

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

**JULY 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, Joseph F. Tapia, Manuel R. Garcia; 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; Paula Kelly, Contract Planning Associate; and Linda Kimbro, Deputy City Clerk

CLOSED SESSION

At 6:00 p.m., the Council recessed to Closed Session to discuss the following:

Conference With Legal Counsel – Anticipated Litigation
Pursuant to California Government Code Section 54956.9

Number of Cases: Four

ACTION: 2 cases discussed; no reportable action taken
2 cases not discussed

Conference With Legal Counsel – Existing Litigation
Pursuant to California Government Code Section 54956.9

Name of case: United Rock v. City of Irwindale
Case No. BC287883

ACTION: Discussed; no reportable action taken

Name of case: United Rock v. City of Irwindale
Case No. BC287884

ACTION: Discussed; no reportable action taken

Name of case: United Rock v. City of Irwindale
Case No. BC287885

ACTION: Discussed; no reportable action taken

Name of case: Hernandez v. City of Irwindale, et al.
Case No. 04-04661 VAP (MLG)

ACTION: Discussed; no reportable action taken

Employee Discipline / Dismissal / Release (2 cases)
Pursuant to California Government code Section 54957

ACTION: Not discussed

RECONVENE IN
OPEN SESSION

At 6:38 p.m., the Council reconvened in Open Session with all members present.

ANNOUNCEMENTS

MAYOR PRO TEM
RAMIREZ

Mayor Pro Tem Ramirez welcomed the delegation from Salvatierra; reminded everyone about the *Irwindale Educational Foundation* fundraising dinner on July 23rd; reported on the Library's *Summer Reading Program*; reminded everyone about the book sale at the Library until August 6th; invited everyone to the *Music in the Park* program every Thursday night, noting that all food proceeds from this Thursday will be donated to a seriously ill Irwindale youth; announced that the Police Department will be holding its *National Night Out* program on Tuesday, August 3rd; congratulated the participants in the *Irwindale Young Citizen of the Year* competition: Mark Ponce, Delicia Ponce, and the winner, Amanda Orosco.

**PROCLAMATIONS /
COMMENDATIONS /
PRESENTATIONS**

INTRODUCTION OF
CARLOS ALVARADO,
NEW DISTRICT
DIRECTOR FOR
CONGRESSWOMAN
HILDA SOLIS

INTRODUCTION OF CARLOS ALVARADO, NEW DISTRICT
DIRECTOR FOR CONGRESSWOMAN HILDA SOLIS

Mayor Breceda introduced Carlos Alvarado as the new District Director for Congresswoman Hilda Solis.

CARLOS ALVARADO,
DISTRICT
DIRECTOR FOR
CONGRESSWOMAN
HILDA SOLIS

Carlos Alvarado thanked the Council and staff for the tour of the City and the business development information provided to him by the City of Irwindale.

PRESENTATION TO
LINDA MAREZ, WHO
WAS HONORED BY
SIERRA VISTA HIGH
SCHOOL AS
*CLASSIFIED
EMPLOYEE OF
THE YEAR*

PRESENTATION TO LINDA MAREZ, WHO WAS HONORED BY
SIERRA VISTA HIGH SCHOOL AS *CLASSIFIED EMPLOYEE OF
THE YEAR*

Mayor Breceda presented a Certificate of Recognition to Linda Marez in recognition of being named "Classified Employee of the Year" by Sierra Vista High School.

PROCLAMATION -
AUGUST 3, 2004 -
NATIONAL NIGHT OUT

PROCLAMATION DECLARING AUGUST 3, 2004, AS *NATIONAL NIGHT OUT 2004*

Mayor Breceda presented a Proclamation declaring August 3, 2004, as *National Night Out 2004* and called for all citizens to join together in a celebration of unity against crime, drugs, and violence within the community.

SPONTANEOUS COMMUNICATIONS

LISA BAILEY,
EXECUTIVE DIRECTOR,
IRWINDALE CHAMBER
OF COMMERCE

Lisa Bailey, Executive Director of the Irwindale Chamber of Commerce, echoed her pride in the participants in the *Irwindale Young Citizen of the Year* competition and thanked the Council and City staff for their support.

