

**PARAMOUNT CITY COUNCIL
MINUTES OF A REGULAR MEETING
JANUARY 5, 2016**

City of Paramount, 16400 Colorado Avenue, Paramount, CA 90723

CALL TO ORDER:

The regular meeting of the Paramount City Council was called to order by Mayor Tom Hansen at 6:00 p.m. at City Hall, Council Chambers, 16400 Colorado Avenue, Paramount, California.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor Tom Hansen.

INVOCATION:

The invocation was delivered by Councilmember Daryl Hofmeyer.

ROLL CALL OF COUNCILMEMBERS:

Present: Councilmember Gene Daniels
Councilmember Peggy Lemons
Vice Mayor Daryl Hofmeyer
Mayor Tom Hansen

Absent: Councilmember Diane J. Martinez

It was moved by Councilmember Daniels and seconded by Vice Mayor Hofmeyer to excuse Councilmember Martinez's absence.

STAFF PRESENT:

John Moreno, City Manager
John E. Cavanaugh, City Attorney
Kevin Chun, Assistant City Manager
Christopher Cash, Public Works Director
David Johnson, Com. Serv. & Recreation Director
Karina Liu, Finance Director
Maria Meraz, Public Safety Director
William Pagett, City Engineer
Clyde Alexander, Acting Assistant Finance Director
Chris Callard, Public Information Officer
John Carver, Assistant Community Development Director
Lana Chikami, City Clerk
Steve Coumparoules, Management Analyst
Marco Cuevas, Community Development Planner
Danny Elizarraras, Management Analyst
Antulio Garcia, Development Services Manager
Magda Garcia-Juarez, Com. Serv. & Rec. Supervisor
Yecenia Guillen, Asst. Com. Serv. & Rec. Director
Margarita Gutierrez, Finance Supervisor
Sarah Ho, Assistant Public Works Director
John King, Planning Manager

Adriana Lopez, Assistant Public Safety Director
Wendy Macias, Public Works Manager
Jonathan Masannat, Management Analyst
Carlos Mendoza, Neighborhood Preservation Specialist
Janene Ottaiano, Human Resources Manager
Kenny Waldecker, Acting Code Enforcement Division Head

PUBLIC COMMENTS

CF 10.3

There were none.

CONSENT CALENDAR

1. APPROVAL OF
MINUTES
December 1 and
December 15, 2015

It was moved by Councilmember Daniels and seconded by Councilmember Lemons to approve the Paramount City Council minutes of December 1 and December 15, 2015. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

2. Register of Demands
CF 47.2

Councilmember Lemons requested that this item be pulled from the consent calendar. She stated that she had a conflict of interest and disqualified herself from voting on check numbers 149530 and 149439 made payable to her employer (Paramount Chamber of Commerce).

It was moved by Councilmember Daniels and seconded by Councilmember Lemons to approve the Paramount City Council Register of Demands with the exception of check numbers 149530 and 149439. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

It was moved by Vice Mayor Hofmeyer and seconded by Councilmember Daniels to approve check numbers 149530 and 149439. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

3. ORDINANCE NO.
1062
Adopting by Reference
the Los Angeles County
Traffic Code
(Setting a Public
Hearing)
CF 98.1

It was moved by Councilmember Daniels and seconded by Councilmember Lemons to read by title only, waive further reading, introduce Ordinance No. 1062, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT AMENDING SECTIONS 29-1 AND 29-1.1 OF THE PARAMOUNT MUNICIPAL CODE REGARDING INCORPORATION OF THE COUNTY TRAFFIC CODE," and set a public hearing for Ordinance No. 1062 at the next regular meeting on February 2, 2016 at 6:00 p.m. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

4. ORDINANCE NO.
1063
Adopting by Reference
the Los Angeles County
Health and Safety Code
(Setting a Public
Hearing)
CF 61.23

It was moved by Councilmember Daniels and seconded by Councilmember Lemons to read by title only, waive further reading, introduce Ordinance No. 1063, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT AMENDING SECTIONS 24-1 AND 24-6 OF THE PARAMOUNT MUNICIPAL CODE REGARDING INCORPORATION OF THE COUNTY HEALTH AND SAFETY CODE," and set a public hearing for Ordinance No. 1063 at the next regular meeting on February 2, 2016 at 6:00 p.m. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

