

A G E N D A
REGULAR MEETING OF THE WALNUT CITY COUNCIL,
WALNUT HOUSING AUTHORITY,
AND WALNUT IMPROVEMENT AGENCY
CITY COUNCIL CHAMBERS
21201 La Puente Road, Walnut, CA 91789

AUGUST 24, 2011
7:00 P.M.

WALNUT CITY COUNCIL MEETING

CALL TO ORDER: Mayor Tragarz

PLEDGE OF ALLEGIANCE: MPT/Su

ROLL CALL: MPT/Su, M/Tragarz, C/Cartagena, C/King, C/Lim

INVOCATION:

PRESENTATIONS:

- Certificates of Recognition to Walnut Valley Unified School District educators recognized by their schools as 2010-2011 Teachers of the Year
- The City Council will present Walnut resident and former L.A. County Undersheriff Larry Waldie with a certificate of congratulations for his exemplary career with the Los Angeles County Sheriff's Department.

ORAL COMMUNICATIONS FOR THE CITY COUNCIL:

Under Government Code Section 54954.3, any person wishing to address any item or issue not on the agenda or any item on the Consent Calendar may do so under Oral Communications. There will also be an opportunity to speak on Discussion or Public Hearing items when the items are scheduled for consideration.

The Council may listen but may not act on items that are not already on the agenda.

Any person given permission to address shall advance to the podium and state their name for the record and the subject matter they wish to discuss. Speakers are asked to limit their comments to three minutes and to present them in a constructive manner. The Council, City staff, and other citizens present have the right to be treated with respect, courtesy and openness. In return, the members of the Council and Staff commit to conduct themselves at all times with civility and courtesy.

MINUTES:

1. [Approval of August 10, 2011 City Council Study Session Minutes.](#)
2. [Approval of August 10, 2011 City Council/Walnut Improvement Agency/Walnut Housing Authority Minutes.](#)

PUBLIC HEARINGS: None scheduled.

COUNCIL CONSENT CALENDAR: The Consent Calendar items listed below are considered and acted upon under one motion unless an individual item or items are removed by a Councilmember for further consideration or explanation.

There will be no dialogue/debate unless a Council Member requests otherwise on the following matters:

3. [Resolution No. 11-37 -- "A Resolution of the City of Walnut Allowing Certain Claims and Demands in the Amount of \\$867,744.68, Demand No. 138627 through No. 138724, Both Inclusive."](#)

Recommendation: That the City Council adopt Resolution No. 11-37.

4. [Resolution No. 11-38 re: Employer Paid Member Contribution \(EPMC\) and Resolution No. 11-39 re: Internal Revenue Code 414 \(h\) \(2\) to Tax Defer Member Paid Contributions to California Public Employees' Retirement System](#)

Recommendation: That the City Council adopt Resolution No. 11-38 re: Employer Paid Member Contributions (EPMC) and Resolution No. 11-39 re: Approving the implementation of provisions of the Internal Revenue Code 414(h)(2) to tax defer contributions paid to the California Public Employees' Retirement System.

5. [Resolution No. 11-40 re: Transfer of Meadowpass Road Improvements to the City of Walnut](#)

Recommendation: That the City Council adopt Resolution No. 11-40 accepting the transfer of Meadowpass Road improvements from the Walnut Improvement Agency to the City of Walnut.

6. [Waiver of Parking Restriction on La Puente Road](#)

Recommendation: That the City Council approve the request for a waiver of parking restriction along La Puente Road for the 2011-12 school year for Walnut High School and Suzanne Middle School events.

7. [Second Reading --- Ordinance No. 11-05 re: Permit the Continued Existence and Operation of the Walnut Improvement Agency](#)

Recommendation: That the City Council adopt Ordinance No. 11-05 – “An Ordinance of the City Council of the City of Walnut, California, Determining It Will Comply with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Walnut Improvement Agency.”

8. [Youth Advisory Commission Appointments](#)

Recommendation: That the City Council ratify the Youth Advisory Commission appointments of Jerry Qin and Wyatt Swift-Ramirez.

9. [Appropriation and Award of Bid to Recreation by Design for the Purchase and Installation of the \(2\) Picnic Shelters and Joe Rodriguez Construction for the Demolition of the Existing Picnic Shelters](#)

Recommendation: That the City Council:

1. Appropriate \$27,500.00 from the General Fund to Account 01-9211-8410 and \$27,500.00 from the Park Improvement Fund to Account 06-9215-8410 for the procurement, building, and demolition of picnic shelters at Butterfield and Arroyo Parks;
2. Authorize the City Manager to approve contracts and issue purchase orders with:
 - a. Recreation by Design and installer Linnert Builders in the amount of \$39,733.47 for picnic shelters and installation at Butterfield and Arroyo Parks; and
 - b. Joe Rodriguez Construction for \$12,839.00 for the demolition of existing shelters and furnishing new concrete slabs.

COUNCIL DISCUSSION/TRANSACTION ITEMS:

10. **Appeal of Site Plan and Architectural Review Application (SPC/AR) 2008-019 – An appeal of the Walnut Planning Commission’s July 20, 2011 decision to deny a request to construct two over-height walls, to modify a wall plan and to amend a condition of approval related to a property line block wall in conjunction with the building of a new residence at 20766 Gartel Drive, Walnut, in the R1-15,000 and Rural Overlay Zoning Districts (APN 8709-013-012)**

Recommendation: That the City Council:

1. Hear the staff report;
2. Receive testimony from the appellant and any other member of the public regarding the project;
3. Close public comments and discuss amongst the Council; and
4. Based on the Planning Commission’s action, DENY the appeal of Site Plan and Architectural Review (SPC/AR) 2008-019 and UPHOLD the Commission’s action.

