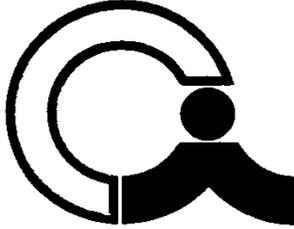


CITY OF INDUSTRY

CITY COUNCIL
REGULAR MEETING AGENDA

AUGUST 9, 2012
9:00 AM



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

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. **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.

- 5.1 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.

- 5.2 Review of Actions for City Goods and Services.

RECOMMENDED ACTION: Receive and file.

- 5.3 Consideration of the minutes of the June 21, 2012 special meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Haber abstaining due to his absence from the meeting, and Council Member Marcellin abstaining due to her not being a member of the City Council at the time of the meeting.

- 5.4 Consideration of the minutes of the June 28, 2012 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Marcellin abstaining due to her not being a member of the City Council at the time of the meeting.

- 5.5 Consideration to ratify an Amendment to the Professional Services Agreement between the City of Industry and Joseph P. Ruiz.

RECOMMENDED ACTION: Ratify the Amendment.

6. **CITY MANAGER MATTERS**

- 6.1 Consideration of Resolution No. CC 2012-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY APPROVING SIGN USAGE AND EASEMENT PURCHASE AGREEMENT

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-23.

- 6.2 Consideration to fill vacancy on the City of Industry Planning Commission.

RECOMMENDED ACTION: Consider nominations and make an

appointment to fill the vacancy.

- 6.3 Consideration of an Option Agreement between the City of Industry and the Successor Agency to the Industry Urban-Development Agency concerning property generally located on the east and west sides of Grand Avenue, south of the Pomona (60) Freeway and north of Baker Parkway.

RECOMMENDED ACTION: Approve the Option Agreement.

7. CITY ATTORNEY MATTERS

- 7.1 Consideration of Resolution No. CC 2012-24 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY AUTHORIZING AND APPROVING 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 2012-24.

- 7.2 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 (SECOND READING)

RECOMMENDED ACTION: Adopt Ordinance 772.

8. CITY ENGINEER MATTERS

Alameda Corridor-East Phase II Grade Separations

- 8.1 Consideration of staff report on the property impacts from the planned Fullerton Road Grade Separation at the Union Pacific Railroad at Gale Avenue together with an estimate of the project costs to include additional roadway and intersection widening improvements as identified in the recently completed Fullerton Road Corridor Improvement Study.

RECOMMENDED ACTION: Receive and file report.

- 8.2 Request for authorization to send a letter to Los Angeles County to apply for grant funding from the upcoming Metropolitan Transportation Authority (“MTA”) 2013 Call for Projects Program for the roadway improvements identified in the Fullerton Road Corridor Improvement Study in conjunction with the planned grade separation of Fullerton Road at the Union Pacific Railroad at Gale Avenue.

RECOMMENDED ACTION: Approve the letter, and authorize staff to

send to Los Angeles County Supervisor Don Knabe.

- 8.3 Request for authorization to advertise for the solicitation of public bids for Contract No. CITY-1411, Fairway Drive and Walnut Drive North Intersection Widening for an estimated cost of \$500,000.00 to create eastbound and westbound left turn lanes on Walnut Drive as part of the detour improvements for the nearby Nogales grade separation project.

RECOMMENDED ACTION: Approve the plans and specifications, and authorize the advertising for receipt of sealed bids.

- 8.4 Consideration of Permit to Enter Private Property for the property located at 19635 E. Walnut Drive North for the construction of the eastbound left turn lane along Walnut Drive in conjunction with the Fairway Drive and Walnut Drive North Intersection Widening Project, with a temporary use fee of \$10,000.00.

RECOMMENDED ACTION: Approve the Permit to Enter Private Property and the temporary use fee of \$10,000.00.

- 8.5 Consideration of a purchase order to McCain for the advance purchase of traffic signal poles and mast arms in conjunction with the Fairway Drive and Walnut Drive North Intersection Widening Project, CITY-1411, in the amount of \$25,184.33.

RECOMMENDED ACTION: Approve the purchase order.

Roadway Improvements

- 8.6 Consideration of Revised Agreement between the City of Industry and the County of Los Angeles to resurface and reconstruct portions of Valley Boulevard from the San Gabriel River Freeway (SR 605) easterly to Turnbull Canyon Road for an estimated cost of \$1,100,000.00.

RECOMMENDED ACTION: Concur with the County's findings of their environmental review that the project is categorically exempt from CEQA, approve the revised agreement and authorize the expenditure.

Other Engineering/Public Works Matters

- 8.7 Consideration of Amendment No. 1 to the Joint Use and Development Agreement between the City of Industry and the Upper San Gabriel Valley Municipal Water District dated August 13, 2009, to eliminate the use of an escrow account to pay for extraordinary maintenance costs for the existing

24 inch water line in Azusa Avenue and Valley Boulevard and accept a lump sum deduction in the purchase price.

RECOMMENDED ACTION: Approve Amendment No. 1.

9. **PLANNING MATTERS**

- 9.1 Consideration of Development Plan application No. 12-9 submitted by McKently Malak Architects, Inc. for the partial demolition and remodel of the old Mervyn's building located at 17651 Colima Road.

RECOMMENDED ACTION: Approve Development Plan No. 12-9 submitted by McKently Architects, Inc. based on the findings and Standard Requirements.

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 23, 2012 at 8:00 a.m.