

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

**JULY 28, 2021
WEDNESDAY
6:50 P.M.**

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

ROLL CALL:

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

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; Jeanette Duran, Finance Manager; 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**

None.

**COUNCILMEMBER
TRAVEL REPORTS**

None.

**COUNCILMEMBER
COMMENTS**

**COUNCILMEMBER
AMBRIZ**

Councilmember Ambriz noted that Huy Fong recently made a sizable donation to the Irwindale Community Foundation, and advised that the Foundation will meet to determine how to best allocate the funding received amongst the city's various community service programs.

**MAYOR PRO TEM
BURROLA**

Mayor Pro Tem Burrola requested that the meeting be adjourned in memory of "Chachi" Valencia.

MAYOR ORTIZ

Mayor Ortiz reported on a July 15 meeting of the Gold Line Joint Powers Authority, wherein the Gold Line extension from Azusa to Montclair was discussed.

**INTRODUCTION OF
NEW EMPLOYEES /
PROMOTIONS**

None.

**PROCLAMATIONS /
PRESENTATIONS /
COMMENDATIONS**

**CHAMBER OF
COMMERCE
BUSINESS OF THE**

**CHAMBER OF COMMERCE BUSINESS OF THE MONTH –
BRITEWORKS**

MONTH – BRITEWORKS The presentation was made.

CHAMBER OF
COMMERCE
QUARTERLY UPDATE CHAMBER OF COMMERCE QUARTERLY UPDATE
The presentation was made.

**SPONTANEOUS
COMMUNICATIONS**

CARMEN ROMAN Carmen Roman thanked Huy Fong for its donation, asked when Recreation fees would be waived, and requested that Consent Calendar Item No. 1E be removed for separate consideration.

DENA ZEPEDA Dena Zepeda thanked Huy Fong for its donation, thanked the Police Department for their hard work, requested for some of Huy Fong's donated funds to be earmarked for a luncheon for Police Department and Library staff, and complained about "errors" by staff as well as local industrial projects.

FRED BARBOSA Fred Barbosa complained about the apparent lack of disabled parking availability at city facilities.

CONSENT CALENDAR

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

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
INVESTMENT
QUARTERLY REPORT
FOR JUNE 30, 2021 INVESTMENT QUARTERLY REPORT FOR JUNE 30, 2021 (Joint Item on Successor Agency agenda)

RESOLUTION NO.
2021-66-3278
ADOPTED **Resolution No. 2021-66-3278**, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE WAIVING THE FORMAL BIDDING PROCEDURES AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR THE PURCHASE OF FOUR (4) PUBLIC SERVICES VEHICLES FOR THE RECREATION AND PUBLIC SERVICES

MAINTENANCE DIVISIONS PER IRWINDALE MUNICIPAL CODE SECTION 3.44.080(E)"; was adopted, and the City Manager was authorized to enter into a purchase agreement for the procurement of the following four (4) vehicles – (1) 2022 Chevrolet Tahoe; (1) 2022 Chevrolet Trailblazer, and (2) 2022 Chevrolet Colorado.

END OF CONSENT CALENDAR

ITEM NO. 1E
CLAIM REJECTION –
DENA ZEPEDA VS.
CITY OF IRWINDALE

CLAIM REJECTION – DENA ZEPEDA VS. CITY OF IRWINDALE

CHIEF DEPUTY CITY
CLERK NIETO

Chief Deputy City Clerk Nieto presented the staff report.

COUNCILMEMBER
BRECEDA AND
MAYOR ORTIZ

Councilmember Breceda and Mayor Ortiz declared a potential conflict of interest, recused from participating in the discussion, and exited the Council Chambers.

CHIEF DEPUTY CITY
CLERK NIETO

Chief Deputy City Clerk Nieto repeated her presentation at the request of the City Attorney.

CARMEN ROMAN,
DENA ZEPEDA, AND
FRED BARBOSA

Carmen Roman, Dena Zepeda, and Fred Barbosa spoke in support of approving the claim.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz spoke in support of approving payment to the claimant since it was his belief that the damage that occurred to the claimant's property was due to inferior workmanship at the time of installation.

COUNCILMEMBER
GARCIA

Councilmember Garcia disagreed with Councilmember Ambriz and cautioned the Council against paying out the claim since it might lead to additional claims and liabilities.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola spoke on the claimant's previous complaints about water quality issues and stated his opinion that the water main line should have included copper piping of the correct size. He expressed his belief that the city is responsible for repairing the damage that occurred.

Mayor Pro Tem Burrola asked for input by the City Attorney, to which City Attorney Guerra advised that he would have to research the matter further since he was unsure whether the city is legally responsible for the housing unit. He also requested that the Board direct the City Manager to explore a resolution of the claim, and suggested discussing this matter in Closed Session at the next meeting to explore whether the city is liable.

Mayor Pro Tem Burrola stated his desire for the city to reimburse the claimant's expenses, to which City Attorney Guerra requested that the Council allow staff time to explore liability. He noted that the city's claims adjuster has recommended denial of the claim, and requested the opportunity to fully vet the claim and appropriately advise the Council before taking action.

MOTION

A motion was made by Councilmember Ambriz, seconded by Mayor Pro Tem Burrola, to direct the City Manager to explore a resolution for the claim and to place the matter on the Closed Session agenda for the next meeting for discussion. The motion was approved with Councilmember Ambriz and Mayor Pro Tem Burrola in favor, Councilmember Garcia opposed, and Councilmember Breceda and Mayor Ortiz absent.

