

**IRWINDALE CITY COUNCIL CHAMBERS
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706**

**AUGUST 25, 2021
WEDNESDAY
6:39 P.M.**

The Irwindale **CITY COUNCIL** met in regular session, beginning at the above time and place.

ROLL CALL:

Present: Councilmembers Albert F. Ambriz, Manuel R. Garcia;
Mayor Pro Tem Larry G. Burrola; Mayor H. Manuel Ortiz

Absent: Councilmember Mark A. Breceda

Present: William Tam, City Manager; Theresa Olivares, Assistant City Manager; Adrian Guerra, City Attorney; Ty Henshaw, Chief of Police; Arsanious Hanna, Director of Engineering / Building Official; Eva Carreon, Finance Director / City Treasurer; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; Jeff Wagner, Information Technology Manager; Iris Espino, Assistant to the City Manager; and Laura Nieto, Chief Deputy City Clerk

**CHANGES TO THE
AGENDA**

CITY MANAGER TAM

City Manager Tam requested on behalf of Mayor Ortiz to pull Consent Calendar Item No. 1F for a report from staff and to move the presentation by Legal Counsel to the City Manager's Report.

**COUNCILMEMBER
TRAVEL REPORTS**

None.

**COUNCILMEMBER
COMMENTS**

MAYOR ORTIZ

Mayor Ortiz requested for the meeting to be adjourned in memory of Jesse Gomez.

**MAYOR PRO TEM
BURROLA**

Mayor Pro Tem Burrola inquired about the traffic signal timing at Irwindale Avenue and Arrow Highway and reported a water leak near the Public Works Yard driveway and another near the memorial.

MAYOR ORTIZ

Mayor Ortiz spoke on an issue on Nora Avenue and Fraijo Avenue near the school bus parking lot on Cypress, which causes drivers to park their autos along Fraijo and Nora. Residents are concerned that there is insufficient parking for them along the streets. The problem is compounded on street sweeping days and trash-pickup days. He requested that staff look into the concern as soon as possible.

**INTRODUCTION OF
NEW EMPLOYEES /
PROMOTIONS**

None.

**PROCLAMATIONS /
PRESENTATIONS /
COMMENDATIONS**

IRWINDALE CHAMBER
OF COMMERCE
BUSINESS OF THE
MONTH – TRILOGY
FINANCIAL

IRWINDALE CHAMBER OF COMMERCE BUSINESS OF THE
MONTH – TRILOGY FINANCIAL

The presentation was made.

**SPONTANEOUS
COMMUNICATIONS**

LINDA BLOHM

Linda Blohm spoke about damage to the Las Casitas apartment where her mother, Maggie Guzman, resides. She indicated that a water leak from the unit above hers has caused mold, carpet, and paint issues. She indicated that blowers have been used nonstop for the past 15 days to try to dry the water damage. She added that Ms. Guzman was told she had to repaint using the paint she purchased herself, and stated that she does not understand why the issue is not being taken care of since it is causing Ms. Guzman to experience health issues.

FRED BARBOSA

Fred Barbosa asked which staff member authorized the construction of a pad at the Vincent pit site without approval of the project. He expressed concern over the potential environmental impacts and stressed that the Council must make the best decision for residents.

CARMEN ROMAN

Carmen Roman agreed that the parking situation along Nora and Fraijo should be looked into. She also complained that the workers of the Irwindale Car Wash are taking up all the parking along Allen Drive. She then demanded that the city place Maggie Guzman in a temporary apartment while repairs are being made at her apartment, and suggested that the Council keep residents' health as the top priority when considering allowing potential projects.

SANDRA ARMENTA

Sandra Armenta, with the office of Senator Susan Rubio, announced an upcoming vaccination clinic.

DENA ZEPEDA

Dena Zepeda asked when the city budget would be posted on the city website, complained that school buses are not being ticketed, stated that bus drivers are jaywalking on Cypress, and made allegations of Brown Act violations and conflicts of interest against Councilmember Breceda and Jason Hickman, and made further allegations of fraud and corruption that the City Attorney's Office did not act upon, and stated that the residents are waiting for the city to build houses for them.

CONSENT CALENDAR

MOTION

A motion was made by Mayor Pro Tem Burrola, seconded by Councilmember Ambriz, to approve the Consent Calendar, with the exception of Item No. 1F, which was removed for separate consideration. The motion was unanimously approved; Councilmember Breceda absent.

ITEM NO. 1A
MINUTES

MINUTES

None for approval.

ITEM NO. 1B
WARRANTS
/ DEMANDS
/ PAYROLL

WARRANTS / DEMANDS / PAYROLL

The warrants / demands / payroll were approved.

