

Minutes of the regular meeting of the City Council of the City of Huntington Park held Tuesday, September 6, 2011.

Following the Invocation and Pledge of Allegiance to the Flag, the meeting was called to order in the Council Chambers at 6:00 p.m. by Mayor Hernandez. Present: Council Member Mario Gomez, Vice Mayor Andy Molina, Council Member Elba Guerrero, Council Member Rosa E. Perez, and Mayor Ofelia Hernandez; Absent: None.

Mayor Hernandez and City Council presented Certificates of Recognition to the following organizations and volunteer groups who participated in the City's 14th Annual National Night Out: 1) Neighborhood Improvement Volunteer Group; 2) Huntington Park Department of Recreation; 3) Los Angeles County Fire Department; 4) Los Angeles County Tobacco Control & Prevention Program; 5) Drug Demand Reduction Program; 6) Huntington Park Police Department Reserves; 7) Huntington Park Police Department Explorer Post #1028; 8) Huntington Park Police Department Code Enforcement; 9) Huntington Park Police Department Youth Services Division; 10) Huntington Park Police Department Special Emergency Response Team; 11) Huntington Park Police Department Traffic; 12) Edible Arrangements; 13) Gage Bowl; 14) Huntington Park Key Club; 15) Multi-Taskers; 16) LA RAZA 97.9 Radio Station; 17) Jarritos (not present); 18) Farmer John (not present); 19) Gaviña Coffee (not present); 20) Los Angeles County Library; 21) American Cancer Society; 22) ROSS Dress for Less; 23) Waste Management; 24) Business Improvement District; 25) All Care Medical Group; 26) Women's Club of Huntington Park; 27) Fair Housing Foundation; 28) CARE Ambulance (not present); 29) JADE Family Services (not present); and 30) St. Francis Medical Center Mobile (not present).

Mayor Hernandez and City Council presented Enrique Murillo with a certificate for his commitment in working as a positive influence to the community; and a plaque to American Association of Retired Persons (AARP) Chapter 221 in celebration of their 50th Year Anniversary.

Mayor Hernandez and City Council presented a Proclamation recognizing the Moment of Remembrance to commemorate the 10th Anniversary of the attacks of September 11, 2001 to Chief of Police Cisneros.

Mayor Hernandez opened oral communications, indicating that this was the time for anyone in the audience to address the City Council on any matter of City business.

Dante D'Eramo, Executive Director/CEO of The Greater Area Huntington Park Chamber of Commerce, thanked Vice Mayor Molina for attending a recent meeting to help non-profit organizations network and support one another. Mr. D'Eramo informed City Council that the Chamber is putting together a master calendar of events and encouraged organizations in the community to submit their calendar of events to be incorporated in the master calendar to be posted on the Chamber's website. Mr. D'Eramo invited everyone to attend their Annual Sabor de Mexico Lindo Downtown Street Festival along Pacific Boulevard, October 7 through 9, 2011.

Martin Delgado, Community Library Manager at the Huntington Park Library, distributed flyers and informed City Council of the upcoming activities at the library in September and October 2011 including the following: 1) Youth Dancers from Blanca Art Center on September 15, 2011 at 5:00 p.m.; 2) a "Tribute to the Andes", a South American music program with Eenedina Boza on September 17, 2011 at 2:00 p.m.; 3) "La Noche del Gran Godo" book discussion with Author Manuel Gayol Mecias on October 1, 2011 at 3:00 p.m.; 4) "El Imaginario Hispano en Bernini: Extasis y Pasion como Signo Cultural" Art History discussion with Angel Marrero on October 15, 2011 at 2:00 p.m.; and 5) In honor of Hispanic Heritage Month October 2011: "The Chicano Student Walkouts 1968" discussion with Civil Rights Attorney Herman Sillas on October 22, 2011 at 1:30 p.m.

Adrian Potinga, Co-producer of "Caso Cerrado", a television program, addressed City Council regarding a previous film permit request to film "Caso Cerrado" in the City of Huntington Park. Mr. Potinga informed City Council that the production of Telemundo's "Caso Cerrado" has been postponed to next year and thanked City Council and staff for the opportunity and time. Mr. Potinga stated that he hopes to bring his request back to City Council in 2012 and informed City Council that in the meantime he will be working with Business Improvement District Manager Erica Frausto to ensure that this event moves forward.

