
CITY COUNCIL SPECIAL MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
MAY 10, 2016
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CALL TO ORDER

The Special Meeting of the City Council of the City of Industry, California, was called to order by Mayor Mark D. Radecki at 9:01 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Mark D. Radecki.

ROLL CALL

PRESENT: Mark D. Radecki, Mayor
Cory C. Moss, Mayor Pro Tem
Abraham N. Cruz, Council Member
Newell W. Ruggles, Council Member

ABSENT: Roy Haber, Council Member

STAFF PRESENT: Paul J. Philips, City Manager; James M. Casso, City Attorney; Cecelia Dunlap, Deputy City Clerk; and Alex Gonzalez, Director of Development Services and Administration.

PUBLIC COMMENTS

Mr. Jonah Liebes, Senior Vice President of Professional Services for Helio Power, Inc., approached the City Council and stated that Helio Power submitted a response to the RFP for Agenda Item No. 5.3 and were recommended by staff to be awarded the contract. Helio Power, along with four other Operations and Maintenance companies, received a very competitive and comprehensive RFP. Mr. Liebes asked the City Council to explain why the staff recommendation would be rejected.

Mr. James Robinson, Assistant Fire Chief for Los Angeles County Fire Department for the City of Industry, approached the Council and stated that he is the direct liaison between the City of Industry and the Los Angeles County Fire Department which provides fire protection and life safety services to the City of Industry. He asked that the City Council consider extending its previous criteria for fire agencies to conduct its annual Tonner Canyon exercises on City of Industry property on May 18th, 19th, and 20th. These exercises have been in the exact same location year after year, same days each May without incident to our knowledge. This year the City did not accept the letter

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of liability insurance that was used last year and presented a License Agreement with more rigorous requirements several weeks prior to the annual exercise. This annual exercise allows fire agencies to practice coordination and communication prior to the fire season. It is a product of the 2008 30,000 acre wildfire that destroyed and damaged homes and other properties in four counties. This is the most complicated area for fire agencies to communicate and coordinate as four counties (Los Angeles County, Orange County, San Bernardino County, and Riverside County) intersect.

Mr. Greg Jones, Retired Battalion Chief with the Los Angeles County Fire Department, approached the City Council and provided background information on the 2008 freeway complex multi-agency fire. Retired Battalion Chief Jones stated that over the years they have been able to work under one communication plan. This takes training, communicating with each agency, and getting people up to speed on using this communication system. We are asking for your support to help get us through this season for the drill.

CONSENT CALENDAR

Mayor Pro Tem Moss recused herself from check number 63938 for item 1 (Register of Demands) because she had a potential or actual financial conflict of interest in that she is employed by CNC Engineering.

Mayor Radecki recused himself from check number 63974 for item 1 (Register of Demands) because he had a potential or actual financial conflict of interest in that he is employed by Square Root Golf and Landscape.

Council Member Cruz recused himself from check number 63974 for item 1 (Register of Demands) because he had a potential or actual financial conflict of interest in that he is employed by Square Root Golf & Landscape.

Council Member Ruggles recused himself from check number 63952 for item 1 (Register of Demands) because he had a potential or actual financial conflict of interest in that he is employed by Haddick's Auto Body.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE REMAINING ITEMS LISTED ON THE CONSENT CALENDAR, WITH MAYOR PRO TEM MOSS RECUSING FROM CHECK NUMBERS 63938 ON ITEM 1 (REGISTER OF DEMANDS) WITH MAYOR RADECKI AND COUNCIL MEMBER CRUZ BOTH RECUSING FROM CHECK NUMBER 63974 ON ITEM 1 (REGISTER OF DEMANDS), AND WITH

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COUNCIL MEMBER RUGGLES RECUSING FROM CHECK NUMBER 63952 ON ITEM 1 (REGISTER OF DEMANDS). MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: CRUZ, RUGGLES, MOSS, RADECKI
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: HABER
ABSTAIN: COUNCIL MEMBERS: NONE

1. CONSIDERATION OF REGISTER OF DEMANDS

APPROVED THE REGISTER OF DEMANDS AND AUTHORIZED THE APPROPRIATE CITY OFFICIALS TO PAY THE BILLS.

2. CONSIDERATION OF RESOLUTION NO. CC 2016-27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ESTABLISHING POLICIES AND PROCEDURES FOR TIMEKEEPING TO CALCULATE EMPLOYEE PAY AND BENEFITS

ADOPTED RESOLUTION NO. CC 2016-27.

