
CITY COUNCIL REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 22, 2018
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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 Mark D. Radecki 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 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: Catherine Marcucci, Council Member

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

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

1. CONSIDERATION OF REGISTER OF DEMANDS FOR FEBRUARY 22, 2018

RECOMMENDED ACTION: APPROVE THE REGISTER OF DEMANDS AND AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO PAY THE BILLS.

Mayor Radecki recused himself from check number 68205 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.

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Council Member Cruz recused himself from check number 68205 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 68168 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.

2. CONSIDERATION OF THE MINUTES OF THE AUGUST 11, 2016 REGULAR MEETING, AUGUST 18, 2016 SPECIAL MEETING, SEPTEMBER 8, 2016 REGULAR MEETING, AND SEPTEMBER 22, 2016 REGULAR MEETING

RECOMMENDED ACTION: APPROVE AS SUBMITTED.

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 RADECKI AND COUNCIL MEMBER CRUZ BOTH RECUSING FROM CHECK NUMBER 68205 ON ITEM 1 (REGISTER OF DEMANDS), AND WITH COUNCIL MEMBER RUGGLES RECUSING FROM CHECK NUMBER 68168 ON ITEM 1 (REGISTER OF DEMANDS) AND APPROVING MINUTES AS SUBMITTED. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

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

ACTION ITEMS

6.1 CONSIDERATION OF RESOLUTION NO. CC 2018-05 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING SECTION 3.05, LEGAL COUNSEL OF ARTICLE III, OFFICERS AND EMPLOYEES, OF THE CITY OF INDUSTRY PROPERTY AND HOUSING MANAGEMENT AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

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Bill Morrow, City Clerk and General Counsel for the Industry Property and Housing Management Authority (IPHMA), expressed his opposition to the resolution and his disappointment.

MOTION BY MAYOR PRO TEM MOSS, AND SECOND BY MAYOR RADECKI, TO ADOPT RESOLUTION NO. CC 2018-05. MOTION CARRIED 3-1, BY THE FOLLOWING VOTE:

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

6.2 CONSIDERATION OF PROPOSITION A ASSIGNMENT AGREEMENT BETWEEN THE CITY OF CUDAHY AND THE CITY OF INDUSTRY FOR EXCHANGE OF PROP A FUNDS

Director of Finance, Paragas provided a staff report and Director of Development Services and Administration, Gonzalez expanded on the Proposition A Funds. Both were available to answer any questions.

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

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

6.3 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH SAGE ENVIRONMENTAL GROUP FOR BIOLOGICAL MONITORING SUPPORT SERVICES, IN AN AMOUNT NOT-TO-EXCEED \$288,000.00, FROM AUGUST 1, 2017 TO DECEMBER 8, 2019

Director of Development Services and Administration, Gonzalez provided a staff report.

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

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

6.4 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE FOR GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS, FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES, IN AN AMOUNT NOT-TO-EXCEED \$150,000.00, FROM FEBRUARY 22, 2018 TO DECEMBER 8, 2019

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

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

6.5 CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH GOSS ENGINEERING, INC., NO. DS-18-019-B, FOR EXPO BARN FACILITIES LIGHTING UPGRADE DESIGN AND SPECIFICATIONS SERVICES, IN AN AMOUNT NOT-TO-EXCEED \$15,260.00, FROM FEBRUARY 22, 2018 TO DECEMBER 8, 2019

Project Manager, Michael Cruz from Cordoba Corporation provided a staff report. A conversation ensued regarding cost and past analysis already done on this project. Due to the many questions left unanswered, Mayor Pro Tem Moss suggested holding this item over until the next meeting to determine how much has already been spent on this project and to have a better understanding.

No vote was taken.

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6.6 CONSIDERATION OF THIRD AMENDMENT TO THE CONFIRMATION FOR SCHEDULING AND SETTLEMENT SERVICES AND DAY AHEAD INDEX ELECTRICITY WITH CALPINE ENERGY SOLUTIONS, LLC, FRO FEBRUARY 28, 2018 TO MARCH 31, 2018

Senior Project Manager, Lary Atherton from Cordoba Corporation provided a staff report and was available to answer any questions.

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

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

CITY COUNCIL COMMITTEE REPORTS

There were none.

AB1234 REPORTS

There were none.

CITY COUNCIL COMMUNICATIONS

There were none.