5. ORDINANCE NO. 1064
Amending Chapter 10 and Adding Article III, Sections 10-15 to 10-20 of the Paramount Municipal Code, Relating to Permitting Procedures for Small Residential Solar Energy Systems (Adoption)
CF 29, 46.1
- It was moved by Councilmember Daniels and seconded by Councilmember Lemons to read by title only, waive further reading, and adopt Ordinance No. 1064, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT AMENDING CHAPTER 10 AND ADDING ARTICLE III, SECTIONS 10-15 TO 10-20 OF THE PARAMOUNT MUNICIPAL CODE, RELATING TO PERMITTING PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS." The motion was passed by the following roll call vote:
- AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None
6. Authorization for Purchase of Equipment at Orange Avenue Splash Zone
CF 74.13
- It was moved by Councilmember Daniels and seconded by Councilmember Lemons to authorize the purchase of the two additional water features from Aquatic Recreation Company, in the amount of \$27,522. The motion was passed by the following roll call vote:
- AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None
7. AWARD OF CONTRACT
Construction of the Paramount Park Community Center Restrooms Remodel
City Project No. 9652
- It was moved by Councilmember Daniels and seconded by Councilmember Lemons to approve the plans and specifications, award the contract for construction of the Paramount Park Community Center Restrooms Remodel to Ever Builders, Torrance, California, in the amount of \$88,760, and authorize the Mayor or his designee to execute the agreement. The motion was passed by the following roll call vote:
- AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None
8. Acceptance of Tract Map No. 73406
Atlantic Place
CF 107:73406
- It was moved by Councilmember Daniels and seconded by Councilmember Lemons to approve Tract Map No. 73406 and authorize the City Clerk to execute the map on behalf of the City of Paramount. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

REPORTS

9. Six-Month Review of the City Council Permit for Karaoke Live Entertainment
Ace Consolidated Enterprises, LLC/Blvd Cocktails, 8410 Alondra Boulevard
CF 75.4
- Assistant City Manager Chun reported that the City Council, at its July 7, 2015 meeting, approved a request for a Live Entertainment Permit for karaoke at Ace Consolidated Enterprises, LLC/Blvd Cocktails. He noted that a six-month review of the status of compliance was one of the conditions of approval. Mr. Chun discussed four law enforcement incidents that occurred during the period from September 2015 to October 2015 and stated that they were typical bar types of incidents. He also reported that the applicant has been cooperative and is in compliance with all conditions of approval, including maintenance of an extensive security camera system and provision of an onsite security guard.

It was moved by Councilmember Lemons and seconded by Vice Mayor Hofmeyer to receive and file the report with the stipulation for a second six-month review at their July 5, 2016 meeting. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

10. PUBLIC HEARING
Live Entertainment Permit
Torino Lounge, 14123 Garfield Avenue
CF 75.4
- City Manager Moreno introduced the item and stated that the Council voted, in November 2015, to set a three-month review (in February 2016) for the Live Entertainment Permit at Torino Lounge, 14123 Garfield Avenue. However, due to a December 2015 shooting incident at Torino Lounge, he stated that City Attorney Cavanaugh would be reviewing the permit and presenting a new recommendation to them for consideration.

City Attorney Cavanaugh stated that this item is unique and that he would be taking the City Council through an evidentiary hearing process. He said they will receive testimony from both the City Attorney's office and the Sheriff's Department to support a recommendation to suspend the Live Entertainment Permit for Torino Lounge for a period until January 19, 2016. He also stated that the

applicant will be given an opportunity to present his case and provide testimony, and he requested that the City Council refrain from making any comments or opinions until all facts and testimony have been heard.

Mayor Hansen opened the public hearing and announced that testimony will first be heard by those in favor and then followed by those opposed. City Attorney Cavanaugh spoke in favor and provided background information on Torino Lounge. He reviewed the approved live entertainment formats, discussed the 27 conditions of approval for the Live Entertainment Permit, and stated that conditions of approval are essentially a contractual obligation that the applicant promises to comply with in exchange for being granted the permit.

Next, Mr. Cavanaugh reviewed some relevant conditions of approval:

Condition No. 1: Performances shall be permitted inside the lounge on Wednesdays between 7:30 p.m. and 11:00 p.m., Thursdays through Saturdays between 7:30 p.m. and 2:00 a.m., and Sundays between 12:00 p.m. and 10:30 p.m.

