
CITY COUNCIL REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
SEPTEMBER 26, 2019
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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 Cory C. Moss 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 Moss

ROLL CALL

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

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; James M. Casso, City Attorney; Bianca Sparks, Assistant City Attorney; and Julie Robles, City Clerk.

City Attorney Casso requested that Council allow a Closed Session item to be added to the agenda. Existing litigation was brought to the attention of the Attorney's office after the agenda had been posted. The case is City of Industry v. Burke Williams & Sorensen, LLP, et al. Case No. KC068777

MOTION BY MAYOR PRO TEM MARCUCCI, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADD CLOSED SESSION ITEM NO. 11.3, TO TODAY'S AGENDA. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

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PUBLIC COMMENTS

Larry Hartmann made a tribute to his Mother-In-Law Francis Maschio, who passed away on September 13th. She was 101 years old and spent the last four years at El Encanto Healthcare. There will be a service in her memory on October 7th.

Michael Gruebel spoke about his disappointment of the actions of Council Member Cruz. He stated that he doesn't believe Abraham Cruz deserves a seat on the Council.

CONSENT CALENDAR

5.1 CONSIDERATION OF THE REGISTER OF DEMANDS FOR SEPTEMBER 26, 2019

RECOMMENDED ACTION: *Approve the Register of Demands and authorize the appropriate City Officials to pay the bills.*

5.2 CONSIDERATION OF THE MINUTES OF THE AUGUST 22, 2019

RECOMMENDED ACTION: *Approve as submitted.*

5.3 CONSIDERATION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH INTERIOR IMAGES, INC., TO PROVIDE INTERIOR DESIGN SERVICES FOR THE IMPROVEMENT AND RENOVATION OF VARIOUS AREAS AT EL ENCANTO HEALTHCARE FACILITY, INCREASING TOTAL COMPENSATION BY \$20,000.00 THROUGH FEBRUARY 28, 2021

RECOMMENDED ACTION: *Approve the Amendment.*

5.4 SECOND READING AND ADOPTION OF ORDINANCE NO. 806 OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA ADDING SECTION 17.08.045 (COLLECTIBLE MALL) TO CHAPTER 17.08 (DEFINITIONS), AND AMENDING SECTION 17.12.025 (USES PERMITTED WITH CONDITIONAL USE PERMIT), OF TITLE 17 (ZONING), OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO PERMIT COLLECTIBLE MALLS IN THE COMMERCIAL ZONE UPON APPROVAL OF A CONDITIONAL USE PERMIT

RECOMMENDED ACTION: *Approve Ordinance No. 806.*

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Council Member Ruggles recused himself from check number 72037 for item 1 (Register of Demands) due to a potential or actual financial conflict of interest in that he is employed by Haddick's Auto Body.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY COUNCIL MEMBER CRUZ THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE REMAINING ITEMS LISTED ON THE CONSENT CALENDAR, WITH COUNCIL MEMBER RUGGLES RECUSING HIMSELF FROM CHECK NUMBER 72037 ON ITEM 1 (REGISTER OF DEMANDS). MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

PUBLIC HEARING ITEMS

6.1 CONSIDERATION OF DEVELOPMENT PLAN NO. 19-05 AND CONDITIONAL USE PERMIT NO. 19-05 TO ALLOW FOR THE OPERATION OF A NEW FAST-FOOD RESTAURANT KNOWN AS RAISING CANES LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE PUENTE HILLS MALL

CONSIDERATION OF RESOLUTION NO. CC 2019-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT 97-2, APPROVING DEVELOPMENT PLAN NO. 19-05 FOR THE CONSTRUCTION OF A NEW 4,500 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,537 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-05, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECOMMENDED ACTION:

Adopt Resolution No. CC 2019-36

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Consultant Associate Planner Dina Lomeli, provided a staff report and was available to answer any questions.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADOPT RESOLUTION NO. CC 2019-36. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

Mayor Moss opened the Public Hearing at 9:10 a.m.

