

## **MINUTES**

Adjourned Regular Meeting of the  
City of Huntington Park City Council  
Tuesday, February 17, 2015

The adjourned regular meeting of the City Council of the City of Huntington, California was called to order at 6:10 p.m. on Tuesday, February 17, 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 Ornelas, Interim City Manager, Isabel Birrueta, City Attorney, Jorge Cisneros, Chief of Police, Josette Espinosa, Director of Parks and Recreation, Jan Mazyck, Interim Finance Director Manuel Acosta, Economic Development Manager and Donna Schwartz, City Clerk.

Council presented a "Certificate In Memory of Plinio Schmidt" to the family of Mr. Schmidt.

Mayor Perez announced a "Certificate In Memory of Celia O. Pasmant," Mother of former City of Huntington Park Administrative Assistant Yvonne Moreno.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Giselle Leon, Age 12, Chester W. Nimitz Middle School

### **INVOCATION**

The invocation was led by Mayor Perez.

### **PRESENTATIONS AND ANNOUNCEMENTS**

Council presented a "Certificate of Appreciation" to Giselle Leon for leading the Pledge of Allegiance.

Council presented a "Certificate of Recognition" to Rudy Griego for his Service to the Community

Mark Montgomery of Troops & Transition presented information on Veteran Resources

### **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.

## **PUBLIC COMMENT (continued)**

1. Wally Shidler, Historic Preservation Commissioner, spoke in regards to the resolution that was passed at the last meeting regarding the use of the City Seal and recommended that the City patent or trade mark the seal with the United States Patent and Trademark Office and noted he had previously found the original City Seal and gave it to the previous City Clerk for permanent keeping.
2. Jose Navarro, resident, commented on the old trash haulers, asked if there was going to be an open form to meet the new candidates and feels that it's inappropriate for Police Officers to bring attention to their guns.
3. David Sanchez, resident, talked about the need for affordable housing and civil right for the Senior Citizens. He feels there should be more professionalism with the City Council. He commented on the City Seal, noted a ticket he received and his residency being questioned by the County.
4. Rodolfo Cruz, resident, spoke in regards to Vice Mayor Macias using the City Seal, feels she should not have used it and would like to see something done.
5. Sandra Orozco, Maywood resident, announced the South Region HS #8 Groundbreaking Ceremony on Saturday, February 21, 2015 at 10 a.m. She thanked Council Member Gomez for giving her a wheelchair. Commented on a phone call she made in reference to the Public Information Officer (PIO) and asked why it was transferred to the City Manager, the issue regarding the use of the City Seal by Vice mayor Macias, audit regarding Police department, and State law being enforced to remove Vice Mayor Macias.
6. Balle Machuca, resident, commented on his life in the City and spoke in support of Council and staff.
7. Norma Santiago resident, spoke in support of Vice Mayor Macias and Council and commented on vandalism and drugs occurring behind her home and would like the police department to patrol her neighborhood in the early morning.
8. Henry Garcia, resident, commented on Vice Mayor Macias use of the City Seal, support for candidates, the use of her position and previous residency status. Mr. Garcia encouraged the residents to vote March 3<sup>rd</sup> to fight against the lies
9. Nick Ioannidis, resident, feels Vice Mayor Macias should resign, commented on the use of the City Seal by her and asked that she resign immediately.
10. Betty Retama, resident, spoke in regards to the use of the City Seal by Vice Mayor Macias noting that the law has been broken and commented on her signature being forged on Karina Macias nomination papers as the circulator during the 2013 elections.

## **PUBLIC COMMENT (continued)**

11. George Franco, resident, commented on the use of the City Seal by Vice Mayor Macias.
12. Elba Romo, resident, discussed the prior robo calls made by Vice Mayor Macias last month regarding the new trash haulers and clarified that Ms. Macias was not the only one that voted no for the new trash hauler contract. She noted the negative campaigning that has occurred. Commented on the use of the City Seal by Macias stating it was against the law.
13. Emma Gutierrez, resident, spoke about the issue of Vice Mayor Macias using the City Seal and wants a solution.
14. Linda Caraballo, resident, mentioned she had previously supported Karina Macias and went on to discuss Ms. Macias behavior, recent actions and wants her to step down.
15. Ivonne Correa, resident, commented on Karina Macias' resident status during the last elections. Ms. Correa stated she investigated, told the DA and mentioned she needed to go.
16. Ana Pena, resident, happy to see Mr. Montgomery during presentation. She discussed the recent flyer that was distributed by Vice Mayor Macias stating the law was broken and asked her to leave.
17. Vice Mayor Karina Macias at this time stepped down from the dais and spoke during public comment period. She spoke in response to all the public comments stating that other public officials have used the City Seal and that she was practicing her rights when using the seal, that she checked with two municipal attorney's, mentioned that the special meeting held last week was a waste of public funds, welcomes reorganization of the council but feels this is being done because of the political situation the City is facing right now. Stated she has done nothing wrong but has spoken on city issues and express my opinion and commented on previous meetings regarding the public's behavior when she addressed some city issues.

