

Minutes of the regular meeting of the City Council of the City of Huntington Park held Monday, February 6, 2012.

Following the Invocation and Pledge of Allegiance to the Flag, the meeting was called to order in the Council Chambers at 6:00 p.m. by Mayor Hernandez. Present: Council Member Mario Gomez, Vice Mayor Andy Molina, Council Member Elba Guerrero, Council Member Rosa E. Perez, and Mayor Ofelia Hernandez; Absent: None.

Mayor Hernandez presented a proclamation designating the month of February 2012 as "American Heart Month" and February 3, 2012 as "National Wear Red Day for Women" in the City of Huntington Park. Myrna Aguilar, representing the American Heart Association, informed City Council of their efforts to create awareness and educate the communities within the Los Angeles County regarding cardiovascular disease and thanked City Council for dedicating the month of February 2012 as American Heart Month and February 3, 2012 as National Red Day.

Council Member Guerrero left her seat at 6:02 p.m. and returned at 6:05 p.m.

Mayor Hernandez opened oral communications, indicating that this was the time for anyone in the audience to address the City Council on any matter of City business.

A gentleman informed City Council that he had previously addressed his concerns to City Council regarding the high refuse fees residents in the City pay in comparison to other cities and asked why Waste Management charges residents a recycling fee, green waste fee, and a refuse fee in the amount of \$45.50 and inquired about the \$0.50 and if it pays for the containers; and asked City Council why it is mandatory for residents to have a refuse, recycling and green waste containers if they do not use all three (3). City Attorney Leal announced that the contracts for refuse collection in the City are currently being examined and offered to coordinate a meeting with Interim City Manager Romero, Acting Public Works Superintendent Bilodeau, himself and the gentleman to go over the different fees according to the terms of the refuse contracts.

Alfred Areyan addressed City Council regarding the proposed water and sewer rate options for infrastructure improvements. Mr. Areyan informed City Council that he understands that it is necessary to raise the water and sewer rates to pay for the services and infrastructure improvements but that it must be reasonable. Mr. Areyan informed City Council that Golden State Water Company is being fined by the California Public Utilities Commission \$1 Million for overcharging its customers due to a lack of management oversight and for applying inadequate costs control of projects and that the California Public Utilities Commission ordered the Golden State Water Company to issue refunds to residents for overpayment of water services. Mr. Areyan also informed City Council that Golden State Water Company is looking to increase their water rates in the next two (2) years and asked City Council to be reasonable when considering increasing the water fees in the City.

Elvira Rodriguez, representing the American Cancer Society Relay for Life, invited City Council to attend their upcoming pancake breakfast fundraising event on Saturday, February 11, 2012 at The Salvation Army in Huntington Park and stated that proceeds will go to the American Cancer Society Southeast Cities Relay for Life event scheduled for June 23-24, 2012.

Leticia Martinez, Ambassador of the American Cancer Society Southeast Cities Relay for Life, informed City Council that the proposed California Cancer Research Act, which is now Proposition 29, will be on the June 5, 2012 ballot and urged everyone to vote yes. Ms. Martinez also informed City Council that Proposition 29 will help generate funds for cancer research.

Sergio Calderon, serving the Water Replenishment District of Southern California, also serving as City Clerk for the City of Maywood, and as a Teacher Advisor-Board Coordinator and Career and Education Instructor for Huntington Park-Bell Community Adult School Programs with the Los Angeles Unified School District (LAUSD), informed City Council that the LAUSD Board will take a position on funding special education at their February 14, 2012 meeting and stressed the importance of having programs such as the adult education, career training and early childhood education in the southeast cities. Mr. Calderon asked City Council to support this endeavor by urging the LAUSD Board to preserve funding for adult education programs.

Motion by Gomez, seconded by Molina, to establish as "**subsequent need**" item, a

resolution of the City Council of the City of Huntington Park in support of the continuation of adult education and career education programs, as the item arose after the posting of the agenda, necessitating City Council's immediate consideration and/or action, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None. RESOLUTION NO. 2012-4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK IN SUPPORT OF THE CONTINUATION OF ADULT EDUCATION AND CAREER EDUCATION PROGRAMS was presented. Motion by Gomez, seconded by Molina, to adopt Resolution No. 2012-4, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Joel Ramirez, Dean of Students at Centennial College Preparatory Academy located on Saturn Avenue, addressed his concern to City Council regarding the lack of crossing guards at Saturn and Santa Fe Avenues and informed City Council that two students were recently hit by a vehicle and asked City Council to look into placing a crossing guard at this location. Chief of Police Cisneros stated that the City currently has nine (9) crossing guards throughout the City and that the Traffic Authority would have to do a traffic study of the area and then locate funding in order to increase the number of crossing guards. Acting Public Works Superintendent Bilodeau also stated that he would do an analysis to make sure that there are enough signs posted in regards to the speed limit and school crossing to enhance safety in the area.

