



CITY OF AZUSA

MINUTES OF THE CITY COUNCIL

REGULAR MEETING

TUESDAY, JULY 7, 2009 – 6:30 P.M.

The City Council of the City of Azusa met in regular session at the above date and time in the Azusa Auditorium, located at 213 East Foothill Boulevard, Azusa, CA, 91702.

CEREMONIAL

Ceremonial

Ms. Adrian Martinez of Recreation and Family Services and Director of Kids Come First Golf Tournament announced that the event was a great success and netted \$13,000, she invited sponsors to come forward to receive their recognition. Councilman Hanks read the Certificate and presented it to the sponsors in attendance, the sponsors were as follows: Vulcan Materials, Athens Services, Jan's Towing, Tierra West Advisors, Rich Development Co., Waste Management, Canyon City BBQ, Veolia Environmental Services, and Best Best & Krieger.

CLOSED SESSION

Closed Sess

The City Council recessed to Closed Session at 6:37 p.m. to discuss the following:

Recess

1. **REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)**

Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff

Under Negotiation: Price and Terms of Payment

Address: 246 N. Azusa Avenue

Negotiating Parties: City of Azusa and City of Azusa Redevelopment Agency/Jakes Hotdogs and Sausages/EDLP (Tenants)

Real Prop
Negotiations
246 N. Azusa

2. **PUBLIC EMPLOYMENT (Gov. Code Sec. 54957)**

Title: Utilities Director

Pub Emp

3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Gov. Code Sec. 54956.9 (b)).** One case.

Conf w/legal
Cnsl

The City Council reconvened at 7:32 p.m. City Attorney Ferre announced that there was no reportable action taken on items 1 and 2 from Closed Session, but, that there was a need to address item 3 which would be at the end of the business meeting.

Reconvened
No Reports

Mayor Rocha called the meeting to order.

Call to Order

Jessica, Vanessa, and Robert Naranjo led in the Salute to the Flag in memory of their mother Lucy Naranjo.

Flag Salute

INVOCATION was given by Bishop Timothy Bradbury Monzello of the Church of Jesus Christ of Latter-Day Saints

Invocation

ROLL CALL

Roll Call

PRESENT: COUNCILMEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA

ABSENT: COUNCILMEMBERS: NONE

ALSO PRESENT:

Also Present

City Attorney Ferre, City Manager Delach, Assistant City Manager Makshanoff, Azusa Police Chief Garcia, Economic and Community Development Director Christianson, Director of Utilities Hsu, Assistant Community Development Director McNamara, Director of Public Works/Assistant City Manager Haes, City Treasurer Hamilton, Director of Recreation and Family Services Jacobs, Director of Information Technology Graf, Senior Planner Cole, Assistant Planner Pilmer, Public Information Officer Quiroz, Administrative Services Director-Chief Financial Officer Kreimeier, Acting Library Director Shahsavari, City Clerk Mendoza, Deputy City Clerk Toscano.

CEREMONIAL (Continued)

Ceremonial con't

Councilmember Gonzales provided information regarding the process of adjourning in memory of persons and recognition by the City. Mayor Rocha advised that the meeting will be adjourned in memory of Gloria Ortiz and Lino Sausedo Salse.

Gonzales
Comments

Councilmember Carrillo read and presented Certificate of Adjournment in Memory of Lino Sausedo Salse.

Cert of Adjourn
L. Salse

PUBLIC PARTICIPATION

Pub Part

Mr. Tim Mars addressed Council detailing his business venture of a Medical Marijuana Clinic and asked what the City's policies were regarding the clinics.

T. Mars

Members of the Canyon City Car Club, Richard Lugo, George Romero, John Naranjo, presented \$250 scholarships to Ms. Reina Barrios of Gladstone High school and Mr. Adrian Gatea of Azusa High School. He advised that there will be a fundraiser Cruise Night at California Burgers on Saturday, July 11th. He advised that on Saturday July 25th in honor of the 60th Anniversary of Memorial Park they will have a car show, Pork Chop Tom band and other entertainment. John Naranjo thanked the City Council for honoring his mother.

Canyon City
Car Club
Presentation
of Scholarships

Chief of Police Garcia responded to question regarding the City's policy on Medical Marijuana Clinics stating that there is a moratorium on such clinics and that he is opposed to them as they cause problems and they are not to be for profit.