**COUNCILMEMBER
BRECEDA AND
MAYOR ORTIZ**

Councilmember Breceda and Mayor Ortiz then returned to the meeting, at which time Mayor Ortiz resumed the meeting.

NEW BUSINESS

**ITEM NO. 2A
IRWINDALE
RECREATION USAGE
STATISTICS FOR
2019-2021**

IRWINDALE RECREATION USAGE STATISTICS FOR 2019-2021

DIRECTOR RODRIGUEZ Director Rodriguez presented the staff report.

**MAYOR PRO TEM
BURROLA**

Mayor Pro Tem Burrola thanked Director Rodriguez for the report. He then asked whether the information presented was accurate, to which Director Rodriguez confirmed that the information is correct.

MAYOR ORTIZ

Mayor Ortiz also thanked Director Rodriguez and advised that the report would be received and filed.

**ITEM NO. 2B
APPROVAL OF THE
ADJUSTMENT OF USER
FEES FOR THE
RECREATION DEPT.
FOR FISCAL YEAR
2021-2022**

**APPROVAL OF THE ADJUSTMENT OF USER FEES FOR THE
RECREATION DEPARTMENT FOR FISCAL YEAR 2021-2022**

MANAGER DURAN

Manager Duran presented the staff report

**COUNCILMEMBER
AMBRIZ**

Councilmember Ambriz expressed his support for eliminating fees for residents and suggested that the fees that the residents were previously charged become the new fees for non-residents.

COUNCILMEMBER BRECEDA	Councilmember Breceda concurred; as long as there was a determination that public funds are not being gifted, to which City Attorney Guerra advised that case law provides that the expenditure of public funds for the benefit of private individuals may be permissible when it advances the happiness, well-being, and prosperity of the community and serves the public purpose. He noted that, should the action be challenged in court, it might be decided that the city's argument is valid, and the court would defer determination to the City Council.
COUNCILMEMBER GARCIA	Councilmember Garcia disagreed with the proposal that the fees that the residents were previously charged become the new fees for non-residents, since doing so may attract a large number of participants, which may overwhelm staff.
COUNCILMEMBER AMBRIZ	Councilmember Ambriz withdrew his request for the modification of fees for non-residents.
MAYOR ORTIZ	Mayor Ortiz stated that the city is doing very well financially, and that city programs are geared primarily toward city residents. He concurred with Councilmember Garcia that the non-resident fees should remain as they are.
RESOLUTION NO. 2021-65-3277 ADOPTED	Resolution No. 2021-65-3277 , entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING ADJUSTMENTS TO THE SCHEDULE OF FEES & CHARGES FOR THE RECREATION DIVISION FOR FISCAL YEAR 2021-2022," was passed, approved, and adopted, on the motion of Councilmember Ambriz, seconded by Councilmember Breceda and unanimously approved; Councilmember Garcia abstaining.
<u>PUBLIC HEARINGS</u>	None.
<u>LEGISLATIVE UPDATE</u>	
<u>ITEM NO. 4A</u> REPORT ON PENDING LEGISLATION	REPORT ON PENDING LEGISLATION
ASSISTANT CITY MANAGER OLIVARES	Assistant City Manager Olivares presented the staff report.
MAYOR ORTIZ	Mayor Ortiz thanked Assistant City Manager Olivares for closely monitoring legislative issues that may affect Irwindale.
MOTION	A motion was made by Councilmember Ambriz, seconded by Councilmember Breceda, to 1) retroactively approve a letter executed by the Mayor in opposition to AB 215 (Chiu) Housing Element /

Regional Housing Need. Relative Progress Determination; and 2) receive and file several legislative letters prepared in accordance with the approved City of Irwindale 2021 Legislative Platform. The motion was unanimously approved.

**CITY MANAGER'S
REPORT**

ASSISTANT TO THE
CITY MANAGER ESPINO

Assistant to the City Manager Espino provided a COVID-19 update.

SUZANNE GOMEZ

Responding to a question by Suzanne Gomez, City Manager Tam advised that staff tentatively anticipates for the Council and Commission meetings to be open to the public beginning in October. Ms. Gomez thanked staff at all levels of the city for keeping residents safe.

DIRECTOR RODRIGUEZ

Director Rodriguez provided an update on upcoming events and activities with the Recreation and Senior Center departments. She also noted the city's requirement that facemasks be used indoors at all city facilities.

MAYOR ORTIZ

Mayor Ortiz provided an update on a recent meeting of the ad-hoc committee amongst Councilmembers and City Managers of the cities of Azusa, Duarte, and Irwindale, along with representatives of Supervisor Solis' office, the Los Angeles Homeless Services Authority, and Los Angeles County Transit Services. He noted that efforts are underway to clean up Lario Park, concerns were expressed regarding train stops, and that the three cities expressed concerns over funding an emergency homeless shelter and the restriction on funds received from various funding sources. He requested that the matter be placed on the agenda for the next meeting for further discussion.

**AGENDA ITEMS
REQUESTED BY
COUNCILMEMBERS**

MAYOR ORTIZ

Mayor Ortiz noted a couple of requests received by residents: 1) extend aquatics programs, and 2) look into providing internet services to residents of Las Casitas apartments.

BRIEF DISCUSSION

Brief discussion was held relating to current aquatics programs and when they will end for the year, as well as the possibility of extending the programs through September.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:10 p.m., in memory of "Chachi" Valencia.



Laura M. Nieto, MMC
Chief Deputy City Clerk

Approved as presented at the meeting held September 22, 2021.

