

CITY OF INDUSTRY

CITY COUNCIL
REGULAR MEETING AGENDA

JULY 26, 2012
8:00 AM



Mayor - Vacant
Mayor Pro Tem Jeff Parriott
Council Member Roy Haber, III
Council Member John P. Ferrero
Council Member Tim Spohn

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California 91744

Addressing the City Council:

- ▶ **Agenda Items:** *Members of the public may address the City Council on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any matter listed on the Agenda. Anyone wishing to speak to the City Council is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the City Council.*
- ▶ **Public Comments (Non-Agenda Items):** *Anyone wishing to address the City Council on an item not on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the City Council from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the City Council is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the City Clerk prior to the Agenda item being called by the City Clerk and prior to the individual being heard by the City Council.*

Americans with Disabilities Act:

- ▶ *In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.*

Agendas and other writings:

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Friday 9:00 a.m. to 5:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.*

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1. Call to Order
 2. Flag Salute
 3. Roll Call
 4. Public Comments
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5. **CITY COUNCIL MATTERS**

5.1 Administration of Oath of Office

5.2 Reorganization of City Council

6. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 Motion to approve the reading by title of all ordinances and resolutions. The ordinances and resolutions, which appear on the public agenda, shall be determined to have been read by title and further reading waived.

RECOMMENDED ACTION: Waive reading of Ordinances and Resolutions.

6.2 Review of Actions for City Goods and Services.

RECOMMENDED ACTION: Receive and file.

6.3 Consideration of the minutes of the June 5, 2012 special meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Haber abstaining due to his absence from the meeting.

6.4 Consideration of the minutes of the June 14, 2012 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Members Ferrero and Spohn abstaining due to their absence from the meeting.

6.5 Consideration of termination of Contract between the City of Industry and Mike Roos and Company.

RECOMMENDED ACTION: Terminate the contract and authorize the City Manager to provide written notice to Mike Roos and Company.

7. **CITY MANAGER MATTERS**

7.1 Consideration of a 25 year Lease between the City of Industry and Logistics Terminals, Inc., a California Corporation, for 3.92 acres of City-owned property located along the southerly side of the San Jose Creek at 16908 E. Chestnut Street.

RECOMMENDED ACTION: Approve the Lease.

8. CITY ATTORNEY MATTERS

- 8.1 Consideration of Resolution No. CC 2012-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY APPROVING AND AUTHORIZING CONVEYANCE OF CERTAIN REAL PROPERTY TO THE SUCCESSOR AGENCY TO THE INDUSTRY URBAN-DEVELOPMENT AGENCY AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF A QUITCLAIM DEED WITH RESPECT TO SUCH REAL PROPERTY

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-22.

- 8.2 Consideration of Ordinance No. 772 – AN ORDINANCE OF THE CITY OF INDUSTRY AMENDING SECTION 2.04.010 OF THE INDUSTRY MUNICIPAL CODE PERTAINING TO THE DAY AND TIME OF REGULAR CITY COUNCIL MEETINGS (FIRST READING)

RECOMMENDED ACTION: Introduce Ordinance 772.

9. CITY ENGINEER MATTERS

Metrolink Station 2 MegaWatt Solar Facility Related Items

- 9.1 Consideration of a Consultant Agreement between the City of Industry and Snowden Electric for monthly site inspection, electrical equipment maintenance, minor repairs and solar panel washing for a budget amount of \$72,500 for one year to be billed on a time and material basis

RECOMMENDED ACTION: Approve the Consultant Agreement.

- 9.2 Consideration of a Consultant Agreement with Trimark Associates, Inc. for maintenance of the electronic Data Acquisition System, Remote Intelligent Gateway, electrical metering and related equipment for a budget amount of \$20,720 for one year to be billed on a time and material basis

RECOMMENDED ACTION: Approve the Consultant Agreement.

- 9.3 Consideration of a one year Software License Agreement and warranty with Trimark Associates, Inc. for the Gateway Data Acquisition System installed and paid for by the Metrolink Solar construction contract at no cost to the City.

RECOMMENDED ACTION: Approve the software license agreement.

- 9.4 Consideration of Letter Agreement No. 2 with Southern California Edison to reflect the "as-built" Generating Facility Gross Power Rating from the solar

panel array of 1,999.2 kilo Watt DC and the Net Power Rating from the electrical invertors of 1,500 kilo Watt AC.