R. Garcia
Comments
Medical Mrjna

REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF

Rpts/Updates

City Clerk Mendoza announced the following: Notice Is Hereby Given of City Board and Commission term of office expirations, ending September 30, 2009, for the following:

City Clrk Annmet
Notice of
Board & Com
expirations

- 3 positions Architectural Barriers Commission
- 1 position Cultural and Historical Preservation Commission
- 2 positions Human Relations Commission
- 1 position Library Commission
- 1 position Personnel Board
- 2 positions Planning Commission

Applications are available in the City Clerk's Office and City Manager's Office, 213 East Foothill Boulevard, City Library, 729 N. Dalton Avenue, Light & Water Department, 729 N. Azusa Avenue, Police Department, 725 N. Alameda, Azusa, and at: www.ci.azusa.ca.us, for interested residents. Applications will be accepted through August 27, 2009. For further information please call: (626) 812-5271.

Discussion regarding consideration of canceling City Council meetings in August. Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to approve to cancel City Council meetings in August as well as the Utility Board.

Disc August
Meetings All
were Canceled

Moved by Mayor Pro-Tem Macias, seconded by Councilmember Gonzales and unanimously carried to approve request for proclamation for Sgt. Patrick Flanery, for 36 years of service as a soldier; to be presented July 18.

Proc Sgt. Patrick
Flanery

Moved by Councilmember Hanks, seconded by Councilmember Gonzales and unanimously carried to approve Request for a proclamation for the Learning Center, at New Harvest Church, for their 15th anniversary, to be presented July 26.

Proc New
Harvest Learn
Center

City Manager Delach announced that he has been informed by Metropolitan Transit Authority staff that the City of Azusa grant applications and call for projects are being considered on September 22nd. If approved the City would receive 3.5 million dollars for a transit center parking structure downtown in proximity to the Gold Line station and downtown development, as well as \$669,000 for the Azusa Avenue Gateway project.

City Mgr
Update MTA
Grants

Mayor Pro-Tem Macias requested that a joint meeting be held with the Irwindale City Council as there are a number of issues that need to be addressed, i.e. Day Labor Site and proposed MRF; he suggested the end of the year. He expressed appreciation to all the Fireworks group workers, and the non profits groups for their hard work. He recognized that it was the last City Council meeting for Director of Utilities Hsu and again thanked him for the 26 and a half years of excellent service.

Macias
Comments

Councilmember Hanks too acknowledged Mr. Hsu wishing him a joyous and well earned retirement.

Hanks
Comments

Councilmember Carrillo reminded all to vote on July 14th, for the representative of the 32nd Congressional District. He referred the public to Los Angeles County Registrar Recorder or the City Clerk's Office for information regarding polling place. He reminded all that Azusa has Cooling Centers at the City Library, Senior Center and Memorial Park, thanked the service groups for volunteer hours at the Fireworks booths and congratulated Mr. Hsu on his retirement.

Carrillo
Comments

Mayor Rocha expressed his appreciation to Mr. Joe Hsu; announced that the Council would be adjourning in memory of Lino Sausedo Salse and Gloria Ortiz; and reminded all to keep our soldiers in prayer, referring to the great ceremony held on July 4th revealing the new remodeled monument. He requested an update on the prescription drug program. City Manager Delach and Assistant City Manager Makshanoff responded noting that they are awaiting documents from National League of California Cities and they are beginning the project in about 8 weeks. He asked about a possible training session for those who wish to help work cleaning up on and off ramps at the 210 freeway; Assistant City Manager Makshanoff responded stating they would have a program. Mayor Pro-Tem Macias advised that the California Conservation Corp will also be volunteering with freeway clean ups. Mayor Rocha invited all to attend the tree planting ceremony on Saturday, July 11th, in honor of the Census 2010, at Memorial Park. City Manager Delach provided an update on the benefits of the City becoming an Entitlement City when they reach a population of 50,000. Mayor Rocha reminded all of Cruise Night on Saturday at California Burgers; Chamber Installation Dinner on Monday July 13th; announced the Summer Reading Program at the Library talked about the importance of joint meetings with other entities.

Mayor Rocha
Comments

SCHEDULED ITEMS

Sched Items

PUBLIC HEARING – SCHEDULE OF FEES AND CHARGES.

PH User Fees

City Manager Delach announced that staff would like to make a modification to the fees and charges for 2009/10, by providing a 45% discount for building permits that relate to solar panel installations and that would be an amendment to the resolution for development fees. He responded to question posed by Councilmember Hanks that this is for residents within the City.