ITEM NO. 1C
ACCEPTANCE OF
OUTDOOR FITNESS
EQUIPMENT AND
SURFACING PROJECTS
AT JARDIN DE ROCA
SKATE PARK AND THE
IRWINDALE SENIOR
CENTER

**ACCEPTANCE OF OUTDOOR FITNESS EQUIPMENT AND
SURFACING PROJECTS AT JARDIN DE ROCA SKATE PARK AND
THE IRWINDALE SENIOR CENTER**

1) The improvements and maintenance responsibility for the outdoor fitness equipment and surfacing completed at Jardin de Roca Skate Park and the Irwindale Senior Center was accepted; 2) the City Clerk was authorized to record the Notice of Completion; 3) the cost for the civil drawings and calculations to comply with ADA requirements were ratified, and 4) the Finance Director was authorized to release the final payments for this project.

ITEM NO. 1D
BILLBOARD
DONATION – CITY OF
HOPE’S WALK FOR
HOPE 2021

**BILLBOARD DONATION – CITY OF HOPE’S WALK FOR HOPE
2021**

RESOLUTION NO.
2021-70-3282
ADOPTED

Resolution No. 2021-71-3283, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE FINDING THAT A PUBLIC PURPOSE WOULD BE SERVED BY THE DONATION TO THE CITY OF HOPE FOR THE USE OF A BILLBOARD DISPLAY IN THE CITY OF IRWINDALE AND APPROVING THE DONATION THERETO,” was adopted.

ITEM NO. 1E
A RESOLUTION TO
EXTEND THE
EXISTENCE OF A
LOCAL EMERGENCY
REGARDING
COVID-19 PANDEMIC

**A RESOLUTION TO EXTEND THE EXISTENCE OF A LOCAL
EMERGENCY REGARDING COVID-19 PANDEMIC**

RESOLUTION NO.
2021-70-3282
ADOPTED

Resolution No. 2021-70-3282, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO COVID-19 PANDEMIC WITHIN THE CITY OF IRWINDALE MUNICIPAL CODE CHAPTER 2.44”, was adopted.

END OF CONSENT CALENDAR

ITEM NO. 1F
ACCEPTANCE OF THE
IRWINDALE PARK
IMPROVEMENTS
PROJECT PHASE III;
P-1005

ACCEPTANCE OF THE IRWINDALE PARK IMPROVEMENTS
PROJECT PHASE III; P-1005

DIRECTOR HANNA

Director Hanna presented the staff report.

MAYOR ORTIZ

Mayor Ortiz noted an increase in project costs due to 25 requested change orders, which he believed to be excessive. He pointed to change orders relating to ADA compliance, landscaping, electrical work, and the painting of the basketball courts, and asked why staff did not anticipate these items from the beginning, to which Director Hanna advised that the project design was completed in 2014, and only began about two years ago. He advised that some items, such as the ones that relate to ADA compliance, were not included until a plan checker noted the need to include them in the plans. The project landscaper also noted necessary changes as the project moved forward, and staff included them in the plans. The painting of the basketball courts were not originally addressed in the plans.

Mayor Ortiz asked whether the need to paint the basketball courts should have been noticed from the beginning, to which Director Hanna reiterated that the plans were approved in 2014 and, in order to prepare new plans, staff would have to redesign the entire project since there have been three code updates between 2014 and 2020, which would delay the project about two years.

Mayor Ortiz also asked about the costs of the change orders, to which Director Hanna advised that staff negotiated with the contractors to bring down the costs as much as possible.

Mayor Ortiz recommended that staff conduct more in-depth analyses of future projects to avoid an excessive number of project change orders. He noted the project cost of \$2.7 million, to which Director Hanna noted that this amount covers the design for phases 4 and 5.

Responding to a question by Mayor Ortiz, Director Hanna advised that the Council has previously added \$2.3 million to proceed with phases 4 and 5 of the project. He added that staff hired a consultant to analyze these phases to avoid the need for a significant amount of change orders.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola pointed to the amount of requested change orders and stated his belief that the project needs were not analyzed sufficiently by staff.

COUNCILMEMBER
GARCIA

Councilmember Garcia stated that he agreed to a certain extent. He added that if the project architect or consultant did not include required items to the plans that should have been included, the city should have to bear the costs to include them later. He stated that the architects should be held responsible.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz agreed on the need for due diligence, but indicated that some of the change orders resulted from requests by the Commissions and the Council.

