager
Employee Organization: General Employees’ Association (GEA)
2. Pursuant to California Government Code Sections 54956.9(d)(2) and 54956.9(e)(2) –
Conference with Legal Counsel to Discuss Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [One (1) potential matter]
3. Pursuant to Government Code Section 54956.9(d)(4) -
Conference with Legal Counsel – Anticipated Litigation/Initiation of Litigation (Deciding Whether to Initiate Litigation): [Two (2) potential matters]

CLOSED SESSION (continued)

4. Pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(3): Conference with Legal Counsel to Discuss Matter Involving Anticipated Litigation/Significant exposure to litigation [Two (2) potential cases]

5. Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel to Discuss Existing Litigation
Case Name: *Santa Coronado vs. City of Huntington Park, et al.*
Case No. BC 564026 (Superior Court, County of Los Angeles)

6. Pursuant to Government Code Section 54957(b)(1) – Public Employee Employment
Name of Position Under Consideration: Public Works Superintendent
AND
Pursuant to Government Code Section 54957.6 (a)
Conference with Labor Negotiator Regarding Unrepresented Employee –
Title of Position Subject to Negotiation: Public Works Superintendent
City’s Designated Representatives for Negotiations: Interim City Manager,
John Ornelas

At 9:50 p.m. Mayor reconvened to open session. All Council Members present.

CLOSED SESSION ANNOUNCEMENT

City Attorney Birrueta announced that Council discussed Closed Session items 1 through 6, direction was given on all items, no action taken.

CONSENT CALENDAR

Motion was made by Council Member Gomez to approve consent calendar items with the exception of items 1 and 5, and approve the reading by title of all ordinances and resolutions, Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

AYES: Council Member(s) Amezcuita, Hernandez, Gomez, Vice Mayor Macias and Mayor Perez.

NOES: Council Member(s): None

OFFICE OF THE CITY CLERK

1. *Pulled by staff to be continued to Feb 2, 2015* - **Approve Minutes of the following City Council Meeting:**

- 1 Regular City Council Meeting held Monday, January 5, 2015

CONSENT CALENDAR (continued)

FINANCE

2. Approved Accounts Payable and Payroll Warrants dated January 20, 2015

PARKS & RECREATION

3. Adopted Resolution No. 2015-01, Approving the Application for Land and Water Conservation Fund for the Salt Lake Park Splash Pad Project.

POLICE

4. Approved the Amendment to the Agreement with Sea Hawk Surveillance and authorized the Interim City Manager to Execute the Amendment.

PUBLIC WORKS

5. *Pulled by Council Member Amezquita for separate discussion* - **Second reading, Adopt Ordinance No. 935-NS Amending Section 6-2.107 (Unlawful and Prohibited Acts) of Article 1 (Collection of Solid Waste) of Title 6 (Sanitation and Health) of the City of Huntington Park's Municipal Code Regarding Containment of Garbage and Trash on Premises**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt Ordinance No. 935-NS.

At this time Item 5 was heard.

Council Member Amezquita asked City Attorney Birrueta to clarify the language in the ordinance regarding who is responsible for securing the lids on trash containers and concerned with the process of violations.

City Attorney Birrueta explained that the responsibility is the owner, occupant or person in possession of the container and went on to read Section 1. Part "h" of the ordinance. Ms. Birrueta explained that warnings will be issued first before fined for a violation.

Council discussed at length the language in the ordinance and concerns regarding the responsibilities and violation process regarding the containment of garbage and trash on premises.

Interim City Manager Ornales reaffirmed that there will be discretion and rationalization with the individual when an issue arises.

CONSENT CALENDAR ITEM 5 (continued)

Police Chief Cisneros stated if the lid on the container is shut and pushed against the wall and we're aware of it, first time we issue a warning. We want to correct the behavior and make sure they comply. If there was no lid we would follow the guidelines/ordinance. If they didn't cause the issue we wouldn't sight and if they did cause it there is a due process.

