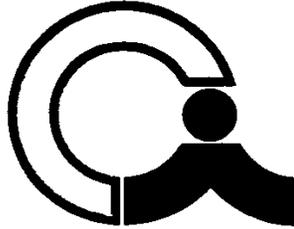


CITY OF INDUSTRY

CITY COUNCIL
REGULAR MEETING AGENDA

AUGUST 23, 2012
8:00 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.

-
1. Call to Order
 2. Flag Salute
 3. Roll Call
 4. Public Comments
-

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 July 12, 2012 regular meeting.

RECOMMENDED ACTION: Approve as submitted, with Council Member Spohn 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 a Conflict of Interest Code for the Oversight Board of the Successor Agency to the Industry Urban-Development Agency.

RECOMMENDED ACTION: Approve the Conflict of Interest Code as submitted, and designate the City Clerk as the filing officer for reports required to be filed pursuant to the Conflict of Interest Code.

- 5.5 Consideration of Resolution No. CC 2012-16 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADOPTING AN AMENDMENT TO THE EMPLOYEE HANDBOOK FOR CITY EMPLOYEES AND OFFICERS.

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-16.

- 5.6 Consideration of Resolution No. CC 2012-28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY AUTHORIZING AND APPROVING THE CONVEYANCE OF CERTAIN PARCELS OF REAL PROPERTY WITHIN THE CITY TO THE INDUSTRY PROPERTY AND HOUSING MANAGEMENT AUTHORITY AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH APPROPRIATE DEEDS AND RELATED DOCUMENTATION WITH RESPECT TO SUCH PROPERTIES.

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-28.

6. PUBLIC HEARING

- 6.1 Consideration of the required annual self-certification of conformance with the Congestion Management Program.

Consideration of Resolution No. CC 2012-25 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY FINDING THE CITY OF INDUSTRY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE CONGESTION MANAGEMENT PROGRAM LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-25.

7. CITY ATTORNEY MATTERS

- 7.1 Consideration of Resolution No. CC 2012-26 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, FIXING THE AMOUNT OF REVENUE FROM PROPERTY TAXES NECESSARY TO PAY THE BONDED OR OTHER INDEBTEDNESS OF THE CITY ACCRUING DURING THE 2012/13 FISCAL YEAR.

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-26.

- 7.2 Consideration of Resolution No. CC 2012-27 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, FIXING THE RATE OF TAXES AND LEVYING TAXES FOR THE 2012/13 FISCAL YEAR ON PROPERTY WITHIN THE CITY TO PAY THE BONDED OR OTHER INDEBTEDNESS OF THE CITY.

RECOMMENDED ACTION: Adopt Resolution No. CC 2012-27.

8. CITY ENGINEER MATTERS

Alameda Corridor-East Phase II Grade Separations

- 8.1 Consideration of Betterment Agreement between the City of Industry and the Alameda Corridor-East Construction Authority (ACE) for city-requested improvements to widen Fairway Drive and Walnut Drive in conjunction with the planned grade separation of Fairway Drive at the Los Angeles Subdivision of the Union Pacific Railroad for a not to exceed cost of \$5,000,000.00

RECOMMENDED ACTION: Approve the Betterment Agreement.

- 8.2 Consideration of Feasibility Study for the Fairway Drive Grade Separation at the Union Pacific Railroad and Valley Boulevard prepared by the Alameda Corridor- East Construction Authority (ACE) and the RKA Consulting Group, which identifies and analyses various alternatives with conceptual plans and cost estimates.

RECOMMENDED ACTION: Receive and file report and direct the City Manager to send a letter to ACE identifying the preferred alternative.

Roadway Improvements

- 8.3 Consideration of storm drain improvement alternatives on Kella Avenue easterly of Rook Road to alleviate standing water in front of property located at 2425 Kella Avenue.

RECOMMENDED ACTION: Receive and file report, and provide staff with direction to proceed with preferred method of storm drain facilities.

- 8.4 Consideration of status report on the present construction activities for the reconstruction of Nelson Avenue from Puente Avenue easterly to Unruh Avenue, City Contract No. CITY-1396.

RECOMMENDED ACTION: Receive and file report.

- 8.5 Consideration of an Agreement for Consultant Services between the City of Industry and Kleinfelder West, Inc. to perform geotechnical and material observation and testing services during the street reconstruction of Nelson Avenue from Puente Avenue to Unruh Avenue, City Contract No. CITY-1396, for a budget amount of \$82,662.00.

RECOMMENDED ACTION: Approve the Agreement for Consultant Services.

- 8.6 Consideration of status report on the present construction activities for the widening of Valley Boulevard from Azusa Way to Fairway Drive, City Contract No. VB-0320.

RECOMMENDED ACTION: Receive and file report.

- 8.7 Consideration of an Agreement for Consultant Services between the City of Industry and Kleinfelder West, Inc. to perform geotechnical and material observation and testing services during the street widening of Valley Boulevard from Azusa Way to Fairway Drive, City Contract No. VB-0320, for a budget amount of \$104,615.00.

RECOMMENDED ACTION: Approve the Agreement for Consultant Services.

Other Engineering/Public Works Matters

- 8.8 Consideration of a cost increase for the installation of electrical facilities and supervisory control data acquisition "SCADA" panel and programming for groundwater well No. 5, presently under construction by the Walnut Valley Water District, located at 20405 Business Parkway, for a budget amount of \$86,280.00.

RECOMMENDED ACTION: Approve the cost increase and authorize the expenditure of \$86,280.00.

- 8.9 Consideration of Change Order No. 2 to Becko, Inc. in the amount of \$8,114.63 for the removal of two existing unforeseen reinforced septic tanks and additional effort to locate and cap three existing sewer laterals for the building demolition at 14624, 14700, and 14710 Nelson Avenue, City Contract No. CITY-1405.

RECOMMENDED ACTION: Approve Change Order No. 2 in the amount of \$8,114.63.

9. PLANNING MATTERS

- 9.1 Consideration of Development Plan application No. 12-5 submitted by Whitewave Foods Company to add one new 75-foot tall steel tank and an 83 square foot addition on the south side of the building and to add two new 31-foot tall tanks on the north side of the building located at 18275 Arenth Avenue.

RECOMMENDED ACTION: Approve Development Plan No. 12-5 submitted by Whitewave Foods Company based on the findings and Standard Requirements and Conditions.

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.
- 10.7 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: Rowland Unified School District and Hacienda La Puente Unified School District v. City of Industry
Los Angeles Superior Court Central District
Case No. BC489109
11. Adjournment. Next regular meeting: Thursday, September 13, 2012 at 9:00 a.m.