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

ROLL CALL: Present: Councilmembers Larry G. Burrola, Manuel R. Garcia, H. Manuel Ortiz; Mayor Pro Tem Albert F. Ambriz; Mayor Mark A. Breceda

Also present: John Davidson, City Manager; Fred Galante, City Attorney; Ty Henshaw, Chief of Police; William Tam, Development Services Director/ City Engineer; Eva Carreon, Director of Finance; Mary Hull, Human Resources Manager, and Laura Nieto, Chief Deputy City Clerk

RECESS TO CLOSED SESSION

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

Conference with Legal Counsel – Threat of Litigation
Threat of Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9

Number of Cases: One

ACTION: Update given; direction provided; no further reportable action taken

Public Employee Performance Evaluation
Pursuant to California Government Code Section 54957

Title: City Manager

ACTION: Discussion held; no further reportable action taken

RECONVENE IN OPEN SESSION

At 6:30 p.m., the City Council reconvened in Open Session.

CHANGES TO THE AGENDA

None.

COUNCILMEMBER TRAVEL REPORTS

None.

ANNOUNCEMENTS

COUNCILMEMBER ORTIZ

Councilmember Ortiz spoke on his attendance at the Council of Governments assembly held this morning, where subjects such as innovation in transportation were discussed. He also stated that he has spoken to several residents who phoned him regarding a petition that has recently been circulated in the city.
CITY ATTORNEY GALANTE

City Attorney Galante advised that the petition that Councilmember Ortiz referenced was initiated by Mr. Daniel Grijalva concerning a project that the city is not involved in at this point. The project could be approved through the voters in the city; the city’s only role would be for the City Clerk to verify signatures. Once signatures are confirmed, the Council is presented with the petition and the Council could either agree to place it on a ballot for the voters to consider, or approve the project as presented. Those individuals who are presented with this petition are free to choose whether to sign it or not.

MAYOR BRECEDA

Responding to a comment by Mayor Breceda, City Attorney Galante advised that it is generally suggested that an independent person circulate petitions such as these since it will be discussed in the future by the Council.

COUNCILMEMBER BURROLA

Responding to a question by Councilmember Burrola, City Attorney Galante advised that, until the City Clerk certifies the signatures, it will not be known if sufficient signatures were gathered for the petition to proceed. The city’s only involvement at this point would be to ensure that the process complies with the Elections Code.

COUNCILMEMBER ORTIZ

Councilmember Ortiz suggested that future petitioners provide information for individuals to review before signing their petitions, to which City Attorney Galante advised that the city generally would not have control over what petitioners say or do. However, the petitioners should have information explaining what the petition is about.

INTRODUCTION OF NEW EMPLOYEES / PROMOTIONS

INTRODUCTION OF NEW RECREATION SUPERVISOR MELISSA MAREZ

The introduction was made.

PROCLAMATIONS / PRESENTATIONS / COMMENDATIONS

PRESENTATION TO CHAMBER OF COMMERCE BUSINESS OF THE MONTH – IRWINDALE POLICE OFFICERS ASSOCIATION

The presentation was made.
CARMEN ROMAN
Carmen Roman spoke out against bullying.

MAYOR PRO TEM AMBRIZ
Mayor Pro Tem Ambriz requested that a proclamation be prepared for next year to declare October as "Anti-Bullying Month" as well as "Pink Patch Month".

MACRAM GARIB
Responding to a brief comment by Macram Garib, City Attorney Galante suggested that he reserve his comments regarding marijuana until the related item on the agenda is discussed.

SUSAN LAKE
Susan Lake commended the Irwindale Police Department for their professionalism and quick response times.

CONSENT CALENDAR

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

ITEM NO. 1A MINUTES
The following minutes were approved:
1) Regular meeting held October 11, 2017
2) Special meeting held October 11, 2017

ITEM NO. 1B WARRANTS / DEMANDS / PAYROLL
The warrants / demands / payroll were approved.

ITEM NO. 1D INVESTMENT QUARTERLY REPORT FOR SEPTEMBER 30, 2017
(joint with all agencies)
The Investment Quarterly Report for September 30, 2017, was received and filed.

ITEM NO. 1E SECOND READING FOR ORDINANCE NO. 713 – CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM
CITY COUNCIL MINUTES  
REGULAR MEETING  

ORDINANCE NO. 713  
ADOPTED ON SECOND READING  

Ordinance No. 713, entitled:  

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE AMENDING CHAPTER 8.20 (SOLID WASTE COLLECTION AND SALVAGE OF RECYCLABLE MATERIALS) OF TITLE 8 OF THE IRWINDALE MUNICIPAL CODE TO ESTABLISH CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND REUSE REGULATIONS," was passed, approved, and adopted on second reading, reading by title only and waiving further reading thereof.