11. **Photo Enforcement Program**

Recommendation: That the City Council continue the program through the end of the contractual obligation and direct staff to provide a comprehensive report of the program at the time of contract expiration.

ANNOUNCEMENTS (COUNCIL MEMBERS AND STAFF):

- A. **Councilmembers’ report on meetings attended at the expense of the local agency**
- B. **Individual Members’ comments and updates**

COUNCIL LATE BUSINESS: No action shall be taken on any item not appearing on the posted agenda except upon a determination by four-fifths of the Council Members that an emergency exists.

RECESS CITY COUNCIL TO THE WALNUT IMPROVEMENT AGENCY AND WALNUT HOUSING AUTHORITY MEETINGS

WALNUT IMPROVEMENT AGENCY MEETING

CALL TO ORDER: Agency Chair Tragarz

ORAL COMMUNICATIONS FOR THE IMPROVEMENT AGENCY:

Under Government Code Section 54954.3, any person wishing to address any item or issue not on the agenda or any item on the Consent Calendar may do so under Oral Communications. There will also be an opportunity to speak on Discussion or Public Hearing items when the items are scheduled for consideration.

The Agency may listen but may not act on items that are not already on the agenda.

Any person given permission to address shall advance to the podium and state their name for the record and the subject matter they wish to discuss. Speakers are asked to limit their comments to three minutes and to present them in a constructive manner. The Agency, City staff, and other citizens present have the right to be treated with respect, courtesy and openness. In return, the members of the Agency and Staff commit to conduct themselves at all times with civility and courtesy.

AGENCY PUBLIC HEARING: None scheduled.

AGENCY CONSENT CALENDAR: The Consent Calendar items listed below are considered and acted upon under one motion unless an individual or items are removed by an Agency Member for further consideration or explanation.

12. [Resolution No. 11-11 WIA re: Transfer of Housing Funds](#)

Recommendation: That the Agency adopt Resolution No. 11-11 WIA transferring low-and-moderate housing funds to the Walnut Housing Authority.

13. [Resolution No. 11-12 WIA-- "A Resolution of the Walnut Improvement Agency Allowing Certain Claims and Demands in the Amount of \\$8,484.43, Demand No. 100471 through No. 100471, Both Inclusive."](#)

Recommendation: That the Agency adopt Resolution No. 11-12 WIA.

14. [Resolution No. 11-13 WIA re: Transfer of Meadowpass Road Improvements to the City of Walnut](#)

Recommendation: That the Agency adopt Resolution No. 11-13 WIA declaring Meadowpass Road improvements to be a benefit to the community and transferring said improvement from the Agency to the City of Walnut.

15. **Enforceable Obligation Payment Schedule in Compliance with ABx1 26 and ABx1 27**

Recommendation: That the Agency approve the Enforceable Obligation Payment Schedule to enable continued payment of the WIA obligations.

AGENCY DISCUSSION/TRANSACTION ITEMS: None

AGENCY LATE BUSINESS: No action shall be taken on any item not appearing on the posted agenda except upon a determination by four-fifths of the Agency Members that an emergency exists.

AGENCY ADJOURNS TO WALNUT HOUSING AUTHORITY MEETING

WALNUT HOUSING AUTHORITY MEETING

CALL TO ORDER: Authority Chair Tragarz

ORAL COMMUNICATIONS FOR HOUSING AUTHORITY:

Under Government Code Section 54954.3, any person wishing to address any item or issue not on the agenda or any item on the Consent Calendar may do so under Oral Communications. There will also be an opportunity to speak on Discussion or Public Hearing items when the items are scheduled for consideration.

The Authority may listen but may not act on items that are not already on the agenda.

Any person given permission to address shall advance to the podium and state their name for the record and the subject matter they wish to discuss. Speakers are asked to limit their comments to three minutes and to present them in a constructive manner. The Authority, City staff, and other citizens present have the right to be treated with respect, courtesy and openness. In return, the members of the Authority and Staff commit to conduct themselves at all times with civility and courtesy.

AUTHORITY PUBLIC HEARINGS: None scheduled

AUTHORITY CONSENT CALENDAR: The Consent Calendar items listed below are considered and acted upon under one motion unless an individual item or items are removed by an Authority Member for further consideration or explanation.

There will be no dialogue/debate unless an Authority Member requests otherwise on the following matters:

16. **Resolution No. 11-08 WHA - “A Resolution of the City of Walnut Allowing Certain Claims and Demands in the Amount of \$22,254.82, Demand No. 100276 through No. 100276, Both Inclusive.”**

Recommendation: That the Authority adopt Resolution No. 11-08 WHA.

17. **Resolution No. 11-09 WHA re: Transfer of Housing Funds**

Recommendation: That the Authority adopt Resolution No. 11-09 WHA accepting a transfer of low-and-moderate housing funds from the Walnut Improvement Agency.

AUTHORITY DISCUSSION/TRANSACTION ITEMS: None

AUTHORITY LATE BUSINESS: No action shall be taken on any item not appearing on the posted agenda except upon a determination by four-fifths of the Authority Members that an emergency exists.

AUTHORITY ADJOURNS TO CITY COUNCIL MEETING

CLOSED SESSION:

RECONVENE COUNCIL MEETING AND ANNOUNCE CLOSED SESSION ACTION

No action shall be taken on any item not appearing on the posted agenda except upon a determination by four-fifths of the City Council that an emergency situation exists.

ADJOURNMENT: The next regular meeting of the City Council is scheduled on Wednesday, September 14, 2011, at 7:00 p.m., in the Council Chambers, 21201 La Puente Road, Walnut, California.

