

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

**DECEMBER 7, 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 (participated in Closed Session via conference call); 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; Tonya Pace, Director of Planning; Kwok Tam, Director of Public Works/City Engineer; and Armando Hegdahl, Records Clerk

**CLOSED SESSION**

At 6:02 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: Three

ACTION: One case discussed; no reportable action taken. Two cases not discussed

Public Employee Discipline / Dismissal / Release (2)  
Pursuant to California Government Code Section 54957

ACTION: One case discussed (On a 4-1 affirmative vote, the City Manager was penalized, effective beginning December, with a four (4) week cut in salary); one case not discussed

**COUNCILMEMBER  
MIRANDA**

The following statement by Councilmember Miranda is included in its entirety, as he requested:

“In the past 2 \_\_ months, we have been under a dark cloud as our City Manager had been cited and arrested for solicitation of a prostitute back in September. Access to information pertaining to this arrest has been slowly coming in, even as late as today. In the personnel rules handbook, there are policies and procedures that are clearly laid out for conduct in disciplinary matters of employees. As I speak, the City Manager is not held to these policies under the exception provisions within the same document, and furthermore, there is no ethics clause that exists within his employment contractual agreement. However, these conduct procedures do exist and are expected to be followed by all City employees or face disciplinary

action. Does it not seem appropriate to hold the City Manager to the same level of expectations, if not greater? City Manager is a top administrative employee and as a result to his duties include enforcement of all laws, rules, and regulations of the City. In this role, the City Manager must also, from time to time, enforce disciplinary actions upon employees of our City. In order to perform such duties, the City Manager needs to be trustworthy, respected, with moral conduct that is beyond reproach. City Manager's role demands these qualities as he sets the example and tone for our municipal organization. Frankly, Mr. Blancarte has lost all credibility with me, to be effective any longer as Irwindale City Manager. Furthermore, anything less than Mr. Blancarte's separation from the City of Irwindale would create a negative image and portray that we, the City Council, tolerate such conduct, as well as sending the message of not requiring the very best for Irwindale's residents and employees. Finally, I believe that there is simple truth that should never be compromised, which is that no basic responsibility is more important than maintaining the highest ethical standards for those who conduct public business. In light of the overall factual information submitted to the City Council and in order to preserve the integrity of our City, I call for the immediate resignation of Steve Blancarte from the post of Irwindale City Manager, this 7<sup>th</sup> day of December, 2004."

MAYOR BRECEDA

Mayor Breceda expressed his belief that City Manager Blancarte has done an excellent job for the City and that he would not accept the City Manager's resignation at this time. He added that, although his behavior has been unacceptable, it does not merit his separation from the City. Also, although he has been fined about \$22,000 for his actions, City Manager Blancarte has demonstrated his loyalty to the City through his many accomplishments.

RECONVENE IN  
OPEN SESSION

At 6:38 p.m., the Council reconvened in Open Session.

**ANNOUNCEMENTS**

MAYOR BRECEDA

Mayor Breceda requested that the meeting be adjourned in memory of Barbara Medina.

**PROCLAMATIONS /  
COMMENDATIONS /  
PRESENTATIONS**

PRESENTATION TO THE FAMILY OF LOUIS BERNAL IN HONOR OF HIS SERVICE TO THE CITY      PRESENTATION TO THE FAMILY OF LOUIS BERNAL IN HONOR OF HIS SERVICE TO THE CITY AS A PLANNING COMMISSIONER FROM 1988 THROUGH 2004  
The presentation was made.

MAYOR BRECEDA      Mayor Breceda requested that a plaque in Louis Bernal's honor be placed at *Our Lady of Guadalupe* Church for his contributions to the Church.

PRESENTATION TO SANDY PUSEY IN RECOGNITION OF HER SERVICE TO THE CITY      PRESENTATION TO SANDY PUSEY IN RECOGNITION OF HER SERVICE TO THE CITY  
The presentation was made.

CERTIFICATE OF RECOGNITION - IRWINDALE CHAMBER OF COMMERCE ENVIRONMENTAL COMMITTEE      CERTIFICATE OF RECOGNITION – IRWINDALE CHAMBER OF COMMERCE ENVIRONMENTAL COMMITTEE  
The presentation was made.

CERTIFICATE OF RECOGNITION - IRWINDALE POLICE DEPARTMENT HOMELAND SECURITY FORUM COMMITTEE      CERTIFICATE OF RECOGNITION – IRWINDALE POLICE DEPARTMENT HOMELAND SECURITY FORUM COMMITTEE  
The presentation was made.

**SPONTANEOUS  
COMMUNICATIONS**

PETE RAMIREZ      Pete Ramirez, from AmVets Post 113, requested to meet with staff to discuss the renewal of the lease on the property where the AmVets post is located.