ITEM NO. 1F  
REVISION OF CONSULTANT SERVICES AGREEMENTS FOR AS-NEEDED GEOTECHNICAL PROFESSIONAL SERVICES FOR MINING AND RECLAMATION OVERSIGHT – IRWINDALE TECHNICAL ADVISORY COMMITTEE (ITAC)  

The City Manager was authorized to execute two revised consultant services agreements for as-needed geotechnical professional services for mining and reclamation oversight and technical support services with ITAC members Donald Coduto and Kent McMillan.

ITEM NO. 1G  
REJECTION OF CLAIM – JOEY PENA VS. CITY OF IRWINDALE  

The claim of Joey Pena vs. City of Irwindale was rejected and staff was directed to send a standard letter of rejection.

ITEM NO. 1H  
SECOND READING OF ORDINANCE NO. 718 – ZONE ORDINANCE AMENDMENT REGARDING SOLID WASTE FRANCHISES; INCLUDING MATERIAL RECOVERY FACILITY AS A PERMITTED USE IN THE M-2 (HEAVY MANUFACTURING) ZONE; AND AMENDING DISTANCE REQUIREMENTS FOR ALCOHOL BEVERAGE ESTABLISHMENTS  

Ordinance No. 718, entitled:  

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE AMENDING SECTION 8.20.370 OF THE IRWINDALE MUNICIPAL CODE REGARDING SOLID WASTE FRANCHISES, AMENDING CHAPTERS 17.56 AND 17.58 OF THE CITY OF IRWINDALE MUNICIPAL CODE REGARDING MATERIAL RECOVERY FACILITIES IN THE M-2 (HEAVY MANUFACTURING) ZONE AND ADDING SECTION 17.56.025 REGARDING DISTANCE REQUIREMENTS FOR ALCOHOL BEVERAGE ESTABLISHMENTS," was passed, approved, and adopted on
SECOND READING FOR ORDINANCE NO. 719 – DEVELOPMENT AGREEMENT NO. 02-2016 FOR ATHENS SERVICES MATERIALS RECOVERY FACILITY AND TRANSFER STATION, CONVENIENCE STORE, AND FUELING STATION AT 2200 ARROW HIGHWAY

Ordinance No. 719, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING DEVELOPMENT AGREEMENT NO. 02-2016 WITH ATHENS SERVICES TO ALLOW THE CONSTRUCTION AND OPERATION OF A MATERIALS RECOVERY FACILITY AND TRANSFER STATION, CONVENIENCE STORE AND FUELING STATION ON PROPERTY LOCATED AT 2200 ARROW HIGHWAY (APN 8535-001-911)", was passed, approved, and adopted on second reading, reading by title only and waiving further reading thereof.

APPROVE A FEE WAIVER FOR A FUNDRAISING EVENT IN SUPPORT OF THE POLICE DEPARTMENT’S PINK PATCH PROJECT IN PARTNERSHIP WITH IRWINDALE CROSSFIT FOR BREAST CANCER AWARENESS ON OCTOBER 28, 2017

Resolution No. 2017-85-2983, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING A SPONSORSHIP IN THE FORM OF A FEE WAIVER FOR A FUNDRAISING EVENT IN SUPPORT OF THE POLICE DEPARTMENT’S PINK PATCH PROJECT IN PARTNERSHIP WITH IRWINDALE CROSSFIT FOR BREAST CANCER AWARENESS ON OCTOBER 28, 2017," was adopted, reading by title only and waiving further reading thereof.
CITY COUNCIL MINUTES
REGULAR MEETING

ITEM NO. 1C
APPROVAL TO UNFREEZE THE ASSISTANT CITY MANAGER CLASSIFICATION AND FREEZE THE ASSISTANT TO THE CITY MANAGER CLASSIFICATION AND AUTHORIZE THE APPROPRIATION OF FUNDS FOR ADDITIONAL SALARY AND BENEFITS

COUNCILMEMBER BURROLA
Responding to several questions by Councilmember Burrola, Human Resources Manager Hull advised that, should this item be approved, it would pave the way for the Assistant to the City Manager, Theresa Olivares, to be appointed as the Assistant City Manager. She added that her current duties include completing the duties of Housing Coordinator, and that she is currently part of the city’s Administration Department.