NOTIFICATIONS:

AMERICANS WITH DISABILITIES: It is the intention of the City of Walnut to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (909) 595-7543, Ext. 311 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

AGENDA POSTING: The agenda for this meeting was posted in the following listed sites before the close of business at 6:00 p.m. on the Thursday preceding the meeting:

1. Walnut City Hall 21201 La Puente Road, Walnut, Ca
2. United States Post Office, 280 S. Lemon Avenue, Walnut, Ca
3. Public Library, Walnut Branch, 21155 La Puente Road, Walnut, Ca
4. Internet: www.ci.walnut.ca.us (staff reports included)

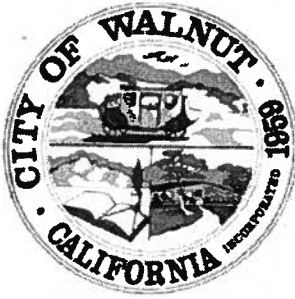
LIVE BROADCASTS OF CITY COUNCIL MEETINGS ON WCTV: City Council meetings air live the second and fourth Wednesdays of each month at 7:00 p.m. on Channel 3 (Charter Subscribers) and Channel 21 (Verizon Subscribers).

WCTV CHANNEL 3 REBROADCAST: City Council meetings re-air at 7:00 am, 2:00 pm, 7:00 pm, and 10:00 pm for a week following the live meeting on Channel 3 (Charter Subscribers) and Channel 21 (Verizon Subscribers).

*This meeting is being broadcast live and recorded for rebroadcast on Charter Channel 3 and Verizon Channel 21. By remaining in the City Council Chambers, you are giving your permission to be videotaped.

*As a courtesy please switch your cell phones, pagers, and other electronic devices into the off position while the meeting is in session. Thank you in advance for your cooperation.

AUG 24, 2011



AGENDA ITEM 11

- Public Hearing
- Ordinance
- Consent Calendar
- Discussion

WALNUT CITY COUNCIL

AGENDA DATE: AUGUST 24, 2011

TO: Mayor Tragarz & Council Members

VIA: Rob Wishner, City Manager *[Signature]*

FROM: Chuck Robinson, Deputy City Manager *[Signature]*

SUBJECT: Photo Enforcement Program

RECOMMENDATION:

Staff recommends that the City Council continue the program through the end of the contractual obligation and direct staff to provide a comprehensive report of the program at the time of contract expiration.

BACKGROUND:

At the June 8, 2011 City Council meeting, Council Member Lim requested that a comprehensive analysis and report of the City's photo enforcement program be agendized for a future meeting for Council review.

STAFF ANALYSIS:

The California Vehicle Code has permitted photo enforcement of intersections since 1996, notwithstanding several program modifications since inception. As part of Council Member King's Mayoral Goals, staff researched various programs and provided a comprehensive report to the City Council for consideration in late 2005.

The photo-enforcement program was approved by the City Council at its August 9, 2006 regular meeting; and, subsequently implemented at the southbound Grand Avenue at Amar Road and eastbound Amar Road at Grand Avenue approaches. The program went live January 2007 with an initial 30-day warning period, then full enforcement thereafter.

AUG 24, 2011

ITEM 11

As a result of the Grand/Amar/Temple intersection improvement project in 2008/09, the contract was amended to include language clarifying financial responsibilities as they relate to equipment removal/replacement due to construction, and to extend the contract at a cost reduction to the City, saving the City approximately \$59,000 in 2009 and approximately \$10,000 in annual costs. The contract is set to expire in February 2014. The contract is attached (Attachment 1) for your review.

Program Review

The mission and focus of the photo enforcement program is to improve vehicular safety at the subject intersection. Specifically, the program is designed to reduce broad-side traffic collisions, which typically produce severe injuries, by reducing the number of red light violations. In addition, the program focuses on improving overall traffic and pedestrian safety.

During the implementation phase, the City's Traffic Engineer identified six intersections within Walnut that qualified for photo enforcement based on a finding that 15 moving violations were reporting during a 12 hour period. Out of the six intersections submitted for consideration, one intersection with two approaches met the threshold for installation. Southbound Grand Avenue at Amar Road (19 violations in a 12 hour period) and eastbound Amar Road at Grand Avenue (21 violations in a 12 hour period) are the two approaches.

The program produces digital photographic and digital video evidence of vehicles illegally running red lights. Two detection loops are installed under each monitored lane of travel. The placement is such that the system can detect a vehicle prior to it crossing the limit line and because the distance between the loops is known, determine the speed of the vehicle. Activation occurs only when a vehicle is detected entering the intersection after the traffic signal has turned red. Violators captured by the system have failed to stop for the red light after the light has been red for a minimum of 1/10th of a second and the vehicle was traveling at 10 mph or greater as it enters the intersection. As of the date of the drafting of this report, there have been no malfunctions of the system.

The City's photo enforcement program complies with 21455.5(a) C.V.C. The intersection is clearly identified with signs, which are visible to traffic approaching the intersection. The citations issued are based off of 21453(a) C.V.C.

The City utilizes a Law Enforcement Technician (LET) under contract with the Los Angeles County Sheriff's Department to review the alleged violations and to process accordingly. In addition, the LET attends court proceedings if and when alleged violators wish to challenge the citations.