MOTION

A motion was made by Mayor Ortiz, seconded by Councilmember Ambriz, to ratify the changes to the original scope of work and accept the improvements and maintenance responsibilities for construction of the Irwindale Park Improvements Phase III, approve the final construction cost of Phase III of the project in the amount of \$2,257,576.44, authorize the City Clerk to record the Notice of Completion, and authorize the Finance Director to release the 5% retention amount for the construction project. The motion was unanimously approved; Councilmember Breceda absent.

NEW BUSINESS

ITEM NO. 2A
RESUMING IN-PERSON
ATTENDANCE AT
PUBLIC MEETINGS

RESUMING IN-PERSON ATTENDANCE AT PUBLIC MEETINGS

CHIEF DEPUTY
CITY CLERK NIETO

Chief Deputy City Clerk Nieto presented the staff report.

COUNCIL CONSENSUS

Council consensus was reached to receive and file the report.

ITEM NO. 2B
VERBAL REPORT
ON THE POTENTIAL
INSTALLATION OF A
LEFT TURN ARROW AT
ARROW HIGHWAY AND
VINCENT

VERBAL REPORT ON THE POTENTIAL INSTALLATION OF A
LEFT TURN ARROW AT ARROW HIGHWAY AND VINCENT
(Requested by Mayor Ortiz)

DIRECTOR HANNA	Director Hanna made a verbal presentation wherein he advised that staff from the Los Angeles County Department of Public Works would be improving the subject intersection to include a left turn phasing improvement. City staff recommends performing the improvement in conjunction with the County of Los Angeles in order to better coordinate the Arrow Highway corridor and to minimize city costs. County staff anticipates that the total cost of the project would ascend to about \$520,000, with 85% to be covered by the County, 5% by the City of Azusa, and 10% by the City of Irwindale. Funding is available for this cost. County staff also estimates that the design would be completed in 2023, with construction to begin in 2024. He recommended collaborating with the County; alternatively, the City can conduct the work itself at an estimated cost of nearly \$600,000.
MAYOR ORTIZ	Mayor Ortiz advised that he has requested this item in light of the unsafe speeding occurring at the intersection. He added that the County in the past has helped with improvements, for example, at Irwindale Avenue and Cypress Street, due to a fatality at the location, which proves that there existed safety issues. He expressed his sentiment that by waiting until 2024 to work at the subject intersection, the County is showing that it is not interested in the safety of pedestrians. He spoke on the need to complete the improvement as soon as possible in an effort to avoid others being hurt. He added that the City Manager has advised that funds for the improvements are already budgeted, and suggested that staff work with Azusa staff to begin work.
MAYOR PRO TEM BURROLA AND COUNCILMEMBER AMBRIZ	Mayor Pro Tem Burrola and Councilmember Ambriz concurred with Mayor Ortiz.
COUNCILMEMBER GARCIA	Councilmember Garcia agreed on collaborating on the improvement, but did not agree with the project costs as it is too expensive. He requested that four-way arrows be installed.
MAYOR ORTIZ	Mayor Ortiz requested that Director Hanna reach out to County and Azusa staff to advise them of the Council's wishes, to which Director Hanna advised that proceeding in this manner would cause Irwindale to lose access to grant funding since it required collaboration with the County. This would require for Irwindale to cover 50% of the cost with Azusa covering the remaining 50%.
COUNCILMEMBER GARCIA	Replying to a question by Councilmember Garcia, Director Hanna advised that the County of Los Angeles would maintain this specific signal. Councilmember Garcia then suggested perhaps hiring a contractor to prepare drawings, have them install additional equipment to handle the load and demand, and then present the project to the County as an alternative to the County using its own architect.

DIRECTOR HANNA Director Hanna stated that staff could have its consultant group Iteris prepare the design and forward to Azusa and the County for their review. The consultant could also provide a cost estimate, which staff could then forward to the Council for review.

DENA ZEPEDA Dena Zepeda thanked the Council for working to improve the safety of the intersection.

MOTION A motion was made by Mayor Ortiz, seconded by Councilmember Ambriz, to direct staff to reach out to the City of Azusa and the County of Los Angeles to collaborate and share the costs of the project. The motion was unanimously approved; Councilmember Breceda absent.

ITEM NO. 2C RETIREE BENEFITS FOR COMMISSIONERS
RETIREE BENEFITS
FOR COMMISSIONERS

CITY MANAGER TAM City Manager Tam presented the report and advised that the matter arose at the request of Councilmember Ambriz. Based on preliminary research, only the City of Industry offers appointed officials with retiree benefits. Staff can continue searching if the Council provides the direction.