CITY MANAGER DAVIDSON
City Manager Davidson added that Mrs. Olivares has served as Housing Coordinator since 2001, and she also oversees the city’s contract IT services.

HUMAN RESOURCES MANAGER HULL
Human Resources Manager Hull added that the managers of the Senior Center, the Library, and the Recreation Department would report directly to the Assistant City Manager, which would reduce the number of individuals who currently report directly to the City Manager.

COUNCILMEMBER BURROLA
Responding to a question by Councilmember Burrola, Human Resources Manager Hull explained that the City Manager’s current salary is set at the 40th percentile, which is below market rate.

Councilmember Burrola also asked about the City Manager’s current duties, which City Manager Davidson elaborated on. He discussed the fact that the city had the benefit of an Assistant City Manager for a number of years, until her retirement in 2013, at which point her duties transferred over to the City Manager. He advised that he currently has about 12 individuals who report directly to him, and noted that City Managers generally have about 7 direct reports. This type of duty can be split with an Assistant City Manager, thereby creating a more streamlined City Manager’s Office, which would improve efficiency and effectiveness.
Councilmember Burrola stated his opinion that the Senior Center, Library, and Recreation Departments are all running very smoothly under the current structure. He then asked about the costs associated with unfreezing the Assistant City Manager position, to which Human Resources Manager Hull advised that the total annual cost, including salary and benefits, is $282,500.

**Mayor Breceda**

Responding to a comment by Mayor Breceda, Finance Director Carreon advised that funding for this position would be split with 55% charged to the Housing Authority, 6% to Special Mining, and 39% to the General Fund. She added that the Assistant City Manager would also oversee the Resident Prescription program.

**City Manager Davidson**

City Manager Davidson advised that the Resident Prescription program exists due to community health concerns that result from mining activities within the city. He added that the Assistant City Manager would also perform other duties as assigned, and that the recent Classification and Compensation study suggested the addition of an Assistant City Manager, and though he would prefer to operate with one, he would also perform his job without one.

**Mayor Breceda**

Mayor Breceda spoke in support of having a “second in command” in such a vital city department.

**Councilmember Burrola**

Councilmember Burrola stated his reservation in appointing the Assistant to the City Manager as Assistant City Manager, noting that she has held the Assistant to the City Manager position for approximately three months, and has managed a department of only one person. He also expressed concern over the city's financial situation and suggested postponing this matter until the mid-year budget review.

**City Manager Davidson**

City Manager Davidson noted that, though the Assistant to the City Manager position is very helpful, it does not involve supervising any city departments, which would be necessary to alleviate his heavy workload. He added that the Council majority has recently voted in favor of returning this matter to the agenda for discussion rather than postponing it until the mid-year budget review.

As requested by City Manager Davidson, Finance Director Carreon advised that the 2017/2018 budget was the first balanced budget since 2008, with a surplus of about $900,000 at the start of the fiscal year.

**Mayor Pro Tem Ambriz**

Mayor Pro Tem Ambriz spoke in support of appointing Assistant to the City Manager Olivares to serve as Assistant City Manager, noting that the city should have key staff and resources in place in order to materialize the numerous projects in its future. He also spoke very highly of Mrs. Olivares’ qualities and characteristics.
MOTION

A motion was made by Mayor Pro Tem Ambriz, seconded by Mayor Breceda, to adopt:

RESOLUTION NO. 2017-80-2978

Resolution No. 2017-80-2978, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE UNFREEZING THE ASSISTANT CITY MANAGER CLASSIFICATION AND FREEZING THE ASSISTANT TO THE CITY MANAGER CLASSIFICATION, AND APPROVING AN ADDITIONAL APPROPRIATION OF FUNDS FOR ADDITIONAL SALARY AND BENEFITS."

COUNCILMEMBER ORTIZ

Responding to a question by Councilmember Ortiz, Human Resources Manager Hull advised that the consultant that performed the Classification and Compensation study made several suggestions to the city; among them was the addition of the Assistant City Manager position.

In response to a comment by Councilmember Ortiz, City Manager Davidson clarified that he has previously spoken in support of filling the Assistant City Manager position.

Councilmember Ortiz asked about the financing for this position, to which City Manager Davidson advised that there is a $92,000 difference between her current salary and the Assistant City Manager position. He added that Mrs. Olivares has not received any compensation when taking on the role of Assistant to the City Manager from her previous position as Housing Coordinator, and noted that the Assistant City Manager position is an at-will position.