NELLIE TAPIA

Nellie Tapia spoke of the dangers of fireworks and reported a fire hazard near her home.

MANUEL ORTIZ

Manuel Ortiz complained about the inconsistency of recent Council meetings and discussed the need for a left hand turn signal at Irwindale and Cypress.

MAYOR BRECEDA

Mayor Breceda advised that the general public is notified of all City Council meetings in accordance with law. He added that a portion of the Irwindale Avenue / Cypress Street intersection is owned and maintained by the County of Los Angeles.

CITY MANAGER
BLANCARTE

City Manager Blancarte advised that a thorough traffic analysis must first be conducted by the Traffic Engineer before concluding whether a traffic signal is warranted. However, the City is currently working with the County of Los Angeles to install a traffic signal at that specific intersection.

COUNCILMEMBER
TAPIA

Councilmember Tapia reported speeding problems on Central Street.

CONSENT CALENDAR

MOTION

A motion was made by Mayor Pro Tem Ramirez, seconded by Councilmember Miranda, to approve the Consent Calendar, reading resolutions and ordinances by title only and waiving further reading thereof. The motion was unanimously approved.

ITEM NO. 1A
MINUTES

MINUTES

No minutes for approval.

ITEM NO. 1B
WARRANTS /
DEMANDS /
PAYROLL

WARRANTS / DEMANDS / PAYROLL

The warrants / demands / payroll were approved.

ITEM NO. 1C
RESOLUTION -
ADMINISTRATIVE
HEARING OFFICER

RESOLUTION NO. 2004-33-1977 – ADMINISTRATIVE HEARING
OFFICER

RESOLUTION NO.
2004-33-1977
ADOPTED

Resolution No. 2004-33-1977, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RESCINDING RESOLUTION NO. 2002-51-1942 AND ADOPTING A POLICY TO FILL ADMINISTRATIVE HEARING OFFICER (EXAMINER) POSITIONS AND RESTATING THE PROCEDURES FOR PARKING CITATION APPEALS,” was adopted.

ITEM NO. 1D
RESOLUTION –
ESTABLISHING
ANNUAL SPECIAL TAX
FOR COMMUNITY
FACILITIES DISTRICT
NO. 1 FOR FISCAL
YEAR 2004-2005

RESOLUTION NO. 2004-34-1978 ESTABLISHING ANNUAL
SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 1
FOR FISCAL YEAR 2004-2005

RESOLUTION NO.
2004-34-1978
ADOPTED

Resolution No. 2004-34-1978, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 1 FOR FISCAL YEAR 2003-2004,” was adopted.

END OF CONSENT CALENDAR

NEW BUSINESS

ITEM NO. 2A
DIRECTION ON
NAMING OF NEW PARK

DIRECTION ON NAMING OF NEW PARK

CITY MANAGER
BLANCARTE City Manager Blancarte requested Council direction for the naming of the new park, noting that a specific name is necessary for a proper park opening as well as mapping and signage issues.

MAYOR BRECEDA Mayor Breceda suggested "Salvatierra Park" as the park's new name.

COUNCILMEMBER
TAPIA Councilmember Tapia provided a list of seven names to the City Manager as his suggestions for the naming of the park.

MAYOR PRO TEM
RAMIREZ In response to a question by Mayor Pro Tem Ramirez, City Manager Blancarte advised that, although it would be preferable to receive Council direction tonight for the naming of the park, the Council can set a deadline for up to a month to provide input. He then read the list of names for the park that Councilmember Tapia has provided, as follows:

- 1) Dreamland Park
- 2) Kids 'R Us Park
- 3) Friendly Park
- 4) David March Park
- 5) Community Park
- 6) Veterans Park
- 7) Fun Land Zone Park

MOTION A motion was made by Mayor Pro Tem Ramirez, seconded by Mayor Breceda, to defer this matter to the Council meeting to be held August 3, 2004. The motion was unanimously approved.

ITEM NO. 2B
ELECTION DATE ELECTION DATE

MAYOR PRO TEM
RAMIREZ Mayor Pro Tem Ramirez requested that this matter be continued to the meeting to be held August 3, 2004. She advised that she plans to obtain additional information from staff, such as whether documentation was received detailing the expenses the City would incur should the County of Los Angeles conduct the City's elections; whether or not these expenses were divided among the school district, the water district, and the college boards; and the possibility of teleconferencing the election results.