Condition No. 2: If the Public Safety Director determines that a significant number of incidents impacting the public peace, health, safety or general welfare are occurring at the restaurant, the City Council shall have the authority to review the City Council Permit, and may revoke or modify the Permit in order to protect the public peace, health, safety, and general welfare.

Condition No. 3: No change or alteration to the approved entertainment format shall occur without prior approval, in writing, from the City of Paramount.

City Attorney Cavanaugh then discussed activity at the Torino Lounge for the period 2011 through December 2015 and noted the following:

Calls for service in 2011, 2012, and 2013 were mostly limited to property crimes and false alarm activation calls.

Calls for service in 2014 included two calls of fights in the parking lot.

November 2014: Deputies responded to a “shots-fired” call in the Torino Lounge parking lot, and based on this incident, the Public Safety Director, LASD personnel and Deputy District Attorney Kelly Tatman met with the business owners to discuss the increase in calls for service and escalating nature of the calls.

April 9, 2015: There was an additional call of a fight in the parking lot of the Torino Lounge and multiple calls were received regarding the altercation.

April 20, 2015: Another meeting was held with the business owners, and the business owners reported that they added a Wednesday Hip-Hop night to their live entertainment format that was handled by an outside promoter and lasted until 2:00 a.m. The business owners were reminded at this meeting that a condition of approval to their permit prohibited live entertainment on Wednesday nights past 11:00 p.m. and the 27 conditions of approval to the Live Entertainment Permit were reviewed with the business owners and their managers. The business owners agreed to comply with the conditions of approval for their Live Entertainment Permit at this meeting.

City Attorney Cavanaugh noted that Hip-Hop nights violate two conditions of approval: 1) this format was being conducted outside the approved format that the City Council placed on the Live Entertainment Permit and 2) the event went beyond the time permitted in the Live Entertainment Permit.

July 23, 2015, 1:26 a.m.: One of the Torino Lounge managers called and requested assistance with a crowd of people arguing and a reckless driver. Deputies responded and dispersed the crowd but were not able to determine whether there was any live entertainment which contributed to the disturbance. City Attorney Cavanaugh noted, however, that a disturbance occurred at this location.

August 20, 2015: Deputies responded to an armed robbery call that had occurred at Torino Lounge. During the investigation of the incident, it was determined that there was live entertainment on a Wednesday night and it carried over beyond 11:00 p.m. City Attorney Cavanaugh stated that this was once again a violation of the condition of approval for the Live Entertainment Permit.

September 1, 2015: A meeting was held to discuss the ongoing issues on Wednesday nights. The business owners confirmed that they continued to host “Hip-Hop” nights on Wednesdays and continued to work with an outside promoter even after having met with City staff on April 20, 2015. The business owners were warned that such activity violated the conditions of approval and were also advised that the calls for service have escalated and the live entertainment format had been changed by including the “Hip-Hop” nights on Wednesdays. Additionally, they were advised that this activity necessitated that the Live Entertainment Permit be presented to the City Council for review.

November 3, 2015: The City Council conducted a public hearing to review the Live Entertainment Permit and activity at Torino Lounge. After hearing all the evidence, the City Council voted to set a review date for February 2, 2016 to determine if the business owners had addressed the chronic problems at Torino Lounge.

December 4, 2015: Deputies responded to a “shooting call” at Torino Lounge and it was determined that two security guards were shot in the Torino Lounge parking lot. During the investigation of the shooting, it was also determined that live entertainment was part of the night’s venue. Having live entertainment was not a violation of the Live Entertainment Permit; however, the “Banda” music format did not fall within the approved live entertainment format approved by the City Council.

City Attorney Cavanaugh elaborated that Thursday nights also included the “Banda La Juvenil” as the main performing band and reiterated that this music format is not an approved live entertainment format. He also reported that, since the approval of the Live Entertainment Permit in 2011, there have been numerous calls for service for law enforcement related to Torino Lounge’s operations and that Torino has been operating chronically in violation of conditions of approval of the Live Entertainment (Condition No. 1: Conducting live entertainment beyond the time limitations required under the conditions of approval. Condition No. 2: Allowing a significant number of incidents impacting the public peace, health, safety or general welfare. Condition No. 3: Conducting live entertainment beyond the scope of the approved live entertainment formats.)

