

MINUTES
HUNTINGTON PARK CITY COUNCIL
A Regular Meeting held in the City Council Chambers
6550 Miles Avenue, Huntington Park, California
Monday, August 4, 2014 at 6:00 p.m.

CALL TO ORDER

Mayor Perez called the meeting to order at 6:23 p.m.

INVOCATION

Mayor Perez led the assembly in the invocation.

FLAG SALUTE

The Pledge of Allegiance to the Flag was led by Yandel Garcia, 3rd grade student at Pacific Boulevard Elementary School.

ROLL CALL

Present: Mayor Rosa E. Perez
Vice Mayor Karina Macias
Council Member Ofelia Hernandez
Council Member Valentin Palos Amezcua
Council Member Mario Gomez (arrived at 6:38 p.m.)

Absent: None.

At the request of Interim City Manager Julio Morales, it was so ordered by Mayor Perez that Item No. 7 of the Regular Agenda be presented immediately following Closed Session.

PRESENTATIONS AND ANNOUNCEMENTS

Presentation to student who led the flag salute: Yandel Garcia

Mayor Perez and City Council presented a Certificate of Appreciation to Yandel Garcia for leading the flag salute.

Presentation of Parklet

Vanessa Delgado of Primestor (City consultant for the Downtown Revitalization Plan) presented a video recording of the two parklets recently installed at Dino's Burgers and Tierra Mia coffee shop on Pacific Boulevard, with a message of gratitude to the featured businesses and grand opening sponsors from Mayor Perez.

Interim City Manager Morales thanked Economic Development and Public Works staff for their work in the successful installation of the parklets. Mr. Morales stated that the parklets were the beginning to the revitalization of Pacific Boulevard.

Presentation by Primestor: Downtown Revitalization Update

Melanie Smith of Melendrez (City consultant) displayed a PowerPoint presentation of the Downtown Revitalization Plan - Strategy for Pacific Boulevard Streetscape Plan which included: i) the Plan's Goal Setting, ii) Streetscape Design; iii) Pacific Promenade; iv) logo and branding; v) proposed Paseo Design Guidelines; vi) proposed streetscape improvements such as street trees, lighting, cultural shade elements and street furniture.

(Council Member Gomez arrived and took his seat at 6:38 p.m.)

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

A discussion was held on funding and phasing of the streetscape plan. Interim City Manager Morales stated that City staff would continue to pursue funding sources through the Metro Call for Projects Program and other grant opportunities to continue moving forward with the implementation of Pacific Boulevard's revitalization plan.

Presentation by The Greater Area Chamber of Commerce Restaurant Week

Leticia Martinez, Executive Director/CEO, announced the first annual "Taste of Huntington Park Restaurant Week" on August 18-22, 2014. Ms. Martinez stated that the citywide event was to showcase the variety of foods offered in Huntington Park's restaurants. Ms. Martinez encouraged City officials, staff, and the community to participate and requested that outdoor dining be allowed at no charge to restaurant businesses.

Interim City Manager Morales stated that an item would be placed on the next City Council agenda requesting a fee waiver for outdoor dining in support of the event.

Senator Ricardo Lara: SB 1350/Huntington Park Office Open House

Jesus Diaz of Senator Lara's Huntington Park Office presented a news video clip aired on KABC Channel 7 News on Friday, August 1, 2014, reporting on Senator Lara's authored SB 1350 requiring diaper changing stations in men's, women's, and family restrooms.

Mr. Diaz announced an invitation to Senator Lara's Huntington Park Office Open House on Thursday, August 7, 2014, 5 p.m. to 8 p.m.

Parking Ticket Amnesty Program Update

Annie Ruiz, Acting Director of Finance, reported that the recovery rate for the Amnesty Program was 2.5% or \$49,166 with a net amount of \$35,000.

PUBLIC COMMENTS (CLOSED SESSION ITEMS ONLY)

Mayor Perez opened Public Comment on Closed Session items.

Linda Caraballo came forward and stated that 1) former City employee Yadira Lopez was an outstanding employee and well respected by her peers and that it was a shame that the City could not resolve personnel issues related to her resignation; 2) asked if the next appointment of the City Manager would be on an interim basis; 3) further discussion is needed on the trash hauling contract with United Pacific Waste (UPW) and the customer cost of trash hauling services; and 4) the City can no longer afford high cost litigation since it loses half of litigation matters because the City does not "have good litigators."