City Mgr
Solar Panel
Fee discount

Director of Administrative Services/Chief Financial Officer Kreimeier addressed the public hearing presenting the User Fee Schedule for Various Municipal Activities and Services as well as the resolution formally enacting the Development Project Fees and noted where applicable the schedules reflect the increase in the consumer price index and that most fees have remained the same as last year's level.

A. Kreimeier
Presentation

Mayor Rocha requested that the fee for pool rental be kept at the same level as last year for residents and that the Utility turn on/off fee be kept at \$119; all Councilmembers agreed. Discussion was held between Councilmembers and staff regarding basis for the increase in fees.

Rocha
Comment

The Mayor declared the Hearing open. City Clerk read the proof of publication of notice of said Hearing published in the Azusa Herald on June 18, and 25, 2009.

Hrg Open

Testimony was solicited, but, none was received. Moved by Councilmember Hanks, seconded by Councilmember Carrillo and unanimously carried to close the Public Hearing.

Testimony/none
Hrg Closed

Moved by Councilmember Hanks, seconded by Councilmember Gonzales and unanimously carried to adopt Resolution No. 09-C53, Establishing a User Fee Schedule for Various Municipal Activities and Services, with revision regarding a \$25 non resident pool rental fee and keeping the same amount of \$119 for Utility turn on/off fee.

Res. 09-R53
Establish User
Fee Various
Activities

Moved by Councilmember Hanks, seconded by Councilmember Carrillo and unanimously carried to adopt Resolution No. 09-C54, Establishing certain Development Project Fees and Service Charges, with revision regarding the 45% reduction in Building Permit Fee for Solar Panels.

Res. 09-R54
Establish Dev
Fees Schedule

PUBLIC HEARING – APPEAL OF MINOR USE PERMIT MUP 2008-18 PLANNING COMMISSION DENIAL OF A MINOR USE PERMIT APPLICATION TO ALLOW THE OPERATION OF A LARGE FAMILY DAY CARE HOME PROVIDING CARE FOR UP TO 14 CHILDREN

Pub Hrg
Appeal Minor
Use Permit Diaz

Assistant Planner Pilmer addressed the Public Hearing detailing the issue of the Minor Use Application which came before Planning Commission on May 13th, She stated that the Planning Commission reviewed photos and site plan and determined they did not have two parking spaces, there were private and recreational vehicles in the driveway and that the proposed use would impact properties, increase street traffic, and that the home is too small and is incompatible to provide care for 14 children.

K. Pilmer
Comments

Ms. Laura Diaz, Applicant, addressed the Public Hearing stating that she has been a child care provider for 5 years; she works to get education, goes to school to learn English and requested that Council approve the permit to operate the business. She responded to questions posed by Councilmember Gonzales stating that there are currently 8 children in the Day Care, it's licensed by State, it gets visited every year by the State, she advised the City about the business the first year and they advised she didn't need a permit from the City, there is no one on parole living in the house, it takes five minutes for kids to be dropped off between 6 a.m. and 4 p.m., parking is not a problem, house size is 1070 sq. ft. and that she is awaiting additional children and can have up to 14.

L. Diaz
Comments

The Mayor declared the Hearing open. The City Clerk read the affidavit of proof of publication of notice of said hearing published in the Azusa Herald on July 11, 2009. She advised that there are 12 individuals waiting to speak and one letter in favor of allowing the Day Care business.

