

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

SEPTEMBER 22, 2021
WEDNESDAY
6:32 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,
Mayor Pro Tem Larry G. Burrola, Mayor H. Manuel Ortiz

Absent: Councilmember Manuel R. Garcia

Present: William Tam, City Manager; Theresa Olivares, Assistant City Manager; Adrian Guerra, City Attorney; Robert Avila, Police Sergeant; 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

CITY MANAGER TAM

City Manager Tam stated that Item No. 1D would be removed for separate consideration at the request of Mayor Ortiz, and that Item No. 2C would be pulled from tonight's meeting and will be considered at a later date.

COUNCILMEMBER TRAVEL REPORTS

**COUNCILMEMBERS
AMBRIZ, BRECEDA,
MAYOR PRO TEM
BURROLA,
MAYOR ORTIZ**

Councilmembers Ambriz and Breceda, Mayor Pro Tem Burrola, and Mayor Ortiz each spoke on their attendance at the Contract Cities conference held recently in Indian Wells.

COUNCILMEMBER COMMENTS

**COUNCILMEMBER
AMBRIZ**

Councilmember Ambriz congratulated Chief Henshaw on having been appointed President of the California Peace Officers Association and stated that he has requested that Chief Henshaw look into reports of illicit behavior near a city business.

**MAYOR PRO TEM
BURROLA**

Mayor Pro Tem Burrola requested that banners be placed on light poles along Irwindale Avenue to honor living and deceased military veterans.

**INTRODUCTION OF
NEW EMPLOYEES /
PROMOTIONS**

INTRODUCTION OF
DANIEL GRIJALVA,
AQUATICS
SUPERVISOR

INTRODUCTION OF DANIEL GRIJALVA, AQUATICS
SUPERVISOR

Director Rodriguez provided brief background information and introduced Daniel Grijalva as the new Aquatics Supervisor.

**PROCLAMATIONS /
PRESENTATIONS /
COMMENDATIONS**

IRWINDALE CHAMBER
OF COMMERCE
BUSINESS OF THE
MONTH – CALIFORNIA
CUSTOM FRUITS &
FLAVORS

IRWINDALE CHAMBER OF COMMERCE BUSINESS OF THE
MONTH – CALIFORNIA CUSTOM FRUITS & FLAVORS

The presentation was made.

GOLD LINE PROJECT
PRESENTATION –
REQUESTED BY
MAYOR ORTIZ

GOLD LINE PROJECT PRESENTATION – REQUESTED BY
MAYOR ORTIZ

The presentation was made.

**SPONTANEOUS
COMMUNICATIONS**

MEGAN ZEPEDA

Megan Zepeda congratulated Chief Henshaw and Daniel Grijalva on their appointments and requested that the city budget be made available online.

DENA ZEPEDA

Dena Zepeda congratulated staff and made allegations of impropriety by staff, Council, and the former City Attorney, and lamented that she has difficulty understanding Planning Commission staff reports.

TRACEY
COOPER-HARRIS

Tracey Cooper-Harris with Congresswoman Napolitano's Office introduced herself and presented a brief update on the Congresswoman's recent activities and upcoming events.

CARMEN ROMAN

Carmen Roman congratulated staff, requested more police visibility around city streets, and requested that residents be notified of job openings.

FRED BARBOSA

Fred Barbosa requested more than the customary three minutes for individuals to speak on agenda items.

CONSENT CALENDAR

MOTION

A motion was made by Councilmember Breceda, seconded by Councilmember Ambriz, to approve the Consent Calendar, with the exception of Item No. 1D, which was removed for separate consideration. The motion was unanimously approved; Councilmember Garcia absent and Mayor Ortiz abstaining on Check No. 74967 as part of Item No. 1B.

ITEM NO. 1A
MINUTES

MINUTES

The following minutes were approved:

ITEM NO. 1B
WARRANTS
/ DEMANDS
/ PAYROLL

WARRANTS / DEMANDS / PAYROLL

The warrants / demands / payroll were approved.

