

CITY OF INDUSTRY

CITY COUNCIL
SPECIAL MEETING AGENDA

JUNE 9, 2015
2:00 PM



Mayor Tim Spohn
Mayor Pro Tem Jeff Parriott
Council Member John P. Ferrero
Council Member Roy Haber, III
Council Member Pat Marcellin

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California 91744

Addressing the City Council:

- ▶ **Agenda Items:** *Members of the public may address the City Council on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any matter listed on the Agenda. Anyone wishing to speak to the City Council is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the City Council.*
- ▶ **Public Comments (Non-Agenda Items):** *Anyone wishing to address the City Council on an item not on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the City Council is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the City Clerk prior to the Agenda item being called by the City Clerk and prior to the individual being heard by the City Council.*

Americans with Disabilities Act:

- ▶ *In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.*

Agendas and other writings:

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Friday 9:00 a.m. to 5:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.*

-
1. Call to Order
 2. Flag Salute
 3. Roll Call
 4. Public Comments
-

5. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

- 5.1 Consideration of the minutes of the March 26, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Mayor Spohn and Council Member Ferrero abstaining due to their absence from the meeting.

- 5.2 Consideration of the minutes of the April 9, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Ferrero abstaining due to his absence from the meeting.

- 5.3 Consideration of the minutes of the April 23, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted.

- 5.4 Consideration of the minutes of the May 14, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Ferrero abstaining due to his absence from the meeting.

- 5.5 Consideration of the minutes of the May 28, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Mayor Pro Tem Parriott and Council Member Ferrero abstaining due to their absence from the meeting.

6. **CITY CLERK MATTERS**

- 6.1 Consideration of the Certification of Results of Sufficiency of Referendum Petition Against Section 4 of Ordinance No. 788.

RECOMMENDED ACTION: Receive and file the Certificate of Sufficiency of Signatures on Referendum Petition, and direct staff as to further actions.

- 6.2 Consideration of Resolution No. CC 2015-18 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON JUNE 2, 2015, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

RECOMMENDED ACTION: Adopt Resolution No. CC 2015-18.

7. Administration of Oath of Office.

8. Reorganization of City Council.

RECOMMENDED ACTION: Consider nominations and make appointment for Mayor and Mayor Pro Tempore.

9. Adjournment. Next regular meeting: Thursday, June 11, 2015 at 9:00 a.m.

CITY COUNCIL

ITEM NO. 5.1

CITY COUNCIL REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Pro Tem Jeff Parriott 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 Pro Tem Jeff Parriott.

ROLL CALL

PRESENT: Jeff Parriott, Mayor Pro Tem
Roy Haber, Council Member
Pat Marcellin, Council Member

ABSENT : Tim Spohn, Mayor
John P. Ferrero, Council Member

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Cecelia Dunlap, Deputy City Clerk; and Brian James, Planning Director.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO GRANT MAYOR SPOHN AND COUNCIL MEMBER FERRERO AN EXCUSED ABSENCE. MOTION 3-0, WITH MAYOR SPOHN AND COUNCIL MEMBER FERRERO ABSENT.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION 3-0, WITH MAYOR SPOHN AND COUNCIL MEMBER FERRERO ABSENT.

1. REVIEW OF ACTIONS FOR CITY GOODS AND SERVICES

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RECEIVED AND FILED.

2. CONSIDERATION OF THE MINUTES OF THE FEBRUARY 12, 2015 REGULAR MEETING

APPROVED AS SUBMITTED.

3. CONSIDERATION OF PROPERTY AGREEMENT BETWEEN THE CITY OF INDUSTRY AND ARCIERO AND SONS, INC. FOR THE PROPERTY LOCATED ALONG PATHFINDER ROAD AND BREA CANYON CUT-OFF; ASSESSOR PARCEL NUMBER 8269-039-270

APPROVED THE AGREEMENT.

4. CONSIDERATION OF A QUITCLAIM DEED TO THE STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CONVEYANCE OF PARCEL NOS. 80326-1, 80326-2, AND 80326-3 FOR THE CONSTRUCTION OF THE WESTBOUND SLIP ON-RAMP FROM GRAND AVENUE TO STATE ROUTE 60 POMONA FREEWAY

APPROVED THE QUITCLAIM DEED.

5. CONSIDERATION OF A DISADVANTAGED BUSINESS ENTERPRISE (DBE) IMPLEMENTATION AGREEMENT BETWEEN THE CITY OF INDUSTRY AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR REQUIRED USE OF FEDERAL FUNDING ON CITY RELATED CAPITAL IMPROVEMENT PROJECTS

APPROVED THE AGREEMENT.

6. CONSIDERATION TO APPOINT MR. KEN DECK, FORMER GENERAL MANAGER OF THE ROWLAND WATER DISTRICT TO SERVE AS A MEMBER OF THE PUENTE BASIN WATERMASTER

APPROVED THE APPOINTMENT.

7. CONSIDERATION OF AN INVOICE SUBMITTED BY WALNUT VALLEY WATER DISTRICT IN THE AMOUNT OF \$23,856.19 FOR ADDITIONAL LABOR TO PERFORM WORK AT NIGHT TO AVOID AFFECTING NEARBY BUSINESSES FROM CLOSING DURING THE CONSTRUCTION PERIOD FOR CONTRACT NO. CITY-1411, FAIRWAY DRIVE AND WALNUT DRIVE NORTH INTERSECTION

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WIDENING PROJECT

APPROVED THE FINAL PAYMENT.