RECOMMENDED ACTION: Approve letter agreement No. 2.

Alameda Corridor-East Phase II Grade Separations

- 9.5 Consideration of Fullerton Road Corridor Improvement Study prepared by AECOM at the request of Los Angeles County and the City of Industry to identify further opportunities to enhance traffic flow on Fullerton Road from Valley Boulevard southerly to Pathfinder Road beyond the congestion relief from the planned grade separation at the Union Pacific Railroad at Gale Avenue.

RECOMMENDED ACTION: Receive report and provide direction to staff if necessary.

- 9.6 Consideration of \$10,000 budget increase to the Consultant Agreement with RKA Consulting Group to perform civil engineering services for the preparation of conceptual plans and feasibility study report for the planned grade separation at Fairway Drive at Valley Boulevard at Alhambra Subdivision of the Union Pacific Railroad.

RECOMMENDED ACTION: Approve the budget increase of \$10,000 to Consultant Contract No. 1-RKA 12-01

Change Orders

- 9.7 Consideration of Change Order No. 3 to Emphyrean Plumbing in the amount of \$113,116.30 to replace fixtures and other miscellaneous items of extra work in conjunction with the Re-piping of the entire domestic hot, cold and hot water return system - Contract No. CITY-1395.

RECOMMENDED ACTION: Approve Change Order No. 3 in the amount of \$113,116.30.

- 9.8 Consideration of a Change Order No. 1 to Beckco, Inc. in the amount of \$15,327.08 for additional asbestos abatement and unforeseen conditions in conjunction with the Building Demolition at 14624, 14700 and 14710 Nelson Avenue - Contract No. CITY-1405.

RECOMMENDED ACTION: Approve Change Order No. 1 in the amount of \$15,327.08.

- 9.9 Consideration of Change Order No. 3 to Pacific Hydrotech, in the amount of \$34,350.80 for unforeseen conditions and additional programming in conjunction with the Reclaimed Water Booster Pump Station No. 1 Upgrades - Contract No. RW-0357.

RECOMMENDED ACTION: Approve Change Order No. 3 in the amount of \$34,350.80.

Other Engineering/Public Works Matters

- 9.10 Consideration of an Indemnification Agreement between the City of Industry and Exxon Mobil Oil Corporation for the installation of a groundwater monitoring well in Valley Boulevard just west of Hacienda Boulevard.

RECOMMENDED ACTION: Approve the Indemnification Agreement.

- 9.11 Consideration of a Supplemental Agreement between the City of Industry and Union Pacific Railroad for the termination of the right turn lane easements along Valley Boulevard at Fullerton Road, Fairway Drive and Lemon Avenue intersections in conjunction with the widening of Valley Boulevard - Contract No. CITY-1299.

RECOMMENDED ACTION: Approve the Supplemental Agreement.

- 9.12 Consideration of rejection of bids received for Contract No. CITY-1409, Advanced Traffic Management Systems (ATMS) for Valley Boulevard, et al.

RECOMMENDED ACTION: Reject all bids and authorize re-bidding the project.

10. CLOSED SESSION

10.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Case: City of Industry v. Cathay Entertainment, Inc. and Amusement Industry, Inc.

Los Angeles Superior Court

Case No. KC062828G

- 10.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: Cathay Entertainment, Inc. v. City of Industry
United States District Court for the Central District of California
Case No. CV11-10686 GHK (FFMx)
- 10.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: People of the State of California, and City of Industry v. DNA Properties, Inc., a California Corporation; Gale Avenue Hospitality Venture, Inc., a California Corporation, dba Pink's Gentlemen's Club, and Does 1 through 50, inclusive.
Los Angeles Superior Court East District
Case No. KC 061417-0
- 10.4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: Gale Avenue Hospitality Venture, Inc., a California Corporation, and DNA Properties, Inc., a California Corporation v. City of Industry
Los Angeles Superior Court East District
Case No. KC 061417-0
- 10.5 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c):
Two Cases.
- 10.6 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(A): Four Cases.
11. Adjournment. Next regular meeting: Thursday, August 9, 2012 at 9:00 a.m.