Dr. Jack Bayramyan, representing Kids and Family Dental Place at 2621 Zoe Avenue, invited City Council to attend their Grand Opening event on Sunday, September 11, 2011 from 8:00 a.m. to 6:00 p.m.

Carolina Jovenich, representing Caroline Promotions, Inc., informed City Council that she will be carrying out the Grand Opening event for the Kids and Family Dental Place located at 2621 Zoe Avenue, and invited City Council to attend their reception from 11:00 a.m. to 1:00 p.m.

Enrique Murillo expressed his concerns to City Council regarding the recent auto thefts in the community and the police response time when crime is reported to the Huntington Park Police Department. Mr. Murillo asked City Council to look into improving the Police Department's response time.

Mayor Hernandez called for any other oral communications, and hearing none, declared oral communications closed.

City Attorney Leal requested the City Council resolve into a **closed session** pursuant to California Government Code Subdivision (a) of Section 54956.9 for CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Names of Cases: Donald Sipple et al. vs. City of Huntington Park, et al., Case No. BC462270; and Huntington Patients' Association, Edwin Movagharian vs. City of Huntington Park, et al., Case No. BC466323. Mayor Hernandez declared the meeting resolved into closed session to be held immediately in the adjoining conference room at 6:30 p.m.

Following the closed session, the meeting was called to order in the Council Chambers at 6:50 p.m. Present: Council Member Mario Gomez, Vice Mayor Andy Molina, Council Member Elba Guerrero, Council Member Rosa E. Perez, and Mayor Ofelia Hernandez; Absent: None.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider any protest or public comment regarding a Planning Commission decision denying a request for a Variance to deviate from the minimum development standards to establish a convenience store with the off-sale of beer and wine at 2321 E. Florence Avenue in the C-G (General-Commercial) Zone. The City Clerk reported that one (1) written communication had been received in the Office of the City Clerk from the applicant, 7-Eleven, Inc., requesting withdrawal of their appeal request effective immediately. Mayor Hernandez declared the appeal hearing open and called for oral communications from the appellant, and hearing none, Mayor Hernandez declared the **appeal hearing** closed.

Motion by Perez, seconded by Gomez to **accept the applicant's formal withdrawal of the appeal of Planning Commission decision for a variance at 2321 E. Florence Avenue**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider any protest or public comment on the proposed amendment to the Huntington Park Municipal Code pertaining to the Downtown Huntington Park Specific Plan (DTSP) Chapter 5-3.8 Signs for Legal Nonconforming Uses and Legal Nonconforming Signs. The City Clerk reported that no written communications had been received in the Office of the City Clerk. Mayor Gomez declared the public hearing open and called for oral communications and hearing none, Mayor Gomez declared the **public hearing** closed.

ORDINANCE NO. 872-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, AMENDING THE MUNICIPAL CODE REGULATIONS AS IT PERTAINS TO THE DOWNTOWN HUNTINGTON PARK SPECIFIC PLAN (DTSP) CHAPTER 5-3.8 SIGNS FOR LEGAL NONCONFORMING USES AND LEGAL NONCONFORMING SIGNS was read by title. Motion by Guerrero, seconded by Molina, that reading in full of Ordinance No. 872-NS for first reading be waived, and that Ordinance No. 872-NS be introduced and approved for first reading, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider any protest or public comment on the proposed amendment to the Huntington Park Municipal Code regarding hours of operation for check cashing, currency exchange, money advance and money transfer uses within the City. The City Clerk reported

that no written communications had been received in the Office of the City Clerk. Mayor Gomez declared the public hearing open and called for oral communications and hearing none, Mayor Gomez declared the **public hearing** closed.

ORDINANCE NO. 873-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA AMENDING TITLE 9, CHAPTER 4, ARTICLE 2, OF THE HUNTINGTON PARK MUNICIPAL CODE RELATING TO **STANDARDS FOR CHECK CASHING, CURRENCY EXCHANGE, MONEY ADVANCE AND MONEY TRANSFER USES WITHIN THE CITY** was read by title. Motion by Guerrero, seconded by Gomez, that reading in full of Ordinance No. 873-NS for first reading be waived, and that Ordinance No. 873-NS be introduced and approved for first reading, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

City Clerk Ramirez announced that in accordance with published notice, this is the time and place set to consider any protest or public comment on In accordance with published notice, this is the time and place set to consider any protest or public comment on the proposed amendment to provisions of Title 9 of the Huntington Park Municipal Code to add a ban of medical marijuana dispensaries. The City Clerk reported that no written communications had been received in the Office of the City Clerk. Mayor Gomez declared the public hearing open and called for oral communications and hearing none, Mayor Gomez declared the **public hearing** closed.