Next, City Attorney Cavanaugh called on Lieutenant David Auner of the Los Angeles County Sheriff's Department to provide testimony regarding December 4, 2015 events at Torino Lounge and their failure to maintain security cameras on the premise, violating Condition No. 23.

Lieutenant Auner addressed the City Council and informed them that on December 4, 2015, he became aware of a shooting incident at the Torino Lounge where two security officers were shot. Following this incident, he stated that he contacted deputy personnel who responded to this shooting incident as well as the handling detective. He was briefed on the shooting and the problems encountered with the Torino Lounge employees and security staff, including lack of cooperativeness, crime scene preservation and interference, and evidence tampering. Lieutenant Auner stated that a critical interference to the investigation was the inability to properly review security footage and an apparent inoperable camera facing Garfield Avenue. This camera was the only camera that was reported to be inoperable at the time and the only camera that would have captured the suspect while shooting.

On December 5, 2015, Lieutenant Auner stated that he contacted Detective Brown, the assigned investigator for this shooting, who reported that he had not received any returned calls from persons who were present at the incident nor video footage from Torino Lounge employees as requested. He said that the lack of information and video footage stalled his ability to investigate this crime.

Additionally, he reported that at approximately 1:30 a.m. on December 6, 2015, he and Deputy Razo went to Torino Lounge and met with Mr. Pena. They spoke with him regarding the concerns raised by the responding deputies and handling detective. He stated that Mr. Pena's recollection of his employees' cooperativeness was different from that of responding personnel; however, Mr. Pena acknowledged that the video footage of the December 4, 2015 night's activities had not been provided to Detective Brown. Lieutenant Auner said that he asked Mr. Pena to describe, if he knew, what may have possibly led to the shooting of the two security guards. Mr. Pena told him that there was a fight between several patrons inside the lounge and that security staff had to escort the disturbing parties outside and, once outside, the parties began fighting again which prompted intervention by the security staff. Eventually patrons began to leave the property and sometime later the shooting occurred. The first call for law enforcement came

after the shooting occurred. Lieutenant Auner said that he reminded Mr. Pena of their April 20, 2015 meeting where they discussed the requirement to immediately notify the Sheriff's Department whenever fights or disturbances occurred at Torino Lounge. And, at that time, he said that an agreement was reached in an effort to prevent incidents from escalating as they did on December 4, 2015. Lieutenant Auner then stated that Mr. Pena told him that he did not call the Sheriff's Department because he wanted to handle the problem using the security staff.

Next, Lieutenant Auner stated that he had asked Mr. Pena about the inoperable camera and that Mr. Pena told him that the camera somehow was not working that night and he was unaware of when the camera stopped functioning. Mr. Pena told him that a repair order would be made to fix the camera and Lieutenant Auner said that he had requested that he be notified when the camera was fixed and be provided with the repair technician's contact information. On December 7, 2015, Lieutenant Auner reported that Mr. Pena provided him with the video footage on a thumb drive and the names and phone numbers of employees who were present that night. Lastly, Lieutenant Auner stated that the investigation is ongoing and the suspect remains outstanding.

This was followed by City Attorney Cavanaugh (Cavanaugh) questioning Lieutenant Auner (Auner) as outlined below:

Cavanaugh: Are you familiar with the conditions of approval for the Live Entertainment Permit at Torino Lounge?

Auner: Yes.

Cavanaugh: Are you familiar with the condition of approval regarding maintenance of the security cameras?

Auner: Yes.

City Attorney Cavanaugh then read Condition No. 23: A security camera plan shall be submitted to the Public Safety Department for review and approval before cameras are purchased or installed. Upon approval in writing by the Public Safety Department, operational security cameras shall be installed in accordance with approved camera types and locations. The approved cameras or more technological advance versions of the approved cameras shall be maintained in perpetuity.

Cavanaugh: Lieutenant, would you please state whether or not those cameras have been maintained at the time of this incident?

Auner: No, they were not.

Cavanaugh: Have you received any information from the business owners on any work orders or why the camera outside was not functioning or not working?

Auner: No information as to why it wasn't working; however, tonight when I walked in to City Hall, Mr. Pena had told me that the camera was fixed.