MOTION A motion was made by Mayor Pro Tem Ramirez, seconded by Mayor Breceda, to defer this matter to the Council meeting to be held August 3, 2004. The motion was approved, Councilmembers Miranda and Tapia opposed.

COUNCILMEMBER
TAPIA Councilmember Tapia recommended that the election date should be decided by the City's voting population.

COUNCILMEMBER
MIRANDA Councilmember Miranda indicated that, should the proposed ordinance be approved, the Councilmembers would extend their respective terms by an additional eight months, for which there is no need.

MANUEL ORTIZ Manuel Ortiz expressed his opinion that the election dates should remain as regularly scheduled unless the City's voters decide otherwise.

THERESA CHICO Theresa Chico concurred with Manuel Ortiz and indicated that the election dates should be decided by the City's voting population.

MAYOR BRECEDA Mayor Breceda advised that a similar action was taken by a previous Council at which time no one expressed any opposition.

COUNCILMEMBER
MIRANDA Councilmember Miranda indicated that the situation at that time was different than that of the current Council.

PUBLIC HEARINGS

ITEM NO. 4A
RESOLUTION -
CONGESTION
MANAGEMENT
PROGRAM

RESOLUTION NO. 2004-35-1979 – CONGESTION MANAGEMENT PROGRAM

CITY MANAGER
BLANCARTE

City Manager Blancarte advised that this report provides information to the Metropolitan Transportation Authority and indicates that the City has taken proactive steps to accommodate the community's transportation needs.

OPEN
PUBLIC HEARING

At 7:07 p.m., Mayor Breceda opened the public hearing.

CLOSE
PUBLIC HEARING

There being no one wishing to speak, Mayor Breceda closed the public hearing at 7:08 p.m.

RESOLUTION NO.
2004-35-1979
ADOPTED

Resolution No. 2004-35-1979, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089,” was passed, approved, and adopted, reading by title only and waiving further reading thereof, on the motion of

Councilmember Garcia, seconded by Mayor Pro Tem Ramirez, and unanimously approved.

ITEM NO. 4B
RESOLUTION -
SITE PLAN AND
DESIGN REVIEW
(DISCRETIONARY
APPROVAL) NO. 2-04-
SOUTHWEST CORNER
OF ARROW HIGHWAY
AND FOURTH STREET

RESOLUTION NO. 2004-36-1980 – SITE PLAN AND DESIGN REVIEW (DISCRETIONARY APPROVAL) NO. 2-04 – SOUTHWEST CORNER OF ARROW HIGHWAY AND FOURTH STREET

CONTRACT PLANNING
ASSOCIATE KELLY

Contract Planning Associate Kelly advised that this item is a request for a permit for a site plan and design review and is part of the Wienerschnitzel project at 4th Street and Arrow Highway. She also detailed the site plan description, the development permit review process, the standards for compliance with development, compliance with the City's Design Guidelines, the project's environmental review, Planning Commission action, response to public notices, Site Plan and Design Review findings, and staff's recommendation.

OPEN
PUBLIC HEARING

At 7:13 p.m., Mayor Breceda opened the public hearing.

CLOSE
PUBLIC HEARING

There being no one wishing to speak, Mayor Breceda closed the public hearing at 7:14 p.m.

RESOLUTION NO.
2004-36-1980
ADOPTED

Resolution No. 2004-36-1980, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, LOS ANGELES COUNTY, APPROVING SITE PLAN AND DESIGN REVIEW PERMIT AND RELATED NEGATIVE DECLARATION TO DEVELOP PHASE 2 OF A PROPOSED RESTAURANT AND DRIVE-THRU ON PROPERTY ZONED C-2 (HEAVY COMMERCIAL) AND LOCATED AT THE SOUTHWEST CORNER OF ARROW HIGHWAY AND FOURTH STREET," was passed, approved, and adopted, reading by title only and waiving further reading thereof, on the motion of Mayor Pro Tem Ramirez, seconded by Mayor Breceda, and unanimously approved.