Mayor Moss asked if anyone wanted to be heard on the matter. There were no comments.

Mayor Moss closed the Public Hearing at 9:14 a.m.

ACTION ITEMS

7.1 CONSIDERATION OF AN ADDENDUM TO THE INDUSTRY BUSINESS CENTER PROJECT 2004 ENVIRONMENTAL IMPACT REPORT FOR DEVELOPMENT PLAN NOS. 19-03 AND 19-04 AT THE INDUSTRY BUSINESS CENTER

CONSIDERATION OF RESOLUTION NO. CC 2019-46 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING AN ADDENDUM TO THE INDUSTRY BUSINESS CENTER PROJECT 2004 ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2003121086), FOR DEVELOPMENT PLAN NO. 19-03 TO ALLOW FOR THE DEVELOPMENT OF A 627,480 SQUARE FOOT TILT UP INDUSTRIAL BUILDING AT THE PROPERTY LOCATED AT 8719-008-902, IBC BUILDING NO. 2 - GRAND AVENUE; AND DEVELOPMENT PLAN NO. 19-04, FOR THE CONSTRUCTION OF TWO NEW INDUSTRIAL BUILDINGS WITH A COMBINED BUILDING AREA OF 124,000 SQUARE-FEET LOCATED ON THE SOUTHWEST CORNER OF BAKER PARKWAY AND GRAND AVENUE, IN THE CITY OF INDUSTRY, CALIFORNIA

RECOMMENDED ACTION:

Adopt Resolution No. 2019-46.

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Consultant Assistant Planner II Nathalie Vasquez, provided a staff report and was available to answer any questions.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADOPT RESOLUTION NO. CC 2019-46. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

7.2 CONSIDERATION OF DEVELOPMENT PLAN 19-03, FOR THE CONSTRUCTION OF A NEW 627,480 SQUARE-FOOT INDUSTRIAL BUILDING ON A 34.1 ACRE VACANT LOT LOCATED EAST OF GRAND AVENUE

CONSIDERATION OF RESOLUTION NO. CC 2019-47 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING DEVELOPMENT PLAN NO. 19-03 TO ALLOW FOR THE DEVELOPMENT OF A 627,480 SQUARE FOOT TILT UP INDUSTRIAL BUILDING AT THE PROPERTY LOCATED AT 8719-008-902, INDUSTRY BUSINESS CENTER BUILDING NO. 2 - GRAND AVENUE, IN THE CITY OF INDUSTRY, CALIFORNIA

RECOMMENDED ACTION: *Adopt Resolution No. 2019-47.*

Consultant Assistant Planner II Nathalie Vasquez, provided a staff report and was available to answer any questions.

MOTION BY COUNCIL MEMBER CRUZ, AND SECOND BY COUNCIL MEMBER RADECKI TO ADOPT RESOLUTION NO. CC 2019-47. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

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7.3 CONSIDERATION OF DEVELOPMENT PLAN 19-04, FOR THE CONSTRUCTION OF TWO NEW INDUSTRIAL BUILDINGS ON A 6.25-ACRE VACANT LOT LOCATED ON THE SOUTHWEST CORNER OF BAKER PARKWAY AND GRAND AVENUE

CONSIDERATION OF RESOLUTION NO. CC 2019-48 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING DEVELOPMENT PLAN NO. 19-04 FOR THE CONSTRUCTION OF TWO NEW INDUSTRIAL BUILDINGS WITH A COMBINED BUILDING AREA OF 124,000 SQUARE-FEET, LOCATED ON THE SOUTHWEST CORNER OF BAKER PARKWAY AND GRAND AVENUE IN THE CITY OF INDUSTRY, CALIFORNIA

RECOMMENDED ACTION: *Adopt Resolution No. 2019-48.*

Consultant Assistant Planner II Nathalie Vasquez, provided a staff report and was available to answer any questions.