8. **CONSIDERATION OF AUTHORIZATION TO ADVERTISE FOR SOLICITATION OF PUBLIC BIDS FOR CONTRACT NO. CITY-1424, 2014-2015 SLURRY SEAL AND PARKING LOT SEALCOAT, FOR AN ESTIMATED COST OF \$215,000.00.**

APPROVED THE PLANS AND SPECIFICATIONS, AND AUTHORIZED THE ADVERTISING OF SEALED BIDS.

PUBLIC HEARING REGARDING ZONE EXCEPTION 15-1 AND DEVELOPMENT PLAN 14-11 SUBMITTED BY HARVARD CARD SYSTEMS FOR THE LOCATION AT 111 BALDWIN PARK BOULEVARD. ZONE EXCEPTION 15-1 ADDRESSES DEVIATIONS FROM SQUARE FOOTAGE, PARKING, DRIVE-AISLE WIDTH, AND LANDSCAPING STANDARDS AND DEVELOPMENT PLAN 14-11 ADDRESSES THE IMPROVEMENT OF AN EXISTING BUILDING

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO OPEN THE PUBLIC HEARING. MOTION 3-0, WITH MAYOR SPOHN AND COUNCIL MEMBER FERRERO ABSENT.

Planning Director James presented a staff report to the City Council.

Mayor Pro Tem Parriott inquired if anyone wished to be heard on the matter. There were no comments.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO CLOSE THE PUBLIC HEARING. MOTION 3-0, WITH MAYOR SPOHN AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING DEVELOPMENT PLAN 14-11 TO ALLOW THE ADDITION OF 3,943 SQUARE FEET TO AN EXISTING 112,676 SQUARE FOOT BUILDING, AS WELL AS THE CONSTRUCTION OF A 12,912 SQUARE FOOT ADDITION TO THE BUILDING'S MEZZANINE AREA; AND RECOMMENDING APPROVAL OF ZONE EXCEPTION 15-1 TO ALLOW DEVELOPMENT WITH A GREATER MAXIMUM LOT COVERAGE, REDUCED MINIMUM LANDSCAPING AND MODIFIED PARKING REQUIREMENTS ON PROPERTY LOCATED AT 111 BALDWIN PARK BOULEVARD, WITHIN A "M" - INDUSTRIAL ZONE,

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FINDING THE PROJECT CATEGORICALLY EXEMPT FROM CEQA, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO ADOPT RESOLUTION NO. CC 2015-03. MOTION 3-0, WITH MAYOR SPOHN AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF ORDINANCE NO. 788 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING CHAPTERS 2.08 (CITY MANAGER) AND 2.12 (CITY CLERK AND CITY TREASURER-BONDS) OF TITLE 2 OF THE INDUSTRY MUNICIPAL CODE, AND ADDING CHAPTER 2.14 (CITY ATTORNEY) TO TITLE 2 OF THE INDUSTRY MUNICIPAL CODE (FIRST READING)

City Manager Radecki stated that the item was being removed from the agenda and would be brought back to the City Council at a future meeting.

CONSIDERATION OF RESOLUTION NO. CC 2015-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING A CITY MANAGER POLICY REGARDING TERMINATION OF MANAGEMENT-LEVEL CITY OFFICIALS OR EMPLOYEES FOLLOWING A GENERAL MUNICIPAL ELECTION

City Manager Radecki stated that the item was being removed from the agenda and would be brought back to the City Council at a future meeting.

CLOSED SESSION

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

- A CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Three Potential Cases.

- B CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: 8 Net, Inc. v. City of Industry et al.
Los Angeles Superior Court Central District
Case No. BC554379

There were no public comments on the Closed Session items.

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Mayor Pro Tem Parriott recessed the meeting into Closed Session at 9:10 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Pro Tem Parriott reconvened the meeting at 9:28 a.m. All members of the City Council were present, except for Mayor Spohn and Council Member Ferrero, who were absent.

With regard to Closed Session item A, only one case was discussed.

With regard to Closed Session item A, Case One, the City Council agreed to settle the claim submitted by Jodi L. Scrivens. A copy of the Settlement Agreement is on file with the City Clerk's Office.

With regard to Closed Session item B, the City Council took no reportable action.

ADJOURNMENT

There being no further business, the City Council adjourned.

JEFF PARRIOTT, MAYOR PRO TEM

CECELIA DUNLAP,
DEPUTY CITY CLERK

CITY COUNCIL

ITEM NO. 5.2

CITY COUNCIL REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Tim Spohn at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Tim Spohn.

ROLL CALL

PRESENT: Tim Spohn, Mayor
Jeff Parriott, Mayor Pro Tem
Roy Haber, Council Member
Pat Marcellin, Council Member

ABSENT: John P. Ferrero, Council Member

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Cecelia Dunlap, Deputy City Clerk; John Ballas, City Engineer; and Brian James, Planning Director.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO GRANT COUNCIL MEMBER FERRERO AN EXCUSED ABSENCE. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

1. REVIEW OF ACTIONS FOR CITY GOODS AND SERVICES

RECEIVED AND FILED.