With no one else coming forward, Mayor Perez closed Public Comments on Closed Session items.

City Attorney Isabel Birrueta announced that the first Closed Session Item listed (Conference with Legal Counsel – Existing Litigation – Yadira Lopez) would not be discussed due to the attorney unable to be present. Ms. Birrueta announced City Council will recess into Closed Session at this time (7:18 p.m.) to discuss the items listed in the Closed Session agenda.

CLOSED SESSION

Pursuant to California Government Code Paragraph (1) of Subdivision (d) of Section 54956.9, CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Name of Case: Yadira Lopez, Case No. WCAB No. ADJ9167991

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

Pursuant to California Government Code Section 54957;
PUBLIC EMPLOYMENT/APPOINTMENT
Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,
Significant exposure to litigation pursuant to Government Code Subdivision (b)
of Section 54956.9: (2)

City Council reconvened at 8:07 p.m. with all Council Members present except Council Member Amezcua.

City Attorney Birrueta clarified that in reference to CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, the correct Subdivision of the California Government Code is **(e)**, i.e., California Government Code Subdivision (e) of Section 54956.9. Ms. Birrueta reported that, during closed session City Council gave direction but no reportable action was taken.

(Council Member Amezcua took his seat at 8:08 p.m.)

END OF CLOSED SESSION

As so ordered by Mayor Perez, Item No. 7, Regular Agenda, was presented out of order.

REGULAR AGENDA – FINANCE DEPARTMENT ITEM NO. 7

7. Resolution declaring Fiscal emergency in Huntington Park and authorization to place half-cent sales tax on November 2014 ballot.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve the suggested form of the ballot question to be presented to Huntington Park voters
2. Unanimously adopt a resolution that:
 - a) Incorporates the proposed ballot question;
 - b) Makes the requisite findings within the meaning of the California Constitution;
 - c) Calls a Special Municipal Election to be held November 4, 2014 for Huntington Park voters to consider and approve a half-cent transactions and use tax;
 - d) Requests consolidation of the City's special election with the County-administered General Election of the same date;
 - e) Establishes procedures for the conduct of the election and submission of arguments
3. Unanimously approve an urgency ordinance which implements the transactions and use tax, subject to the condition that the urgency ordinance will only take effect if a majority of Huntington Park voters approve the ballot measure seeking approval of this ordinance and the tax established herein at the November 4, 2014 Special Municipal Election.

Mayor Perez opened and called for public comments.

Claude Bilodeau, Public Works Superintendent, spoke in favor of the proposed resolution and stated that the proposed tax would help maintain existing services, parks programs, maintenance, and senior citizen programs. Mr. Bilodeau encouraged Council Members to adopt the resolution and let the voters decide on the proposed tax.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

Linda Caraballo came forward and spoke against calling a special election and against the proposed tax measure. Ms. Caraballo stated that imposing a new tax would drive residents to shop elsewhere. Ms. Caraballo stated that the City had “overextended” its spending and was unable to recover, and asked why the City was going to the residents to pay more. Ms. Caraballo asked Council Members to vote no on the proposed resolution.

Rodolfo Cruz spoke against the proposed tax and stated that it was unfair for residents to have to pay more taxes imposed by the City.

Sandra Orozco, Maywood resident, stated that she suffers from Multiple Sclerosis and that after visiting the women’s restroom finds that the City is not in compliance with ADA requirements. Ms. Orozco complemented the new City Attorney law firm and welcomed City Attorney Isabel Birrueta.

Mayor Perez stated that the City would look into the ADA comments.

Interim City Manager Morales stated that other bathrooms would be looked at to ensure compliance. Mr. Morales reminded the audience that at this time public comments were limited to Item 7 only.

An unidentified member of the audience came forward to speak against the proposed tax increase and added that City commissions should be eliminated.

Sandra Orozco came forward and stated that the sales tax increase was not a good idea and that it would not help the low income residents of the community.

George Franco spoke against the proposed tax and stated that a previous tax imposed by the City was not used for police services as endorsed by the City and now the City was asking for another tax.

With no one else coming forward, Mayor Perez closed public comments.