## **STAFF RESPONSE**

City Attorney Birrueta addressed the comments made with regard to state laws being violated regarding the City logo. Ms. Birrueta stated that the City is taking this matter very seriously and that two letters have been sent to both the FPPC and the District Attorney (DA) to determine if there is a violation of state law. She noted that a City Attorney or any other Attorney does not have jurisdiction since this is a State law, therefore, this goes to the District Attorney. She mentioned that the City Council gave direction to hire a special counsel to review this legal issue and to provide a conclusion to Council Members as to whether state law was been violated.

## **STAFF RESPONSE (continued)**

Mayor Perez in response to Ms. Retama's acquisition regarding her signature being forged as the circulator, asked if there was a way to figure out if Ms. Retama's signature was forged and gave direction to the City Attorney and the City Clerk to research further and follow-up with Ms. Retama. City Attorney Birrueta stated she would work with City Clerk and Ms. Retama to understand the facts.

Council Member Amezcua mentioned that there is the testimony made by Ms. Retama that would have some value.

Chief of Police Cisneros responded to Ms. Santiago's comment regarding vandalism and drugs occurring behind her home and encouraged her and others to call the Police Department. He noted that in November 2014 the citizens of California approved Proposition 47, which has made the use of narcotics, injecting narcotics become a misdemeanor. The intention was to treat this as a treatable issue as they so have an addiction. He encouraged the citizens residents of California to contact state officials to determine where the treatment dollars are as the proposition said we would have. At this time your local Police Department will continue to arrest these individuals but they will come out soon since it is only a misdemeanor.

City Attorney Birrueta responded to the comment made at the last meeting regarding a residency requirement before they can run for office and our office did review the question and found that there were two cases that went before the California Courts, one case to impose a two year requirement, which got struck down, second case to impose a one year durational requirement, and that as well was struck down by the court. So in sum if the City was to propose a requirement it is likely to be struck down by the Supreme Court.

Interim City Manager Ornelas responded to the comment by Ms. Orozco regarding her phone call in reference to the Public Information Officer (PIO). He stated the reason why the call was transferred to the City Manager's Office is because the PIO is a consultant retained by the City for special circumstances so if someone calls to speak to the officer it is referred to the City Manager to make the decision as to whether he can answer the question first since he is closer to the community and able to communicate to the residents. It is a method to be able to communicate to the residents first and if needed then the PIO would be brought in.

At 7:37 p.m. Mayor Perez recessed to closed session.

City Attorney Birrueta requested that Item 1 be tabled at this time.

## **CLOSED SESSION**

1. Pursuant to California Government Code Sections 54956.9(d)(2), and 54956.9(d)(3) –  
Conference with Legal Counsel to Discuss Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [One (1) potential matter]
2. Pursuant to Government Code Section 54956.9(d)(4) -  
Conference with Legal Counsel – Anticipated Litigation/Initiation of Litigation (Deciding Whether to Initiate Litigation): [One (1) potential matter]
3. Pursuant to Government Code Section 54956.9(d)(1) –  
Conference with Legal Counsel to Discuss Existing Litigation  
Case Name: Anthony Rivera  
Case Number: WCAB Nos. ADJ8474835; ADJ8474838; ADJ3775287; ADJ9824272; ADJ9824273; ADJ9824274; ADJ9824275
4. Pursuant to Government Code Section 54956.9(d)(1) –  
Conference with Legal Counsel to Discuss Existing Litigation  
Case Name: Bobby Holley vs. City of Huntington Park  
Case Number: BC 525135

At 8:35 p.m. Mayor reconvened to open session.

## **CLOSED SESSION ANNOUNCEMENT**

City Attorney Birrueta announced that Council discussed Closed Session items 2 through 4 stating direction was given no action taken.

## **CONSENT CALENDAR**

Council Member Amezquita pulled Consent Calendar Item 2 for separate discussion.