ITEM NO. 4C
RESOLUTIONS
RELATING TO STREET
LIGHTING AND SEWER
MAINTENANCE
ASSESSMENT
DISTRICTS FOR THE

RESOLUTION NO. 2004-40-1984 AND RESOLUTION NO. 2004-41-1985 – RELATING TO STREET LIGHTING AND SEWER MAINTENANCE ASSESSMENT DISTRICTS FOR THE IRWINDALE BUSINESS CENTER

IRWINDALE BUSINESS
CENTER

OPEN
PUBLIC HEARING

At 7:15 p.m., Mayor Breceda opened the public hearing.

CLOSE
PUBLIC HEARING

There being no one wishing to speak, Mayor Breceda closed the public hearing at 7:16 p.m.

RESOLUTION NO.
2004-40-1984
ADOPTED

Resolution No. 2004-40-1984, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AND ADOPTING AN ENGINEER’S REPORT FOR FISCAL YEAR 2004-2005 FOR MAINTENANCE AND OPERATION AND CAPITAL REPLACEMENT OF THE CITY’S SANITATION AND SEWERAGE SYSTEMS LOCATED WITHIN THE IRWINDALE BUSINESS CENTER AND ORDERING AND DIRECTING THAT SUCH RATES OR CHARGES BE COLLECTED ON THE TAX ROLLS,” and

RESOLUTION NO.
2004-41-1985
ADOPTED

Resolution No. 2004-41-1985, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, WITHIN THE EXISTING IRWINDALE BUSINESS CENTER STREET LIGHTING AND MAINTENANCE DISTRICT,” were passed, approved, and adopted, reading by titles only and waiving further reading thereof, on the motion of Councilmember Garcia, seconded by Mayor Breceda, and unanimously approved.

ITEM NO. 4D
RESOLUTION -
CONDITIONAL USE
PERMIT NO. 5-04 –
UNITED ROCK
PRODUCTS –
QUARRY NO. 2

RESOLUTION NO. 2004-37-1981 – CONDITIONAL USE PERMIT
NO. 5-04 – UNITED ROCK PRODUCTS – QUARRY NO. 2

CITY MANAGER
BLANCARTE

City Manager Blancarte introduced Bob Jenck from the State Department of Conservation; Russ Miller and Steven Seager, staff members; and Dr. Jeff Harvey, Dr. Kent McMillan, and Professor Donald Coduto, consultants.

CONTRACT PLANNING
ASSOCIATE KELLY

Contract Planning Associate reviewed the Conditional Use Permits. She advised that the proposal for Quarry No. 2 is to continue mining until December 31, 2020, or to a maximum depth of 410 feet,

whichever occurs first, and ultimately reclaim the quarry for industrial and/or commercial development. The proposal for Quarry No. 3 is to continue mining until December 31, 2037, or to a maximum depth of 440 feet, whichever occurs first, and reclaim the quarry for use as a groundwater recharge basin. She advised that all mining activities within Irwindale are regulated by the State Surface Mining and Reclamation Act (SMARA) and Irwindale Municipal Code Chapters 17.60 and 17.63. She added that these two entitlements, if approved, would replace and supersede all prior entitlements, including conditions of approval, reclamation plans, financial assurances, and environmental assessments for both quarries.

Contract Planning Associate Kelly continued by advising that, based on a review of the Environmental Questionnaire submitted with the original permit application, staff has determined that an Environmental Impact Review would be required, the timeline of which is as follows: a Notice of Preparation was issued October 17th, 2003, a public meeting was held November 19th, 2003, a Draft Environmental Impact Report was circulated for a 45 day public review period (from May 6th to June 21st, 2004), the Planning Commission held a Public Hearing on July 15th, 2004, and the City Council is also presently conducting a Public Hearing.

JEFF HARVEY,
GREYSTONE
ENVIRONMENTAL
CONSULTANT

Jeff Harvey, from Greystone Environmental Consultant, advised that his firm has addressed the impacts of three phases of mining operations: the actual mining extraction process, subsequent reclamation, and post reclamation. He also discussed issues relating to air quality, geology and soils, hydrology and drainage, and water quality and how specific steps were taken to mitigate potential negative impacts.