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CONSIDERATION OF ORDINANCE NO. 788 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING CHAPTERS 2.08 (CITY MANAGER) AND 2.12 (CITY CLERK AND CITY TREASURER-BONDS) OF TITLE 2 OF THE INDUSTRY MUNICIPAL CODE, AND ADDING CHAPTER 2.14 (CITY ATTORNEY) TO TITLE 2 OF THE INDUSTRY MUNICIPAL CODE (FIRST READING)

City Manager Radecki presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 788. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING A CITY MANAGER POLICY REGARDING TERMINATION OF MANAGEMENT-LEVEL CITY OFFICIALS OR EMPLOYEES FOLLOWING A MUNICIPAL ELECTION

City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO ADOPT RESOLUTION NO. CC 2015-04. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF ORDINANCE NO. 789 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING SECTION 2.08.070 OF THE INDUSTRY MUNICIPAL CODE PERTAINING TO THE POWERS AND DUTIES OF THE CITY MANAGER (FIRST READING)

City Attorney Vadon presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 789. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF DEVELOPMENT PLAN APPLICATION NO. 14-10 SUBMITTED BY OC ENGINEERING, ON BEHALF OF GREAT DRAGON LLC TO ALLOW CONSTRUCTION OF A 107,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 18639 RAILROAD STREET

Planning Director James presented a staff report to the City Council.

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CONSIDERATION OF RESOLUTION NO. CC 2015-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PREPARED IN CONJUNCTION WITH DEVELOPMENT PLAN NO. 14-10 TO ALLOW THE CONSTRUCTION OF A 107,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 18639 RAILROAD STREET IN THE CITY OF INDUSTRY, WITHIN THE "M"-INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO ADOPT RESOLUTION NO. CC 2015-05. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING DEVELOPMENT PLAN NO. 14-10 TO ALLOW THE CONSTRUCTION OF A 107,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 18639 RAILROAD STREET IN THE CITY OF INDUSTRY, WITHIN THE "M"-INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN HABER TO ADOPT RESOLUTION NO. CC 2015-06. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF AN INVOICE SUBMITTED BY THE ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY (ACE) FOR ADDITIONAL WORK NEEDED FOR CITY-REQUESTED IMPROVEMENTS TO RELOCATE THE VERIZON FACILITIES IN CONJUNCTION WITH THE NOGALES STREET GRADE SEPARATION PROJECT AT THE UNION PACIFIC RAILROAD LOS ANGELES SUBDIVISION PER THE BETTERMENT AGREEMENT WITH THE ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY, IN THE AMOUNT OF \$77,545.36

City Engineer Ballas provided a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO APPROVE THE PAYMENT. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF A PROPOSAL SUBMITTED BY R.F. DICKSON COMPANY, INC. FOR CONTRACT NO. CITY-1423, CITY OF INDUSTRY STREET AND PARKING LOT

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SWEEPING, IN THE AMOUNT OF \$1,007,736.00 FOR A FIVE-YEAR PERIOD

City Engineer Ballas provided a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO APPROVE THE PROPOSAL SUBMITTED BY R.F. DICKSON COMPANY, INC. IN THE AMOUNT OF \$1,007,736.00. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CLOSED SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Two Potential Cases

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: 8 Net, Inc. v. City of Industry et al.
Los Angeles Superior Court Central District
Case No. BC554379

There were no public comments on the Closed Session item.

Mayor Spohn recessed the meeting into Closed Session at 9:12 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Spohn reconvened the meeting at 10:20 a.m. All members of the City Council were present, except for Council Member Ferrero, who was absent.

With regard to Closed Session item A, Case One, by a 3-0 vote, with one abstention, the City Council agreed to waive the attorney-client privilege with regard to the KPMG Report Contract for General Maintenance and Miscellaneous Services, of invoices review.

With regard to Closed Session item A, Case Two, by a 4-0 vote, the City Council agreed to waive attorney-client privilege with regard to the PKF Report on the Industry Hills Expo Center.

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The City Council took no reportable action with regard to Closed Session item B.

ADJOURNMENT

There being no further business, the City Council adjourned.

JEFF PARRIOTT, MAYOR PRO TEM

CECELIA DUNLAP,
DEPUTY CITY CLERK

CITY COUNCIL

ITEM NO. 5.3

CITY COUNCIL REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Tim Spohn at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Tim Spohn.

ROLL CALL

PRESENT: Tim Spohn, Mayor
Jeff Parriott, Mayor Pro Tem
Roy Haber, Council Member
John P. Ferrero, Council Member
Pat Marcellin, Council Member

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Cecelia Dunlap, Deputy City Clerk; John Ballas, City Engineer; and Brian James, Planning Director.

PUBLIC COMMENTS

Mr. Mark Christoffels, CEO from the Alameda Corridor-East Construction Authority gave a presentation on the long term closure of Puente Avenue for the construction of the Puente Grade Separation.

CONSENT CALENDAR

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 5-0.

1. REVIEW OF ACTIONS FOR CITY GOODS AND SERVICES

RECEIVED AND FILED.

2. CONSIDERATION OF THE MINUTES OF THE FEBRUARY 26, 2015 REGULAR MEETING

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APPROVED AS SUBMITTED.

CONSIDERATION OF ORDINANCE NO. 788 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING CHAPTERS 2.08 (CITY MANAGER) AND 2.12 (CITY CLERK AND CITY TREASURER-BONDS) OF TITLE 2 OF THE INDUSTRY MUNICIPAL CODE, AND ADDING CHAPTER 2.14 (CITY ATTORNEY) TO TITLE 2 OF THE INDUSTRY MUNICIPAL CODE. (SECOND READING)

City Manager Radecki presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO WAIVE FURTHER READING, AND ADOPT ORDINANCE NO. 788. MOTION CARRIED 5-0.

CONSIDERATION OF ORDINANCE NO. 789 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING SECTION 2.08.070 OF THE INDUSTRY MUNICIPAL CODE PERTAINING TO THE POWERS AND DUTIES OF THE CITY MANAGER. (SECOND READING)

City Attorney Vadon presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER HABER TO WAIVE FURTHER READING, AND ADOPT ORDINANCE NO. 789. MOTION CARRIED 5-0.