**Motion:** Council Member Gomez motioned to approve consent calendar items with the exception of item 2, seconded by Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

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

NOES: Council Member(s): None

## CONSENT CALENDAR (continued)

### FINANCE

1. Approved Accounts Payable and Payroll Warrants dated February 17, 2015
2. **Adopt Resolution Approving Investment Policy (FY 2014-2015) and Delegate Authority to Interim Finance Director/ Treasurer**

#### RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Waive further reading and adopt Resolution No. 2015-07, Delegating Investment Authority to the Interim Finance Director/Treasurer Pursuant to Government code Section 53607 and Adopt the Statement of Investment Policy FY 2014-2015.

Council Member Amezquita asked for some clarification on what the standard practice is in other cities with regards to approving this type of item.

Interim City Manager Ornelas asked Council if he could bring back a sequential process how these items come before Council and what they are approving.

Council Member Gomez feels this item could be addressed with a brief explanation. It is not an investment since the city has nothing to invest but more of an authority policy.

Interim City Manager Ornelas explained that this kind of authority is common and very routine amongst other cities.

Interim Finance Director Mazyck stated that most cities and entities approve this type of policy. It is in preparation of the budget and is required annually for any changes that may occur. It is the authority to invest excess funds that may not be necessarily needed on a day to day basis.

Council Member Amezquita asked if there was any limit to what an investment can be. Interim Finance Director Mazyck stated that the Local Agency Investment Fund (LAIF) has limitations of each entity on funds but for other investments based on portfolios there would be limits.

Council Member Gomez reminded Council that in March there will be new Council and recommended we approve this item tonight and with the new Council staff could bring them up to speed and motioned to approve.

## **CONSENT CALENDAR ITEM 2 (continued)**

**Motion:** Council Member Gomez motioned to waive further reading and adopt Resolution No. 2015-07, Delegating Investment Authority to the Interim Finance Director/Treasurer Pursuant to Government code Section 53607 and Adopt the Statement of Investment Policy FY 2014-2015, seconded by Council Member Hernandez. 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

3. Waived further reading and adopted Resolution No. 2015-08, Authorizing the Interim City Manager, Interim Finance Director and Finance Manager to approve investments and disbursements from the City of Huntington Park into the Local Agency Investment Fund (LAIF).

## **PARKS AND RECREATION**

4. Approved the use of City Art Funds, not to exceed \$2,000, from the City's Art in Public Places Fund to restore artwork on four City-owned utility boxes.

## **END OF CONSENT CALENDAR**

## **REGULAR AGENDA**

### **COMMUNITY DEVELOPMENT**

5. **Approve Award of Professional Services Agreement (PSA) to Tierra West Advisors to Prepare a Focused General Plan Update**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Award a professional services agreement (PSA) to Tierra West Advisors for an amount not to exceed \$291,800 to prepare a Focused General Plan Update for the City; and
2. Authorize the Interim City Manager to execute the contract and all related documents.

Interim City Manager Ornelas presented the item and introduced Economic Development Manager Acosta who explained that the agreement is for a General Plan Update focusing on the Housing Element, Land Use Element and a

## **REGULAR AGENDA ITEM 5 (continued)**

Circulation Element, the funds for the update are grant funds. Staff conducted an RFP in December of 2014 and received two proposals. Last update of the General Plan was in 1991, Housing Element was in 2008 and the Downtown Specific Plan was adopted in 2008. The grant will focus mostly on Transit Oriented Development (TOD) to include the Housing and Land Use Element update.

Council Member Amezcua asked if the Circulation Element will include light rail for the City. Mr. Acosta stated yes, that is the focus of the update it is for METRO so their focus will be Transit Oriented Development and mentioned that the Consultant was present to answer any questions.

Interim City Manager Ornelas noted several consultants working on transportation projects including Ecco Rapid and several specific plans relative to traffic and transportation so all these plans will be incorporated into the update, it'll be a comprehensive update. The General Plan has not been updated since 1991 and is typically updated every 10 years, the Housing Plan hasn't been updated since 2008 and is typically updated every 5 years. The funding for this update is coming from Transportation funds and stated this needs to be started immediately so we don't lose the funding. Mr. Ornelas closed with speaking in support of staff's recommendation.

Council Member Hernandez asked if the new plan will include all the plans. Interim City Manager Ornelas stated yes.

Economic Development Manager Acosta stated that all documents that have been started will include all the elements.