Motion by Council Member Gomez to adopt Ordinance No. 935-NS Amending Section 6-2.107 (Unlawful and Prohibited Acts) of Article 1 (Collection of Solid Waste) of Title 6 (Sanitation and Health) of the City of Huntington Park's Municipal Code Regarding Containment of Garbage and Trash on Premises, seconded by Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

AYES: Council Member(s) Amezcuita, Hernandez, Gomez, Vice Mayor
Macias and Mayor Perez.

NOES: Council Member(s): None

CITY MANAGER

6. Adopted Resolution No. 2015-02, Adopting the Orangeline Development Authority Fourth Amended Joint Exercise of Powers Agreement (JPA) and Authorized the Mayor to Execute the Fourth Amended JPA.
7. Adopted Resolution No. 2015-03, Extending the Life of the Memorandum of Understanding (MOU) with the Huntington Park General Employees' Association.
8. Approved the Memorandum of Understanding (MOU) with the Los Angeles Homeless Services Authority for the 2015 Greater Los Angeles Homeless Count and Authorized the Mayor to Execute the MOU.

END OF CONSENT CALENDAR

PUBLIC HEARING

COMMUNITY DEVELOPMENT

9. **CONTINUED FROM JANUARY 5, 2015** – Approve First Reading of an Ordinance Amending the City of Huntington Park’s Municipal Code Regarding Marijuana Regulations and Enforcement and Approval of a Resolution Amending the Administrative Citation Schedule for Violations

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Conduct a public hearing;
2. Consider all public testimony and staff's analysis;
3. Introduce Ordinance 936-NS, Amending Article 18 of Chapter 2, and Article 23 of Chapter 3, all of Title 9, and adding Article 19 to Chapter 7 of Title 4 of the Huntington Park Municipal Code (HPMC) regarding marijuana regulation and enforcement; and
4. Adopt Resolution No. 2015-04, Amending the Administrative Citation Schedule of Fines for Violations of the Municipal Code to Specify Fines for Violations Involving Marijuana Regulations.

Interim City Manager Ornales presented the item and introduced Planning Manager Albert Fontanez.

Mayor Perez opened up the item for public comment

Public Comment - None

Mayor Perez closed public comment

Planning Manger Albert Fontanez presented the staff report briefing Council on the proposed ordinance stating the ordinance was previously proposed before the Planning Commission on December 17, 2014, approved and brought before Council for consideration. The ordinance improves the administrative process to eliminate marijuana dispensaries in the City and implementing stiffer fines to violations and concluded with speaking in support of staff’s recommendations.

Council discussed at length who would be responsible, regulations and enforcement and fines for violations.

City Attorney Birrueta explained that the ordinance includes, property owners, tenants, anyone who has the position of the premises not just the operator. The ordinance was carefully reviewed and amended to include language that is very broad to who would be responsible and that violations would be based on who is liable.

PUBLIC HEARING ITEM 9 (continued)

Motion by Council Member Hernandez to introduce Ordinance 936-NS, Amending Article 18 of Chapter 2, and Article 23 of Chapter 3, all of Title 9, and adding Article 19 to Chapter 7 of Title 4 of the Huntington Park Municipal Code (HPMC) Regarding Marijuana Regulation and Enforcement and adopt Resolution No. 2015-04, Amending the Administrative Citation Schedule of Fines for Violations of the Municipal Code to Specify Fines for Violations Involving Marijuana Regulations, seconded by Council Member Amezcuita. Motion passed by the following vote:

ROLL CALL:

AYES: Council Member(s) Amezcuita, Gomez, Hernandez, Vice Mayor Macias and Mayor Perez.