COUNCILMEMBER AMBRIZ Councilmember Ambriz stated that, after careful consideration, he would like to table this matter at this time.

ITEM NO. 2D LIABILITY CLAIM OF DENA ZEPEDA VS. CITY OF IRWINDALE IN THE AMOUNT OF \$3,306.60
LIABILITY CLAIM OF
DENA ZEPEDA VS.
CITY OF IRWINDALE IN
THE MOUNT OF
\$3,306.60

MAYOR ORTIZ Mayor Ortiz recused himself from this item and exited the Council Chambers at 7:38 p.m.

MAYOR PRO TEM BURROLA Mayor Pro Tem Burrola resumed the meeting.

CHIEF DEPUTY CITY CLERK NIETO Chief Deputy City Clerk Nieto presented the staff report.

DENA ZEPEDA Dena Zepeda spoke in support of approving the claim.

FRED BARBOSA Fred Barbosa spoke in support of approving the claim and suggested that the City seek reimbursement from the contractors since the homeowners cannot afford the repairs.

CARMEN ROMAN Carmen Roman spoke in support of approving the claim. She also suggested that potential homeowners hire private inspectors and go

to the worksites to ensure quality work is being performed. She alleged that the city housing programs include the installation of "cheap" water heaters, which she alleged is an illegal practice.

LINDA MAREZ

Linda Marez thanked the Council and Housing Authority for its programs that provide individuals the opportunity to purchase houses who may otherwise not be able to obtain them. She cautioned, however, that approving this claim would open the door to other resident homeowners who experience damages to seek reimbursement from the City for the repairs. She noted that owning a home requires homeowners to become responsible for home maintenance.

DENA ZEPEDA

Dena Zepeda stated that she does not own the home she resides in; rather, the City owns it. She stated that nobody should discriminate against her because she cannot afford the repairs of the work performed by the contractor hired by the City to build the house.

YOLANDA GARCIA

Yolanda Garcia stated that, since the city's insurer recommended denial of the claim, having the Council approve it could be viewed as a gift of public funds. She recommended that the homeowner seek reimbursement for the repair expenses from her homeowners' insurance.

CARMEN ROMAN

Carmen Roman stated that homeowners who experience problems with their homes should seek reimbursement from the Council. She stated that the City and the Housing Authority is responsible for the homeowners' houses since it allowed "shoddy workmanship". She denied that approving the claim and reimbursing the claimant would be considered a gift of public funds.

COUNCILMEMBER
GARCIA

Councilmember Garcia stated that both staff and the attorneys consider paying out the claim to be a gift of public funds. He stated that he is opposed to approving the claim and suggested perhaps holding a fundraiser for the claimant, but that the City should not pay on the claim.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz thanked the City Attorney and the City Manager for their input, but stated that the Council will ultimately make the decision on how to proceed. He stated that individuals that purchase houses through the city program should expect their houses to be up-to-par and livable. He added that the contractor failed in their performance since the plumbing trench should have been at a depth of 18 to 24 inches deep rather than only nine inches. He also stated that the County Inspector did not conduct a proper inspection, and stated his belief that approving and paying out the claim would not be considered a gift of public funds since the contractor's workmanship was not properly inspected. He added that future reimbursement requests by resident homeowners would be considered on a case-by-case basis.

- MOTION** A motion was made by Councilmember Ambriz to approve the claim of Dena Zepeda.
- MAYOR PRO TEM BURROLA** Mayor Pro Tem Burrola thanked staff for looking into the claim. He stated that the City's claims adjuster never recommends approval of claims. He added that Ms. Zepeda has complained of water pressure issues from day one, which appears to be the result of the pinched plumbing line. He seconded Councilmember Ambriz's motion.
- ROLL CALL** Upon roll call, the motion to approve the claim of Dena Zepeda was approved, with Councilmember Ambriz and Mayor Pro Tem Burrola in support, Councilmember Garcia opposed, and Councilmember Breceda and Mayor Ortiz absent.
- RECESS** At 8:06 p.m., the Council took a short recess
- RECONVENE** At 8:11 p.m., the Council reconvened in Open Session and Mayor Ortiz resumed the meeting.