MANUEL ORTIZ      Manuel Ortiz invited all in attendance to the groundbreaking ceremony for the new parish educational and pastoral center for Our Lady of Guadalupe Church to be held December 12<sup>th</sup>, and requested police assistance for the event procession.

THERESA CHICO      Theresa Chico thanked the Council for the construction of additional traffic signals at the intersection of Irwindale Avenue and Cypress Street.

CITY MANAGER  
BLANCARTE

In response to a question by City Manager Blancarte, Director of Public Works Tam advised that the traffic analysis conducted on the Cypress/Irwindale Avenue intersection does not currently warrant the construction of left turn signals for the east/westbound traffic.

City Manager Blancarte advised that constructing said light signal could potentially expose the City to liability since the traffic analysis does not require the turn signals.

**CONSENT CALENDAR**

MOTION

A motion was made by Councilmember Garcia, 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

The following minutes were approved:

- 1) Special meeting held October 11, 2004
- 2) Adjourned meeting held October 25, 2004
- 3) Regular meeting held November 16, 2004

ITEM NO. 1B  
WARRANTS /  
DEMANDS /  
PAYROLL

WARRANTS / DEMANDS / PAYROLL

The warrants / demands / payroll were approved

ITEM NO. 1C  
REJECTION OF CLAIM –  
OCEGUEDA V.  
CITY OF IRWINDALE

REJECTION OF CLAIM – OCEGUEDA V. CITY OF IRWINDALE

The claim of Ocegueda v. City of Irwindale was rejected and staff was directed to send a standard letter of rejection to the claimant.

ITEM NO. 1D  
REJECTION OF CLAIM -  
WRIGHT V.  
CITY OF IRWINDALE

REJECTION OF CLAIM – WRIGHT V. CITY OF IRWINDALE

The claim of Wright v. City of Irwindale was rejected and staff was directed to send a standard letter of rejection to the claimant.

ITEM NO. 1E  
RESOLUTION -  
WAIVING BIDDING  
PROCEDURES FOR  
PURCHASE OF  
POLICE LOCKERS

**RESOLUTION NO. 2004-71-2015** – WAIVING BIDDING  
PROCEDURES FOR PURCHASE OF POLICE LOCKERS

RESOLUTION NO.  
2004-71-2015  
ADOPTED

**Resolution No. 2004-71-2015**, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE WAIVING FORMAL BIDDING PROCEDURES FOR THE PURCHASE OF LAW ENFORCEMENT LOCKERS IN THE POLICE DEPARTMENT,” was adopted.

ITEM NO. 1F  
CANCELLATION OF  
DECEMBER 21, 2004,  
CITY COUNCIL  
MEETING

CANCELLATION OF DECEMBER 21, 2004, CITY COUNCIL MEETING

The cancellation of the regular City Council meeting scheduled for December 21, 2004, was approved.

ITEM NO. 1G  
ORDINANCE -  
REGULATIONS FOR  
USE OF DESIGNATED  
SKATEBOARD AREAS

**ORDINANCE NO. 589** – REGULATIONS FOR USE OF DESIGNATED SKATEBOARDING AREAS

ORDINANCE NO. 589  
INTRODUCED FOR  
FIRST READING

**Ordinance No. 589**, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE AMENDING THE IRWINDALE MUNICIPAL CODE SETTING REGULATIONS FOR THE USE OF DESIGNATED SKATEBOARDING AREAS”, was introduced for first reading.

## **END OF CONSENT CALENDAR**

## **NEW BUSINESS**

ITEM NO. 2A  
RESOLUTION -  
APPOINTMENT OF  
PARKS & RECREATION  
COMMISSIONERS

**RESOLUTION NO. 2004-72-2016** – APPOINTMENT OF PARKS & RECREATION COMMISSIONERS

RESOLUTION NO.  
2004-72-2016  
ADOPTED

**Resolution No. 2004-72-2016**, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, APPOINTING MEMBERS TO THE PARKS & RECREATION COMMISSION OF THE CITY OF IRWINDALE,” was adopted, reading by title only and waiving further reading thereof, thereby appointing Carol B. Hernandez to serve on the Parks & Recreation Commission, on the motion of Mayor Breceda, seconded by Councilmember Garcia, and unanimously approved.

ITEM NO. 2B  
RESOLUTION -  
APPOINTMENT OF  
SENIOR CITIZEN  
COMMISSIONER

**RESOLUTION NO. 2004-73-2017** – APPOINTMENT OF SENIOR  
CITIZEN COMMISSIONER

RESOLUTION NO.  
2004-73-2017  
ADOPTED

**Resolution No. 2004-73-2017**, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, APPOINTING A MEMBER TO THE SENIOR CITIZEN COMMISSION OF THE CITY OF IRWINDALE,” was adopted, reading by title only and waiving further reading thereof, thereby appointing Stella Breceda to serve on the Senior Citizen Commission, on the motion of Mayor Breceda, seconded by Councilmember Garcia, and unanimously approved.