Hrg Open

<p>The following persons spoke in favor of Minor User Permit Application to allow the operation of a large family Day Care Home proving care for up to 14 children: Brian Brophy, Ofelia Medina, Lanette Ostos, Adelaida Pantosa, Leticia Noyola, Angelica Diaz, Roxana Nadales, Odila Bahena, Cynthia Diaz, Ritu Mahajan, and Karla Pleitez.</p>	<p>Testimony Received</p>
<p>Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to close the Public Hearing.</p>	<p>Hrg Closed</p>
<p>After lengthy discussion between Councilmembers, Staff and the City Attorney it was moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to direct staff to bring a resolution approving the MUP application to the next meeting to include findings based on testimony received.</p>	<p>Discussion MUP App Appvd Reso next mtg</p>
<p>PUBLIC HEARING – TO CONSIDER AN ORDINANCE GRANTING ELECTRICAL DISTRIBUTION FRANCHISE TO THE SOUTHERN CALIFORNIA EDISON COMPANY.</p>	<p>Pub Hrg Edison Franchise</p>
<p>Director of Utilities Hsu provided a brief background explaining the Franchise with Edison stating that as the City of Azusa has annexed areas in Azusa, but Edison is still the original electrical provider which services pockets in the city and south side. The Franchise Agreement was recently re-negotiated and State law requires the Franchise be granted by ordinance at a duly noticed public hearing. The new Franchise Agreement term has changed from 15 to 30 years and the formal Franchise requires Edison to pay a 2% Franchise Fee on all gross receipts arising from the operation of facilities in Azusa, except on sales of electricity within the city, which will be subject to a fee of not less than 1% of gross and annual receipts.</p>	<p>Dir of Utilities J. Hsu Presentation</p>
<p>The Mayor declared the Hearing open. The City Clerk read the affidavit of proof of publication of said hearing published in the Azusa Herald on June 25, 2009. Testimony was solicited, but none was received. Moved by Councilmember Hanks, seconded by Councilmember Gonzales and unanimously carried to close the Public Hearing.</p>	<p>Hrg open Testimony/none Hrg Closed</p>
<p>Moved by Councilmember Hanks, seconded by Councilmember Carrillo and unanimously carried to conduct first reading by title only of following Ordinance:</p>	
<p>ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, GRANTING TO SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE AND TO CONSTRUCT AND USE, POLES, WIRES, CONDUITS AND APPURTENANCES, INCLUDING COMMUNICATION CONDUITS AND CIRCUITS NECESSARY OR PROPER THEREFORE, IN, ALONG, ACROSS, UPON, OVER AND UNDER THE PUBLIC STREETS, WAYS, ALLEYS AND PLACES, AS THEY MAY NOW OR HEREAFTER EXIST, WITHIN THE CITY OF AZUSA.</p>	<p>1st Rdg Ord Grant Franchise Edison</p>
<p>PUBLIC HEARING – ON ANNUAL METROPOLITAN TRANSPORTATION AUTHORITY (MTA) CONGESTION MANAGEMENT PROGRAM (CMP) LOCAL DEVELOPMENT REPORT. Economic and Community Development Director Christianson addressed the Hearing stating that this is a mandated Congestion Management Program and although MTA has suspended this program the City is still required to do the reporting; the reports have been filled out and there is no impact to the City until a County Wide program has been established. He responded to questions posed.</p>	<p>Pub Hrg CMP Local Rpt K. Christianson Comments</p>
<p>The Mayor declared the Hearing open. The City Clerk read the affidavit of proof of publication of notice of said Hearing published in the Azusa Herald on June 25, 2009. Testimony was solicited, but none was received. Moved by Councilmember Carrillo, seconded by Councilmember Gonzales and unanimously carried to close the Public Hearing.</p>	<p>Hrg open Testimony/none Hrg Closed</p>
<p>Councilmember Carrillo offered a Resolution entitled:</p>	
<p>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.</p>	<p>Res. 09-C55 Adopting Local Development Report</p>
<p>Moved by Councilmember Carrillo, seconded by Councilmember Gonzales to waive further reading and adopt. Resolution passed and adopted by the following vote of the Council:</p>	
<p>AYES: COUNCILMEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA NOES: COUNCILMEMBERS: NONE ABSENT: COUNCILMEMBERS: NONE</p>	
<p>The <u>CONSENT CALENDAR</u> consisting of Items D-1 through D-13 was approved by motion of Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried with the exception of items D-3, which was considered under the Special Call portion of the Agenda.</p>	<p>Consent Calendar D1-13 Appvd D-3 Spec Call</p>
<p>1. The minutes of the regular meeting of June 15, 2009, were approved as written.</p>	<p>Min appvd</p>