Richard Padilla, attorney with the law firm Olivarez Madruga, summarized details of the proposed transaction and use tax. Mr. Padilla stated that special features of the tax were that it applies to large goods and not to food, prepared food, or alcohol. Mr. Padilla added that a special requirement to place the tax on the ballot is the unanimous approval by Council of the resolution and that notice of the special election on November 4, 2014 must be given no later than Friday, August 8, 2014. Mr. Padilla stated that if the tax measure is placed later in the March 2015 general election, it would require a two-thirds approval, however would delay the implementation of the tax to the fiscal year after election certification.

Assistant to the City Manager Danny Bueno displayed a PowerPoint presentation outlining key points related to the proposed resolution including:

- i. Tax would be levied for five years
- ii. Tax would add \$2 million per year
- iii. Tax would maintain city service levels
- iv. City Council unanimous vote for approval is required
- v. Deadline for the notice of the a special election is August 8, 2014

Interim City Manager Morales spoke regarding the General Fund structural deficit in Fiscal Year 2014-15 and the \$2.5 million pension dispute with the State Department of Finance. Mr. Morales stated that he did **not** recommend that the City file for bankruptcy. Mr. Morales added that at one time the City had \$25 million in reserves, and was now at \$8 million. Mr. Morales recommended that Council approve placing the measure on the ballot and let the tax payers decide. Mr. Morales stated that time was of the essence and respectfully requested that the Council strongly consider the approval of the resolution.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

Vice Mayor Macias asked if the City's rating would be affected by declaring a fiscal emergency. Mr. Morales stated no.

Attorney Padilla suggested that the proposed resolution include wording referencing the unanimous finding that there is a fiscal emergency requiring placing a question concerning the proposed tax on the ballot in November.

Motion by Hernandez, seconded by Gomez, to approve a resolution declaring fiscal emergency in Huntington Park and authorization to place half-cent sales tax on November 2014 ballot **died as follows**: Ayes: Council Member Hernandez and Mayor Perez; Noes: Council Member Amezcuita, Vice Mayor Macias, Council Member Gomez

PUBLIC COMMENTS

Mayor Perez opened and called for public comments, indicating that this was the time for anyone in the audience to address the City Council on any matter of City business.

Luis Gonzalez, Reynoso Youth Band, thanked Director of Parks and Recreation Josette Espinosa for her assistance in the upcoming 4th Annual Community Fair on Saturday, August 16, 2014, from 1 p.m. to 9 p.m., at Salt Lake Park. Mr. Gonzalez stated that the fair was to celebrate local businesses and promote healthy lifestyles.

Alfonso Lua, Reynoso's Hit and Walk, Inc., thanked the Police Department for educating the community on law enforcement, and Council Members and staff for doing a good job.

Elba Romo addressed City Council regarding the trash hauling contract recently awarded to UPW. Ms. Romo stated that UPW did not meet the requirements stipulated in the Request for Proposals (RFP) related to disclosure of creditors and financial statements and added that all the trash carts had to be new. Ms. Romo further stated that transparency demands integrity, and if the company does not abide to the RFP, then it should be disqualified.

Francisco Rivera stated that Pacific Boulevard should be maintained clean. Mr. Rivera added that there were very limited options for shopping and restaurants and that new stores and restaurants would bring more people to the City.

Reynoso's representative 1) thanked the Police Department to allow young adults to tour the Police Department; 2) thanked Council Members who voted no on the tax increase; and 3) invited City Council and staff to the 4th Annual Community Fair.

Interim City Manager Julio Morales read a written public comment left by former Council Member Elba Guerrero expressing her concerns with the trash hauling contract, which read in part: "I realize Council received additional information that residents weren't prevy (sic) to. I just ask any current legal matters are taken into consideration when ratifying contract today."

Rodolfo Cruz stated that City Council does not send information to voters and reminded them about honesty.

Linda Caraballo stated that the Mayor elections were procedurally incorrect. Ms. Caraballo added that Council Member Gomez should be the sitting mayor and that Mayor Perez was "sitting in that seat illegally."

An unidentified speaker stated that Roberts Rules of Order are not followed by Council. He asked that the Council work together, stop bickering, and communicate.