NOES: Council Member(s): None

10. First Reading of an Ordinance Amending the Zoning Map; Adoption of a Resolution Amending the General Plan Land Use Map; Approval of a Development Permit for the Construction of a new 25,865 Square Foot Retail and Office Commercial Center; Approval of a Variance to Deviate from the Development Standards; and Adoption of an Associated Mitigated Negative Declaration Under the California Environmental Quality Act (CEQA) for a Property Located at 3111 Florence Avenue

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Conduct a public hearing;
2. Consider all public testimony and staff's analysis; and
3. Introduce Ordinance 938-NS, Amending the Zoning Map designation from Public Facilities (PF) to Commercial General (CG) for property located at 3111 Florence Avenue;
4. Adopt Resolution No. 2015-05, Amending the General Plan Land Use Map designation from Public Facilities to General Commercial for property located at 3111 Florence Avenue;
5. Approve a Development Permit for the construction of a new 25, 865 square foot retail and office commercial center;
6. Approve a Variance to deviate from the Development Standards; and
7. Adopt an associated Mitigated Negative Declaration under the California Environmental Quality Act (CEQA).

PUBLIC HEARING ITEM 10 (continued)

Interim City Manager Ornales presented the item.

Council Member Gomez questioned the various approvals. Planning Manager Albert Fontanez explained that there are four separate applications for each item requested and must be considered before Council as a whole.

Mayor Perez opened up the item for public comment

Public Comment

1. Michael Lewis, representing applicants, spoke in support of staff's recommendations and explained that the project is to achieve minimize traffic impacts, provide extra parking, protect residential neighbors at the rear of the property and a pleasing exterior. Mr. Lewis concluded with requesting approval of the request.

Mayor Perez closed public comment

Planning Manager Albert Fontanez introduced Planning Intern Rodrigo Pelayo who provided a PowerPoint reviewing the various request to the proposed project explaining the project description, existing condition of the site, site plan, proposed renderings and concluded with an overview of staff's recommendations to approve the request for the proposed project.

At 10:45 p.m. - Council Member Gomez excused himself due to living within the proposed project site.

Items 3 through 7 were voted on separately by the remaining Council (Hernandez, Vice Mayor Macias and Mayor Perez).

Item 3:

Motion by Council Member Hernandez to introduce Ordinance 938-NS, Amending the Zoning Map Designation from Public Facilities (PF) to Commercial General (CG) for Property Located at 3111 Florence Avenue, seconded by Vice Mayor Macias. Motion passed 3-0-2, by the following vote:

ROLL CALL:

AYES: Council Member(s): Hernandez, Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): Gomez and Amezquita

At 10:48 p.m. - Council Member Amezquita excused himself due to living within the proposed project site.

PUBLIC HEARING ITEM 10 (continued)

Item 4:

Motion by Council Member Hernandez to adopt Resolution No. 2015-05, Amending the General Plan Land Use Map Designation from Public Facilities to General Commercial for property located at 3111 Florence Avenue, seconded by Vice Mayor Macias. Motion passed 3-0-2, by the following vote:

ROLL CALL:

AYES: Council Member(s): Hernandez, Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): Gomez and Amezcuita

Item 5:

Motion by Council Member Hernandez to approve a Development Permit for the Construction of a new 25, 865 Square Foot Retail and Office Commercial Center, seconded by Vice Mayor Macias. Motion passed 3-0-2, by the following vote:

ROLL CALL:

AYES: Council Member(s): Hernandez, Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): Gomez and Amezcuita

Item 6:

Motion by Council Member Hernandez to approve a Variance to deviate from the Development Standards, seconded by Vice Mayor Macias. Motion passed 3-0-2, by the following vote:

ROLL CALL:

AYES: Council Member(s): Hernandez, Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): Gomez and Amezcuita

Item 7:

Motion by Council Member Hernandez to adopt an Associated Mitigated Negative Declaration under the California Environmental Quality Act (CEQA), seconded by Vice Mayor Macias. Motion passed 3-0-2, by the following vote:

PUBLIC HEARING ITEM 10 (continued)

ROLL CALL:

AYES: Council Member(s): Hernandez, Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): Gomez and Amezquita

REGULAR AGENDA

At 10:49 p.m. both Council Members Gomez and Amezquita returned to the Council Chambers.