**CITY MANAGER'S
REPORT**

- DIRECTOR RODRIGUEZ** Director Rodriguez presented the lineup for the MariachiFest concerts.
- ASSISTANT TO THE CITY MANAGER ESPINO** Assistant to the City Manager Espino provided information regarding an upcoming event for first responders at the Irwindale Speedway.
- DENA ZEPEDA** Responding to a question by Dena Zepeda, Director Rodriguez advised that staff is open to suggestions by members of the public.
- ASSISTANT CITY ATTORNEY TRAXLER** Assistant City Attorney Jamie Traxler presented an overview of the Brown Act and on Conflicts of Interest.
- MAYOR ORTIZ** Responding to a question by Mayor Ortiz, Assistant City Attorney Traxler indicated that the Council might ask specific questions of staff before accepting public comments on agenda items. However, it is required that the public be able to speak before the Council concludes deliberations.
- MAYOR PRO TEM BURROLA** Responding to a question by Mayor Pro Tem Burrola, Assistant City Attorney Traxler indicated that there might be statutes of limitations on conflicts of interests, depending on when the conflicts are discovered.
- DENA ZEPEDA** Dena Zepeda asked whether Councilmembers could purchase beers for their staff after hours and discuss business, to which Assistant City Attorney Traxler advised that Councilmembers may enjoy beers with others, though she recommended avoiding discussing city business.

Dena Zepeda also asked whether she can talk or text members of the Council if she has concerns, to which Assistant City Attorney Traxler advised that she has no obligations under the Brown Act. However, if she speaks about city business to multiple councilmembers to garner consensus, this would be considered a serial meeting in violation of the Brown Act. She recommended that each Councilmember receive information but avoid discussing it or providing opinions.

Dena Zepeda alleged that one of the Councilmembers is in violation and requested legal advice, which Assistant City Attorney Traxler refused to do.

CITY ATTORNEY
GUERRA

City Attorney Guerra stated that, if Ms. Zepeda would like to file a complaint, she may contact the Fair Political Practices Commission.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz asked whether disseminating information to the public is a conflict, to which Assistant City Attorney Traxler advised that if an individual Councilmember is giving information to an individual member of the public, doing so would not be a Brown Act violation.

CARMEN ROMAN

Carmen Roman stated that Irwindale has a small community base and that the residents all talk to one another and asked whether discussing items at public functions would be considered a Brown Act conflict, to which City Attorney Guerra advised that any member of the public can always speak to a Councilmember or Commissioner on anything. However, it is the duty of the Councilmember or Commissioner to avoid discussing it with the individual.

MAYOR ORTIZ

Replying to a question by Mayor Ortiz, Assistant City Attorney Traxler indicated that, if a Councilmember received information and in turn provided it to the City Manager to look into the matter individually; this would not be considered a violation.

CITY ATTORNEY
GUERRA

City Attorney Guerra advised that, in the end, each Councilmember is responsible for knowing the conflict of interest rules, and staff does not independently verify whether the Councilmembers' individual properties lie within a conflict of interest area. He added that each Councilmember in the end would need to make a decision regarding potential conflicts of interest.

CITY MANAGER TAM

City Manager Tam indicated that staff has dealt with many conflict of interest issues over the past couple of years. He advised that staff does not keep a running list of properties that each Councilmember owns and does not advise whether each Councilmember has a conflict, and noted that it is each Councilmember's duty to advise staff about whether they have conflicts with certain items.

DENA ZEPEDA

Responding to a comment by Dena Zepeda, City Manager Tam repeated that each Councilmember has a duty to inform staff about

whether they own property within the boundaries of a subject location, which may be used when determining whether a conflict of interest exists. He added that staff does not conduct investigations, and individuals interested in submitting a complaint may consult with the Fair Political Practices Commission.

**AGENDA ITEMS
REQUESTED BY
COUNCILMEMBERS**

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz stated that serious challenges have come up at the Las Casitas senior apartment complex and suggested that City staff, tenants, and representatives of Northridge Management meet to discuss them.

MOTION

A motion was made by Councilmember Ambriz, seconded by Mayor Pro Tem Burrola, to place an item on the next agenda to discuss purchasing the Las Casitas Lease Agreement from Northridge Management in order to have more operational control. The motion was unanimously approved; Councilmember Breceda absent.

CITY ATTORNEY
GUERRA

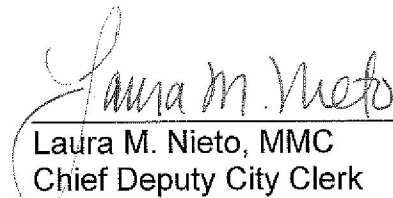
City Attorney Guerra noted that the requested item would be placed on the agenda for the Housing Authority.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola requested placing an item on the agenda to discuss potentially reducing the amount of time that a job application remains on file from one year to six months.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:05 p.m., in memory of Jesse Gomez.



Laura M. Nieto, MMC
Chief Deputy City Clerk

Approved as submitted at the meeting held December 14, 2022.