

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

**JANUARY 20, 2004
TUESDAY
6:00 P.M.**

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

ROLL CALL:

Present: Councilmembers Julian A. Miranda, Manuel R. Garcia, Joseph F. Tapia; Mayor Pro Tem Rosemary M. Ramirez; Mayor Mark A. Breceda

Also present: Steve Blancarte, City Manager; Camille Diaz, Assistant City Manager; Fred Galante, City Attorney; Joseph De Ladurantey, Chief of Police; Abraham De Dios, Director of Finance; Kwok Tam, Director of Public Works/City Engineer; and Linda Kimbro, Deputy City Clerk

ANNOUNCEMENTS

MAYOR PRO TEM
RAMIREZ

Mayor Pro Tem Ramirez congratulated Councilmember Garcia on his new position with the City of Monrovia.

**SPONTANEOUS
COMMUNICATIONS**

RANDY REYES

Randy Reyes made accusations against the City Council and Police Department.

FRED BARBOSA

Fred Barbosa complained about the unsightliness of the Bubalo Pit.

THERESA CHICO

Theresa Chico discussed the drug problem in the City; thanked the Council for re-appointing Louis Bernal to the Planning Commission; asked about the park renovations; and asked about flooding on Live Oak Avenue.

SAL HERNANDEZ

Sal Hernandez commented on drug problems in the City and the allegations made by Randy Reyes.

JAMES HUNLEY

James Hunley asked Council to investigate the allegations made by Randy Reyes.

CITY MANAGER
BLANCARTE

City Manager Blancarte addressed comments made by Randy Reyes, Sal Hernandez, and James Hunley; advised that the Bubalo pit will be checked into; and indicated that there are lapses in work being conducted at the park due to rain, however, the contractor is under contract to complete the work by a specified date.

CONSENT CALENDAR

MOTION

A motion was made by Mayor Pro Tem Ramirez, seconded by Councilmember Garcia, to approve the Consent Calendar, with the exception of Item No. 1F, which was removed for separate consideration, reading resolutions and ordinances by title only and waiving further reading thereof. The motion was unanimously approved.

ITEM NO. 1A
MINUTES

MINUTES

The following minutes were approved:

1. Special meeting held July 28, 2003
2. Regular meeting held July 28, 2003
3. Special meeting held August 11, 2003
4. Regular meeting held August 11, 2003
5. Special meeting held August 25, 2003
6. Regular meeting held August 25, 2003
7. Special joint meeting with CRA and Housing Authority held August 26, 2003
8. Special meeting held August 28, 2003

ITEM NO. 1B
**WARRANTS/DEMANDS/
PAYROLL**

WARRANTS/DEMANDS/PAYROLL

The warrants/demands/payroll were approved.

ITEM NO. 1C
**REJECTION OF CLAIM -
GARCIA**

REJECTION OF CLAIM – GARCIA

The claim of Joe & Maria Garcia, alleging excessive force and a violation of their rights by City of Irwindale personnel, was rejected, and staff was directed to send a standard rejection letter to the claimants.

ITEM NO. 1D
**REJECTION OF CLAIM -
THOMPSON**

REJECTION OF CLAIM – THOMPSON

The claim of Eve Thompson, alleging damage to her vehicle after hitting a boulder in the roadway on Arrow Highway, was rejected, and staff was directed to send a standard rejection letter to the claimant.

ITEM NO. 1E
SECTION 404 PERMIT
CASE – DEATON V.
UNITED STATES

SECTION 404 PERMIT CASE – DEATON V. UNITED STATES

The Joinder by the City of Irwindale, by name only, in *Amici Curiae* (“Friend of Court”) brief to be filed by the Building Industry Legal Defense Foundation in the United States Supreme Court case of Deaton v. United States, was approved.

ITEM NO. 1G
ANNUAL REPORT OF
THE IRWINDALE
COMMUNITY
REDEVELOPMENT
AGENCY FOR FISCAL
YEAR 2002/2003

ANNUAL REPORT OF THE IRWINDALE COMMUNITY
REDEVELOPMENT AGENCY FOR FISCAL YEAR 2002/2003

The annual report of the Irwindale Community Redevelopment Agency for fiscal year 2002/2003, was received and filed.

END OF CONSENT CALENDAR

ITEM NO. 1F
APPROVAL OF
STANDSTILL
AGREEMENT WITH
UNITED ROCK
PRODUCTS

APPROVAL OF STANDSTILL AGREEMENT WITH UNITED ROCK
PRODUCTS

CITY ATTORNEY
GALANTE

City Attorney Galante reported on the status of negotiations between the City and United Rock relating to financial assurances and discussed his revisions of certain sections to the second amendment to the standstill agreement that has been drafted by United Rock.

MOTION

A motion was made by Councilmember Miranda, seconded by Councilmember Garcia, to approve the Second Amendment to the Standstill Agreement between the City and United Rock for the dismissal of three outstanding litigation matters filed by United Rock, with the revisions recommended by the City Attorney. The motion was unanimously approved.