ITEM NO. 1C
APPROVE THE
OUT-OF-STATE
TRAVEL TO THE 57TH
ANNUAL CA
NARCOTIC OFFICERS'
ASSOC. TRAINING
INSTITUTE AND LAW
ENFORCEMENT
SERVICES EXPO

APPROVE THE OUT-OF-STATE TRAVEL TO THE 57TH ANNUAL CALIFORNIA NARCOTIC OFFICERS' ASSOCIATION (CNOA) TRAINING INSTITUTE AND LAW ENFORCEMENT SERVICES EXPO FOR DETECTIVE SERGEANT RUDY GATTO, DETECTIVE CORPORAL DIEGO CORNEJO, DETECTIVE RAYMOND GONZALES, DETECTIVE JORGE RODRIGUEZ, AND DETECTIVE NICHOLAS LOPEZ

RESOLUTION NO.
2021-73-3285
ADOPTED

Resolution No. 2021-73-3285, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINDALE APPROVING THE OUT-OF-STATE TRAVEL TO THE CNOA INSTITUTE EQUIPMENT AND SERVICES EXPO IN RENO, NEVADA, FOR DETECTIVE SERGEANT RUDY GATTO, DETECTIVE CORPORAL DIEGO CORNEJO, DETECTIVE RAYMOND GONZALES, DETECTIVE JORGE RODRIGUEZ, AND DETECTIVE NICHOLAS LOPEZ," was adopted.

ITEM NO. 1E
PROPOSED END-OF
YEAR CLOSURE OF
CITY FACILITIES FOR
2021

PROPOSED END-OF-YEAR CLOSURE OF CITY FACILITIES FOR 2021

The closure of some city facilities during the period of Monday, December 20, 2021, through and including Sunday, January 2, 2022, was approved, and the City Manager was authorized to implement said closure.

ITEM NO. 1F
ADOPT RESOLUTION

ADOPT RESOLUTION NO. 2021-76-3288 APPOINTING A VOTING DELEGATE FOR 2021 LEAGUE OF CALIFORNIA CITIES ANNUAL

APPROVING A VOTING
DELEGATE FOR 2021
LEAGUE OF CA CITIES
ANNUAL CONF. -
ANNUAL BUSINESS
MEETING

CONFERENCE – ANNUAL BUSINESS MEETING; OPPOSE THE
ONLINE SALES TAX EQUITY RESOLUTION PROPOSED BY CAL
CITIES; AND SUPPORT THE SECURING RAILROAD PROPERTY
MAINTENANCE RESOLUTION PROPOSED BY CAL CITIES

RESOLUTION NO.
2021-76-3288
ADOPTED

Resolution No. 2021-76-3288, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE APPOINTING A VOTING DELEGATE FOR THE 2021
LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE,” was
adopted, opposed the proposed League of California Cities
Resolution regarding Online Sales Tax Equity Resolution and
directed the voting delegate to vote in opposition to the resolution,
and supported the proposed League of California Cities Resolution
regarding securing Railroad Property Maintenance and directed the
voting delegate to vote in support of the resolution.

ITEM NO. 1G
APPROVE THE
PURCHASE OF AN
ALTERNATIVE
RECREATION VEHICLE,
WAIVE FORMAL
BIDDING PROCEDURE
AND APPROPRIATE
ADDITIONAL FUNDS

APPROVE THE PURCHASE OF AN ALTERNATIVE RECREATION
VEHICLE, WAIVE FORMAL BIDDING PROCEDURE AND
APPROPRIATE ADDITIONAL FUNDS

RESOLUTION NO.
2021-77-3289
ADOPTED

Resolution No. 2021-77-3289, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE WAIVING FORMAL BIDDING PROCEDURES
PURSUANT TO IRWINDALE MUNICIPAL CODE SECTION
3.44.080(E), AUTHORIZING THE ISSUANCE OF A PURCHASE
ORDER, AND AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT FOR A CHEVROLET SUBURBAN FOR
THE RECREATION DIVISION, AND APPROPRIATING
ADDITIONAL FUNDS,” was adopted.