COMMUNITY DEVELOPMENT

11. Pulled by Interim City Manager Ornales to February 2, 2015 - Discussion/Action on Pilot Parking Program Modifications

Council Member Hernandez noted she received a phone call from a concerned resident stating that a potential candidate had called a meeting and mentioned this was supported by the City on the Pilot Parking Program. Ms. Hernandez asked the Interim City Manager Ornales to show for the record that it was not the City that called this meeting.

City Attorney Birrueta suggested we find out who the person was and that the City send the candidate a letter advising them that they should not be representing themselves as the City and warning them they should not be using the City's image or name.

Council Member Amezquita agrees with the City Attorney regarding sending a letter to the candidate then encouraged staff to do an outreach to the businesses regarding the parking pilot program.

PUBLIC WORKS

12. First Reading of an Ordinance to Amend the City of Huntington Park's Municipal Code Regarding Containment of Garbage and Trash on Premises

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Introduce Ordinance 937-NS, Amending Section 6-2.105 of Article 1 of Chapter 2 of Title 9 of the Huntington Park Municipal Code regarding containment of garbage and trash on premises.

REGULAR AGENDA ITEM 12 (continued)

City Attorney Birrueta presented the item stating that the amendment to the ordinance was prepared to clarify to those merchants who are using city owned trash containers as their own containers. An ordinance is already in place that the merchants use their own bins. To make it more clear the only thing we included was “including City-owned containers located in public areas for the use of the public to control litter.”

Council discussed at length the issue of the merchants using city owned bins and how to notify the merchants of the new ordinance and suggested various ways.

Motion by Council Member Gomez to introduce Ordinance 937-NS, Amending Section 6-2.105 of Article 1 of Chapter 2 of Title 9 of the Huntington Park Municipal Code regarding containment of garbage and trash on premises, seconded by Council Member Amezquita. Motion passed by the following vote:

ROLL CALL:

AYES: Council Member(s): Gomez, Amezquita, Hernandez,
Vice Mayor Macias, and Mayor Perez
NOES: Council Member(s) None
ABSTAINED: Council Member(s): None

DEPARTMENTAL REPORTS (Information only)

WRITTEN COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

Council Member Valentin Palos Amezquita - commented on the trash issue and the services with the old and new trash hauler. He noted the tragedy that occurred in Paris with regards to “Freedom of Speech” and feels the public should be able to comment on various issues and would like to change the law with regards to being able to address one Council Member vs. the Council as a whole.

Council Member Mario Gomez - he agrees with the “Freedom of Speech” but it doesn’t allow you to say whatever you want, Supreme Court already ruled on that and that there are certain parameters you have to follow. He stated that he took an oath and will defend the City and feels his colleagues should work together, show leadership and communicate with each other on issues regarding the City to help it move forward. He thanked staff for providing information to the residents regarding the transition of the new trash hauler.

COUNCIL COMMUNICATIONS (continued)

Council Member Ofelia Hernandez – nothing to report, excused herself at 11:00 p.m.

Vice Mayor Karina Macias – responded to comments regarding communication with her colleagues, her comment to the media and her commitment to the residents.

Mayor Rosa E. Perez – reiterated on Council Member Gomez's comments. She thanked the new Interim City Manager Ornales for accepting the position and directed Mr. Ornales to move forward with hiring a consultant for the recruitment of a new City Manager and if possible, to bring back to Council a list of candidates at the next Council meeting or by the end of March.

Interim City Manager Ornales mentioned there are various other ways as well to recruit for a City Manager.

ADJOURNMENT

At 11:30 p.m. Mayor Perez adjourned the meeting in memory of Lazaro Sanchez, a longtime resident who was very involved in the community and father of former Planning Commissioner Abigail Sanchez and George Viveros, a longtime resident who was very involved in the community and a US Army Veteran.

NEXT REGULAR MEETING OF THE CITY OF HUNTINGTON PARK CITY COUNCIL
MONDAY, FEBRUARY 2, 2015, AT 6:00 P.M.

Respectfully submitted,

Donna G. Schwartz, CMC
City Clerk