Carmen Valle addressed City Council on behalf of parents of students who attend the private schools located near Alameda Street to request the City's support in placing crossing guards at the Alameda Street/Florence Avenue and Santa Fe Avenue/Saturn Avenue intersections because it is dangerous for children to cross streets after school and urged City Council to find a solution to this matter.

Mike Harriel, Public Affairs Manager with the Southern California Gas Company, introduced himself to City Council and asked City Council not to hesitate to contact him if they have any questions or concerns regarding the Gas Company's policies and procedures. Mr. Harriel stated that he will be contacting City Council to find out the City's needs and how he can serve the City.

Jaime informed City Council that he has been a resident of the City for approximately seven (7) years and that has noticed a recent increase in criminal activity involving drugs and urged the community to get involved and report crime to the Police Department.

Balle Dario Machuca addressed his concern to City Council regarding the lack of parking on Seville Avenue and the surrounding streets. Mr. Machuca stated that he has spoken to City staff about this matter and stated that certain businesses on Seville Avenue such as El Aviso Magazine do not have enough parking for their employees. Mr. Machuca also informed City Council that he received a citation for putting on his hazard lights while parked in the street to unload his infant children from his vehicle. Interim City Manager Romero informed Mr. Machuca that the Ad-Hoc Committee is addressing the parking concerns and will report back to City Council in the near future.

Dr. Richard R. Espiritu addressed City Council regarding the proposed water rate increases and stated that Proposition 218, requires the majority of vote by the people to pass a rate increase and addressed the following concerns in regards to the Americans with Disabilities Act: 1) lack of designated handicap seating in the Council Chambers; 2) the emergency exit plan must be publicly displayed and must be available in Braille; 3) the men's restrooms on the second floor are not wheelchair accessible; 4) lack of designated handicap parking in front of City Hall; 5) insufficient designated disabled parking spaces at City Hall; and 6) lack of designated van accessible handicap parking spaces. Mr. Espiritu asked for a copy of the City's disaster plan and for someone in the City to contact him regarding his concerns.

Josefina Salazar addressed City Council in support of adult education and preschool programs and asked City Council to support the continuation of these programs by sending a letter of support to the Los Angeles Unified School District (LAUSD).

A gentleman distributed copies and read a letter to City Council on behalf of business owners in the area opposing the opening of 7-Eleven on the corner of Santa Fe and Florence Avenues and informed City Council that there is no language in the proposed resolution preventing 7-Eleven from re-applying for a variance to sell beer and wine in the future. The gentleman urged City Council to adhere to the City's ordinance and deny the request for a development permit and variance for the property located at 2321 E. Florence Avenue.

Ralph Deppish, representing 7-Eleven on the proposed development located at 2321 E. Florence, informed City Council that 7-Eleven and its franchisee have no intention to seek a beer and wine license for the proposed location at a later date. Mr. Deppisch also informed City Council that 7-Eleven will be a good neighbor hiring local community members to operate a convenience store without the sale of beer and wine.

Alejandra addressed City Council to oppose allowing new business establishments in the City to sell beer and wine and stated that residents should be able to vote on this decision.

Dante D'Eramo, Executive Director/CEO of The Greater Area Huntington Park Chamber of Commerce, informed City Council that Senator Ron Calderon will be the speaker and installing officer at the Chamber's 106th Annual Installation Dinner at Stevens Steak House on February 16, 2012.

John Nehas addressed City Council to oppose the opening of 7-Eleven at 2321 E. Florence Avenue because he believes that in the future, 7-Eleven will apply to obtain a license to sell beer and wine and commended the Police Department for doing a good job.

Daniel, owner of a liquor store at 6363 Santa Fe Avenue, addressed City Council to oppose allowing 7-Eleven to open at 2321 E. Florence Avenue because he thinks that they will later come back to apply for a liquor license and stated that there are already three (3) 7-Eleven stores in the City; and asked City Council to consider voting no.

Mayor Hernandez called for any other oral communications, and hearing none, declared oral communications closed.

City Attorney Leal requested the City Council resolve into a **closed session** for CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Subdivision (b) of Section 54956.9: (3). Mayor Hernandez declared the meeting resolved into closed session to be held immediately in the adjoining conference room at 7:09 p.m.

Following the closed session, the meeting was called to order in the Council Chambers at 7:25 p.m. Present: Council Member Mario Gomez, Vice Mayor Andy Molina, Council Member Elba Guerrero, Council Member Rosa E. Perez, and Mayor Ofelia Hernandez; Absent: None.