ITEM NO. 1H
REGIONAL FOOD
RECOVERY
PROGRAM MOA
BETWEEN THE CITY
OF IRWINDALE AND
THE SAN GABRIEL
VALLEY COUNCIL OF
GOVERNMENTS

REGIONAL FOOD RECOVERY PROGRAM MEMORANDUM OF
AGREEMENT BETWEEN THE CITY OF IRWINDALE AND THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

RESOLUTION NO.
2021-78-3290
ADOPTED

Resolution No. 2021-78-3290, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS AND THE CITY OF IRWINDALE FOR PARTICIPATION IN THE SAN GABRIEL VALLEY REGIONAL FOOD RECOVERY PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT, AND APPROPRIATING FUNDS FOR THE REGIONAL FOOD RECOVERY PROGRAM AS REQUIRED BY SENATE BILL 1383 (LARA) AND CALRECYCLE REGULATIONS," was adopted.

ITEM NO. 1I
CALTRANS
LANDSCAPE
MAINTENANCE
AGREEMENT

CALTRANS LANDSCAPE MAINTENANCE AGREEMENT

The Mayor and the City Manager were authorized to execute a Landscape Maintenance Agreement between the City of Irwindale and the California Department of Transportation (CalTrans).

ITEM NO. 1J
ACCEPTANCE OF THE
2020-2021
RESURFACING
PROJECT; P-1026

ACCEPTANCE OF THE 2020-2021 RESURFACING PROJECT; P-1026

1) The changes to the original scope of work were ratified and the improvements and maintenance responsibilities for the constructed Improvements of the 2020-2021 Resurfacing Project, which includes Buena Vista Street from Avenida Barbosa to City limits and Avenida Barbosa, were accepted; 2) the final construction project amount of \$544,311.93 under the construction contract with Hardy and Harper was approved; 3) the final construction management and inspection services contract with SA Associates in the amount of \$43,920.38, was approved; 4) the City Clerk was authorized to record the Notice of Completion; and 5) the Finance Director was authorized to release the 5% retention amount for the construction project.

ITEM NO. 1K
CONSIDERATION OF
SETTLEMENT AGMT.
AND MUTUAL
RELEASE BETWEEN
BEADOR
CONSTRUCTION
COMPANY, INC., AND
CITY OF IRWINDALE

CONSIDERATION OF SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN BEADOR CONSTRUCTION COMPANY, INC., AND CITY OF IRWINDALE, LOS ANGELES SUPERIOR COURT CASE NO. 21STCV14867

1) The Settlement Agreement and Mutual Release Between Beador Construction Company, Inc., and the City of Irwindale, was approved, and 2) the City Manager was authorized to execute same.

ITEM NO. 1L
JANUARY 3, 2006,
HANSON
AGGREGATES
WEST, INC.

JANUARY 3, 2006 HANSON AGGREGATES WEST, INC. DEVELOPMENT AGREEMENT – LETTER OF CONSENT

The City Council authorized the Mayor to execute the letter of consent.

DEVELOPMENT
AGREEMENT –
LETTER OF CONSENT

END OF CONSENT CALENDAR

<u>ITEM NO. 1D</u> ACCEPTANCE OF CA OFFICE OF TRAFFIC SAFETY FEDERAL GRANT FUNDS IN THE AMOUNT OF \$90K FOR TRAFFIC SAFETY EDUCATION AND IMPAIRED DRIVING ENFORCEMENT	ACCEPTANCE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FEDERAL GRANT FUNDS IN THE AMOUNT OF \$90,000.00 FOR TRAFFIC SAFETY EDUCATION AND IMPAIRED DRIVING ENFORCEMENT
MAYOR ORTIZ	Mayor Ortiz commended Police Department staff in working to obtain the grant, which would assist in accomplishing the goal of reducing injuries and deaths caused by drunk and impaired drivers.
SERGEANT AVILA	Sergeant Avila elaborated briefly on the goals that could be achieved with this grant.
CARMEN ROMAN	Carmen Roman asked about purchasing city vehicles.
SUZANNE GOMEZ	Suzanne Gomez congratulated Chief Henshaw and requested that consideration be given to implementing ongoing bike patrols and park patrols.
MOTION	A motion was made by Mayor Ortiz, seconded by Councilmember Ambriz, to: 1) approve and authorize the City Manager to sign the 2021-2022 Selective Traffic Enforcement Program (STEP) Grant Agreement between California Office of Traffic Safety (OTS) and the City of Irwindale, and 2): adopt:
RESOLUTION NO. 2021-75-3287 ADOPTED	Resolution No. 2021-75-3287 , entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING THE ACCEPTANCE OF THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FEDERAL GRANT FUNDS IN THE AMOUNT OF \$90,000.00 FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), AND APPROVING APPROPRIATIONS OF THESE FUNDS IN THE CITY'S FEDERAL GRANT FUND." The motion was unanimously approved.