MOTION BY MAYOR PRO TEM MARCUCCI, AND SECOND BY COUNCIL MEMBER CRUZ TO ADOPT RESOLUTION NO. CC 2019-48. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

7.4 CONSIDERATION OF STREET NAMES AT THE INDUSTRY EAST BUSINESS CENTER

RECOMMENDED ACTION: *Approve the names "Marcellin Drive" for "A" Street, and "Industry Way" for "B" Street, or provide other direction to Staff.*

City Manager Troy Helling, spoke of the history of Phil Marcellin as a Planning and City Council Member. He then introduced Mat Hudson, Project Manager at CNC Engineering, to say a few words regarding his grandfather, Phil Marcellin. He provided an overview of his grandfather's accomplishments and said he was very well-known and respected within the city.

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Mayor Moss introduced Marissa Castro-Salvati from Southern California Edison, who provided an overview of the Wildfire Mitigation, Safety & Grid Resiliency Plan.

8. **CITY MANAGER REPORTS**

There were none.

9. **AB 1234 REPORTS**

There was none.

10. **CITY COUNCIL COMMUNICATIONS**

Mayor Moss attended the Mayor Summit hosted by South Pasadena. It was an incredible event and would possibly want to host this event in the upcoming year.

Council Member Ruggles thanked the IBC for hosting the luncheon with speaker Robert O'Neill. It was a great event with one of the best speakers ever presented. Mayor Moss agreed and complimented the IBC as well.

Before going into Closed Session, City Attorney Casso spoke on the subject of Item No. 11.2, in regards to the passing of Resolution No. CC 2019-45 on September 10, 2019, with Council Member Cruz being censured and recusing himself relating to the Concerned Citizens matter. Both the Concerned Citizens and San Gabriel Valley Water and Power, LLC are attached at the hip and involve the same individuals.

Council Member Cruz said he would not recuse himself. City Attorney Casso encouraged Council Member Cruz to reconsider.

Therefore City Attorney Casso's advice was to create an ad hoc committee to be able to discuss this matter after the meeting in order to conduct direction and consultation with the City Manager, Assistant City Manager, and the City of Chino Hills as to where to go with this matter.

Mayor Moss appointed herself and asked Council Member Ruggles to be on the ad hoc committee to address this issue and then bring back to the City Council. Therefore item 11.2 would not be discussed in Closed Session.

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The Ad Hoc Committee is not a Brown Act body, there are no notices, the public is not invited, and is made up of two members, less than a quorum or majority of the City Council, for discussion on an item to provide direction to staff.

11. **CLOSED SESSION**

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

- 11.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)
TITLE: CITY MANAGER (Per City Manager's Employment Agreement)

- 11.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Case: San Gabriel Valley Water and Power, LLC v. City of Chino Hills; *et al.*
Superior Court of California, County of San Bernardino
Case No.: CIVDS 1904434

- 11.3 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.
Superior Court of California, County of Los Angeles
Case No. KC068777

There were no public comments on the Closed Session item.

Mayor Moss recessed the meeting into Closed Session at 10:16 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Moss reconvened the meeting at 10:59 a.m. All members of the City Council were present.

City Attorney Casso reported out of Closed Session.

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With regard to Closed Session Item No. 11.1, direction was given to the City Attorney's Office, no final action was taken.

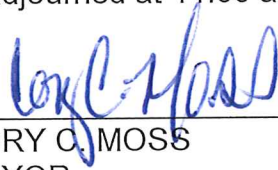
With regard to Closed Session Item No. 11.2, this item was not discussed.

With regard to Closed Session Item No. 11.3, direction was given to the City Attorney's Office and Special Counsel Michael Cooper.

ADJOURNMENT

In Memory of Francis Maschio.

There being no further business, the City Council adjourned at 11:00 a.m.



CORY C. MOSS
MAYOR



JULIE ROBLES
CITY CLERK