CONTRACT PLANNING
ASSOCIATE KELLY

Contract Planning Associate Kelly advised that several findings need to be established in order to issue a Conditional Use Permit, such as: the site needs to be adequate in size and shape, have adequate access in the continuation of the mining use and that the reclamation and the proposed end use will not have an adverse effect on adjacent properties. She continued to indicate that the findings required by Section 17.63.090 of the City's Municipal Code cannot be made at this time since the Planning Commission and the City Council, in order to grant final approval of the Reclamation Plan and the Financial Assurances, must first consider comments received from the Department of Conservation. However, these findings can be made at a later date.

Contract Planning Associate Kelly continued to advise that the Planning Commission considered the application at its meeting of July 15th and determined to recommend its approval to the City Council. Staff also recommends that the Council accept the

Planning Commission's recommendation and adopt the resolution of to approve the Conditional Use Permit.

OPEN
PUBLIC HEARING

At 7:30 p.m., Mayor Breceda opened the public hearing.

BILL CAPPS,
UNITED ROCK
PRODUCTS, INC.

Bill Capps, representing United Rock Products Corporation, indicated that he just received the revised conditions of approval and it would be inappropriate for him to state that the conditions as they have been presented are fully satisfactory to the applicant. However, he congratulated the Council and staff for all its hard work and efforts in finalizing what will be one of the very first times a City Council has required a filling to grade of a mine as a condition for depth entitlement.

CLOSE
PUBLIC HEARING

There being no further speakers, Mayor Breceda closed the public hearing at 7:32 p.m.

CITY MANAGER
BLANCARTE

City Manager Blancarte advised that the applicant and City staff recommend one addition and one adjustment in the conditions of approval and that City staff itself recommends another addition. The possible addition of a termination clause for the Joint Powers Authority will be discussed by the City Attorney.

City Manager Blancarte advised that, since the City has an easement on an access road south of Pit No. 3 which is being unused, the City is prepared to provide this road to United Rock. Additionally, United Rock would agree to fund freeway landscaping on the southbound 605 freeway at Arrow Highway and provide half of matching funds for freeway landscaping construction net costs, up to a maximum of \$250,000. Staff is recommending that these adjustments be made in the Conditions of Approval.

CITY ATTORNEY
GALANTE

City Attorney Galante advised that staff has distributed revised versions of these documents this afternoon and has met with the applicant to hear their comments. He advised that Bill Capps has submitted comments to the Planning Commission, most of which have been incorporated in the Conditions of Approval that have been circulated this afternoon. The recommended action is to accept the Conditions of Approval with the modifications that he and City Manager Blancarte have indicated.

City Attorney Galante advised that, once comments are received by the Department of Conservation, it would be appropriate to finalize revisions to the Conditions of Approval. Several changes for Pit No. 2 are as follows:

- 1) On condition number 12, the right of way referred to here refers to the right of way between the plant site and Pit No. 2.
- 2) A new "Section C" to condition number 23 contains the following language: "In the event the Joint Powers Authority is terminated for any reason, at least two years prior written notice of termination shall be given to the applicant before such termination shall be effective. This provision shall be included in the operating rights Transfer and Retransfer Agreement. During said two year period, the Reclamation Plan shall be reviewed pursuant to conditions 20 and 21 and revised in a manner such as that the then posted Financial Assurances would be sufficient for the applicant to accomplish the reclamation originally contemplated."
- 3) Condition number 35 relates to the exchange of the access road for landscaping improvements. The condition would allow the City to develop an agreement with the Agency to convey the easement property owned by the Agency on the southwest portion of the pit to the applicant at no cost, on the condition that the applicant installs landscaping up to a maximum of \$250,000.
- 4) Condition number 38 will have the reference to the erosion guidelines deleted; and
- 5) Condition number 63 will have a reference to the mine slope profile inserted.

RESOLUTION NO.
2004-37-1981
ADOPTED

Resolution No. 2004-37-1981, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, LOS ANGELES COUNTY, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT NO. 5-04 CUP AND ITS ATTENDANT RECLAMATION PLAN AND FINANCIAL ASSURANCES AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2003101088) TO ALLOW UNITED ROCK PRODUCTS CORPORATION TO CONTINUE MINING QUARRY NO. 2 AND TO RECLAIM THE QUARRY SITE FOR INDUSTRIAL AND/OR COMMERCIAL USES UPON COMPLETION OF MINING," was passed, approved, and adopted, reading by title only and waiving further reading thereof, on the motion of Mayor Pro Tem Ramirez, seconded by Mayor Breceda, and unanimously approved, as amended.