NEW BUSINESS

<u>ITEM NO. 2A</u> IN-PERSON	IN-PERSON ATTENDANCE AT PUBLIC MEETINGS BEGINNING OCTOBER 2021
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ATTENDANCE AT
PUBLIC MEETINGS
BEGINNING OCTOBER
2021

ASSISTANT CITY
MANAGER OLIVARES

Assistant City Manager Olivares presented the staff report.

SUZANNE GOMEZ,
DENA ZEPEDA, AND
CARMEN ROMAN

Suzanne Gomez, Dena Zepeda, and Carmen Roman suggested continuing to hold meetings virtually, opposed implementing speaker cards, and requested more than three minutes to speak on items of concern before city legislative bodies.

MAYOR ORTIZ

Responding to a question by Mayor Ortiz, Assistant City Manager Olivares elaborated on the options available, as detailed in the staff report.

Mayor Ortiz expressed his preference that meetings be held in person and via online webinars at least until the end of the year and evaluate the results. He also opposed implementing speaker cards.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola suggested continuing to hold meetings virtually and opposed implementing speaker cards.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz requested that meetings continue being held virtually and opposed implementing speaker cards.

COUNCILMEMBER
BRECEDA

Councilmember Breceda concurred with Mayor Ortiz and agreed that speaker cards are not necessary.

ASSISTANT CITY
MANAGER OLIVARES

Assistant City Manager Olivares noted that virtual meetings would be permitted to be held if the City declares a local emergency every 30 days. She also noted that disruptions of internet service during virtual meetings would require the meeting to be stopped until service is restored. She also mentioned the possibility of holding meetings in person while also live-streaming the meeting online, though this would not permit individuals to participate while they are off-site. She requested that the Council clearly define its preferences.

COUNCILMEMBER
BRECEDA

Councilmember Breceda stated that he was fine with continuing to hold meetings virtually until the end of the year, as stated by Mayor Ortiz. He also noted that other cities that broadcast their meetings over cable tv do not have the ability for viewers to comment during the meetings.

CITY ATTORNEY
GUERRA

City Attorney Guerra clarified that the statute appears to only permit one alternative, and not a combination of options. Either the Council goes back to in-person meetings such as those that were held before the pandemic with the possibility of streaming it online with no public

participation while off-site, or hold meetings virtually with no in-person attendance by members of the public.

MAYOR ORTIZ

Mayor Ortiz suggested holding in-person meetings with members of the public being able to make comments only while attending in-person, and streaming it over Zoom.

COUNCILMEMBER
BRECEDA

Councilmember Breceda suggested returning the meetings to the format they were held before the pandemic.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz noted higher participation rates by members of the public during virtual meetings and suggested to continue holding meetings virtually and reevaluate the matter in January.

MAYOR ORTIZ

Mayor Ortiz noted the desire of many individuals to attend the meetings in person, and repeated his desire to hold meetings in-person and live streaming the meetings online.

MEGAN ZEPEDA,
DENA ZEPEDA, AND
CARMEN ROMAN

Megan Zepeda, Dena Zepeda, and Carmen Roman suggested holding meetings in person and via Zoom.

SUZANNE GOMEZ

Suzanne Gomez suggested contacting the city's lobbyists to see if they can help change the restriction on holding hybrid meetings. She also suggested amending the City Charter.

CITY ATTORNEY
GUERRA

City Attorney Guerra noted that the information that Assistant City Manager Olivares presented is derived directly from the Governor's Executive Order. He added that, even though Irwindale is a charter city, it is not exempt from the Executive Order. He further stated that many cities are hopeful that legislation will be enacted to allow for a combination/hybrid type of meeting, but as of now, that does not appear to be the case.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz voiced his displeasure at the inability of holding hybrid meetings.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola stated his belief that the Council can enact a resolution that would overrule the state's edict.

CITY ATTORNEY
GALANTE

Responding to varying comments, City Attorney Guerra advised that, should the Council take no action, the meetings will revert to traditional Brown Act meetings, all in-person, with the possibility of broadcasting the meetings online but without the option for viewers to participate with comments. However, should the Council wish to maintain virtual meetings, then the Council would need to adopt a resolution declaring that there is an imminent harm by having members of the public attend.