Cavanaugh: When was it fixed?

Auner: He could not tell me when it was fixed or the technician's name who fixed it like I had requested on December 6, 2015.

Next, City Attorney Cavanaugh asked Public Safety Director Meraz if she had anything to add to the testimony. Ms. Meraz stated that she had read, one-by-one, all 27 conditions of approval to the business owners on April 20, 2015 to ensure that they understood that each of the conditions of the live entertainment permit must be heeded to as part of their ongoing live entertainment.

There being no questions from the City Council with regard to the testimony heard from City Attorney Cavanaugh, Lieutenant Auner, and Public Safety Director Meraz, Mayor Hansen invited those opposed to come forward to provide testimony.

Mr. Sergio Pena, Manager of Torino Lounge, addressed the City Council in opposition. He talked about the issuance of the Live Entertainment Permit in 2011 and local bands playing (flamenco but mainly Rock en Espanol) at Torino Lounge, providing an opportunity for kids to play there. During the period between 2011 and 2014, he stated that activity was mellow and that there was normal activity during normal hours. Then, in 2014, he said that they started having "Hip-Hop" nights on Wednesday evenings and that is when they started to have problems.

Next, Mr. Pena stated that they did not know that a DJ (record playing) was not permitted under the entertainment license. He said they thought live entertainment meant a band playing. He admitted that it was an honest mistake that

they had a DJ playing until 1:45 a.m. and said they ended having a DJ at Torino Lounge, around October, after having been informed of the violation. He also mentioned that they completely closed Torino Lounge on Wednesdays because it was mainly the Wednesday night activities that were not to the liking of the City.

Mr. Pena then talked about the November 3, 2015 City Council meeting and having been put on probation. He said that they were given approximately one month (until December 3, 2015) to prove that they have changed their way of conducting business. He stated that they will no longer have Hip-Hop nights, are open only 14 hours per week, and that Rock en Espanol is held on Saturdays and local bands on Thursdays and Fridays. Mr. Pena said that local bands in the Paramount community are Latino Banda Norteno, and that the young crowd likes Norteno, Banda, and Rock en Espanol. He admitted that Banda is a little more rowdy, but added that they have a lot of security.

Mr. Pena stated that they have eight cameras. On the night of the December 4, 2015 incident, however, one camera was not working. He stated that they made the mistake of not checking to make sure all cameras were operational, and then said that the other seven cameras were working and that this was an isolated incident that did not happen during business hours.

Mr. Pena continued and said that they were a victim of the crime. He recapped the evening's events leading up to the drive-by shooting. He said there was an altercation, but they did not call the Sheriff's Department because an altercation starts and ends in one minute. He said, typically, there is no time to call the Sheriffs because when someone wants to fight, the security guards handle the situation and that ends it or they kick out one party or both parties. On the evening of the incident, however, the altercation started up again in the parking lot. Mr. Pena noted that the parties separated and left within 5 minutes. He also said that the music finished at 1:45 a.m. and that the business closed by 2:00 a.m. and everything was nice. The doors were locked and the security guards were outside. While the security guards were outside, however, that is when someone came back and the drive-by shooting occurred.

Again, Mr. Pena stated that they were a victim of a crime. He said it wasn't his people that got into a fight and made reference to the Los Angeles Police Department, who he said is part of this investigation and made mention of the shooter suspect being an off-duty Sheriff who is under investigation for something else that came back to the Torino Lounge business.

Mr. Pena asked the City Council to allow them to continue with the original probation term so that they can prove to them that they have changed their way of conducting business. He also asked that they treat the shooting as an isolated incident. He stated that they are in the midst of changing and are starting the new year by shutting down on Wednesdays, eliminating Banda music, and only opening on Saturdays right now. They are only open 4½ to 5 hours per week—enough to survive to pay the mortgage—and that they will not be able to survive if the entertainment license is taken away.

Mr. Pena also asked the City Council to take into consideration their 15 employees (some who are Paramount residents) and the local bands who play at Torino Lounge. He added that an individual is at tonight's meeting, representing local bands, and stated that Fridays will be designated for local bands, ranging from jazz, Rock en Espanol, and Exedra music (and no Banda Sinaloense). Additionally, he commented on plans for a grand opening event and becoming a restaurant with live music.