ITEM NO. 4E
RESOLUTION -
CONDITIONAL USE
PERMIT NO. 6-04 -
UNITED ROCK
PRODUCTS -
QUARRY NO. 3

RESOLUTION NO. 2004-38-1982 - CONDITIONAL USE PERMIT
NO. 6-04 - UNITED ROCK PRODUCTS - QUARRY NO. 3

CONTRACT PLANNING ASSOCIATE KELLY Contract Planning Associate Kelly presented the staff report indicating that this entitlement would supersede all prior permits, Conditions of Approval, and Financial Assurances. This proposal is for the continuance of mining at Pit No. 3 until December 31, 2037, or until reaching a maximum depth of 410 feet, whichever occurs first, and the reclamation of the quarry as a groundwater recharge basin. As with Pit No. 2, all significant impacts are mitigated to a less significant level with the implementation of mitigation measures. The findings for Conditional Use Permit No. 6-04 can be made, such as: the site is adequate in size and shape, it has adequate access, and the continuation of the mining use, the reclamation, and the proposed end use will not have an adverse effect on adjacent property. Also, the findings required by Chapter 17.63.090 of the City's Municipal Code cannot be made at this time. The Planning Commission recommended approval of this Conditional Use Permit at their July 15th meeting and staff also recommends the adoption of the resolution to approve the Conditional Use Permit.

OPEN PUBLIC HEARING At 7:45 p.m., Mayor Breceda opened the public hearing.

BILL CAPPS, UNITED ROCK PRODUCTS, INC. Bill Capps, representing United Rock Products Corporation, again indicated that he just received the revised conditions of approval and it would be inappropriate for him to state that the conditions as they have been presented are fully satisfactory to the applicant.

CLOSE PUBLIC HEARING There being no additional speakers, Mayor Breceda closed the public hearing at 7:46 p.m.

CITY ATTORNEY GALANTE City Attorney Galante advised that there exist some revisions to the conditions approved by the Planning Commission, which he discussed:

- 1) Condition number 16 contained setback language that applied to Pit number 2. The language he is proposing is that the setbacks remain in their existing condition since Pit No. 3 already has existing setbacks.
- 2) Condition number 23 would include language for the dissolution of the Joint Powers Authority.
- 3) Condition number 27, which refers to the transfer of the access road to the applicant, is more appropriate for Pit No. 2 and should therefore be deleted from these conditions.
- 4) Condition number 34 should have the erosion guidelines deleted.
- 5) Condition number 52 should have the first two sentences deleted.
- 6) Condition number 55 contains a typographical error in the description of the south slope that requires remediation.
- 7) Condition number 64 the following language should be inserted:
"all final perimeter slope areas shall be reclaimed to a standard of

2 to 1, horizontal to vertical, with suitable backfill material that can support re-vegetation as stated in the approved Reclamation Plan. All perimeter slopes shall be constructed in accordance with Chapter 33 of the 2002 Los Angeles County Building Code or latest version. Furthermore, all perimeter slopes shall have adequate erosion control measures designed in accordance with the drainage and erosion guidelines.”

RESOLUTION NO.
2004-38-1982
ADOPTED

Resolution No. 2004-38-1982, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, LOS ANGELES COUNTY, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT NO. 6-04 CUP AND ITS ATTENDANT RECLAMATION PLAN AND FINANCIAL ASSURANCES AND CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2003101088) TO ALLOW UNITED ROCK PRODUCTS CORPORATION TO CONTINUE MINING QUARRY NO. 3 AND TO RECLAIM THE QUARRY SITE AS A WATER RECHARGE BASIN UPON COMPLETION OF MINING,” was passed, approved, and adopted, reading by title only and waiving further reading thereof, on the motion of Mayor Pro Tem Ramirez, seconded by Mayor Breceda, and unanimously approved, as amended.