MOTION

A motion was made by Councilmember Ambriz, seconded by Councilmember Breceda, to direct staff to prepare a resolution as described by City Attorney Guerra in order to maintain virtual meetings as are currently being held, and revisit the matter in January. The motion was unanimously approved.

ITEM NO. 2B
DISCUSS WAIVER OF
PLAN CHECK FEES
FOR RESIDENTIAL
PROJECTS PURSUANT
TO THE CITY OF
IRWINDALE'S FEE
ADJUSTMENT POLICY

DISCUSS WAIVER OF PLAN CHECK FEES FOR RESIDENTIAL PROJECTS PURSUANT TO THE CITY OF IRWINDALE'S FEE ADJUSTMENT POLICY

ASSISTANT CITY
MANAGER OLIVARES

Assistant City Manager Olivares presented the staff report.

COUNCILMEMBER
BRECEDA

Replying to a question by Councilmember Breceda, City Attorney Guerra advised that the request may raise questions if it gives the impression of benefitting private individuals. He stated that, if a program or policy is established to waive said fees, it would need to identify the benefit to the public. He stated his willingness to research the matter, should the Council request it.

CARMEN ROMAN

Carmen Roman questioned Councilmember Breceda's suggestion.

DENA ZEPEDA

Dena Zepeda stated that waiving fees for residents would benefit residents.

COUNCILMEMBER
BRECEDA

Councilmember Breceda requested for City Attorney Guerra to look into the request and present a detailed report to the Council.

MAYOR PRO TEM
BURROLA

Mayor Pro Tem Burrola suggested that the report include the cost of all associated permits that a typical homeowner may expect to pay for when constructing a home addition.

ITEM NO. 2C
ADOPTION OF
RESOLUTION
SUPPORTING
INSTALLATION OF A
SIGNALIZED BICYCLE
CROSSING AT
VINCENT AVENUE /
BIG DALTON WASH
BY LOS ANGELES
CO. PUBLIC WORKS

ADOPTION OF RESOLUTION SUPPORTING INSTALLATION OF A SIGNALIZED BICYCLE CROSSING AT VINCENT AVENUE / BIG DALTON WASH BY LOS ANGELES COUNTY PUBLIC WORKS

This item was removed from the agenda at the request of staff.

ITEM NO. 2D
VERBAL UPDATE
ON SIDEWALK
REPAIRS

VERBAL UPDATE ON SIDEWALK REPAIRS

DIRECTOR SIMPSON

Director Simpson provided the verbal update. She advised that Code Enforcement staff contacted the new property management company, who have hired a contractor that has already begun work repairing the sidewalk on Irwindale Avenue, and should be finished with the area near the Big Dalton Wash by next week.

MAYOR ORTIZ

Mayor Ortiz thanked staff and expressed his hope that the repairs would be finalized by next week.

COUNCILMEMBER
AMBRIZ

Councilmember Ambriz thanked staff for addressing infrastructure concerns.

DENA ZEPEDA

Dena Zepeda thanked staff.

LEGISLATIVE UPDATE

ASSISTANT CITY
MANAGER OLIVARES

Assistant City Manager Olivares made a PowerPoint presentation with updates on SB8, SB9, and SB10.

CITY MANAGER'S
REPORT

DIRECTOR
RODRIGUEZ

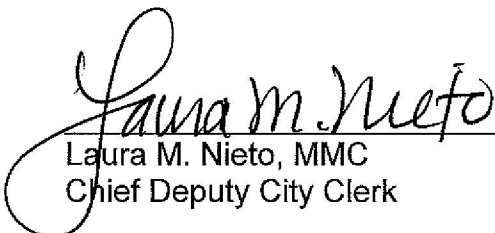
Director Rodriguez presented an update on the activities and programs from the Irwindale Chamber of Commerce, and the Recreation, Aquatics, and Senior Center divisions.

AGENDA ITEMS
REQUESTED BY
COUNCILMEMBERS

None.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:45 p.m.



Laura M. Nieto, MMC
Chief Deputy City Clerk

Approved as submitted at the meeting held November 10, 2021.