Safety Review

The following traffic collision data is summarized and was obtained by the Los Angeles County Sheriff's Department and is attached (Attachment 2) for Council review:

	<u>Total Collisions Entire Intersection</u>	<u>Total Collisions Two Approaches</u>
2005	5	3
2006	7	5
2007*	10	8
2008	12	7
2009	13	6
2010	17	5
6 yr. total	64	34

(*2007 is the start of the program)

Mt. San Antonio College (Mt. SAC) plays a factor relative to the amount of vehicular traffic that travels through the Grand/Amar/Temple intersection. According to www.cccco.edu, Mt. SAC's annual population went from 52,628 in 2000/01 to 58,669 in 2010/2011 with a spike in attendance to 67,120 in 2008/09 and to 69,625 in 2009/2010. It can be extrapolated that in light of increased enrollment (i.e. vehicular traffic) coupled with the number of collisions at the two approaches decreasing, the program is changing the behavior of drivers. In fact, since 2007 there have been no pedestrian injuries or fatalities at the subject intersection.

Lastly, the yellow-light timing has been increased from the statutory minimum to give motorists ample time to transit the intersection without impacting the circulation of the intersection.

Although total accidents for the entire intersection are up, total accidents for the two approaches with photo enforcement cameras are down. It is the assessment of the City's Traffic Engineer, Walnut Station Captain, and City Risk Management staff that the program is working and the subject approaches are safer.

Contract Review

The contract with RedFlex Traffic Systems was originally signed into agreement in August 2006 and subsequently extended for five years in February 2009 with an expiration date of February 2014. Currently the City pays \$11,668 per month (\$140,016 annually) for two approaches-the contract is subject to an annual CPI increase which is typical of service contracts. The cost of installing the photo enforcement equipment was borne by the vendor.

Per the City's contract with RedFlex, either party has the right to terminate the agreement immediately upon written notice if:

- State statutes are amended to prohibit or substantially change the operation of photo red light enforcement systems.
- Any court having jurisdiction over City rules, or state or federal statute declares that results from the RedFlex System of photo red light enforcement are inadmissible in evidence.

If the City wishes to terminate the contract due to any of the aforementioned scenarios, the City would be relieved of any further obligations for payment, other than any balance previously invoiced.

Termination without cause will require both parties to negotiate and come to a mutual agreement regarding an early termination of contract. Please note that there could be a potential cost associated with early termination, such as the cost to remove the equipment which is estimated between \$25,000 and \$50,000. In addition, there could be a buy-out cost that could reach \$365,000, which is comprised of the monthly lease amount times the remainder of 30 months on the contract. An estimated CPI (3%) was used in the aforementioned estimate as prescribed by the contract.

Program Cost and Estimated Revenue

The total annual costs associated with the program are as follows:

\$ 40,000 LET to administer the program
\$ 1,100 LET annual training
\$140,016 cost of flash cameras
\$181,116 total annual program cost

The **net revenue** generated by the program is estimated to be approximately **\$130,000 annually**. Please note that the aforementioned numbers are estimates only because the court system does not provide a detailed account of activity associated with any and all moving violations within the City and potential code enforcement activity. And, it is important to note that the estimated revenue is restricted and must be utilized for public safety purposes as prescribed by law.

With the addition of the estimated \$130,000 annual revenue, the City added an additional Sheriff's unit (radio car) to the field and the Law Enforcement Technician to administer the program and conduct finger print gathering activities in 2009.

The program is operating in the black fiscally; thus, is cost effective.

Enforcement

Recently, the media and other outlets have reported several agencies terminating photo enforcement programs for a myriad of reasons up to and including cost effectiveness and questions as to whether or not the Superior Court of California – County of Los Angeles Traffic Division is indeed enforcing the subject citations.

Per the www.lasuperiorcourt.org, the following announcement dated July 29, 2011 is posted:

“The City of Los Angeles has decided to end its red light camera program on July 31, 2011. The City's action does not stop the processing of outstanding red-light citations. It does not eliminate penalties associated with red-light citations. It does not constitute grounds for a refund of any money paid on such a citation. Anyone issued a red-light citation must resolve it within the specified time limits or face certain penalties as prescribed by law.”

The vendor, RedFlex has concurred with the Court system with the following statement issued to client cities dated July 27, 2011:

“Your Redflex program is legal and enforceable. That has not changed with this vote. The California Legislature determined that red light violations are a criminal offense. Red light violators are required to respond to any citation your police department issues.”

As of the date of the drafting of this report, there is a meeting scheduled for August 22, 2011 where City staff and the City Attorney will be meeting with the Superior Court of California – County of Los Angeles Pomona Traffic Division to discuss in further detail concerns regarding the enforcement of citations. At this time and unless the meeting yields different information, it is the opinion of City of Walnut officials that the aforementioned statements indicate the court system will be enforcing subject citations.

Conclusion

Staff recommends that the City Council continue the program through the end of the contractual obligation and direct staff to provide a comprehensive report of the program at the time of contract expiration.

FISCAL IMPACT:

If the Council determines to take continue the program, there will be no negative fiscal impact. However, if the program is terminated, the City will not realize the estimated annual net revenue of \$130,000. Since the program revenue must fund public safety

services, there may be an adverse impact to public safety deployment levels, specifically, the additional radio car added in 2009 as a result of the program income.

RELATION TO MISSION STATEMENT:

Our mission is to exceed expectations of the people of Walnut. We collaborate with the community to enhance our civic pride.

Attachments: Attachment 1 - Photo Enforcement Contract
Attachment 2 - Traffic Collisions Statistics

(Attachment 1)

**EXCLUSIVE AGREEMENT BETWEEN THE CITY OF WALNUT
AND REDFLEX TRAFFIC SYSTEMS, INC. FOR
PHOTO RED LIGHT ENFORCEMENT PROGRAM**

This Agreement (this "Agreement") is made as of this ___ day of February, 2009 by and between Redflex Traffic Systems, Inc. with offices at 23751 N 23rd Avenue, Suite 150, Phoenix, AZ 85085-1854 ("Redflex"), and The City of Walnut, a municipal corporation, with offices at 21201 La Puente Road, Walnut, Ca 91789-2018 (the "Customer").

