
CITY COUNCIL REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
NOVEMBER 14, 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
Mark Radecki, Council Member
Newell W. Ruggles, Council Member

ABSENT: Abraham Cruz, Council Member

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; Josh Nelson, Director of Public Works/City Engineer; James M. Casso, City Attorney; and Julie Robles, City Clerk.

PUBLIC COMMENTS

There was none.

CONSENT CALENDAR

5.1 CONSIDERATION OF THE REGISTER OF DEMANDS FOR NOVEMBER 14, 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 FEBRUARY 8, 2018 REGULAR MEETING, SEPTEMBER 26, 2019 REGULAR MEETING, OCTOBER 10, 2019 REGULAR MEETING, AND OCTOBER 24, 2019 REGULAR MEETING

RECOMMENDED ACTION: Approve as submitted.

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5.3 CONSIDERATION OF A SUPPLEMENTAL PIPELINE CROSSING AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY FOR AN UNDERGROUND SEWER PIPELINE IN CONJUNCTION WITH THE INDUSTRY BUSINESS CENTER PROJECT (IBC-0384/MP 99-31 #16)

RECOMMENDED ACTION: *Approve the Agreement.*

5.4 CONSIDERATION OF A NOTICE OF COMPLETION FOR DESIGN-BUILD SERVICES FOR EMERGENCY STANDBY POWER GENERATOR AT CITY HALL (PROJECT NO. CIP-CC18-003-B) WITH MASTEK, INC. (CONTRACT NO. 2017-1004)

RECOMMENDED ACTION: *Authorize the City Engineer to execute the Notice of Completion*

Council Member Radecki recused himself from check number 72418 for item 1 (Register of Demands) due to a potential or actual financial conflict of interest in that he is employed by Square Root Golf and Landscape.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY MAYOR PRO TEM MARCUCCI THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE REMAINING ITEMS LISTED ON THE CONSENT CALENDAR, WITH COUNCIL MEMBER RADECKI RECUSING HIMSELF FROM CHECK NUMBER 72418 ON ITEM 1 (REGISTER OF DEMANDS). MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

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

ACTION ITEMS

6.1 CONSIDERATION OF RESOLUTION NO. CC 2019-57 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, RESCINDING RESOLUTION NO. CC 2019-55 AND AUTHORIZING EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

RECOMENDED ACTION: *Adopt Resolution No. CC 2019-57.*

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City Manager, Troy Helling, provided a staff report with a hand-out and indicated that the state asked for these revisions to resolution No. CC 2019-55, in regards to a tax dispute.

MOTION BY MAYOR PRO TEM MARCUCCI, AND SECOND BY COUNCIL MEMBER RUGGLES TO ADOPT RESOLUTION NO. CC 2019-57: MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

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

6.2 CONSIDERATION OF RESOLUTION NO. CC 2019-56 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING A DONATION TO THE LOS ANGELES COUNTY SHERIFF’S DEPARTMENT SUCCESS THROUGH AWARENESS AND RESISTANCE (STAR) PROGRAM IN THE AMOUNT OF \$6,454.56

RECOMMENDED ACTION: *Adopt Resolution No. CC 2019-56.*

Sam Pedroza, Public Affairs Manager, provided a staff report to the Council and introduced Deputy Romero who explained the STAR Program. The program empowers young students at three local schools, Saint Joseph, Saint Martha’s and Saint Louis of France, which provides eight lessons that focus on life skills, drug education, bullying, and internet safety.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY MAYOR PRO TEM MARCUCCI TO ADOPT RESOLUTION NO. CC 2019-56. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

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

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6.3 CONSIDERATION OF A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL CLAIMS BETWEEN THE CITY AND BURKE WILLIAMS & SORENSEN LLP

RECOMENDED ACTION: *Approve the Settlement Agreement.*

City Manager, Troy Helling, provided a staff report and explained that the parties attended mediation and agreed to settle all claims and mutually release each other. As part of the settlement, BWS will pay the City \$800,000.00. The City will dismiss its lawsuit against BWS with prejudice.

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

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

6.4 CONSIDERATION OF AMENDMENT NO. 1 TO THE LICENSE AGREEMENT WITH ROWLAND WATER DISTRICT, FOR ACCESS TO ASSESSOR'S PARCEL NO. 8264-026-902 LOCATED AT THE NORTHEAST CORNER OF ANAHEIM-PUENTE ROAD AND ARENTH AVENUE FOR TEMPORARY STAGING OF CONSTRUCTION MATERIALS AND EQUIPMENT

RECOMENDED ACTION: *Approve Amendment No. 1.*

Kathy Tai, Development Services Manager, provided a staff report and was available to answer any questions.

MOTION BY MAYOR PRO TEM MARCUCCI, AND SECOND BY COUNCIL MEMBER RADECKI TO APPROVE AMENDMENT NO. 1. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

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

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CITY MANAGER REPORTS

There were none.

AB 1234 REPORTS

There were none.

CITY COUNCIL COMMUNICATIONS

Mayor Pro Tem Marcucci attended the Red Bucket House Rescue event and shared with the Council the plaque that was provided to the City for its donation.

Mayor Moss spoke about the touching event for the Land of the Free Golf Tournament honoring Military personnel.

City Attorney Casso said that under the Brown Act he was obligated to report, the settlement of the Cabrera lawsuit regarding ADA violations, has been dismissed. Both parties signed a waiver, the City will pay Cabrera \$15,000.00, and she will dismiss her case with the City. Should Cabrera have any future ADA compliance/bus stop issues, she will notify and allow the City a period of time to correct the alleged violation. Should the City fail to comply, she then will be able to file a complaint.

CLOSED SESSION

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

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

Property:	13001 Temple Ave, City of Industry, CA, also known as Assessor's Parcel Number 8564-007-008
Agency Negotiators:	James M. Casso, City Attorney Joshua Nelson, City Engineer
Negotiating Parties:	Yang Yang, an individual
Under Negotiation:	Price and terms of payment

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10.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section
54956.9(d)(2): Two potential cases

Mayor Moss recessed the meeting into Closed Session at 9:20 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Moss reconvened the meeting at 10:23 a.m. All members of the City Council were present except for Council Member Cruz.

City Attorney Casso reported out of Closed Session.

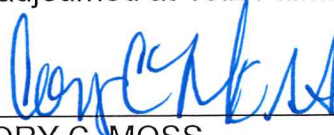
Regarding Item No. 10.1 direction was given to City Attorney's office and City Engineer, no final action taken.

Regarding Item No. 10.2, direction was given to City Attorney's office and City Manager, no final action taken.

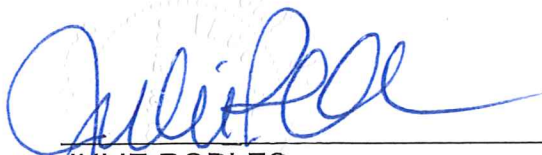
Nothing further to report.

ADJOURNMENT

There being no further business, the City Council adjourned at 10:24 a.m.



CORY C. MOSS
MAYOR



JULIE ROBLES
CITY CLERK