Nick Ioannidis (Nick the Greek) came forward and spoke of the lack of street parking. Mr. Ioannidis stated that the City should impose overnight parking permit fees. Mr. Ioannidis added that the City needs to have clean streets.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

Mayor Perez called for any other public comments, and hearing none, declared Public Comments closed.

CONSENT CALENDAR

OFFICE OF THE CITY CLERK

1. Approve minutes of the following City Council meeting:

- 1 Regular meeting held Monday, July 7, 2014.

FINANCE DEPARTMENT

2. Approve Accounts Payable and Payroll Warrants dated July 21, 2014.

CITY MANAGER

3. Resolution granting another designated period for two years additional service credit.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

- 1. Approve and adopt Resolution No. 2014-24 and the required certifications granting another designated period for two years additional service credit with CALPERS, pursuant to Government Code Section 20903 for eligible job classifications.

END OF CONSENT CALENDAR

Motion by Gomez, seconded by Macias, to approve the Consent Calendar, with revision to the minutes presented by correcting the Interim City Manager's name from Moreno to Morales, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, Council Member Gomez, and Mayor Perez; Noes: None.

REGULAR AGENDA

4. Discussion of Solid Waste Franchise Agreement with United Pacific Waste and Recycling Services

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

- 1. Provide the Interim City Manager direction regarding final deal points for solid waste franchise agreement with UPW;
- 2. Determine whether or not to rebalance service rates to reflect across-the-board savings to all ratepayers or to accept the UPW rate schedules as proposed;
- 3. Determine whether or not to use refurbished carts at a savings of \$1.25 per household per month.

Interim City Manager Julio Morales presented the item.

Vice Mayor Macias recommended to table the item due to non-disclosure of legal cases and refer to the City Attorney for review and research.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

After a brief summary of the information provided to the City Attorney's office regarding the status of existing UPW legal matters, City Attorney Birruela recommended to table the item to conduct research and provide a report to City Council.

Motion by Macias, seconded by Gomez, to table the item in order to research compliance with the RFP and the type and extent of outstanding issues, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, Council Member Gomez and Mayor Perez; Noes: None.

Mayor Perez opened and called for public comments.

Linda Caraballo came forward and stated that the integrity of the RFP was damaged and that other businesses would sue the City.

City Attorney Birruela stated that the criteria regarding the company's legal actions calls for matters within five years and that a review by the City Attorney would be made.

Interim City Manager Morales recommended that for continuity purposes, Attorney Patrick Muñoz of Rutan and Tucker would be assigned this matter.

Council Members unanimously approved Mr. Morales' recommendation.

5. Approve Professional Services Agreement with Olivares Madruga to serve as the City Attorney for the City of Huntington Park

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve a Professional Services Agreement with Olivarez Madruga to provide general law services for the City of Huntington Park;
2. Authorize the Interim City Manager to execute the contract.

Interim City Manager Morales presented the item and stated that on July 30, 2014, five law firms were interviewed and that by a 5-0 vote, the City Council selected the law firm of Olivarez and Madruga to serve as the City's attorney.

Mayor Perez opened and called for public comments.

Linda Caraballo asked if the City can select "people that don't come from El Monte." Ms. Caraballo stated that the firm does not have a great track record. Ms. Caraballo asked "why all Latinos" are selected to serve and stated that it seemed "a little racist."

Sandra Orozco stated that she disagreed with the previous speaker and found the selected law firm "one of the best and finest." Ms. Orozco stated she supported the incoming law firm and welcomed it to the City of Huntington Park.

Interim City Manager Morales reiterated that five law firms had been interviewed.

Motion by Gomez, seconded by Macias, to approve the Professional Services Agreement with Olivarez Madruga to provide general law services for the City of Huntington Park, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, Council Member Gomez, and Mayor Perez; Noes: None.

6. General Fund line item budget approval.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve Fiscal Year 14-15 General Fund Budget through October 20, 2014

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

Acting Director of Finance Annie Ruiz displayed a PowerPoint presentation and reviewed the FY 13-14 year-end budget. Ms. Ruiz reported an increase in utility users' and franchise taxes and further that an increase in property taxes is expected. Ms. Ruiz stated that revenues from Planning and Zoning services have decreased by 21 percent.