RECITALS

WHEREAS, Redflex has exclusive knowledge, possession and ownership of certain equipment, licenses, applications, and citation processes related to digital photo red light enforcement systems; and

WHEREAS, the Customer desires to engage the services of Redflex to provide certain equipment, processes and back office services so that Authorized Employees of the Customer are able to monitor, identify and enforce red light running violations; and

WHEREAS, it is a mutual objective of both Redflex and the Customer to reduce the incidence of vehicle collisions at the traffic intersections and city streets that will be monitored pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other valuable consideration received, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **DEFINITIONS.** In this Agreement, the words and phrases below shall have the following meanings:
 - 1.1. "Authorized Employee" means the Project Manager or such other individual(s) as the Customer shall designate to review Potential Violations and to authorize the Issuance of Citations in respect thereto,
 - 1.2. "Authorized Violation" means each Potential Violation in the Violation Data for which authorization to issue a citation in the form of an Electronic Signature is given by the Authorized Employee by using the Redflex System.
 - 1.3. "Citation" means the notice of a Violation, which is mailed or otherwise delivered by Redflex to the violator on the appropriate Enforcement Documentation in respect of each Authorized Violation.
 - 1.4. "Confidential or Private Information" means, with respect to any Person, any information, matter or thing of a secret, confidential or private nature, whether or not so labeled, which is connected with such Person's business or methods of operation or

TRAFFIC COLLISIONS GRAND AVENUE AND AMAR ROAD

Total Traffic Collisions 2005		5		Total Traffic Collisions 2008		12	
Rear End	3	2 E/B, 1 W/B		Rear End	11	4 E/B, 3 W/B, 2 N/B, 2 S/B	
Broadside	1	1 E/B		Sideswipe	1	1 S/B	
Sideswipe	1	1 N/B					
Total Traffic Collisions 2006	7			Total Traffic Collisions 2009			13
Rear End	4	2 E/B, 1 S/B, 1 W/B		Rear End	9	2 E/B, 3W/B, 1N/B, 3 S/B	
Sideswipe	1	1 E/B		Sideswipe	2	1 E/B, 1N/B	
Broadside	1	1 W/B		Broadside	2	1 W/B, 1N/B	
Hit Object in Road	1	1 S/B					
Total Traffic Collisions 2007	10			Total Traffic Collisions 2010			17
Rear End	6	5 E/B, 1 S/B		Rear End	12	3E/B, 3 W/B, 6 N/B	
Sideswipe	1	1 E/B		Sideswipe	2	1 W/B, 1 S/B	
Broadside	2	2 W/B		Broadside	3	1 W/B, 1 N/B, 1 S/B	
Hit Object in Road	1	1 E/B					
				Total Traffic Collisions 2011 (Through 07/01/11)	4		
				Rear End	2	1 W/B, 1 S/B	
				Broadside	1	1 N/B	
				Head On (Bicyclist)	1	1 N/B	

TRAFFIC COLLISIONS GRAND AVENUE AND AMAR ROAD						
Total Traffic collisions 2010						
Direction	Type of collision	Number of Injuries		Extent of Injuries		
			17			
Eastbound	Rear End		1		Complaint of Pain	
Eastbound	Rear End		0		N/A	
Eastbound	Rear End		0		N/A	
Westbound	Rear End		1		Complaint of Pain	
Westbound	Rear End		0		N/A	
Westbound	Rear End		0		N/A	
Westbound	Sideswipe		0		N/A	
Westbound	Broadside		0		N/A	
Northbound	Rear End		1		Minor	
Northbound	Rear End		0		N/A	
Northbound	Rear End		1		Complaint of Pain	
Northbound	Rear End		0		N/A	
Northbound	Rear End		2		Complaint of Pain	
Northbound	Rear End		0		N/A	
Northbound	Broadside		0		N/A	
Southbound	Sideswipe		0		N/A	
Southbound	Broadside		0		N/A	
Total Traffic Collisions 2011 (Year To Date 07/01/11)			4			
Westbound	Rear End		0		N/A	
Northbound	Broadside		0		N/A	
Northbound	Head On (Bicyclist Wrong Side of Road)		1		Minor	
Southbound	Rear End		0		N/A	

TRAFFIC COLLISIONS GRAND AVENUE AND AMAR ROAD						
Total Traffic collisions 2008		12				
Direction	Type of collision		Number of Injuries		Extent of Injuries	
Eastbound	Rear End		0		N/A	
Eastbound	Rear End		3		Complaint of Pain	
Eastbound	Rear End		0		N/A	
Eastbound	Rear End		1		Complaint of Pain	
Westbound	Rear End		0		N/A	
Westbound	Rear End		0		N/A	
Westbound	Rear End		0		N/A	
Northbound	Rear End		0		N/A	
Northbound	Rear End		0		N/A	
Southbound	Sideswipe		0		N/A	
Southbound	Rear End		1		Complaint of Pain	
Southbound	Rear End		0		N/A	
Total Traffic Collisions 2009		13				
Eastbound	Rear End		1		Complaint of Pain	
Eastbound	Rear End		1		Minor	
Eastbound	Sideswipe		0		N/A	
Westbound	Rear End		0		N/A	
Westbound	Rear End		1		Complaint of Pain	
Westbound	Rear End		0		N/A	
Westbound	Broadside		0		N/A	
Northbound	Sideswipe		0		N/A	
Northbound	Rear End		0		N/A	
Northbound	Broadside		0		N/A	
Southbound	Rear End		0		N/A	
Southbound	Rear End		0		N/A	
Southbound	Rear End		0		N/A	