ORDINANCE NO. 874-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA AMENDING PROVISIONS OF TITLE 9 OF THE HUNTINGTON PARK MUNICIPAL CODE TO ADD A **BAN OF MEDICAL MARIJUANA DISPENSARIES** was read by title. Motion by Gomez, seconded by Perez , that reading in full of Ordinance No. 874-NS for first reading be waived, and that Ordinance No. 874-NS be introduced and approved for first reading, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Motion by Guerrero, seconded by Gomez, to approve the Consent Calendar, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

CONSENT CALENDAR

OFFICE OF THE CITY CLERK

Approve minutes of the special meeting of the City Council held Thursday, August 4, 2011.

Approve minutes of the regular meeting of the City Council held Monday, August 15, 2011.

Deny claim filed by Allstate Insurance for Jose Esquivel, Date of Incident: February 26, 2011 and refer to the City's insurance administrator.

Approve the reading by title of all ordinances and resolutions. Said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

PARKS AND RECREATION DEPARTMENT

Authorize staff to issue a Request for Proposals for the Fitness Equipment and Installation for the City of Huntington Park.

FINANCE DEPARTMENT

Approve Accounts Payable and Payroll Warrants dated September 6, 2011.

END OF CONSENT CALENDAR

City Clerk Ramirez presented a request from Vice Mayor Molina for discussion and/or action regarding permitted uses within the City's Downtown Area. Ersel Shakibkoo, entrepreneur, informed City Council that due to today's economic crisis, businesses are struggling financially and cannot afford to stay in business, much less pay excessive fees for designated parking for clients. Mr. Shakibkoo addressed his concerns to City Council regarding the increasing amount of vacant business locations in the Downtown Area, particularly between Gage Avenue and Randolph and asked City Council to reconsider the type of use for certain locations, especially 2-story commercial buildings to allow them to be used for retail, senior housing, or another way to better meet the needs and demands of the community. Motion by Guerrero, seconded by Gomez, to **form an Ad-Hoc Committee comprised of Vice Mayor Molina and Council Member Gomez to conduct to research the feasibility of changing the type of permitted uses within the City's Downtown Area and report back to City Council**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Acting City Manager Cisneros requested discussion and/or action regarding the 2011 League of California Cities Annual Conference Resolutions Packet. **Following a brief discussion and there being no objection, Mayor Hernandez so ordered this item be received and filed.**

Acting Public Works Superintendent Bilodeau requested that City Council adopt the Water and Sewer Charge Summary Report prepared by Bartle Wells Associates and authorize staff to notify property owners and rate payers in accordance with the requirements of Proposition 218 and set a hearing date for November 7, 2011. Following a discussion, motion by Gomez, seconded by Molina, to **appoint an Ad-Hoc Committee comprised of Council Members Perez and Guerrero to work with City staff regarding the notification to property owners of the proposed water and sewer rate increases and report back to City Council**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Community Development Department requested approval of a recommendation by the Business Improvement District (BID) Advisory Board to appoint Dr. Jack Bayramyan to the BID Advisory Board for a three-year term ending September 6, 2014. Motion by Gonez, seconded by Molina, to **appoint Dr. Jack Bayramyan to the BID Advisory Board for a three-year term ending September 6, 2014**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Director of Parks and Recreation Espinosa requested approval of a Memorandum of Understanding (MOU) by and between the Alliance for a Healthier Generation and the City of Huntington Park, Department of Parks and Recreation; and authorize Director of Park and Recreation to execute the MOU. Motion by Gomez, seconded by Guerrero, to approve a **Memorandum of Understanding (MOU) by and between the Alliance for a Healthier Generation and the City of Huntington Park, Department of Parks and Recreation; and authorize Director of Park and Recreation to execute the MOU**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Chief of Police Cisneros requested approval of a Standard Multi-tenant Office Lease Agreement by and between DNS Trust and the City of Huntington Park for the lease of Suite 105 at 6325 Pacific Boulevard to be used as a sub-station for the Huntington Park Police Department. Motion by Guerrero, seconded by Perez, to **approve a Standard Multi-tenant Office Lease Agreement by and between DNS Trust and the City of Huntington Park for the lease of Suite 105 at 6325 Pacific Boulevard to be used as a sub-station for the**