CONSIDERATION OF DEVELOPMENT PLAN APPLICATION 15-3 SUBMITTED BY GAA ARCHITECTS ON BEHALF OF K-TOPS FOR A 22,775 SQUARE FOOT EXPANSION TO AN EXPANSION TO AN EXISTING WAREHOUSE LOCATED AT 15051 DON JULIAN ROAD

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

CONSIDERATION OF RESOLUTION NO. CC 2015-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING THE ISSUANCE OF A NEGATIVE DECLARATION PURSUANT TO THE REQUIREMENTS OF CEQA AND ADOPTING DEVELOPMENT PLAN 15-3 TO ALLOW THE CONSTRUCTION OF A 22,775 SQUARE FOOT ADDITION TO AN EXISTING WAREHOUSE ON PROPERTY LOCATED AT 15051 DON JULIAN ROAD, WITHIN A "M" – INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

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MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY MAYOR PRO TEM PARRIOTT TO ADOPT RESOLUTION NO. CC 2015-07. MOTION CARRIED 5-0.

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF INDUSTRY AND SUCCESSOR AGENCY TO THE INDUSTRY URBAN-DEVELOPMENT AGENCY FOR FUNDING THE IMPROVEMENTS AT THE INTERSECTION OF GRAND AVENUE AT GOLDEN SPRINGS DRIVE AS PHASE IIA OF THE 57/60 CONFLUENCE PROJECT

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO APPROVE THE MEMORANDUM OF UNDERSTANDING. MOTION CARRIED 5-0.

CONSIDERATION OF A FUNDING AGREEMENT BETWEEN THE CITY OF INDUSTRY AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR THE USE OF \$6,727,566.00 IN GRANT FUNDS FOR THE IMPROVEMENTS AT THE INTERSECTION OF GRAND AVENUE AT GOLDEN SPRINGS DRIVE AS PHASE IIA OF THE 57/60 CONFLUENCE PROJECT

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER HABER TO APPROVE THE FUNDING AGREEMENT. MOTION CARRIED 5-0.

**CONSIDERATION OF ORDINANCE NO. 790 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, CONFIRMING THE CITY'S COMPLIANCE WITH (1) THE CALIFORNIA PREVAILING WAGE REQUIREMENTS PROVIDED IN LABOR CODE SECTIONS 1770, ET SEQ., AND (2) THE CALIFORNIA PROJECT LABOR AGREEMENTS IN PUBLIC CONTRACT CODE SECTIONS 2500, ET SEQ
(FIRST READING)**

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO WAIVE FURTHER READING, AND INTRODUCE ORDINANCE NO. 790. MOTION CARRIED 5-0.

ADJOURNMENT

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There being no further business, the City Council adjourned.

JEFF PARRIOTT, MAYOR PRO TEM

CECELIA DUNLAP,
DEPUTY CITY CLERK

CITY COUNCIL

ITEM NO. 5.4

CITY COUNCIL REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Tim Spohn at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Tim Spohn.

ROLL CALL

PRESENT: Tim Spohn, Mayor
Jeff Parriott, Mayor Pro Tem
Roy Haber, Council Member
Pat Marcellin, Council Member

ABSENT : John P. Ferrero, Council Member

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Cecelia Dunlap, Deputy City Clerk; John Ballas, City Engineer; and Brian James, Planning Director.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO GRANT COUNCIL MEMBER FERRERO AN EXCUSED ABSENCE. MOTION 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

PUBLIC COMMENTS

Mr. Ben Wong, Region Manager, Local Public Affairs for Southern California Edison introduced himself to the City Council.

CONSENT CALENDAR

City Manager Radecki requested item 4 be removed from the Consent Calendar for separate discussion.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

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1. REVIEW OF ACTIONS FOR CITY GOODS AND SERVICES

RECEIVED AND FILED.

2. CONSIDERATION OF THE MINUTES OF THE MARCH 12, 2015 REGULAR MEETING

APPROVED AS SUBMITTED.

3. CONSIDERATION OF AWARD OF CONTRACT NO. CITY-1424, 2014-2015 SLURRY SEAL AND PARKING LOT SEALCOAT, TO AMERICAN ASPHALT SOUTH, INC., IN THE AMOUNT OF \$233,826.78

AWARDED THE CONTRACT TO AMERICAN ASPHALT SOUTH, INC. IN THE AMOUNT OF \$233,826.78.

4. CONSIDERATION OF AUTHORIZATION TO ADVERTISE FOR SOLICITATION OF PUBLIC BIDS FOR CONTACT NO. CITY-1422, CLARK AVENUE WIDENING AND SIDEWALK CONSTRUCTION AND SALT LAKE AVENUE SIDEWALK CONSTRUCTION, FOR AN ESTIMATED COST OF \$531,000.00.

Item was removed from the Consent Calendar for separate discussion.