TRAFFIC COLLISIONS GRAND AVENUE AND AMAR ROAD						
Total Traffic collisions 2005		5				
Direction	Type of collision	Number of Injuries	Extent of Injuries			
Eastbound	Broadside	0	N/A			
Eastbound	Rear End	1	Minor			
Eastbound	Rear End	0	N/A			
Westbound	Rear End	0	N/A			
Total Traffic Collisions 2006		7				
Eastbound	Sideswipe	0	N/A			
Eastbound	Rear End	0	N/A			
Eastbound	Rear End	0	N/A			
Westbound	Broadside	2	Minor			
Westbound	Rear End	0	N/A			
Southbound	Hit Object in Road	0	N/A			
Southbound	Rear End	0	N/A			
Total Traffic collisions 2007		10				
Eastbound	Rear End	0	N/A			
Eastbound	Rear End	0	N/A			
Eastbound	Rear End	0	N/A			
Eastbound	Rear End	0	N/A			
Eastbound	Rear End	0	N/A			
Eastbound	Sideswipe	0	N/A			
Eastbound	Hit Object In Road	0	N/A			
Westbound	Broadside (Hit Bicycle)	1	Moderate			
Westbound	Broadside	0	N/A			
Southbound	Rear End	0	N/A			

AUGUST 24, 2011 – CC/WIA/WHA

ITEM 1

WALNUT CITY COUNCIL MEETING

CALL TO ORDER: Mayor Tragarz called the meeting to order at 7:01 pm.

PLEDGE OF ALLEGIANCE: MPT/Su led in the Pledge of Allegiance.

ROLL CALL:

PRESENT: COUNCILMEMBERS: Su, Tragarz, Cartagena, King, Lim
 ABSENT: COUNCILMEMBERS: None

Also present were City Manager Wishner; Deputy City Manager Robinson; Director of Finance Londo; City Attorney Montgomery; Community Development Director Weiner; Community Services Director Rooney; City Engineer Gilbertson; Public Information Officer Huerta; Senior Management Analyst Layman; Walnut Sheriff's Station Captain Halm; Senior Planner Nash; Senior Center Supervisor Lerma; Deputy Director of Community Services Kistemann; Deputy Director of Finance Santos; and City Clerk De Dios.

INVOCATION: Father Tony Astudillo, St. Lorenzo Catholic Church gave the invocation.

PRESENTATIONS:

- **Certificates of Recognition to Walnut Valley Unified School District educators recognized by their schools as 2010-2011 Teachers of the Year**

M/Tragarz recognized the following recipients of the Certificate of Recognition, as follows:

Janet Murray, 1st Grade, Westhoff Elementary
 Betsy Hale, 2nd Grade, Collegewood Elementary
 Kay Hoard, 4th Grade, Vejar Elementary
 Diva Arrellanez, 5th Grade, C. J. Morris Elementary
 Erin Ortiz, Resource Specialist, Walnut Elementary
 Jonathan St. Amant, Art, Suzanne Middle School
 Bill Bosanko, Social Science, Walnut High School
 Nichole Sevilla, English/History/Science, Ron Hockwalt Academies

Each of the Councilmembers expressed appreciation to the teachers for their hard work and the positive influence they have on our youth.

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- **The City Council will present Walnut resident and former L.A. County Undersheriff Larry Waldie with a certificate of congratulations for his exemplary career with the Los Angeles County Sheriff's Department.**

M/Tragarz presented a Certificate of Congratulations plaque to Undersheriff Waldie. Each of the Councilmembers expressed their appreciation for his contribution to the Los Angeles County Sheriff's Department and the City of Walnut.

ORAL COMMUNICATIONS FOR THE CITY COUNCIL:

Greg Fritchle spoke about the possible grocery workers strike involving Vons and Albertsons.

Michael West shared his concerns about Item 11, the Redflex contract for the red light camera program and asked the City to renegotiate.

There being no further input, C/Lim made a motion to close Oral Communications; seconded by C/Cartagena. Motion carried without objection and so ordered.

MINUTES:

1. **Approval of August 10, 2011 City Council Study Session Minutes.**

MOTION ON ITEM 1

C/Cartagena made a motion to approve Item 1; seconded by MPT/Su. Motion carried without objection and so ordered.

2. **Approval of August 10, 2011 City Council/Walnut Improvement Agency/Walnut Housing Authority Minutes.**

MOTION ON ITEM 2

MPT/Su made a motion to approve Item 2 as amended; seconded by C/King. Motion carried without objection and so ordered.

PUBLIC HEARINGS: None scheduled.

COUNCIL CONSENT CALENDAR:

M/Tragarz pulled Item 8.

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- 3. Resolution No. 11-37 -- “A Resolution of the City of Walnut Allowing Certain Claims and Demands in the Amount of \$867,744.68, Demand No. 138627 through No. 138724, Both Inclusive.”**

Recommendation: That the City Council adopt Resolution No. 11-37.

- 4. Resolution No. 11-38 re: Employer Paid Member Contribution (EPMC) and Resolution No. 11-39 re: Internal Revenue Code 414 (h) (2) to Tax Defer Member Paid Contributions to California Public Employees’ Retirement System**

Recommendation: That the City Council adopt Resolution No. 11-38 re: Employer Paid Member Contributions (EPMC) and Resolution No. 11-39 re: Approving the implementation of provisions of the Internal Revenue Code 414(h)(2) to tax defer contributions paid to the California Public Employees’ Retirement System.

- 5. Resolution No. 11-40 re: Transfer of Meadowpass Road Improvements to the City of Walnut**

Recommendation: That the City Council adopt Resolution No. 11-40 accepting the transfer of Meadowpass Road improvements from the Walnut Improvement Agency to the City of Walnut.