ITEM NO. 4F
APPEAL OF PLANNING
COMMISSION
DECISION TO UPHOLD
THE DETERMINATION
BY THE CITY’S
DIRECTOR OF PUBLIC
WORKS TO REQUIRE
UNITED ROCK TO
PROVIDE ADEQUATE
FINANCIAL
ASSURANCES TO
COVER THE COST OF
RECLAMATION FOR
UNITED ROCK PIT
NOS. 1, 2, AND 3

APPEAL OF PLANNING COMMISSION DECISION TO UPHOLD THE DETERMINATION BY THE CITY’S DIRECTOR OF PUBLIC WORKS TO REQUIRE UNITED ROCK TO PROVIDE ADEQUATE FINANCIAL ASSURANCES TO COVER THE COST OF RECLAMATION FOR UNITED ROCK PIT NOS. 1, 2, AND 3

CITY MANAGER
BLANCARTE

City Manager Blancarte recommended continuing this matter to the special meeting of August 9, 2003.

CITY ATTORNEY
GALANTE

City Attorney Galante advised that this matter should be continued since the City is attempting to create alternative financial assurances that are acceptable to the applicant, which renders this issue irrelevant at the moment.

MOTION

A motion was made by Councilmember Garcia, seconded by Councilmember Miranda, to continue this matter to the special meeting to be held August 9, 2004. The motion was unanimously approved.

NEW BUSINESS (CONTINUED)

ITEM NO. 2C
ORDINANCE
ESTABLISHING A
RECLAMATION FUND
TO PROVIDE
ADDITIONAL
RECLAMATION
SECURITY FOR
THE PROPER
RECLAMATION OF
CERTAIN MINING
SITES

ORDINANCE NO. 584 ESTABLISHING A RECLAMATION FUND TO PROVIDE ADDITIONAL RECLAMATION SECURITY FOR THE PROPER RECLAMATION OF CERTAIN MINING SITES

CITY ATTORNEY
GALANTE

City Attorney Galante advised that a necessary component of the items approved by the Council tonight relate to financial assurances. The concern raised by the applicant in the past has been that the financial assurances required by the City are excessive. This item is one of several steps that intend to resolve this issue. This ordinance creates a reclamation fund, which is an alternative source of security for assuring that the mining quarries are reclaimed in accordance with the reclamation plans submitted and conditionally approved by the Council. The reclamation fund would be created out of the special mining tax that the City currently collects.

ORDINANCE NO. 584
INTRODUCED FOR
FIRST READING

Ordinance No. 584, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING A RECLAMATION FUND TO PROVIDE ADDITIONAL RECLAMATION SECURITY FOR THE PROPER RECLAMATION OF CERTAIN MINING SITES IN THE CITY OF IRWINDALE,” was introduced for first reading, reading by title only and waiving further reading thereof, on the motion of Councilmember Garcia, seconded by Councilmember Tapia, and unanimously approved.

ITEM NO. 2D
GLOBAL SETTLEMENT
AGREEMENT
BETWEEN THE CITY
AND UNITED ROCK

GLOBAL SETTLEMENT AGREEMENT BETWEEN THE CITY AND UNITED ROCK PRODUCTS, INC.

PRODUCTS, INC.

CITY MANAGER
BLANCARTE

City Manager Blancarte recommended that this item be continued to the August 3, 2004, meeting for consideration.

MOTION

A motion was made by Mayor Pro Tem Ramirez, seconded by Councilmember Miranda, to continue this matter to the meeting to be held August 3, 2004. The motion was unanimously approved.

ITEM NO. 2E
SMARA OPERATION
RIGHTS TRANSFER
AND RETRANSFER
AGREEMENT

SMARA OPERATION RIGHTS TRANSFER AND RETRANSFER
AGREEMENT

CITY MANAGER
BLANCARTE

City Manager Blancarte recommended that this item be continued to the August 3, 2004, meeting for consideration.

MOTION

A motion was made by Mayor Pro Tem Ramirez, seconded by Mayor Breceda, to continue this matter to the meeting to be held August 3, 2004. The motion was unanimously approved.