Vice Mayor Molina recused himself from the following item and left the dais at 7:26 p.m.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider public comment to consider the City's Housing and Community Development needs and priority Non-Housing Community Development needs for the City's 2012-2013 Annual Action Plan. The City Clerk reported that no written communications had been received in the Office of the City Clerk. Mayor Hernandez declared the **public hearing** open and called for oral communications and hearing none, Mayor Hernandez declared the public hearing closed.

Motion by Guerrero, seconded by Gomez, to **appoint an Ad Hoc Committee comprised of Mayor Hernandez and Council Member Perez to recommend the proposed use of Fiscal Year 2012-2013 Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds**, carried as follows: Ayes: Council Member Gomez, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: Vice Mayor Molina.

Vice Mayor Molina returned to his seat at 7:27 p.m.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider public comment on the vacation and abandonment of the public rights-of-way for a portion of 65th Street, west of Alameda Street and east of Wilson Avenue. The City Clerk reported that no written communications had been received in the Office of the City Clerk. Mayor Hernandez declared the **public hearing** open and called for oral communications and hearing none, Mayor Hernandez declared the public hearing closed.

RESOLUTION NO. 2012-5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK AUTHORIZING THE VACATION OF A CERTAIN PORTION OF 65TH STREET IN THE CITY OF HUNTINGTON PARK IN ACCORDANCE WITH THE CALIFORNIA STREET AND HIGHWAYS CODE SECTION 8320 ET SEQ was presented. Motion by Gomez, seconded by Perez, to adopt Resolution No. 2012-5, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

City Clerk Ramirez announced that this is the time and place set to consider public comment on a call for review of Planning Commission Case No. 1946-CUP, a Conditional Use Permit to establish an outdoor storage yard for portable restrooms at 5925 Alameda Street, within the Industrial/Manufacturing Planned Development (MPD) Zone. The City Clerk reported that one (1) written communication had been received in the Office of the City Clerk from Cox, Castle & Nicholson LLP on behalf of Diamond Environmental Services, Inc. requesting the City to uphold the Planning Commission's prior action and issue the conditional use permit to allow an outdoor storage yard for portable restrooms at 5925 Alameda Street. Mayor Hernandez declared the public hearing open and called for oral communications. Eric de Jong, owner of Diamond Environmental Services, Inc., briefed City Council on the history of his company, the logistics and operations scheduled to take place at the proposed site located at 5925 Alameda Street. Mr. de Jong also informed City Council that they have a large clientele base and that their main office is based out of San Marcos, CA. Mr. de Jong informed City Council that they are interested in being part of the business community and that opening a new facility in the City would generate approximately five (5) new jobs. Andrew Fogg, Attorney with Cox, Castle & Nicholson LLP representing Diamond Environmental Services, Inc., informed City Council that his client proposes to occupy the lot at 5925 Alameda Street, which has been vacant for a while and they plan on investing in the property to allow for this type of business to operate at the proposed site. Mr. Fogg also informed City Council that there would be no odors or noise associated with the storage of the portable restrooms and that the impact on traffic would be minimal. Mr. Fogg asked City Council to consider their request to uphold the Planning Commission decision to approve a request for a conditional use permit to allow an outdoor storage yard for portable restrooms at 5925 Alameda Street. Rick Gittings, Consultant representing Diamond Environmental Services, Inc., informed City Council that Diamond Environmental Services Inc. has a successful business located in San Marcos, CA and assured City Council that the proposed site would be clean and odor-free just like their San Marcos location and urged City Council to approve the request to uphold the Planning Commission decision. Brad Rawlins, owner of Rawlins Public Scales, informed City Council that he has seen many changes to the business community since 1966 and commended Nick Alexander Imports for coming into the City and establishing a commercial oriented community along Alameda Street. Mr. Rawlins informed City Council that the City's Redevelopment Agency has attempted to expand the automotive presence along the Alameda corridor of cars since 2004 by enticing car dealers to come into this area of the City but due to the car industry's financial crisis and today's economic recession they have been unsuccessful. Mr. Rawlins urged City Council to give Diamond Environmental Services Inc. the opportunity to do business in the community by approving a conditional use permit to allow an outdoor storage yard for portable restrooms at 5925 Alameda Street. Nick Alexander, owner of Nick Alexander Imports, informed City Council that he has operated his business in the City for 34 years and has approximately 130 employees and generates sales tax revenue. Mr. Alexander asked City Council to consider allowing businesses that will generate more jobs and sales tax revenue to the City. Mr. Alexander informed City Council that he has submitted an application to the Planning Commission to potentially expand his car dealer to include a state of the art automobile body shop, which should employ approximately 30 to 40 additional employees. Mr. Alexander asked City Council not to allow changing the type of use of the proposed site because the car industry's economic situation will improve and to think of the long-term effects of allowing these types of business to come into this area of the City. Mayor Hernandez called for any other oral communications, and hearing none, Mayor Hernandez declared the **public hearing** closed.