Council Member Gomez asked if the Downtown Plan was included. Mr. Acosta stated yes. Mr. Gomez asked if there was a timeline from start to finish and when will Council get a report back? Interim City Manager Ornelas stated that the City has 18 months to complete the plan the process will go through the Planning Commission as well as Council, committee meetings and public hearings.

Council Member Amezcua asked on the Housing Element if adaptive reuse will be included. Staff state the Housing Element will be looked at to encourage development as well as the zoning code.

Mayor Perez asked Tierra West if they would like to address the Council. Mr. John Yonai with Tierra West Advisors stated that adaptive reuse and housing needs to be looked at and to be addressed through the General Plan Update. Mr. Yonai understands the needed updates and spoke in support of Tierra West Advisors.

**REGULAR AGENDA ITEM 5 (continued)**

**Motion:** Council Member Gomez motioned to Award a professional services agreement (PSA) to Tierra West Advisors for an amount not to exceed \$291,800 to prepare a Focused General Plan Update for the City and authorized the Interim City Manager to execute the contract and all related documents, seconded by Council Member Amezcuita. Motion passed by the following vote:

ROLL CALL:

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

NOES Council member(s): None

**6. Approve Activity in Public Places Permit for the Chamber of Commerce's Annual "Carnaval Primavera" Downtown Street Festival (S15-02) and Request for Waiver of City Fees**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve an Activity in Public Places Permit request from the Greater Huntington Park Area Chamber of Commerce to conduct the annual "Carnaval Primavera" Downtown Street Festival along Pacific Boulevard, between Gage Avenue and Slauson Avenue, on April 10-12, 2015; and

Interim City Manager Ornelas presented the item.

Council Member Gomez suggested approving this item in 2 parts and recommended approving the permit then to discuss the request for waiver of fees.

Mayor Perez agreed to take this item in 2 parts.

**Motion:** Council Member Gomez motioned to approve an Activity in Public Places Permit request from the Greater Huntington Park Area Chamber of Commerce to conduct the annual "Carnaval Primavera" Downtown Street Festival along Pacific Boulevard, between Gage Avenue and Slauson Avenue, on April 10-12, 2015, seconded by Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

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

NOES Council member(s): None

## REGULAR AGENDA ITEM 6 (continued)

2. Discuss and consider the Chamber of Commerce's request for waiver of City fees and department costs for the proposed event.

Leticia Martinez, CEO, Chamber of Commerce submitted a draft financial report to Council and proceeded to request a partnership with the City, noting the City's code pertaining to the city recouping their cost even at regular working hours we are asking for the partnership for those service hours anything that has to do with field services to work at normal hours and paying the overtime only for the Police Department and not be billed for those hours during regular services that we have been paying in the past.

Council Member Gomez asked the City Attorney to read the code on waiver of fees stating that the Council does have the authority to waive fees provided that the Council finds that the organization is facing financial hardship and the organization shows evidence to the City that is satisfactory to the City. Council Member Gomez motioned to request such documentation and agenda for next Council meeting for Council to review and consider.

Council Member Amezcua supports documentation to be presented but is concerned of the impact to other businesses and would like to see other options in the future. He mentioned the City back in the 90s would pay for staff and suggests this be revisited.

Mayor Perez reiterated the motion that was presented.

Mr. Andy Molina with the Chamber asked Council what they are requesting. Council responded by saying a document that will show your hardship. Mr. Molina suggested a P&L statement and reiterated that the Chamber is requesting partial waiver of some of the fees the Chambers has been billed for.

Interim City Manager Ornelas noted that the City has a cost estimate of approximately \$45,000 that the City would contribute to this event in terms of in-kind fees.

**Motion:** Council Member Gomez motioned to have the Greater Huntington Park Area Chamber of Commerce return with documents showing hardship to the next City Council Meeting, seconded by Vice Mayor Macias. Motion passed by the following vote:

ROLL CALL:

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

## **REGULAR AGENDA ITEM 6 (continued)**

City Attorney Birrueta suggested the Chamber identify in their documents what will be paid for.

### **CITY MANAGER**

#### **7. Discussion/Action on Illegal Dumping**

Interim City Manager requested this item be brought back to Council so that staff can bring back more information and options for Council to consider.

Council Member Gomez wishes to continue with discussion noting he would like to see more signs put up regarding illegal dumping and wants to see a solution.

City Attorney Birrueta stated that UPW will be issuing brochures relating to illegal dumping and services to the community.

Vice Mayor Macias agrees with Council Member Gomez and acknowledged the efforts by the Public Works Department in picking up bulky items and to consider ways that would help in the efforts of illegal dumping.