COUNCILMEMBER BURROLA

Councilmember Burrola stated that the city has not received any funding from the projects that Mayor Pro Tem Ambriz has referenced, to which Director Carreon advised that the city has received revenue for the Olive Pit, which generates $2.5 million per year for four years. After full operation, the city will receive another million.

Councilmember Burrola reiterated his preference in considering the matter once the city is out of the red.

ROLL CALL

On roll call, the above-mentioned motion was approved, with Councilmember Garcia, Mayor Pro Tem Ambriz, and Mayor Breceda in favor; Councilmembers Burrola and Ortiz opposed.

NEW BUSINESS

ITEM NO. 2A
FIRST READING OF ORDINANCE NO. 717 — PROBATIONARY PERIODS
<table>
<thead>
<tr>
<th>PERIODS</th>
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<tbody>
<tr>
<td>HUMAN RESOURCES MANAGER HULL</td>
<td>Human Resources Manager Hull discussed the staff report.</td>
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<tr>
<td>COUNCILMEMBER ORTIZ</td>
<td>Responding to several questions by Councilmember Ortiz, Human Resources Manager Hull employees' situations differ, some of which may justify the need to extend probationary periods.</td>
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<td>ORDINANCE NO. 717 INTRODUCED FOR FIRST READING</td>
<td><strong>Ordinance No. 717</strong>, entitled:</td>
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<td></td>
<td>&quot;AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE AMENDING SECTIONS 2.13.080 AND 2.13.090 OF THE IRWINDALE MUNICIPAL CODE REGARDING THE LENGTH OF EMPLOYEE PROBATIONARY PERIODS,&quot; was introduced for first reading, reading by title only and waiving further reading thereof, on the motion of Councilmember Ortiz, seconded by Councilmember Burrola, and unanimously approved.</td>
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<td>ITEM NO. 2B EMPLOYMENT AGREEMENT – ASSISTANT CITY MANAGER</td>
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<td>CITY MANAGER DAVIDSON</td>
<td>City Manager Davidson discussed the staff report.</td>
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<td>MOTION</td>
<td>A motion was made by Mayor Pro Tem Ortiz, seconded by Mayor Breceda, to authorize the execution of the Assistant City Manager Employment Agreement between the City of Irwindale and Theresa Olivares with an effective date of October 29, 2017.</td>
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<td>COUNCILMEMBER ORTIZ</td>
<td>Councilmember Ortiz noted that he was not against appointing Mrs. Olivares as Assistant City Manager; rather, he preferred waiting to discuss an appointment until the city's financial situation improved.</td>
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<tr>
<td>COUNCILMEMBER BURROLA</td>
<td>Councilmember Burrola also stated his preference in waiting until the city's budget improved to further consider this matter.</td>
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<td>MAYOR BRECEDA</td>
<td>Mayor Breceda noted that the city has come out of a $3.5 million deficit and stated that he was tired of hearing negativity.</td>
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<tr>
<td>COUNCILMEMBER ORTIZ</td>
<td>Councilmember Ortiz asked about the duties of the position of Housing Coordinator, to which City Manager Davidson indicated that both the IT oversight and the Housing Coordinator duties will be shifted to the Assistant City Manager.</td>
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</tbody>
</table>
ROLL CALL
On roll call, the above-mentioned motion was approved, with Councilmember Garcia, Mayor Pro Tem Ambriz, and Mayor Breceda in favor; Councilmembers Burrola and Ortiz opposed.

RECESS FROM OPEN SESSION
At 7:41 p.m., the Council took a short recess.

RECONVENE IN OPEN SESSION
At 7:44 p.m., the Council reconvened in open session with all members present.

ITEM NO. 2C
TENTATIVE AGREEMENTS FOR SUCCESSOR MEMORANDUMS OF UNDERSTANDING WITH ALL EMPLOYEE GROUPS

HUMAN RESOURCES MANAGER HULL
Human Resources Manager Hull discussed the staff report.

COUNCILMEMBER ORTIZ
In response to a question by Councilmember Ortiz, Finance Director Carreon advised that the 1% cost of living adjustment as referenced in the report represents about $100,000 per year; 2% represents $200,000. The adjustments are for the last two years of the Memorandums of Understanding before negotiations begin again. The $675,000 identified in the report represent the adjustments to salaries that are payable now. The Memorandums adjust staff salaries based on the results of the classification and compensation study.

CITY ATTORNEY GALANTE
City Attorney Galante advised that the memorandums are three years long.