NEW BUSINESS

ITEM NO. 2A
OPTIONS TO CHANGE
ELECTION DATE

OPTIONS TO CHANGE ELECTION DATE

CITY MANAGER
BLANCARTE

City Manager Blancarte presented the staff report and advised that State Assembly Bill 1521 has recently been enacted and provides additional election date options for municipalities. He also discussed the four options available to the City of Irwindale.

- COUNCILMEMBER
MIRANDA
- Councilmember Miranda indicated that the Council of 1995 changed the election date from June to March due to the presidential primaries. However, he expressed his opinion that there currently is no valid reason that requires a change in the election date.
- MOTION
- A motion was made by Councilmember Miranda to continue holding City Council elections on the first Tuesday after the first Monday in March of odd numbered years.
- MAYOR PRO TEM
RAMIREZ
- In response to a question by Mayor Pro Tem Ramirez, City Manager Blancarte advised that the Council's role in addressing this subject is to determine the best alternative for the electorate. He added that staff has researched each alternative and they are all feasible, however, he indicates that this matter is at the sole discretion of the Council and that staff provides no recommendation.
- MAYOR PRO TEM
RAMIREZ
- Mayor Pro Tem Ramirez advised that local elections have a great voter turnout; however, this is not the case with schoolboard or presidential elections. She expressed support for changing the City Council election date to the first Tuesday in March of each even-numbered year (which corresponds to the statewide direct primary) in an effort to stimulate voter turnout. She also indicated that, should this change not affect electorate turnout, it could be reversed.
- COUNCILMEMBER
GARCIA
- Councilmember Garcia concurred with Mayor Pro Tem Ramirez.
- MAYOR PRO TEM
RAMIREZ
- In response to a question by Mayor Pro Tem Ramirez, City Manager Blancarte advised that any changes to the election date will affect the terms of current Councilmembers. He further advised that the change that Mayor Pro Tem Ramirez supports would not be implemented as a pilot program; rather it would have to be enacted and applied to at least one election. Such a change would remain permanent until a future Council makes a change.
- COUNCILMEMBER
MIRANDA
- Councilmember Miranda expressed opposition to changing the election dates since this change would also extend the terms of current Councilmembers by 12 months. He reiterated his point that this change is unnecessary.
- MANUEL ORTIZ
- Manuel Ortiz expressed opposition to changing the election dates and indicated that this change is not needed. He suggested allowing the residents to decide whether this change is necessary. He also indicated that holding a stand alone local election would allow Irwindale residents to focus.

- Theresa Chico concurred with Manuel Ortiz and expressed her opinion that no urgency exists requiring this change.
- Sal Hernandez concurred with Manuel Ortiz and Theresa Chico and suggested allowing the residents choose when they would prefer to hold local elections.
- Councilmember Tapia seconded the above mentioned motion.
- The above mentioned motion failed, Councilmember Garcia, Mayor Pro Tem Ramirez, and Mayor Breceda opposed.
- A motion was made by Mayor Pro Tem Ramirez, seconded by Mayor Breceda, to direct staff to prepare and proceed with the preparation of an ordinance to change the Irwindale City Council election date to the first Tuesday in March of each even-numbered year which corresponds to the statewide direct primary. The motion was approved, Councilmembers Miranda and Tapia opposed.
- At 6:39 p.m., Council recessed to Closed Session to discuss the following:
- Conference with Real Property Negotiator
Pursuant to California Government Code Section 54956.8
- Property: Assessor Parcel Number 8415-001-019
Negotiating Parties: Vulcan, Archdiocese, City, CRA, and Housing Authority
Under Negotiation: Possible acquisition
- ACTION: Discussed; no reportable action taken
- Conference with Legal Counsel – Anticipated Litigation
Pursuant to California Government Code Section 54956.9
- Number of Cases: Five
- ACTION: Four cases discussed; no reportable action taken
One case not discussed
- Employee Discipline / Dismissal / Release (2 cases)
Pursuant to California Government Code Section 54957
- ACTION: One case discussed; no reportable action taken
One case not discussed

Conference With Labor Negotiator*

Pursuant to California Government Code Section 54957.6

Agency Negotiator: City Manager

*Employee Organizations: Irwindale Police Officers' Association
Irwindale Public Works Association*

*ACTION: Discussed; no reportable action taken
Mayor Pro Tem Ramirez recused and absent
from discussion (corrected at meeting held June
1, 2004)*

**Closed Session Item No. 4 was added by unanimous action of the
City Council, noting that the issue arose subsequent to the posting of
the agenda and there was a need to take action prior to the next
meeting.*

RECONVENE

At 7:40 p.m., Council reconvened in Open Session.

ADJOURNMENT

There being no further business to conduct, the meeting was
adjourned at 7:41 p.m.

Mark A. Breceda, Mayor

ATTEST:

Linda J. Kimbro, CMC
Deputy City Clerk

Approved as corrected at the meeting held June 1, 2004.