Council discussed at length the illegal dumping, city efforts, educating the community, creating a policy, providing a number to the public they can call or someone way of getting them involved, continued involvement of United Pacific Waste (UPW). Suggested preparing an ordinance and notifying the residents.

Mayor Perez asked Chief of Police Cisneros about anonymous callers. Mr. Cisneros explained that the police department wants to address the issues sometimes difficult because the person remains anonymous but also stated that behavior never changes if there is no consequences. The police department will work with the Interim City Manager and encouraged the public to call in.

Interim City Manager Ornelas clarified Councils suggestions noting a three-prong approach working with the police department, current trash hauler, outreach and education, signage and come back with a complete list of options for Council discussion in the form of an ordinance.

City Attorney Birrueta stated a memo has been prepared with a list of obligations UPW has under the contract for resident and commercial places as well as what the public works department can do when they see an item illegally dumped and they can call UPW.

## REGULAR AGENDA (continued)

### COUNCIL

#### 8. **Consideration of a Resolution Regarding City Council Reorganization/ Potential Reorganization and Appointment**

##### RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Waive further reading and adopt Resolution No. 2015-09, Amending the Huntington Park City Council Handbook with Regard to the Reorganization of the City Council and Appointment of City Mayor and Vice Mayor.

Interim City Manager Ornelas presented the item.

Council Member Gomez asked for some direction from City Attorney Birrueta pertaining to the adoption of this resolution. Mr. Birrueta stated that in the Council Handbook it reads “that annually at the second City Council meeting in March, the City Council shall choose one of its members to serve as Mayor and one to serve as Vice Mayor for a one-year term.” What is being proposed is to add an additional line to read “the City Council may elect to reorganize a second time prior to the expiration of the one-year terms of the Mayor and Vice Mayor upon a four-fifth (4/5) City Council vote.” If Council adopts the resolution it would be adding the second sentence but this would need to be passed first before reorganizing.

Council Member Gomez recommends changing the wording to read “the city council has the authority to reorganize at-will but not to exceed more than one year” and to comply with state law. He then said he would let the future council determine.

City Attorney Birrueta explained that the way it reads is per state law and you do need to reorganize at the second meeting in March. She explained the reason for the additional sentence is giving the Council a latitude without going overboard and stated she has something for future council to determine a section 3 that reads “city staff is directed to develop policies and criteria for review by the city council to ensure the fair and objective implementation of the use of this amendment to the reorganization” And for future council to come back with some policies to ensure there’s no abuse to this section.

**Motion:** Council Member Gomez motioned to waive further reading and adopt Resolution No. 2015-09, Amending the Huntington Park City Council Handbook with Regard to the Reorganization of the City Council and Appointment of City Mayor and Vice Mayor, seconded by Council Member Amezcuita. Motion passed by the following vote:

## REGULAR AGENDA ITEM 8 (continued)

ROLL CALL:

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

**Motion:** Council Member Gomez motioned to reorganize for Vice Mayor, seconded by Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

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

**Motion:** Council Member Gomez motioned to nominate Council Member Amezquita as the new Vice Mayor, seconded by Council Member Hernandez. Motion passed by the following vote:

ROLL CALL:

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

## DEPARTMENTAL REPORTS (Information only)

### WRITTEN COMMUNICATIONS - None

### COUNCIL COMMUNICATIONS

**Council Member Mario Gomez**, congratulated Vice Mayor Amezquita on his new appointment and his participation.

**Council Member Ofelia Hernandez**, thanked Sandra Orozco for the invitation for the groundbreaking of the new school and congratulated newly appointed Vice Mayor Amezquita for his participation.

**Council Member Karina Macias**, congratulated Vice Mayor Amezquita on his new appointment, thanked the public for their attendance and looks forward to her continued participation with her colleagues.

## **COUNCIL COMMUNICATIONS (continued)**

**Vice Mayor Valentin Palos Amezcuita**, thanked everyone and his colleagues.

**Mayor Rosa E. Perez**, nothing to report.

## **ADJOURNMENT**

At 9:38 p.m. Mayor Perez adjourned the meeting in memory of Plinio Schmidt, former City of Huntington Park Parking Meter Technician and Celia O. Pasmant, Mother of former City of Huntington Park Administrative Assistant Yvonne Moreno to a Regular Meeting of the City of Huntington Park City Council on Monday, March 2, 2015 at 6:00 p.m.

Respectfully submitted,

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Donna G. Schwartz, CMC  
City Clerk