ITEM NO. 2F
RESOLUTION
ESTABLISHING THE
IRWINDALE
RECLAMATION
AUTHORITY

RESOLUTION NO. 2004-39-1983 ESTABLISHING THE
IRWINDALE RECLAMATION AUTHORITY (Heard concurrently with
Community Redevelopment Agency Item No. 2A)

CITY ATTORNEY
GALANTE

City Attorney Galante presented the staff report indicating that this is another step that would assist in resolving the concerns raised by the applicant concerning financial assurances. This particular step approves the Joint Powers Authority that would serve to assist in providing an extra fund to secure that reclamation occurs in the manner set forth in the reclamation plans.

RESOLUTION NO.
2004-39-1983
ADOPTED

Resolution No. 2004-39-1983, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE IRWINDALE RECLAMATION AUTHORITY, A JOINT POWERS AUTHORITY,” was passed, approved, and adopted, reading by title only and waiving further reading thereof, on the motion of Mayor Pro Tem Ramirez, seconded by Councilmember Garcia, and unanimously approved.

CONSENT CALENDAR (CONTINUED)

CITY ATTORNEY GALANTE City Attorney Galante indicated that recital number three refers to the appointment of an Administrative Hearing Officer upon successful completion of a background check. He recommended that this clause should also be added in clause 4 in the body of the resolution.

MOTION A motion was made by Mayor Pro Tem Ramirez, seconded by Mayor Breceda to bring back Item No. 1C for reconsideration. The motion was unanimously approved.

ITEM NO. 1C
RESOLUTION - ADMINISTRATIVE HEARING OFFICER
RESOLUTION NO. 2004-33-1977 – ADMINISTRATIVE HEARING OFFICER

RESOLUTION NO. 2004-33-1977 ADOPTED
Resolution No. 2004-33-1977, entitled:
“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RESCINDING RESOLUTION NO. 2002-51-1942 AND ADOPTING A POLICY TO FILL ADMINISTRATIVE HEARING OFFICER (EXAMINER) POSITIONS AND RESTATING THE PROCEDURES FOR PARKING CITATION APPEALS,” was passed, approved, and adopted as amended by City Attorney Galante, reading by title only and waving further reading thereof, on the motion of Mayor Pro Tem Ramirez, seconded by Mayor Breceda, and unanimously approved.

NEW BUSINESS (CONTINUED)

ITEM NO. 2G
NON-BINDING TERM SHEET
NON-BINDING TERM SHEET

CITY MANAGER BLANCARTE City Manager Blancarte advised that the need for this document no longer exists since all the terms that were to be included in this document can be found in other documents that the Council has either approved tonight or will consider at a future meeting.

CITY MANAGER BLANCARTE City Manager Blancarte commended City Attorney Galante and Special Mining Counsel Aleshire, as well as Planning Associate Mas and Contract Planning Associate Kelly, Director of Public Works Tam, Civil Engineering Associate Rojas, Assistant City Manager Diaz, and all management staff and the Planning Commission for all their hard work.

MAYOR BRECEDA Mayor Breceda thanked and commended everyone involved in this matter.

MAYOR PRO TEM
RAMIREZ Mayor Pro Tem Ramirez advised that the City has effectively allowed the mining companies to continue digging in their pits on certain conditions. She indicated that a historic agreement was reached in late 2003 when the City entered into a Standstill Agreement with United Rock, something that has never been done before. Also, the City's voting population had approved a mining tax in 1999, the funds of which have been placed in a set aside fund. These funds will soon be used to assist in many City projects, such as the funding of a new City Library. She commended all staff members involved in this matter.

COUNCILMEMBER
GARCIA Councilmember Garcia concurred with Mayor Pro Tem Ramirez and indicated that Irwindale has taken proactive steps to move the City forward.

COUNCILMEMBER
TAPIA Councilmember Tapia thanked all those involved in this matter.

COUNCILMEMBER
MIRANDA Councilmember Miranda thanked staff for all their hard work.

CITY MANAGER
BLANCARTE City Manager Blancarte also thanked the State representatives.

RECESS TO
CLOSED SESSION At 8:16 p.m., the Council recessed to Closed Session.

RECONVENE IN
OPEN SESSION At 9:26 p.m., the Council reconvened in Open Session.

ADJOURNMENT There being no further business to conduct, the meeting was adjourned at 9:27 p.m.

Mark A. Breceda, Mayor

ATTEST:

Linda J. Kimbro, CMC
Deputy City Clerk

Approved as submitted at the meeting held September 21, 2004.