CONSIDERATION OF A PARTICIPATION AGREEMENT REGARDING IMPROVEMENTS TO CLARK AVENUE IN THE CITY OF INDUSTRY WITH C.E.G. CONSTRUCTION FOR DEVELOPER CONTRIBUTIONS TO THE CONSTRUCTION OF CITY CONTRACT NO. CITY-1422, CLARK AVENUE WIDENING AND SIDEWALK CONSTRUCTION AND SALT LAKE AVENUE SIDEWALK CONSTRUCTION

City Manager Radecki presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO APPROVE THE AGREEMENT. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF AUTHORIZATION TO ADVERTISE FOR SOLICITATION OF PUBLIC BIDS FOR CONTACT NO. CITY-1422, CLARK AVENUE WIDENING AND SIDEWALK CONSTRUCTION AND SALT LAKE AVENUE SIDEWALK CONSTRUCTION, FOR AN ESTIMATED COST OF \$531,000.00 (REMOVED FROM THE CONSENT CALENDAR)

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City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO APPROVE THE PLANS AND SPECIFICATIONS AND AUTHORIZE THE ADVERTISING OF SEALED BIDS. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF INDUSTRY AND WASTE SYSTEMS TECHNOLOGY, INC. TO PROVIDE COMMERCIAL WASTE REDUCTION AND EDUCATION PROGRAM, FOR A BUDGET AMOUNT OF \$198,765.00

City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO APPROVE THE AGREEMENT. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF A PURCHASE AND SALE AGREEMENT WITH JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF INDUSTRY AND ROCKLEDGE EQUITY, LLC, FOR THE SALE AND DISPOSITION OF CITY-OWNED PROPERTY LOCATED AT 804 AZUSA AVENUE IN THE CITY OF INDUSTRY

Planning Director James presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MAYOR PRO TEM PARRIOTT TO APPROVE THE AGREEMENT. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE CALIFORNIA EMPLOYEE RETIREE BENEFIT TRUST PROGRAM (CERBT) ADMINISTERED BY CALPERS AND FURTHER AUTHORIZING PREFUNDING OF THE CITY'S ACTUARIAL LIABILITIES FOR SUCH HEALTH AND OTHER BENEFIT COSTS

Mr. Dean Yamagata, from Frazer LLP, the City's contracted Finance Department, presented a report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY MARCELLIN TO ADOPT RESOLUTION NO. CC 2015-08. MOTION CARRIED 4-0, WITH COUNCIL MEMBER

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FERRERO ABSENT.

CONSIDERATION OF AN AGREEMENT FOR FINANCIAL ADVISORY SERVICES BETWEEN THE CITY OF INDUSTRY AND NHA ADVISORS, LLC TO PROVIDE FINANCIAL ADVISORY SERVICES TO THE CITY

City Manager Radecki presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO APPROVE THE AGREEMENT. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

**CONSIDERATION OF ORDINANCE NO. 790 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, CONFIRMING THE CITY'S COMPLIANCE WITH (1) THE CALIFORNIA PREVAILING WAGE REQUIREMENTS PROVIDED IN LABOR CODE SECTIONS 1770, ET SEQ., AND (2) THE CALIFORNIA PROJECT LABOR AGREEMENTS IN PUBLIC CONTRACT CODE SECTIONS 2500, ET SEQ
(SECOND READING)**

City Attorney Vadon presented a staff report to the City Council.

MOTION BY MAYOR PRO TEM PARRIOTT, AND SECOND BY COUNCIL MEMBER HABER TO WAIVE FURTHER READING, AND ADOPT ORDINANCE NO. 790. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF DEVELOPMENT PLAN APPLICATION 15-4 SUBMITTED BY FACILITY BUILDERS AND ERECTORS INC. FOR AN EXTERIOR RENOVATION AND THE ADDITION OF A NEW LOADING DOCK TO AN EXISTING WAREHOUSE LOCATED AT 17788 ROWLAND STREET

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

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO APPROVE DEVELOPMENT PLAN NO. 15-4 SUBMITTED BY FACILITY BUILDERS AND ERECTORS INC. BASED ON THE FINDINGS AND STANDARD REQUIREMENTS AND CONDITIONS. MOTION CARRIED 4-0, WITH COUNCIL MEMBER FERRERO ABSENT.

CLOSED SESSION

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

- A CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Three Potential Cases.

- B CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):
One Case.

There were no public comments on the Closed Session items.

Mayor Spohn recessed the meeting into Closed Session at 9:15 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Spohn reconvened the meeting at 10:10 a.m. All members of the City Council were present, except for Council Member Ferrero, who was absent.

With regard to Closed Session item A, Case One, the City Council took no reportable action.

With regard to Closed Session item A, Case Two, the City Council took no reportable action.

With regard to Closed Session item A, Case Three, the City Council took no reportable action.

With regard to Closed Session item B, Case One, the City Council took no reportable action.

ADJOURNMENT

There being no further business, the City Council adjourned.

JEFF PARRIOTT, MAYOR PRO TEM

CECELIA DUNLAP,
DEPUTY CITY CLERK

CITY COUNCIL

ITEM NO. 5.5

CITY COUNCIL REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Tim Spohn at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Tim Spohn.

ROLL CALL

PRESENT: Tim Spohn, Mayor
Roy Haber, Council Member
Pat Marcellin, Council Member

ABSENT : Jeff Parriott, Mayor Pro Tem
John P. Ferrero, Council Member

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Cecelia Dunlap, Deputy City Clerk; John Ballas, City Engineer; and Brian James, Planning Director.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO GRANT MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO AN EXCUSED ABSENCE. MOTION 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

PUBLIC COMMENTS

Mr. Steve Baric, an elections attorney, inquired with the City Council about a recently filed referendum and questioned why it was not on the May 28, 2015 City Council Agenda. City Attorney Vadon advised Mr. Baric that the City Attorney's office was not handling the matter and the referendum was being handled by the law firm of Richards, Watson and Gershon.

Los Angeles County Sheriff Jim McDonnell introduced himself to the City Council and indicated he is looking forward to working with the City of Industry.