- 6. Waiver of Parking Restriction on La Puente Road**

Recommendation: That the City Council approve the request for a waiver of parking restriction along La Puente Road for the 2011-12 school year for Walnut High School and Suzanne Middle School events.

- 7. Second Reading — Ordinance No. 11-05 re: Permit the Continued Existence and Operation of the Walnut Improvement Agency**

Recommendation: That the City Council adopt Ordinance No. 11-05 – “An Ordinance of the City Council of the City of Walnut, California, Determining It Will Comply with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Walnut Improvement Agency.”

- 9. Appropriation and Award of Bid to Recreation by Design for the Purchase and Installation of the (2) Picnic Shelters and Joe Rodriguez Construction for the Demolition of the Existing Picnic Shelters**

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Recommendation: That the City Council:

1. Appropriate \$27,500.00 from the General Fund to Account 01-9211-8410 and \$27,500.00 from the Park Improvement Fund to Account 06-9215-8410 for the procurement, building, and demolition of picnic shelters at Butterfield and Arroyo Parks;
2. Authorize the City Manager to approve contracts and issue purchase orders with:
 - a. Recreation by Design and installer Linnert Builders in the amount of \$39,733.47 for picnic shelters and installation at Butterfield and Arroyo Parks; and
 - b. Joe Rodriguez Construction for \$12,839.00 for the demolition of existing shelters and furnishing new concrete slabs.

MOTION ON ITEMS 3 THROUGH 7 AND 9

C/Lim made a motion to approve Items 3 through 7 and 9; seconded by C/King. Motion carried by the following electronic vote:

AYES:	COUNCILMEMBERS:	Cartagena, King, Lim, Su, Tragarz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

DISCUSSION ON ITEM 8

8. Youth Advisory Commission Appointments

Recommendation: That the City Council ratify the Youth Advisory Commission appointments of Jerry Qin and Wyatt Swift-Ramirez.

M/Tragarz recognized her two new appointees to the Youth Advisory Commission in the audience, Jerry Qin and Wyatt Swift-Ramirez.

C/Lim recognized his appointee, Daniel Tsai, who was unable to attend the last Council meeting when he was appointed to the Commission.

MOTION ON ITEM 8

MPT/Su made a motion to approve Item 8; seconded by C/Cartagena. Motion carried by the following electronic vote:

AYES:	COUNCILMEMBERS:	Cartagena, King, Lim, Su, Tragarz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

COUNCIL DISCUSSION/TRANSACTION ITEMS:

10. **Appeal of Site Plan and Architectural Review Application (SPC/AR) 2008-019 – An appeal of the Walnut Planning Commission’s July 20, 2011 decision to deny a request to construct two over-height walls, to modify a wall plan and to amend a condition of approval related to a property line block wall in conjunction with the building of a new residence at 20766 Gartel Drive, Walnut, in the R1-15,000 and Rural Overlay Zoning Districts (APN 8709-013-012)**

Recommendation: That the City Council:

1. Hear the staff report;
2. Receive testimony from the appellant and any other member of the public regarding the project;
3. Close public comments and discuss amongst the Council; and
4. Based on the Planning Commission’s action, DENY the appeal of Site Plan and Architectural Review (SPC/AR) 2008-019 and UPHOLD the Commission’s action.

CDD/Weiner presented the staff report. He stated that information from the neighboring property owner was received today and copies were made and distributed to the Council.

M/Tragarz invited the applicant to speak on the appeal.

Kent Tsen, representing the applicant and contractor, spoke about his concerns relating to the actions taken by the Planning Commission on the proposed project and provided background information.

There was a brief discussion among the Council, staff, and the applicant.

Takeshi Kawaratani, friend and representing the neighbor of the applicant, asked CDD/Weiner several questions relating to the building of the wall.

CA/Montgomery stated that the speaker should address his testimony to the Council and not CDD/Weiner.

Mr. Kawaratani stated that the neighbor’s concerns were: 1) The wall is not high enough to avoid glare; 2) Would a single wall be better than two walls in the event of an accident; and 3) Concern of possible flooding issue.

There being no further input, C/Cartagena made a motion to close Oral Communications on the appeal item; seconded by C/Lim. Motion carried without objection and so ordered.

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The Council asked questions and shared their concerns relating to the wall on the property. There was a discussion among the Council, City Attorney, and staff at this time.

CA/Montgomery suggested that the motion be to grant the appeal subject to conditions. He stated that the applicant would have to agree with the conditions within 10 days of the ruling. If the applicant does not agree to the conditions of granting the appeal, the Planning Commission decision would remain.

CE/Gilbertson stated that the applicant will have to submit structural calculations for staff review. Once staff has agreed on the actual design works, then the applicant will have to expose the footings in numerous places to get an adequate picture of how big the footing is, how wide it is, if there is a key way, etc. The applicant will have to expose some of the cells to see what steel is inside, horizontal and vertical steel, the size of the steel, etc. This will be quite an extensive inspection.

After an extensive discussion several motions were made and the final motions were as follows:

MOTION NO. 1

C/Lim made a motion to grant the height of the wall with conditions including structurally engineered plans, with the stucco and decorative brick topping to match the neighbor's wall on the east side; and with a space between the concrete driveway and the wall to plant landscaping; seconded by C/Cartagena. Motion carried by the following electronic vote:

AYES:	COUNCILMEMBERS:	Cartagena, Lim, Su, Tragarz
NOES:	COUNCILMEMBERS:	King
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

MOTION NO. 2

C/Lim made a motion to grant the appeal for all items excluding the 6'8" easterly wall, as follows:

- a. Approve an "over-height" 6-foot 6-inch wall in the backyard adjacent to the turf block area consisting of 3-feet of block wall and 3-feet 6-inches of protective barrier.***
- b. Approve a low retaining wall along the west property line that varies from 8-inches in height to 24-inches in height.***
- c. Approve a low retaining wall between the driveway and the new residence for the placement of A/C units.***
- d. Approve an "over-height" 5-foot high block wall in the front setback area along the east property line.***

The motion was seconded by C/Cartagena. Motion carried by the following electronic vote:

AYES:	COUNCILMEMBERS:	<i>Cartagena, King, Lim, Tragarz</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSTAIN:	COUNCILMEMBERS:	<i>Su</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

11. Photo Enforcement Program

Recommendation: That the City Council continue the program through the end of the contractual obligation and direct staff to provide a comprehensive report of the program at the time of contract expiration.