3. CONSIDERATION OF REJECTION OF PROPOSALS RECEIVED FOR OPERATIONS AND MAINTENANCE SERVICES OF THE EXISTING INDUSTRY METROLINK 2 MWdc SOLAR CARPORT FACILITY

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

4. CONSIDERATION OF AWARD OF CONTRACT NO. CITY-1421, VALLEY BOULEVARD RECONSTRUCTION WITH PCC PAVEMENT FROM TURNBULL CANYON ROAD TO HACIENDA BOULEVARD, TO SULLY-MILLER CONTRACTING CO., IN THE AMOUNT OF \$3,828,191.11

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

5. CONSIDERATION OF CHANGE ORDER NOS. 1 AND 2 TO H&H GENERAL CONTRACTORS, INC., IN THE AMOUNT OF \$223,600.00, FOR EMERGENCY FOLLOWS CAMP FACILITIES MAINTENANCE AND REPAIR PROJECT, CONTRACT NO. CITY-1426

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APPROVED CHANGE ORDER NOS. 1 AND 2 IN THE AMOUNT OF \$223,600.00, AND AUTHORIZE THE CITY CLERK TO FILE A NOTICE OF COMPLETION.

6. CONSIDERATION OF A LICENSE AGREEMENT BETWEEN THE CITY OF INDUSTRY AND ORANGE COUNTY FIRE AUTHORITY, CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, CHINO VALLEY FIRE DISTRICT, COUNTY OF LOST ANGELES, CITY OF ANAHEIM, CITY OF CORONA, CITY OF FULLERTON, CITY OF GARDEN GROVE, CITY OF ORANGE, AND THE CITY OF WEST COVINA, FOR ACCESS TO ASSESSOR'S PARCEL NO. 8714-026-271, LOCATED AT 19001 TONNER CANYON ROAD, FOR VARIOUS FIRE PROTECTION TRAINING EXERCISES ASSOCIATED WITH THE ANNUAL SOLAR (SAN BERNARDINO, ORANGE, LOS ANGELES AND RIVERSIDE COUNTIES) EXERCISE TO BE HELD MAY 18-20, 2016

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

7. CONSIDERATION OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH ADVANTUS CAPITAL MANAGEMENT, INC., TO PROVIDE INVESTMENT MANAGEMENT AND ADVISORY SERVICES

APPROVED AMENDMENT NO. 1.

8. REQUEST FROM THE CITY OF LA PUENTE FOR A \$30,000.00 CONTRIBUTION TO THE CITY OF LA PUENTE'S 2016 INDEPENDENCE DAY CELEBRATION

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

9. REQUEST FROM PETER R. MILLER, PRESIDENT OF VETERANS BENEFIT ROPERS, REQUESTING A THREE-YEAR SUSTAINING GRANT OF \$25,000.00 PER YEAR TO THE VETERANS BENEFIT ROPERS FOUNDATION

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

10. CONSIDERATION OF RESOLUTION NO. CC 2016-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING A SALARY RANGE SCHEDULE FOR CITY COMMISSIONS

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ADOPTED RESOLUTION NO. CC 2016-31.

11. **CONSIDERATION OF RESOLUTION NO. CC 2016-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF INDUSTRY AND CT CHESTNUT LLC, FOR THE PROPERTY LOCATED AT 948 S. AZUSA AVENUE, CITY OF INDUSTRY, CALIFORNIA AND ADOPTING THE NOTICE OF EXEMPTION REGARDING SAME**

ITEM WAS PULLED FROM THE CONSENT CALENDAR FOR DISCUSSION.

CONSIDERATION OF REJECTION OF PROPOSALS RECEIVED FOR OPERATIONS AND MAINTENANCE SERVICES OF THE EXISTING INDUSTRY METROLINK 2 MWdc SOLAR CARPORT FACILITY

Director of Development Services and Administration Gonzalez stated that in the procurement packet the City has the right to reject all bids for any reason. Essentially the two most critical items regarding this bid is that this procurement was put together by previous staff and two things have changed since then. One item is that we now have a consultant who is reviewing our electric utility operations, and they called out certain issues with the procurement and how it was developed. Secondly, the procurement was released without it being reviewed by the City Attorney. It is highly irregular for a procurement to go out without City Attorney review. The issue that really stood out to us is that the procurement identified City subcontractors and some of those subcontractors did not have current City contracts. We felt this was a legal barrier that was too high to surpass. Director of Development Services and Administration Gonzalez responded to questions from the City Council

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO REJECT ALL PROPOSALS AND AUTHORIZE RE-ADVERTISING. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

CONSIDERATION OF AWARD OF CONTRACT NO. CITY-1421, VALLEY BOULEVARD RECONSTRUCTION WITH PCC PAVEMENT FROM TURNBULL

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CANYON ROAD TO HACIENDA BOULEVARD, TO SULLY-MILLER CONTRACTING CO., IN THE AMOUNT OF \$3,828,191.11

City Engineer Calvillo presented a staff report to the City Council and responded to questions.