Huntington Park Police Department, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Chief of Police Cisneros requested discussion and/or action regarding the Huntington Park Municipal Code concerning fireworks in the City. Following an update by Assistant Chief of Police Meyer regarding regional approaches to regulating the sales and discharge of “Safe and Sane” fireworks and the possibility of amending the current fireworks ordinance including an increase in fines; and there being no objection, **Mayor Hernandez so ordered this item be received and filed and that the Police Department report back with recommendations.**

Chief of Police Cisneros requested approval of a Gardena Police Department Agreement for the “Avoid the 100 DUI Campaign (West) Los Angeles County” between the Gardena Police Department and Huntington Park Police Department; and authorize the Chief of Police to execute the agreement. Motion by Gomez, seconded by Perez, to **approve a Gardena Police Department Agreement for the “Avoid the 100 DUI Campaign (West) Los Angeles County” between the Gardena Police Department and Huntington Park Police Department; and authorize the Chief of Police to execute the agreement**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

Chief of Police Cisneros requested approval of an agreement between the City of Huntington Park and the U.S. Department of Justice Office of Justice Program and authorize the Chief of Police to accept the Edward Byrne Memorial Justice Assistance Grant (JAG) funding totaling \$51,510. Motion by Guerrero, seconded by Perez, to **approve an agreement between the City of Huntington Park and the U.S. Department of Justice Office of Justice Program and authorize the Chief of Police to accept the Edward Byrne Memorial Justice Assistance Grant (JAG) funding totaling \$51,510; and execute necessary documents**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

RESOLUTION NO. 2011-46. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK FINDING AND DETERMINING THAT **ALFONSO AMADOR IS NOT DISABLED AND INCAPACITATED TO PERFORM THE DUTIES OF POLICE OFFICER** FOR THE PURPOSE OF PUBLIC EMPLOYEE DISABILITY RETIREMENT was presented. Motion by Gomez, seconded by Perez, to adopt Resolution No. 2011-46, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

RESOLUTION NO. 2011-47. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK REQUESTING **EMPLOYMENT EXTENSION FOR RICHARD L. MEYER** PER GC 21221(h) was presented. Motion by Guerrero to adopt Resolution No. 2011-47, **DIED** due to lack of a second. Following a brief discussion, SUBSTITUTE Motion by Gomez, seconded by Molina, **to table Resolution No. 2011-47**, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

ORDINANCE NO. 869-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK TO COMPLY WITH PART 1.9 OF DIVISION 24 OF THE **CALIFORNIA HEALTH AND SAFETY CODE** AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH **was continued to the next Council meeting.**

ORDINANCE NO. 870-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, AMENDING THE HUNTINGTON PARK MUNICIPAL CODE §5-33.01 AND 5-33.03 REGARDING **REGULATIONS FOR LOUD OR UNRULY PARTIES OR ASSEMBLAGES** was read by title. Motion by Gomez, seconded by Molina, that reading in full of Ordinance No. 870-NS for second reading be waived, and that Ordinance No. 870-NS be approved for second reading and adopted, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

ORDINANCE NO. 871-NS. AN ORDINANCE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, AMENDING TITLE 9, CHAPTER 1, ARTICLE 1 OF THE HUNTINGTON PARK MUNICIPAL CODE PERTAINING TO **THE APPEAL BOARD** was read by title. Motion by Gomez, seconded by Molina, that reading in full of Ordinance No. 871-NS for second reading be waived, and that Ordinance No. 871-NS be approved for second reading and adopted, carried as follows: Ayes: Council Member Gomez, Vice Mayor Molina, Council Members Guerrero, Perez, and Mayor Hernandez; Noes: None; Absent: None.

City Attorney Leal reported out that in **closed session** for CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Name of Case: Donald Sipple et al. vs. City of Huntington Park, et al., Case No. BC462270; City Council retained the Law firm of Colantuono & Levin, PC, to represent the City on this case for an amount not to exceed \$2,863 and for CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Name of Case: Huntington Patients' Association, Edwin Movagharian vs. City of Huntington Park, et al., Case No. BC466323, a status report was given to City Council.

Mayor Hernandez declared the meeting adjourned at 7:35 p.m., in memory of Minh Chau Wolfsohn, mother of Michael E. Wolfsohn, Esq., Assistant City Attorney for the City of Huntington Park.

Ofelia Hernandez, Mayor

Rosanna M. Ramirez, City Clerk