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|-----|---|---------------------------------------|
| 2. | Human Resources Action Items were approved as follows:
Merit Increase and/or Regular Appointments: L. Ferrari, S. Chapman, C. Grant, S. Jauregui, L. Santamaria, R. Lomingkit,II, C. Ruiz, B. Bommarito, R. Gardea.
New Classification: Engineering Assistant II.
Reclassification: C. Curiel, Engineering Assistant II, effective July 1, 2009.
S. Yang, Senior Management Analyst, effective July 1, 2009.
L. Hassen, Senior Librarian, effective July 1, 2009. | HR Action Items |
| 3. | SPECIAL CALL ITEM. | Spec Call |
| 4. | A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO THE ATTACHED STANDARD AGREEMENT CONTRACT WITH THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ACCEPTING \$27,251 FROM THE GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROJECT. | Res. 09-C56
Agmt ABC
LLEAP |
| 5. | A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, ADOPTING A DISTRIBUTION POLICY FOR TICKETS IN THE FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES. | Res. 09-C57
Dist Policy
Tickets |
| 6. | Approval was given for an agreement between the City and All City Management Services (ACMS) for crossing guard services. | Agmt w/ACMS
Crossing Guard |
| 7. | Approval was given for the professional services agreement between the City and N2Veins for mobile blood collection for investigative purposes. | Agmt N2Veins |
| 8. | Approval was given to accept the bid by Morrison Health Care, Inc. for on site cooking for the Senior Nutrition Program and award the contract respectively. | Morrison Health
Care, Inc. |
| 9. | Formal sealed bids were waived in accordance with the Azusa Municipal Code Section 2-523 section B, computer software maintenance services and the software maintenance support and licensing from CDW-G, in the amount of \$18,750, was approved. | Novell
Software
Maintenance |
| 10. | Formal sealed bids were waived in accordance with Azusa Municipal Code Section 2-523 section B, computer software maintenance services and 2-523 section C, no competitive market, and the annual software maintenance and support agreement from SIRSI Corporation, in the amount of \$24,802.59, was approved. | SIRSI Corp
Software Maint |
| 11. | Formal sealed bids were waived in accordance with the Azusa Municipal Code Section 2-523 section B, computer software maintenance services and 2-523 section C, no competitive market, and the software maintenance and support contract from Matrix Imaging, in the amount of \$12,929.00, was approved. | Matrix Imaging
Software Maint |
| 12. | Formal sealed bids were waived in accordance with Azusa Municipal Code Section 2-523 section B, computer software maintenance services and 2-523 section C, no competitive market and approve the software maintenance and support agreement from Motorola Inc, in the amount of \$22,840.00, was approved. | Motorola Inc.
Software Maint |
| 13. | The following resolution was adopted and entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID. | Res. 09-C58
Warrants |

SPECIAL CALL ITEMS

- | | |
|---|---|
| Mayor Rocha addressed the City Treasurer's Report with thanks to the City Treasurer Marcene Hamilton for the amount of interest income received. Moved by Mayor Rocha, seconded by Councilmember Hanks and unanimously carried to receive and filed the Treasurer's Report for the City of Azusa for the month of May 2009. | Mayor Rocha
Treas Rpt |
| THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY CONVENED JOINTLY TO ADDRESS THE FOLLOWING ITEM: | Cncl convened
Jointly w/CRA |
| REDEVELOPMENT AGENCY ADMINISTRATION/ADVANCE FROM THE CITY | Redevelopment
Admin/Advance |
| Director Hanks offered a Resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA REQUESTING A LOAN FROM THE CITY OF AZUSA FOR PURPOSES OF THE MERGED REDEVELOPMENT PROJECT AREA. | Res. 09-R36
Requesting Loan
From City |

Moved by Director Hanks, seconded by Director Carrillo to waive further reading and adopt. Resolution passed and adopted by the following vote of the Agency Board Members:

AYES: DIRECTORS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA
NOES: DIRECTORS: NONE
ABSENT: DIRECTORS: NONE

Councilmember Gonzales offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA AUTHORIZING LOANS FOR PURPOSES OF THE MERGED REDEVELOPMENT PROJECT AREA Res. 09-C59
Authorizing
Loans to Agency

Moved by Councilmember Gonzales, seconded by Councilmember Carrillo to waive further reading and adopt. Resolution passed and adopted by the following vote of the Council:

AYES: COUNCILMEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONVENE AT 9:35 P.M. THE CITY COUNCIL RECONVENED AT 9:36 P.M. Cncl Recess
CRA Convene
Cncl reconvened

The City Council recessed back into Closed Session at 9:37 p.m. and reconvened at 10:09 p.m., there was no reportable action. Closed Session

It was consensus of Councilmembers to adjourn in memory of Lino Sausedo Salse and Gloria Ortiz. Adjourn in
Memory of
L. Salse &
G. Ortiz

UPCOMING MEETINGS: Upcoming
Meetings

July 20, 2009, City Council Meeting – 6:30 p.m. (Auditorium)
July 27, 2009, Utility Board Meeting – 6:30 p.m. (Light and Water Conference Room)
July 30, 2009, City Hall on the Move – 5:30 p.m. in conjunction with Concerts in the Park (Memorial Park)

TIME OF ADJOURNMENT: 10:10 P.M.

CITY CLERK

NEXT RESOLUTION NO. 2009-C60.

NEXT ORDINANCE NO. 2009-O3.