CONSENT CALENDAR

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MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

1. CONSIDERATION OF REGISTER OF DEMANDS

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

2. CONSIDERATION OF ANNUAL BUDGET SUBMITTED BY THE INDUSTRY PROPERTY AND HOUSING MANAGEMENT AUTHORITY FOR FISCAL YEAR 2015-2016

APPROVED, RECEIVED AND FILED.

3. CONSIDERATION OF ANNUAL BUDGET SUBMITTED BY THE INDUSTRY PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2015-2016

APPROVED, RECEIVED AND FILED.

4. CONSIDERATION OF ANNUAL BUDGET SUBMITTED BY THE INDUSTRY PUBLIC FACILITIES AUTHORITY FOR FISCAL YEAR 2015-2016

APPROVED, RECEIVED AND FILED.

5. CONSIDERATION TO AUTHORIZE THE PURCHASE OF MATERIALS FOR THE RELOCATION OF A 16-INCH WATERLINE IN CONJUNCTION WITH PHASE 1 OF THE PUENTE GRADE SEPARATION PROJECT, IN THE AMOUNT OF \$20,158.25

AUTHORIZED LA PUENTE VALLEY COUNTY WATER DISTRICT TO PURCHASE THE MATERIALS IN ACCORDANCE WITH THE MANAGEMENT AGREEMENT.

6. CONSIDERATION TO SOLICIT PROPOSALS FOR DESIGN SERVICES FOR THE REPAINTING OF THE AZUSA AVENUE BRIDGE OVER VALLEY BOULEVARD AND THE UNION PACIFIC RAILROAD WITH \$289,493.00 IN FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDS

APPROVED THE SOLICITATION OF PROPOSALS.

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7. **CONSIDERATION OF RESOLUTION NO. CC 2015-17 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DELEGATING AUTHORITY TO THE CITY TREASURER AND ACTING CITY TREASURER TO INVEST CITY FUNDS.**

ADOPTED RESOLUTION NO. CC 2015-17.

8. **CONSIDERATION TO AUTHORIZE THE SALE OF SAFE AND SANE FIREWORKS TO THE FOLLOWING APPLICANTS:**

FRIENDS OF INDUSTRY SHERIFF’S STATION, WORKMAN HIGH SCHOOL ATHLETIC BOOSTERS, BASSETT HIGH SCHOOL OLYMPIAN BOOSTER, WILSON HIGH SCHOOL ATHLETICS BOOSTERS, ROWLAND HIGH SCHOOL HUDDLE CLUB, LA PUENTE HIGH SCHOOL ATHLETICS, NOGALES HIGH SCHOOL REGIMENT BOOSTERS, LOS ALTOS HIGH SCHOOL QUARTERBACK CLUB, BISHOP AMAT MEMORIAL HIGH SCHOOL, LYLE OLSEN MEMORIAL FOUNDATION, WEST COVINA YOUTH PONY BASEBALL, SOUTHLAND CHRISTIAN HIGH SCHOOL, CORY LIDLE FOUNDATION, KNIGHTS OF COLUMBUS #6028, BASSET EDUCATION FOUNDATION, NORTH VIEW VIKINGS BASEBALL, PRAISE CHAPEL, LA PUENTE, A PLACE OF HOPE, KIWANIS CLUB OF HACIENDA HEIGHTS, SAN GABRIEL VALLEY YMCA.

AUTHORIZED THE SALE OF SAFE AND SANE FIREWORKS SUBJECT TO THE REGULATIONS SET FORTH IN THE INDUSTRY MUNICIPAL CODE SECTION 15.28.

PUBLIC HEARING REGARDING EMERGENCY WATER SHORTAGE CONDITIONS AND TO SET MANDATORY CONSERVATION MEASURES FOR THE CITY OF INDUSTRY WATERWORKS SYSTEM

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO OPEN THE PUBLIC HEARING. MOTION 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

Mr. Greg Galindo, General Manager of the La Puente Valley Water District, presented a report to the City Council.

Mayor Spohn inquired if anyone wished to be heard on the matter. There were no comments.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER

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MARCELLIN TO CLOSE THE PUBLIC HEARING. MOTION 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-09 - A RESOLUTION OF CITY COUNCIL OF THE CITY OF INDUSTRY DECLARING EMERGENCY WATER SHORTAGE CONDITIONS AND ADOPTING MANDATORY WATER CONSERVATION MEASURES CONSISTENT WITH THOSE IMPOSED BY THE STATE WATER RESOURCES CONTROL BOARD ON THE DELIVERY AND CONSUMPTION OF WATER FOR PUBLIC USE

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. CC 2015-09. MOTION 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF ANNUAL BUDGET SUBMITTED BY THE CIVIC-RECREATIONAL-INDUSTRIAL AUTHORITY FOR FISCAL YEAR 2015-2016.

City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO NOT APPROVE THE BUDGET, AND DIRECTED STAFF TO WORK WITH THE CIVIC-RECREATIONAL-INDUSTRIAL AUTHORITY BOARD TO STUDY VIABLE OPTIONS TO REDUCE THE BUDGET DEFICIT. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-10 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ESTABLISHING THE 2015-2016 APPROPRIATIONS LIMITATION AND SELECTING THE GROWTH IN THE CALIFORNIA PER CAPITA INCOME AND COUNTY POPULATION GROWTH ADJUSTMENT FACTORS FOR THE CITY PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. CC 2015-10. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-11 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING A BUDGET FOR

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THE FISCAL YEAR 2015-2016

Mr. Dean Yamagata from Frazer LLP, the City's contracted Finance Department, presented a report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. CC 2015-11. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING A SALARY RANGE SCHEDULE FOR CITY EMPLOYEES AND OFFICERS

City Manager Radecki presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY HABER TO ADOPT RESOLUTION NO. CC 2015-12. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-15 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AUTHORIZING THE CREATION OF A CITY OPERATING RESERVE FUND, SPECIAL REVENUE OPERATING RESERVE, ENTERPRISE FUND OPERATING RESERVE, AND A CITY CAPITAL IMPROVEMENT RESERVE FUND AND AUTHORIZING CERTAIN APPROPRIATION TO VARIOUS FUNDS

City Manager Radecki presented a staff report to the City Council.