There being no questions, the meeting proceeded and City Council heard from speaker, Mr. Gustavo Villafanet, 318 Main Street, South Gate. Mr. Villafanet stated that he is here to represent musicians. In addition to Torino Lounge providing local bands with a place to play and entertain, he also informed the City Council that Torino Lounge provides an opportunity for helping others. He talked about a cousin who passed away and Torino Lounge opening their doors to allow his band to do a show and raise money to help the family.

After hearing from Mr. Villafanet, City Attorney followed up with questions for Public Safety Director Meraz (Meraz). The questioning proceeded as follows:

Cavanaugh: Director Meraz, can you give us your opinion on whether or not the time limitations, that are Condition No. 1 of this Live Entertainment Permit, have they been violated?

Meraz: Yes, they have in the past.

Cavanaugh: Just based on your estimate, how many times has that occurred?

Meraz: That we know, documented three times.

Cavanaugh: Three times and also, Director Meraz, is it your opinion that the number of events since 2014 are significant which impact public health, safety and welfare?

Meraz: Yes, that is why the item was brought to Council last month.

Cavanaugh: Thank you.

Meraz: Or two months ago.

Cavanaugh: And is it your opinion that Condition No. 3 which requires prior approval for changing the format, is it your opinion that Torino Lounge representatives actually changed the format a number of times?

Meraz: Yes.

Cavanaugh: How many times would you say they changed it?

Meraz: As far as I know from the documented incidents, a handful of times—maybe, three times that we know. And, they have said they did not realize DJs were not permitted. And that is why I mentioned that on April 20, 2015, after reviewing all of the conditions, they were handed a copy of the original agenda report with all of the conditions to make sure that they understood what was allowed.

Cavanaugh: Thank you.

City Attorney Cavanaugh told the City Council that they had already heard from Lieutenant Auner that Condition No. 23 was violated because all the cameras were not operating at the time, and then he asked Lieutenant Auner one more question:

Cavanaugh: Lieutenant, one more question I want to ask you. The camera that is not functioning, that was not functioning on the night of December 4, 2015, was there any relevance in that camera as far as where it was directed?

Auner: Yes, that camera faced Garfield Avenue and the shooter walked up to the property from Garfield, conducted the shooting, and then ran southbound. That camera would have captured the shooter and identity or at least facial recognition.

Cavanaugh: So, is it fair to assume, Lieutenant, that as the result of that camera not functioning as required under Condition No. 23, you would have had a clear shot of the suspect?

Auner: Yes.

City Attorney Cavanaugh told the City Council that, based on all the evidence provided, there may be times where business owners don't always have control over the operations of their establishment. He acknowledged that the applicant had articulated that to them, but proposed that there is direct responsibility for maintaining an establishment when someone is operating a business where alcohol is served or live entertainment is present. He added that the applicant provided testimony that live entertainment draws a younger and lively crowd and that responsibility must be taken when you have an environment or a business like that to control what is occurring--you cannot sit back and allow conditions like that to exist and permit a chronic disregard of conditions of approval to continue on. City Attorney Cavanaugh then recommended that the City Council suspend the Live Entertainment Permit for Torino Lounge and set a public hearing for Tuesday, January 19, 2016 to consider the revocation of the permit at Torino Lounge.

It was moved by Councilmember Lemons and seconded by Vice Mayor Hofmeyer to close the public hearing. The motion passed by the following roll call vote:

AYES:	Councilmembers Daniels, Lemons Vice Mayor Hofmeyer, Mayor Hansen
NOES:	None
ABSENT:	Councilmember Martinez
ABSTAIN:	None

Discussion followed and Councilmember Lemons expressed concern regarding Torino's lack of cooperation with the deputies and interfering with the crime scene. She also found it inexcusable that the cameras were not working, especially since the applicant was previously advised to comply with the conditions and the license being in jeopardy. She also added that flying bullets are not acceptable.

Vice Mayor Hofmeyer inquired about how the Department of Alcoholic Beverage Control (ABC) allows a business to continue to operate with these kinds of conditions and problems. City Attorney Cavanaugh stated that evidence will be provided to the City Council at their January 19, 2016 meeting showing that the establishment had problems with ABC and commented on the responsibility of the business owners, with respect to how liquor and alcohol is being conducted on the premises. Vice Mayor Hofmeyer also received confirmation that the Torino Lounge remodel was a City commercial rehabilitation project.