Assistant City Engineer Nelson provided additional information and responded to questions.

MOTION BY COUNCIL MEMBER RUGGLES, AND SECOND BY MAYOR PRO TEM MOSS TO AWARD THE CONTRACT TO SULLY-MILLER CONTRACTING CO., IN THE AMOUNT OF \$3,828,191.11. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

CONSIDERATION OF A LICENSE AGREEMENT BETWEEN THE CITY OF INDUSTRY AND ORANGE COUNTY FIRE AUTHORITY, CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, CHINO VALLEY FIRE DISTRICT, COUNTY OF LOS ANGELES, CITY OF ANAHEIM, CITY OF CORONA, CITY OF FULLERTON, CITY OF GARDEN GROVE, CITY OF ORANGE, AND THE CITY OF WEST COVINA, FOR ACCESS TO ASSESSOR'S PARCEL NO. 8714-026-271, LOCATED AT 19001 TONNER CANYON ROAD, FOR VARIOUS FIRE PROTECTION TRAINING EXERCISES ASSOCIATED WITH THE ANNUAL SOLAR (SAN BERNARDINO, ORANGE, LOS ANGELES AND RIVERSIDE COUNTIES) EXERCISE TO BE HELD MAY 18-20, 2016

Deputy City Attorney Sparks advised the City Council that a few weeks ago the City was approached by the County of Los Angeles and other fire agencies to utilize the property at Tonner Canyon for a joint exercise. Previously, the City had not been complying with best practices and a License Agreement was never approved to enter the property to conduct these exercises. The County of Los Angeles had submitted a letter stating that they would indemnify the City, only for negligence, and then they would submit an Insurance Declaration to the City. We have been working with the County and were informed that it would take an exorbitant amount of time to get it to the County Board of Supervisors.

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Discussion was held. City Manager Philips asked that the City Council authorize the City Manager and City Attorney to continue to negotiate, and if we are successful then you can authorize us to sign the Agreement on behalf of the City.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO PROVIDE DIRECTION TO THE CITY ATTORNEY'S OFFICE TO WORK THROUGH THE INSURANCE INDEMNIFICATION. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

REQUEST FROM THE CITY OF LA PUENTE FOR A \$30,000.00 CONTRIBUTION TO THE CITY OF LA PUENTE'S 2016 INDEPENDENCE DAY CELEBRATION

City Manager Philips presented a staff report to the City Council and responded to questions.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO APPROVE THE REQUEST. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

REQUEST FROM PETER R. MILLER, PRESIDENT OF VETERANS BENEFIT ROPERS REQUESTING A THREE-YEAR SUSTAINING GRANT OF \$25,000.00 PER YEAR TO THE VETERANS BENEFIT ROPERS FOUNDATION

Mayor Radecki stated that this is an incredible event for Veterans that is put on by the Veterans Benefit Ropers. The Veterans have sacrificed so much for this Country, and suggested that the amount be increased.

Council Member Ruggles asked if there was someone present from the Foundation to explain the event and provide details.

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Mr. Mark Drum, Member of the Horse Program for Vets, approached the City Council and explained that the program started with a few volunteers and now it has become a Foundation. We are working with Veterans, teaching them how to ride horses and how to rope. We do a roping event which started at my place in Chino and now we are at Industry Hills. The amount of Veterans that we are currently working with has gone beyond our wildest imagination and I thank you for your support.

Discussion was held.

MOTION BY MAYOR RADECKI, AND SECOND BY COUNCIL MEMBER CRUZ TO INCREASE THE AMOUNT OF THE GRANT FROM \$25,000.00 TO \$40,000.00 FOR THE NEXT THREE YEARS.