ITEM NO. 2C  
STATEMENT OF  
QUALIFICATIONS –  
MATERIAL RECOVERY  
FACILITY / TRANSFER  
STATION

STATEMENT OF QUALIFICATIONS – MATERIAL RECOVERY  
FACILITY / TRANSFER STATION

CITY MANAGER  
BLANCARTE

City Manager Blancarte advised that the City Council has previously approved an agreement with Brown Vence & Associates to research the feasibility of locating a site to develop a material recovery facility and/or transfer station. The Council’s main concern with establishing this type of facility relates to the control of odor from such a business. This station is where solid waste from various communities would be sorted, recycled (if applicable), or packaged and transferred.

He added that, although a specific site has not yet been determined, several potential sites exist within the City. Also, a committee comprised of Councilmembers and staff has visited existing facilities in Oxnard, Los Virgenes, and Sacramento. He commented on the functions of the facilities and their various odor mitigation measures. He recommended the research of possible partnerships with private companies within the waste hauling community. He also commented on the report that identifies a schedule and method by which staff would issue a Statement of Qualifications to solicit potential interest from private firms.

PUBLIC WORKS  
ANALYST CORPIS

Public Works Analyst Corpis presented a PowerPoint presentation detailing the functions, maintenance, performance, and cost of biofilters. She also discussed the motivation behind the willingness of the City to construct biofilters within the City and presented a report on the Stanton facility and the performance of their biofilter.

- LEON GARCIA Leon Garcia, from Grand Central Recycling, requested the addition of his company on the Potential Bidders List for this project.
- MANUEL ORTIZ Manuel Ortiz suggested that Council give careful consideration to the size, location, noise, and traffic impacts created by such a station.
- In response to a question by Manuel Ortiz, City Manager Blancarte advised that the City's proposal calls for the process of 4,000 tons of waste per day. He added that, although the transfer station in the City of Industry is currently permitted to process 1,900 tonnage of waste per day, they are currently applying to process 8,000 tons per day.
- MANUEL ORTIZ Manuel Ortiz indicated that the neighborhood surrounding the Athens Transfer Station complained about noise, odor, and other issues caused by the station. He suggested that, should the City decide to construct such a facility, that it be built as far away from residential areas as possible.
- DAVID FUENTES David Fuentes expressed opposition to the construction of such a facility within the City. He advised that he has visited other facilities, all of which produce foul odors. He also spoke on the possibility that odor mitigation measures may malfunction
- CITY MANAGER  
BLANCARTE City Manager Blancarte advised that staff is interested in establishing this facility since other City Councils may not require such stringent odor mitigation measures, which would then potentially negatively impact Irwindale residents. Also, Irwindale would not receive any of the benefits from the facility if it were built outside of the City.
- City Manager Blancarte advised that this facility would be located on a major street, near a freeway, and away from residents and would feature state-of-the-art odor mitigation equipment.
- MAYOR BRECEDA Mayor Breceda advised that the sites visited by the committee produced positive results and that the Council would not allow the development of a facility that could negatively impact residents.
- CITY MANAGER  
BLANCARTE City Manager Blancarte reiterated that other cities may not require state-of-the-art odor mitigation equipment if the facility were to be built within their cities.
- DAVID FUENTES in response to a question by David Fuentes, City Attorney Galante advised that part of the Statement of Qualifications requires each entity that proposes partnership with the City to submit a \$20,000 non-refundable check to cover staff time in reviewing the document.

- COUNCILMEMBER  
MIRANDA                      Councilmember Miranda requested public disclosure of the site that the Council is considering for the development of the station.
- CITY MANAGER  
BLANCARTE                      City Manager Blancarte recommended against public disclosure of the site.
- COUNCILMEMBER  
MIRANDA                      Councilmember Miranda expressed his belief that the only way to receive additional positive input from the community is to provide them with full details of the progress of this matter. He added that, besides odor control matters, other issues need to be addressed, such as traffic control. He also expressed opposition to partnering with private entities, noting the risk of serious drawbacks, such as environmental problems that could result from this site; and expressed concern over the City's ability to pay off its current \$118 million in bond indebtedness.
- CITY MANAGER  
BLANCARTE                      City Manager Blancarte indicated that the site under consideration for this facility could be divulged should the Council decide so. However, he warned that this disclosure could potentially hurt the City's negotiations with the site's owner. He did, however, indicate that the site is close to a major street, near a freeway, and far away from residents. Also, part of this process involves an environmental review which would study traffic mitigation. He also discussed bonding options available to the City which would allow for the City's ownership or control of the facility. He then advised that the City's bond indebtedness is not unusual for any City and that, by law, the Community Redevelopment Agency must incur debt.
- City Manager Blancarte also advised that private partnership is available to the Council as an option. Also, staff may conduct a bond indebtedness workshop to educate the community on how municipal finances are expended.
- MICHAEL BROWN                      Michael Brown, from Brown, Vence, & Associates, advised that the Statement of Qualifications is an exploratory document that would assist in gathering information. While the report demonstrated different potential revenues and risks, the Statement of Qualifications simply asks the private companies what they would offer and does not commit the City to anything. Regarding other environmental issues, Michael Brown added that a full environmental impact analysis would be conducted in conformance with the California Environmental Quality Act.
- COUNCILMEMBER  
MIRANDA                      In response to a question by Councilmember Miranda relating to the options as detailed in the staff report, Michael Brown advised that option three would provide the greatest stream of revenue if structured in a manner that the partnering private company would be solely responsible for paying any debts. The debt would be in the