MOTION
A motion was made by Mayor Pro Tem Ambriz, seconded by Mayor Breceda, to adopt:

RESOLUTION NO. 2017-78-2976, entitled:

Resolution No. 2017-82-2980, entitled:


Resolution No. 2017-83-2981, entitled:


Human Resources Manager Hull discussed the staff report.

In response to a question by Councilmember Ortiz, Human Resources Manager Hull advised that the Classification and Compensation study recommended certain job title changes. Some employees agreed to the title changes, while others decided to wait until the negotiation process concluded before accepting the title changes. All employees have since accepted their title changes.

A motion was made by Mayor Breceda, seconded by Mayor Pro Tem Ambriz, to adopt:

Resolution No. 2017-84-2982, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING THE IMPLEMENTATION OF CERTAIN CHANGES IN JOB TITLE CLASSIFICATIONS AND RECLASSIFICATION OF CERTAIN EMPLOYEES," and
Resolution No. 2017-81-2979, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE REPLACING RESOLUTION NO. 2017-51-2949, ESTABLISHING THE NUMBER OF POSITIONS, SCHEDULE OF CLASSES, COMPENSATION, AND BENEFITS FOR CITY EMPLOYEES, AND APPROVING AN ADDITIONAL APPROPRIATION FOR THE COST OF CERTAIN PAYROLL ADJUSTMENTS FOR UNREPRESENTED UNCLASSIFIED AT-WILL POSITIONS.” The motion was unanimously approved.

PUBLIC HEARINGS

ITEM NO. 3A
ZONE ORDINANCE AMENDMENT - PERSONAL MARIJUANA CULTIVATION

Zone Ordinance Amendment No. 03-2017, an ordinance of the City Council of the City of Irwindale to add Chapter 8.36 (personal marijuana cultivation) to the Irwindale Municipal Code to prohibit outdoor cultivation of marijuana for personal use and establish reasonable regulation on indoor cultivation of marijuana for personal use; amending Chapter 17.110 of the Irwindale Municipal Code to prohibit all commercial marijuana activities in the city; deleting certain definitions from Title 17 (Zoning) related to marijuana activities.

CITY ATTORNEY

Galante discussed the staff report.

OPEN PUBLIC HEARING

At 8:01 p.m., Mayor Breceda opened the public hearing.

MACRAM GARIB

Macram Garib spoke in favor of permitting the legal cultivation of marijuana, and stated that criminalizing the sale of marijuana will further drain police resources.

CLOSE PUBLIC HEARING

There being no additional speakers, Mayor Breceda closed the public hearing at 8:05 p.m.

MAYOR PRO TEM AMBRIZ

Mayor Pro Tem Ambriz spoke in support of adopting the ordinance.

MOTION

A motion was made by Mayor Pro Tem Ambriz, seconded by Councilmember Ortiz, to introduce:

ORDINANCE NO. 715 INTRODUCED FOR FIRST READING

Ordinance No. 715, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADDING A NEW CHAPTER 8.36 (PERSONAL MARIJUANA CULTIVATION) TO THE IRWINDALE MUNICIPAL
CODE TO PROHIBIT OUTDOOR CULTIVATION OF MARIJUANA FOR PERSONAL USE AND ESTABLISH REASONABLE REGULATIONS ON INDOOR CULTIVATION OF MARIJUANA FOR PERSONAL USE; AMENDING CHAPTER 17.110 OF THE IRWINDALE MUNICIPAL CODE TO PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY; DELETING CERTAIN DEFINITIONS FROM TITLE 17 (ZONING) RELATED TO MARIJUANA ACTIVITIES”, reading by title only and waiving further reading thereof.

COUNCILMEMBER BURROLA

Responding to a question by Councilmember Burrola, Chief Henshaw advised that the state law would be default law regarding medical marijuana should individual cities not take action before January 1, 2018. He stated that the state law seems to be very lenient, and noted that any income from allowing the legal cultivation of marijuana would be minimal.

CITY ATTORNEY GALANTE

City Attorney Galante clarified the law's requirements.

ROLL CALL

On roll call, the above-mentioned motion was unanimously approved.

CITY MANAGER’S REPORT

CITY MANAGER DAVIDSON

City Manager Davidson reported on the Halloween Spooktacular event to be held on October 28, and the Trunk or Treat activities scheduled for October 31.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:14 p.m.

Laura M. Nieto, MMC
Chief Deputy City Clerk

Approved as submitted at the meeting held November 8, 2017.