AYES: COUNCIL MEMBERS: CRUZ, RUGGLES, MOSS, RADECKI
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: HABER
ABSTAIN: COUNCIL MEMBERS: NONE

CONSIDRATION OF RESOLUTIN NO. CC 2016-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CIT OF INDUSTRY, APPROVING A PURCHASE AGREEMENT BETWEEN THE CITY OF INDUSTRY AND CT CHESTNUT LLC, FOR THE PROPERTY LOCATED AT 948 S. AZUSA AVENUE, CITY OF INDUSTRY, CALIFORNIA AND ADOPTING THE NOTICE OF EXEMPTION REGARDIND SAME

City Manager Philips stated that this involved the billboard that is on the property.

Council Member Ruggles asked if this was part of the development with the adjoining Successor Agency property. Deputy City Attorney Sparks stated that all of the properties were tied together and the escrows would close at the same time. The sale of this property is contingent on the sale of the other two parcels.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO ADOPT RESOLUTION NO. CC 2016-32. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: CRUZ, RUGGLES, MOSS, RADECKI
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: HABER

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ABSTAIN: COUNCIL MEMBERS: NONE

CONSIDERATION OF RESOLUTION NO. CC 2016-28 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA APPROVING DEVELOPMENT PLAN NO. 15-20 FOR THE CONSTRUCTION OF A 2,492 SQUARE FOOT FAST-FOOD RESTAURANT LOCATED AT 17537 CASTLETON STREET IN THE CITY OF INDUSTRY, CALIFORNIA, AND MAKING FINDINGS IN SUPPORT THEREOF

Senior Planner Helling presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO ADOPT RESOLUTION NO. CC 2016-28. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: CRUZ, RUGGLES, MOSS, RADECKI
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: HABER
ABSTAIN: COUNCIL MEMBERS: NONE

PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT (CUP) NO. 15-19, SUBMITTED BY TOMMY'S HAMBURGERS FOR A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS LOCATED AT 17537 CASTLETON STREET IN THE CITY OF INDUSTRY

Mayor Radecki opened the public hearing.

Mayor Radecki inquired if anyone wanted to be heard on the matter. There were no comments.

Mayor Radecki closed the public hearing.

Deputy City Attorney Sparks asked that the record reflect that the staff report for the Development Plan served as the staff report for Agenda Item 7.1 a., and b.

CONSIDERATION OF RESOLUTION NO. CC 2016-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, MAKING FINDINGS AND ADOPTING AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR

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DEVELOPMENT PLAN 15-20 FOR THE CONSTRUCTION OF A 2,492 SQUARE FOOT FAST-FOOD RESTAURANT, AND CONDITIONAL USE PERMIT

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO ADOPT RESOLUTION NO. CC 2016-29. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

CONSIDERATION OF RESOLUTION NO. CC 2016-30 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-19, TO ALLOW A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS AT 17537 CASTLETON STREET, CITY OF INDUSTRY, CALIFORNIA AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY COUNCIL MEMBER CRUZ TO ADOPT RESOLUTION NO. CC 2016-30. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	CRUZ, RUGGLES, MOSS, RADECKI
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HABER
ABSTAIN:	COUNCIL MEMBERS:	NONE

AB 1234 REPORTS

There were none.

CITY COUNCIL COMMITTEE REPORTS

There were none.

CITY COUNCIL COMMUNICATIONS

There were none.

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CLOSED SESSION

Deputy City Clerk Dunlap announced there was a need for Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: City of Industry v. Zerep Management Corp., et al.
Los Angeles Superior Court
Case No., BC583096

There were no public comments on the Closed Session items.

Mayor Radecki recessed the meeting into Closed Session at 10:03 a.m.

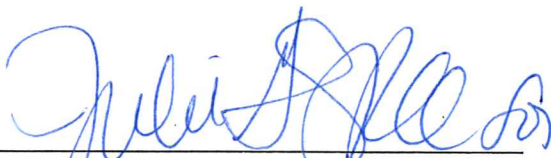
RECONVENE CITY COUNCIL MEETING

Mayor Radecki reconvened the meeting at 10:21 a.m. All members of the City Council were present, except for Council Member Haber who was absent. Deputy City Attorney Sparks reported out of Closed Session.


With regard to the Closed Session item 1, direction was given to the City Attorney and no reportable action was taken.

ADJOURNMENT

There being no further business, the City Council adjourned at 10:22 a.m.



DIANE M. SCHLICHTING
CHIEF DEPUTY CITY CLERK



MARK D. RADECKI
MAYOR