Councilmember Daniels commented on business owners being responsible for activity at their establishments and making sure they are run by the letter of the law. He also stated that he does not feel, based on the evidence provided, that Paramount is lucky to have Torino Lounge operating in the community.

City Manager Moreno stated that there was someone in the audience wishing to speak. City Attorney Cavanaugh advised the City Council that the public hearing was closed, but that it is up to their discretion if they would like to reopen it.

It was moved by Vice Mayor Hofmeyer and seconded by Councilmember Lemons to reopen the public hearing, and the motion passed by the following vote:

AYES:	Councilmembers Lemons Vice Mayor Hofmeyer, Mayor Hansen
NOES:	Councilmember Daniels
ABSENT:	Councilmember Martinez
ABSTAIN:	None

Mr. Kucharczk was then given the opportunity to speak. He stated that he did not wish to provide testimony but wanted to know why an opportunity was not given to others to speak. It was then explained to him that Mayor Hansen had already provided an opportunity for individuals to speak when he invited those wishing to speak in favor to come up and then those wishing to speak in opposition to come up.

It was moved by Vice Mayor Hofmeyer and seconded by Councilmember Lemons to close the public hearing. The motion passed by the following vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

This was followed by a motion that was moved by Councilmember Lemons and seconded by Vice Mayor Hofmeyer to suspend the Live Entertainment Permit for Torino Lounge, and set a public hearing on Tuesday, January 19, 2016 to consider revocation of the Live Entertainment Permit at Torino Lounge. The motion passed by the following vote:

AYES: Councilmember Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None.

Vice Mayor Hofmeyer inquired about the owner's ability to operate, and City Attorney stated that the business may continue to operate but there cannot be any live entertainment at the establishment. He said that live entertainment is suspended until January, 19, 2016 when City Council will be given the opportunity to consider a permanent revocation.

11. AWARD OF
CONTRACT
Construction of
Paramount Boulevard
Urban Renovation
City Project No. 9535

City Manager Moreno introduced the item and mentioned that the wayward finding signage component is not included as part of this project and will be brought back to Council at a later date.

Public Works Director Cash gave the report and stated that five bids were opened and examined on December 22, 2015. The apparent low bid was submitted by CS Legacy Construction, Inc. in the amount of \$3,316,409.95. Mr. Cash reported that the bids for the project were over budget and commented on the trend of increased prices for street projects. He also stated that there were additional components (parking lots improvements to the City parking lot behind Town Center West and the creation of a pedestrian "paseo" at Town Center East) added to the project that occurred after the project budget was established that affected the cost. He recommended that the additional costs be funded through the Capital Reserve Fund and stated that these increased costs would be reflected as part of Midyear Budget adjustments.

There was a brief discussion regarding the completion date and Mr. Cash stated that the plan is to have the project completed within 90 days.

It was moved by Councilmember Lemons and seconded by Vice Mayor Hofmeyer to approve the plans and specifications, award the contract for construction of Paramount Boulevard Urban Renovation to CS Legacy Construction, Inc., Pomona, California, in the amount of \$3,316,409.95, and authorize the Mayor to execute the agreement. The motion was passed by the following roll call vote:

AYES: Councilmembers Daniels, Lemons
Vice Mayor Hofmeyer, Mayor Hansen
NOES: None
ABSENT: Councilmember Martinez
ABSTAIN: None

COMMITTEE REPORTS

There were none.

COMMENTS FROM STAFF

Community Services & Recreation Director Johnson announced that the STAR Program underwent an audit and recognized Assistant Community Services & Recreation Director Guillen, Community Services & Recreation Supervisor Garcia-Juarez, and Management Analyst Masannat. He highlighted that the Finance Department partnered with this effort and gave special recognition to Assistant Community Services & Recreation Director Guillen and Finance Director Liu and presented them with flowers. He also announced that the City received a glowing report following the audit.

COMMENTS FROM COUNCILMEMBERS

There were none.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Hansen adjourned the meeting at 7:00 p.m. to a meeting on January 19, 2016 at 5:00 p.m.

\s\ Tom Hansen
Tom Hansen, Mayor

ATTEST:

\s\ Lana Chikami
Lana Chikami, City Clerk

APPROVED: February 2, 2016