DCM/Robinson presented the staff report.

There was discussion among the Council and staff.

MOTION ON ITEM 11

C/King made a motion to approve Item 11; seconded by C/Cartagena. Motion carried by the following electronic vote:

AYES:	COUNCILMEMBERS:	<i>Cartagena, King, Lim, Su, Tragarz</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

ANNOUNCEMENTS (COUNCIL MEMBERS AND STAFF):

A. Councilmembers' report on meetings attended at the expense of the local agency

There were no reports on meetings.

B. Individual Members' comments and updates

MPT/Su stated that there will be a lot of job opportunities coming to Orange County and asked staff to post information on Walnut's website so residents may check the octa.net/job website for additional information and about a future job fair on October 31.

C/Cartagena suggested including information about traffic safety in the next issue of the City newsletter.

COUNCIL LATE BUSINESS: None

**RECESS CITY COUNCIL TO THE WALNUT IMPROVEMENT AGENCY AND
WALNUT HOUSING AUTHORITY MEETINGS**

WALNUT IMPROVEMENT AGENCY MEETING

CALL TO ORDER: Agency Chair Tragarz

ORAL COMMUNICATIONS FOR THE IMPROVEMENT AGENCY:

There being no input, VC/Su made a motion to close Oral Communications; seconded by AM/Cartagena. Motion carried without objection and so ordered.

AGENCY PUBLIC HEARING: None scheduled.

AGENCY CONSENT CALENDAR:

12. Resolution No. 11-11 WIA re: Transfer of Housing Funds

Recommendation: That the Agency adopt Resolution No. 11-11 WIA transferring low-and-moderate housing funds to the Walnut Housing Authority.

13. Resolution No. 11-12 WIA– “A Resolution of the Walnut Improvement Agency Allowing Certain Claims and Demands in the Amount of \$8,484.43, Demand No. 100471 through No. 100471, Both Inclusive.”

Recommendation: That the Agency adopt Resolution No. 11-12 WIA.

14. Resolution No. 11-13 WIA re: Transfer of Meadowpass Road Improvements to the City of Walnut

Recommendation: That the Agency adopt Resolution No. 11-13 WIA declaring Meadowpass Road improvements to be a benefit to the community and transferring said improvement from the Agency to the City of Walnut.

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15. Enforceable Obligation Payment Schedule in Compliance with ABx1 26 and ABx1 27

Recommendation: That the Agency approve the Enforceable Obligation Payment Schedule to enable continued payment of the WIA obligations.

MOTION ON ITEMS 12 THROUGH 15

AM/King made a motion to approve Items 12 through 15; seconded by VC/Su. Motion carried by the following electronic vote:

AYES:	AGENCY MEMBERS:	<i>Cartagena, King, Lim, Su, Tragarz</i>
NOES:	AGENCY MEMBERS:	<i>None</i>
ABSENT:	AGENCY MEMBERS:	<i>None</i>

AGENCY DISCUSSION/TRANSACTION ITEMS: None

AGENCY LATE BUSINESS: None

AGENCY ADJOURNS TO WALNUT HOUSING AUTHORITY MEETING

WALNUT HOUSING AUTHORITY MEETING

CALL TO ORDER: Authority Chair Tragarz

ORAL COMMUNICATIONS FOR HOUSING AUTHORITY:

There being no input, VC/Su made a motion to close Oral Communications; seconded by AM/Cartagena. Motion carried without objection and so ordered.

AUTHORITY PUBLIC HEARINGS: None scheduled

AUTHORITY CONSENT CALENDAR:

16. Resolution No. 11-08 WHA - "A Resolution of the City of Walnut Allowing Certain Claims and Demands in the Amount of \$22,254.82, Demand No. 100276 through No. 100276, Both Inclusive."

Recommendation: That the Authority adopt Resolution No. 11-08 WHA.

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17. Resolution No. 11-09 WHA re: Transfer of Housing Funds

Recommendation: That the Authority adopt Resolution No. 11-09 WHA accepting a transfer of low-and-moderate housing funds from the Walnut Improvement Agency.

MOTION ON ITEMS 16 AND 17

VC/Su made a motion to approve Items 16 and 17; seconded by AM/Cartagena. Motion carried by the following electronic vote:

AYES: *AUTHORITY MEMBERS: Cartagena, King, Lim, Su, Tragarz*

NOES: *AUTHORITY MEMBERS: None*

ABSENT: *AUTHORITY MEMBERS: None*

AUTHORITY DISCUSSION/TRANSACTION ITEMS: None

AUTHORITY LATE BUSINESS: None

AUTHORITY ADJOURNS TO CITY COUNCIL MEETING

CLOSED SESSION: None scheduled.

ADJOURNMENT: There being no further business, the City Council meeting adjourned at 9:32 pm.

PASSED AND ADOPTED this 14th day of September 2011.

MAYOR NANCY TRAGARZ

ATTEST:

TERESA DE DIOS, CITY CLERK

PREPARED BY:

DONNA M. INTERLICCHIA
DEPUTY CITY CLERK