MOTION BY MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO ADOPT RESOLUTION CC 2015-15. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

**CONSIDERATION OF ORDINANCE NO. 792 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING AND RESTATING MUNICIPAL CODE CHAPTER 13.16 PERTAINING TO STORMWATER RUNOFF AND URBAN RUNOFF POLLUTION CONTROL AND REPEALING CHAPTER 13.17 PERTAINING TO STANDARD URBAN STORMWATER MITIGATION PLAN IMPLEMENTATION
(FIRST READING)**

City Engineer Ballas presented a staff report to the City Council. Mr. Josh Nelson, Senior Project Manager from CNC Engineering, also presented a report to the City Council.

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MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 792. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING A GREEN STREET POLICY

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. CC 2015-16. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF AN AGREEMENT BETWEEN THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY AND THE CITY OF INDUSTRY FOR COST SHARING FOR THE INSTALLATION OF MONITORING EQUIPMENT AND MONITORING PURSUANT TO THE HARBOR TOXIC POLLUTANTS TMDL

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO APPROVE THE AGREEMENT. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF A TRAFFIC ANALYSIS REPORT PREPARED FOR THE ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY IDENTIFYING IMPACTS TO NOGALES STREET DURING THE CONCURRENT CLOSURE OF THE FAIRWAY DRIVE AND FULLERTON ROAD GRADE SEPARATION PROJECTS FOR THE PERIOD OF SEPTEMBER 2016 THROUGH JUNE 2018

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO APPROVE THE TRAFFIC ANALYSIS AND RECOMMENDED MITIGATION MEASURES. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

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CONSIDERATION TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES RELATED TO THE CREATION OF QUIET ZONES AT VARIOUS LOCATIONS ALONG THE UNION PACIFIC RAILROAD

City Engineer Ballas presented a staff report to the City Council.

City Engineer Ballas indicated that the City received correspondence from Mr. Don C. Moss, Avocado Heights Community Advocate, to include working cooperatively with Los Angeles County for two additional quiet zones. The correspondence was distributed to the City Council, and a copy of the correspondence is on file with the City Clerk's office.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO APPROVE THE SOLICITATION OF PROPOSALS AND DIRECT STAFF TO CONTACT THE COUNTY OF LOS ANGELES FOR THEIR COOPERATION TO INCLUDE TWO ADDITIONAL QUIET ZONES AT VINELAND AVENUE AND TEMPLE AVENUE GRADE CROSSINGS WHICH ARE PARTIALLY LOCATED IN THE UNINCORPORATED AREA OF LOS ANGELES COUNTY. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF DEVELOPMENT PLAN APPLICATION NO. 14-9 SUBMITTED BY QUINN DEVELOPMENT, LLC TO CONSTRUCT AN 80,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 125 ORANGE AVENUE

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

CONSIDERATION OF RESOLUTION NO. CC 2015-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PREPARED IN CONJUNCTION WITH DEVELOPMENT PLAN NO. 14-9 TO ALLOW THE CONSTRUCTION OF AN 80,000 SQUARE FOOT INDUSTRIAL BUILDING LOCATED AT 125 ORANGE AVENUE IN THE CITY OF INDUSTRY, WITHIN THE "M"-INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. CC 2015 -13. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF RESOLUTION NO. CC 2015-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING DEVELOPMENT PLAN NO. 14-9 TO ALLOW THE CONSTRUCTION OF AN 80,000 SQUARE FOOT

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INDUSTRIAL BUILDING LOCATED AT 125 ORANGE AVENUE IN THE CITY OF INDUSTRY, WITHIN THE “M-INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL HABER TO ADOPT RESOLUTION NO. CC 2015 -14. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF DEVELOPMENT PLAN APPLICATION 15-8 SUBMITTED BY ART WEISS, INC. TO IMPROVE AN EXISTING SITE AND BUILDING LOCATED AT 15130 NELSON AVENUE

Planning Director James presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER HABER, AND SECOND BY COUNCIL MEMBER MARCELLIN TO APPROVE DEVELOPMENT PLAN NO. 15-8 SUBMITTED BY ART WEISS, INC. BASED ON THE FINDINGS AND STANDARD REQUIREMENTS AND CONDITIONS. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

CONSIDERATION OF ORDINANCE NO. 791 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, REPEALING CHAPTER 9.26 (ELECTRONIC GAMES AND DEVICES) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE INDUSTRY MUNICIPAL CODE (FIRST READING)

Planning Director James presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER MARCELLIN, AND SECOND BY COUNCIL MEMBER HABER TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 791. MOTION CARRIED 3-0, WITH MAYOR PRO TEM PARRIOTT AND COUNCIL MEMBER FERRERO ABSENT.

Mayor Spohn indicated the City Council would take a 10 minute recess.

Mr. Stephen Larson of Arent Fox LLP, addressed the City Council, indicating a complaint had not been served against his clients, and strongly advised the City Council to reconsider serving the complaint against the Perezes.

The City Council recessed at 9:50 a.m.

Mayor Spohn reconvened the meeting at 10:00 a.m. All members of the City Council were

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present, except Mayor Pro Tem Parriott and Council Member Ferrero, who were absent.