name of the City, but the private company would make the lease payments to the City in an amount greater than the debt service. He recommended, however, working with appropriate legal and financial advisors to structure this option to maximize revenues while minimizing risks.

CITY ATTORNEY  
GALANTE

City Attorney Galante advised that option three had the most potential of relative risk. He also explained the difference between the risk of the options available and recommended structuring a deal to protect the City as much as possible.

CITY MANAGER  
BLANCARTE

City Manager Blancarte advised that, although the information as prepared by Brown Vence & Associates is valuable, it merely details options available to the Council. Staff refrains from making any recommendations until viable Statement of Qualifications are received.

MAYOR BRECEDA

Mayor Breceda advised that he has studied the information extensively and suggested further exploration of this matter. He also indicated that this is worth studying since it is in the best interest of the residents to have some type of control over environmental issues.

COUNCILMEMBER  
MIRANDA

Councilmember Miranda advised that he has not seen any proof that other cities are contemplating development of this type of facility. He reiterated that all relevant information should be made public due to the controversial nature of this matter.

COUNCILMEMBER  
GARCIA

Councilmember Garcia indicated that moving forward with the release of the Statement of Qualifications would provide the City with additional information it seeks.

CITY ATTORNEY  
GALANTE

City Attorney Galante advised that the Statement of Qualifications indicates the following: "the City has the right to pursue with any of the respondents an agreement for the implementation of the facility and reserves the right to decide to terminate the procurement process at any time. City Council approval shall be required prior to the finalization of the agreement". Therefore, the City has the discretion to terminate the process if it is discovered that it is not in the best interest of the City. Also, all entities submitting the proposal have full knowledge that the process can be terminated at a public meeting. Workshops can be held at a future date to receive input from the public.

MAYOR BRECEDA

Mayor Breceda concurred with holding public workshops to inform the public on the status of the process.

CITY MANAGER  
BLANCARTE

City Manager Blancarte advised that additional operators could be added to the finite list of private operators unless directed differently by the Council.

MOTION

A motion was made by Mayor Breceda, seconded by Councilmember Garcia, to authorize the City Manager to direct Brown Vence and Associates (BVA) to distribute a Statement of Qualifications (SOQ) to a list of companies in the waste industry to determine interest in the development of a Material Recovery Facility / Transfer Station (MRF/TS) in Irwindale. The motion was approved; Councilmember Miranda opposed.

MOTION

A motion was made by Mayor Breceda, seconded by Councilmember Garcia, to bring back Item No. 2A for reconsideration. The motion was unanimously approved.

ITEM NO. 2A  
RESOLUTION -  
APPOINTMENT OF  
PARKS & RECREATION  
COMMISSIONERS

**RESOLUTION NO. 2004-72-2016** – APPOINTMENT OF PARKS & RECREATION COMMISSIONERS

RESOLUTION NO.  
2004-72-2016  
ADOPTED

**Resolution No. 2004-72-2016**, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, APPOINTING CAROL HERNANDEZ AND ERLINDA DURAN TO THE PARKS & RECREATION COMMISSION OF THE CITY OF IRWINDALE,” was adopted, reading by title only and waiving further reading thereof, thereby appointing Erlinda Duran and Carol B. Hernandez to serve on the Parks & Recreation Commission, on the motion of Mayor Breceda, seconded by Councilmember Garcia, and unanimously approved.

RECESS TO  
CLOSED SESSION

At 7:53 p.m., Council recessed to Closed Session.

RECONVENE IN  
OPEN SESSION

At 8:56 p.m., Council reconvened in Open Session present.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 9:01 p.m., in memory of Barbara Medina.

---

Mark A. Breceda, Mayor

ATTEST:

---

Linda J. Kimbro, CMC  
Deputy City Clerk

Approved as submitted at the meeting held January 4, 2005.