CLOSED SESSION

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

- 7.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 4 Cases

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- 7.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: City of Industry v. Burke Williams & Sorensen, LLP, et al.
Los Angeles Superior Court
Case No. KC068777
- 7.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case:
Los Angeles Superior Court
Case No.
- 7.4 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: City of Diamond Bar v. Oversight Board of the Successor Agency to
the Industry Urban-Development Agency; Successor Agency to the
Industry Urban-Development Agency; et al.
Superior Court of California, County of Sacramento
Case No. 34-2017-80002718-CU-WM-GDS
- 7.5 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: City of Chino Hills v. Oversight Board of the Successor Agency to
the Industry Urban-Development Agency; Successor Agency to the
Industry Urban-Development Agency; et al.
Superior Court of California, County of Sacramento
Case No. 34-2017-80002719-CU-WM-GDS
- 7.6 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case: City of Diamond Bar v. City of Industry, City of Industry City
Council; Successor Agency to the Industry Urban-Development Agency;
Board of Directors of the Successor Agency to the Industry Urban-
Development Agency; Oversight Board of the Successor Agency to the
Industry Urban-Development Agency; et al.
Superior Court of California, County of Los Angeles
Case No. BS171295

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7.7 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Case: City of Chino Hills v. City of Industry, City of Industry City Council; Successor Agency to the Industry Urban-Development Agency; Board of Directors of the Successor Agency to the Industry Urban-Development Agency; Oversight Board of the Successor Agency to the Industry Urban-Development Agency; et al.

Superior Court of California, County of Los Angeles

Case No. BS171398

7.8 Conference with real property negotiators pursuant to Government Code Section 54956.8:

Property: 22751 Golden Springs Drive, Diamond Bar, CA, also known as Assessor Parcel Numbers 8717-001-907, 8717-001-908, 8717-002-905, 8717-002-906

Agency Negotiators: Paul J. Philips, Executive Director
James M. Casso, Agency Legal Counsel

Negotiating Parties: Los Angeles County Department of Parks and Recreation

Under Negotiation: Price and terms

7.9 Conference with real property negotiators pursuant to Government Code Section 54956.8:

Property: Various parcels west of Grand Avenue just north of the Pomona Freeway, City of Industry, CA, also known as Assessor Parcel Numbers 8719-007-921, 8719-009-904, 8717-007-930

Agency Negotiators: Paul J. Philips, Executive Director
James M. Casso, Agency Legal Counsel

Negotiating Parties: Paul J. Philips, City Manager
James M. Casso, City Attorney

Under Negotiation: Price and terms

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- 7.10 Conference with real property negotiators pursuant to Government Code Section 54956.8:
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|----------------------|--|
| Property: | 17647 Gale Avenue, City of Industry, CA also known as Assessor Parcel Numbers 8264-012-923, 8624-013-913, 8624-013-914 |
| Agency Negotiators: | Paul J. Philips, Executive Director
James M. Casso, Agency Legal Counsel |
| Negotiating Parties: | Paul J. Philips, City Manager
James M. Casso, City Attorney |
| Price and terms | Price and terms |
- 7.11 Conference with real property negotiators pursuant to Government Code Section 54956.8:
- | | |
|----------------------|---|
| Property: | Southeast corner of Workman Mill Road and Crossroads Parkway North, also known as Assessor Parcel Number 8120-027-270 |
| Agency Negotiators: | Paul J. Philips, Executive Director
James M. Casso, Agency Legal Counsel |
| Negotiating Parties: | Paul J. Philips, City Manager
James M. Casso, City Attorney |
| Price and terms | Price and terms |

There were no public comments on the Closed Session item.

Mayor Radecki recessed the meeting into Closed Session at 9:42 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Radecki reconvened the meeting at 11:50 a.m. All members of the City Council were present.

City Attorney Casso reported out of Closed Session.

With regard to Closed Session items 7.1, 7.4, 7.5, 7.6, and 7.7, direction was given to the City Attorney's Office, no final action taken.

With regards to Item 7.2, direction was given to Council, no final action taken.

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With regards to Item 7.3, Council did not meet on this due to the item not being listed on the agenda properly.

With regards to Item 7.8, 7.10, and 7.11, direction was given to City Negotiators.

With regards to Item 7.9, a vote of 4-0 was taken, no final action taken.


Nothing further to report at this time.

ADJOURNMENT

There being no further business, the City Council adjourned at 11.53 a.m.




DIANE M. SCHLICHTING
CITY CLERK



MARK D. RADECKI
MAYOR