CLOSED SESSION

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

- A CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Five Potential Cases.

- B CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):
One Case.

There were no public comments on the Closed Session items.

Mayor Spohn recessed the meeting into Closed Session at 10:01 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Spohn reconvened the meeting at 10:36 a.m. All members of the City Council were present, except for Mayor Pro Tem Parriott and Council Member Ferrero, who were absent.

With regard to Closed Session item A, Case One, the City Council took no reportable action.

With regard to Closed Session item A, Case Two, the City Council took no reportable action.

With regard to Closed Session item A, Case Three, the City Council took no reportable action.

With regard to Closed Session item A, Case Four, the City Council took no reportable action.

With regard to Closed Session item A, Case Five, the City Council took no reportable action.

City Attorney Vadon stated there was no discussion for Closed Session item B.

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ADJOURNMENT

There being no further business, the City Council adjourned.

TIM SPOHN, MAYOR

CECELIA DUNLAP,
DEPUTY CITY CLERK

CITY COUNCIL

ITEM NO. 6.1



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

MEMORANDUM

DATE: June 8, 2015

TO: Honorable Mayor and Members of the City Council

FROM: Cecelia Dunlap, Deputy City Clerk

SUBJECT: **CERTIFICATION OF RESULTS OF SUFFICIENCY OF REFERENDUM PETITION AGAINST SECTION 4 OF ORDINANCE NO. 788; DIRECT STAFF AS TO FURTHER ACTIONS**

SUMMARY OF REQUEST:

Receive and file "Certificate as to Verification of Signatures on Petition" stating that a sufficient number of signatures have been verified for the referendum petitions protesting the adoption of Section 4 of Ordinance No. 788. Council options:

- Repeal Section 4 of Ordinance No. 788; or
- Call for and set the date for an election.

BACKGROUND:

The City Council adopted Ordinance No. 788 on April 23, 2015. The ordinance would have increased the time period after an election within which the City Council could not have terminated certain employees of the City. Section 4 of the Ordinance provided that the City Attorney may not be terminated within 180 days following an election. Individuals opposed to the ordinance circulated a referendum petition protesting the adoption of Section 4 of the ordinance. Those petitions were filed in my office on May 19, 2015. The effective date of Section 4 of Ordinance No. 788 was immediately suspended. The remainder of the ordinance went into effect.

Under Elections Code Section 9237, a referendum petition in a City with fewer than 1000 registered voters must be signed by **the lesser of** 100 registered voters or 25% of the registered voters in the City. With 124 registered voters in Industry, 25% would be 31.25 or 32 signatures required. There is a slight

irregularity in the petition form in that the circulators of the petition did not personally write the dates within which they gathered the signatures in their declarations, leaving a general statement that the signatures were gathered in May of 2015. After consulting with outside legal counsel and the California Association of Clerks and Elections Officials Signature Verification Guide, however, I have determined that those signatures may still be verified because each circulator signed and dated the declaration of circulator within the referendum period and any signature gathered in the portion of May 2015 prior to the date the petition was filed was gathered in the valid time period.

Attached to this staff report you will find my certificate verifying that 33 registered voters in the City signed the petitions. That is one more than the 32 valid signatures required. Now that the signatures on the petitions have been verified, Section 4 of Ordinance No. 788 will remain inactive unless approved by a majority vote at an election. The Council now must either (1) repeal Section 4 of Ordinance No. 788; (2) call a Special Election and submit the ordinance to the voters (the earliest date would be 88 days from the date the Council calls the election), or (3) continue this item for further deliberation.

ANALYSIS OF COUNCIL OPTIONS:

1. Repeal Section 4 of Ordinance No. 788:

The Council could not enact the same ordinance for one year after its repeal. Repeal would save the expense of an election. If this is the City Council's direction, staff will prepare a repeal ordinance.

2. Calling for an election:

If the City Council does not entirely repeal Section 4 of Ordinance No. 788, the Council must call either a special election or submit the matter to the voters at the next regular election. In either case, a continuance would be needed to prepare election documents for the Council's consideration.

RECOMMENDATIONS:

- 1) Receive and file the "Certificate as to Verification of Signatures on Petition" declaring the sufficiency of the referendum petitions protesting Section 4 of Ordinance No. 788.
- 2) The City Council should determine whether to: (a) repeal Section 4 of Ordinance No. 788 or (b) call for and set the date for an election.
- 3) Direct staff to prepare the necessary documents to reflect the decision of the Council.

SUBMITTED BY:



Cecelia Dunlap, Deputy City Clerk

ATTACHMENT:


1. Deputy City Clerk's Certificate of Sufficiency

CERTIFICATE OF SUFFICIENCY OF SIGNATURES
ON REFERENDUM PETITION

I, Cecelia Dunlap, Deputy City Clerk of the City of Industry, hereby certify the following regarding the Referendum Petition Against Section 4 of Ordinance No. 788, filed May 19, 2015:

- 1, The total number of signatures submitted was: 33
- 2, The total number of valid signatures submitted was: 33
3. The total number of signatures rejected was: 0
4. The total number of valid signatures required is the lesser of 25% of the 124 registered voters in the City or 100. 32 (25% of 124) is the lesser number.

With 33 valid signatures having been verified on the petition, the petition is deemed SUFFICIENT.



Cecelia Dunlap
Deputy City Clerk
City of Industry

[SEAL]

CITY COUNCIL

ITEM NO. 6.2

(NOTE: The materials for this item were not available at the time of publication. The materials will be distributed once they have been finalized.)