RESOLUTION NO. 2012-6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK, STATE OF CALIFORNIA, AFFIRMING THE DECISION OF THE HUNTINGTON PARK PLANNING COMMISSION TO APPROVE A REQUEST FOR A CONDITIONAL USE PERMIT ALLOWING AN OUTDOOR STORAGE YARD FOR PORTABLE RESTROOMS AT 5925 ALAMEDA STREET, HUNTINGTON PARK, CALIFORNIA was presented. Motion by Gomez, seconded by Perez,

to adopt Resolution No. 2012-6, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Member Perez, and Mayor Hernandez; Noes: Council Member Guerrero; Absent: None.

Motion by Guerrero, seconded by Gomez, to approve the Consent Calendar with Vice Mayor Molina abstaining on the minutes of the regular City Council meeting held January 3, 2012, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

CONSENT CALENDAR

OFFICE OF THE CITY CLERK

Approve minutes of the following City Council meetings:

- a. Regular meeting held Tuesday, January 3, 2012
- b. Joint Special meeting held Monday, January 9, 2012
- c. Special meeting held Monday, January 9, 2012
- d. Regular meeting held Tuesday, January 17, 2012

Approve the reading by title of all ordinances and resolutions. Said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

FINANCE DEPARTMENT

Approve Accounts Payable and Payroll Warrants dated February 6, 2012.

END OF CONSENT CALENDAR

Interim City Manager Romero presented for discussion and/or action a report prepared by Urban Futures, Inc. containing Water and Sewer Rate Options for Infrastructure Improvements. Michael Busch of Urban Futures, Inc. distributed copies and displayed a PowerPoint presentation on the water/sewer rate options for infrastructure improvements and findings of the rate studies. Council Member Gomez left his seat at 8:07 p.m. and returned at 8:12 p.m. **Following a discussion, City Council received this report and directed staff to bring this item back to City Council.**

City Clerk Ramirez presented a request from Mayor Hernandez for discussion and/or action for the City of Huntington Park to co-sponsor the planting of new trees. City Clerk Ramirez distributed copies of correspondence from TreePeople requesting the City's support by co-sponsoring the planting of new trees in the City. Motion by Perez, seconded by Gomez, **for the City to co-sponsor the planting of new trees and for the City Attorney to prepare an agreement with TreePeople and include the waiver of the encroachment permit fee in the amount of \$135 per tree; and authorize the City Manager to execute the necessary documents**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Community Development Department requested appointment of two (2) members to serve on the Oversight Board pursuant to AB X1 26. Motion by Perez, seconded by Molina, **to appoint Albert Fontanez, Senior Planner and Council Member Guerrero as members with Council Member Gomez as Council Member Guerrero's alternate to the Oversight Board of the Successor Agency pursuant to AB X1 26**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

RESOLUTION NO. 2012-1A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF HUNTINGTON PARK CLARIFYING RESOLUTION NO. 2012-1 THAT APPROVED A DEVELOPMENT PERMIT AND VARIANCE IN CONNECTION WITH REAL PROPERTY LOCATED AT 2321 E. FLORENCE AVENUE, HUNTINGTON PARK, CALIFORNIA was presented. Motion by Perez, seconded by Hernandez, to adopt Resolution No. 2012-1A, carried as follows: Ayes: Council Members Guerrero, Perez, and Mayor Hernandez; Noes: Council Member Gomez; Abstain: Vice Mayor Molina; Absent: None.

City Attorney Leal requested the City Council resolve into a **closed session** pursuant to Government Code Subdivision (a) of Section 54956.9, CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Name of case: Huntington Patients’ Association, Edwin Movagharian vs. City of Huntington Park, et al., Case No. BC466323. Mayor Hernandez declared the meeting resolved into closed session to be held immediately in the adjoining conference room at 9:06 p.m.

Mayor Hernandez left the meeting at 9:06 p.m.

Following the closed session, the meeting was called to order in the Council Chambers at 9:35 p.m. Present: Council Member Mario Gomez, Vice Mayor Andy Molina, Council Member Elba Guerrero, and Council Member Rosa E. Perez; Absent: Mayor Ofelia Hernandez.

City Attorney Leal reported out that in closed session for CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Name of case: Huntington Patients’ Association, Edwin Movagharian vs. City of Huntington Park, et al., Case No. BC466323, a status report was given to City Council.

Vice Mayor Molina declared the meeting adjourned at 9:36 p.m., in memory of Edward “Lalo” Curiel, nephew of Rosa E. Perez, Council Member for the City of Huntington Park.

Ofelia Hernandez, Mayor

Rosanna M. Ramirez, City Clerk