Interim City Manager Morales reported on the City's \$3.2 million structural deficit for the new fiscal year and stated that the City has significant OPEB (Retiree Medical) liability and that it faces poor financial long term implications.

Mayor Perez asked for a solution in the matter.

Mr. Morales stated that cuts were necessary, including reductions in staff.

Mayor Perez asked if Mr. Morales would like to have a special Council meeting to consider budget approval.

Vice Mayor Macias stated that it would be better to hold a regular meeting.

Council Member Gomez stated that a regular meeting would allow for maximum input from the public.

Council Member Amezcua suggested that to avoid pink slips, employees be asked to consider furloughs or reduced salaries.

Interim City Manager Morales stated that furloughs are not recommended.

Motion by Gomez, seconded by Macias, to reconsider this item at the next regular meeting of the City Council, carried unanimously

8. Drought emergency water use restrictions

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Find that the determination of a water supply shortage and implementation of Phase III water conservation measures are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for a Protection of Natural Resources); and
2. Adopt Resolution No. 2014-25, a resolution of the City Council of the City of Huntington Park Ordering Implementation of a Phase III shortage pursuant to Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code.

Water Consultant Desi Alvarez displayed a PowerPoint presentation summarizing that the current drought conditions affecting the State of California have caused the State to declare a state of emergency and adopt regulations for water conservation.

(Council Member Gomez left his seat at 10:23 p.m. and returned at 10:27 p.m.)

Mr. Alvarez reviewed the general requirements of the emergency water conservation regulations as well as the requirements imposed on urban water suppliers. Mr. Alvarez stated that failure to comply with the State's mandates could result in penalties of up to \$10,000 per day and added that the State has given recommendations to increase public awareness. Mr. Alvarez briefly reviewed the Mandatory Water Conservation Measures which include that watering lawn/landscape shall be restricted to Monday and Thursday between 6:00 a.m. to 6:00 p.m.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

A brief discussion was held. Vice Mayor Macias suggested to look at community organizations such as Citizens for a Better Environment (CBE) and the Chamber of Commerce in the City's outreach efforts.

Council Member Amezquita stated that the option to water lawns three days per week should be considered.

Motion by Gomez, seconded by Hernandez, to find that the determination of a water supply shortage and implementation of Phase III water conservation measures are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for a Protection of Natural Resources); and adopt Resolution No. 2014-25, a resolution of the City Council of the City of Huntington Park Ordering Implementation of a Phase III shortage pursuant to Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, Council Member Gomez, and Mayor Perez; Noes: None.

WRITTEN COMMUNICATIONS

None.

COUNCIL COMMUNICATIONS

Mayor Perez directed staff to look into the possibility of irrigating the field located next to the water well as well as possible uses for run-off water.

Huntington Park Police Lieutenant Martinez announced that National Night out will be held on Tuesday, August 5, 2014, from 5 p.m. to 9 p.m.

Interim City Manager Morales thanked the City Council for their efforts.

Council Member Amezquita asked the City Attorney to follow up on the trash haul contract and look if they have complied with financial disclosures.

City Attorney Birrueta stated that she would communicate with Patrick Muñoz of Rutan and Tucker on the matter.

Council Member Amezquita stated there were so many taxes imposed on residents and businesses. Regarding pink slips, Mr. Amezquita stated that there are other options on the table.

(Council Member Hernandez excused herself from the meeting at 10:55 p.m.)

Council Member Gomez stated that Council has to make a fiscal decision. Mr. Gomez further stated that he was prepared to go with the majority of Council. Mr. Gomez added that he disagreed with the racist comments that were made earlier in the meeting.

Vice Mayor Macias thanked the public and City Attorney regarding the trash contract. Ms. Macias stated that it would cost money to put the tax measure on the ballot in November and that the Council could look at March.

ADJOURNMENT

There being no further business to come before the Huntington Park City Council, Mayor Perez adjourned the meeting at 11:03 p.m.

**MINUTES
HUNTINGTON PARK CITY COUNCIL
August 4, 2014**

NEXT REGULAR MEETING OF THE
CITY OF HUNTINGTON PARK CITY COUNCIL
MONDAY, AUGUST 18, 2014 AT 6:00 P.M.

Rosa E. Perez, Mayor

Yesenia Gomez, Acting Jr. Deputy City Clerk