



CITY OF AZUSA
MINUTES OF THE CITY COUNCIL
REGULAR MEETING

TUESDAY, SEPTEMBER 8, 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

- | | |
|--|---|
| Mayor Rocha presented a proclamation to Mr. Jeffrey Cornejo, great grandson of Grace Ruelas Ayon, in honor of her 100 th Birthday. | Proc G. R. Ayon
100 th Birthday |
| Certificates of Recognition were presented to 7 and 8 year old members of the Azusa American Little League in honor of their win in the 2009 District 19, Tournament of Champions. | Cert of Rec
Amer Little Leag |
| The proclamation declaring the month of September 2009 as “Los Angeles County Fair Month” in the City of Azusa was noted. | LA Co Fair
Month |

CLOSED SESSION

Closed Sess

- | | |
|--|---------------------------|
| City Attorney Carvalho advised that staff will be removing Closed Session items 1-e, Downtown North, Item 2, Conference with Labor Negotiator, and item 4, Employee Performance Evaluation, City Manager. | City Attorney
Comments |
| Ms. Andrea Cruz addressed item 1-d, 845 and 849 N. Alameda Avenue, Azusa (Cruz), objecting to the persons negotiation of her parents property, stating that they do not have the authority to negotiate price and terms of payment. She talked about a business owner experiencing an audit by the City. | A. Cruz
Comments |
| Mr. Nick Rosales addressed Council regarding 1-d, citing the Constitution of the United States, stating that private property should not be taken for public use without just compensation and that it’s important to respect private property. | N. Rosales
Comments |
| City Attorney Carvalho responded stating that listing of property on the agenda gives Council the authority to talk about the property in Closed Session and it’s not a prerequisite that they contact the property owner but the property owners were sent a letter explaining the process, and does not affect their property rights. Mayor Rocha asked staff to set up a meeting with the speakers in order to go over the information. | City Attorney
Comments |

The City Council recessed to Closed Session at 6:56 p.m. to discuss the following:

Recess

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

Real Property
Negotiations

Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Under Negotiation: Price and Terms of Payment

- | | |
|----------------------|--|
| a. Address: | 634 N. San Gabriel Avenue (Fashion Sportswear) |
| Negotiating Parties: | Kwon, Soon I (Owner) |
| b. Address: | 246 N. Azusa Avenue |
| Negotiating Parties: | Jakes Hotdogs and Sausages/EDLP (Tenants) |
| c. Address: | Sierra Madre Avenue/Azusa Avenue and San Gabriel Canyon Road
Property (APN# 8608-001-001) |
| Negotiating Parties: | Joyce C. Moline and Leo C. Nasser (Owners) |
| d. Address: | 845 and 849 N. Alameda Avenue, Azusa (Cruz Property) |
| Negotiating Parties: | Cruz, Lucio and Caroline TRS Cruz Trust (Owner) |

e. **DOWNTOWN NORTH A2 & A3 Site (Removed by Staff)**

Downtown North
Removed

858 N. Azusa Avenue, Azusa, CA	801 N. Alameda Avenue, Azusa, CA
832 N. Azusa Avenue, Azusa, CA	810 N. Alameda Avenue, Azusa, CA
826 N. Azusa Avenue, Azusa, CA	803 N. Dalton Avenue, Azusa, CA
812 N. Azusa Avenue, Azusa, CA	805 N. Dalton Avenue, Azusa, CA
830 N. Azusa Avenue, Azusa, CA	809 N. Dalton Avenue, Azusa, CA

- f. **ENTERPRISE PROPERTY** Enterprise Prop.
 Address: 229 S. Azusa Avenue (APN 8614-014-058)
 Negotiating Parties: Rogers Lillie M/Roger Lillie M
 Address: 229 S. Azusa Avenue (APN 8614-014-056)
 Negotiating Parties: Rogers Lillie M/Roger Lillie M
 Address: (APN 8614-014-057) - No Address
 Negotiating Parties: Rogers Clifton & Lillie/Roger C & L /tr
- g. **TALLEY PROPERTY**
 Address: 621 N. Azusa Avenue, Azusa
 Negotiator: 621 Talley LLC
2. **CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6) (Removed by Staff)** Conf w/Labor
 Agency Negotiators: City Manager Delach and Administrative Services Director-CFO Kreimeier Neg (rmvd)
 Organizations IBEW
3. **CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Gov. Code Sec. 54956.9 (c)).** 1 Case. Conf w/legal
 Cnsl
4. **EMPLOYEE PERFORMANCE EVALUATION (Gov. Code Sec. 54957) (Removed by Staff)** Pub Emp Eval
 Title: City Manager (rmvd)
5. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION/INITIATION OF LITIGATION (Gov. Code Sec. 54956.9 (c)).** 1 potential case. (403 S. Vernon) Conf w/legal
 Cnsl

The City Council reconvened at 7:30 p.m. City Attorney Carvalho advised that there was reportable action, except on item 5, and by a unanimous vote Council directed the City Attorney to file appropriate legal action to abate the nuisance at that property. Reconvened
 No Reports

Mayor Rocha called the meeting to order. Call to Order

Ms. Rosario Lucas led in the Salute to the Flag. Flag Salute

INVOCATION was given by Mrs. Barbara Dickerson. Invocation

ROLL CALL Roll Call

PRESENT: COUNCILMEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA
ABSENT: COUNCILMEMBERS: NONE

ALSO PRESENT: Also Present

City Attorney Carvalho, Assistant City Manager Makshanoff, Police Chief Garcia, Economic and Community Development Director Christianson, Assistant Community Development Director McNamara, Director of Public Works/Assistant City Manager Haes, Director of Recreation and Family Services Jacobs, Public Information Officer Quiroz, Director of Utilities Morrow, Administrative Services Director-Chief Financial Officer Kreimeier, Acting Library Director Shahsavari, City Clerk Mendoza, Deputy City Clerk Toscano.

PUBLIC PARTICIPATION Pub Part

Mr. Mike Lee addressed Council with various items, i.e. information meeting on the recent fire; his opinion re: Planning Commission; Target; issues in the news; Iraq; and other items of concern to him. M. Lee
 Comments

Mr. Sal Martinez, on behalf of the American Little League, addressed Council thanking them for acknowledging their 7 and 8 year olds for winning in the Tournament of Champions; he expressed his appreciation for park improvements; invited all to a fundraiser at Shakeys on Wednesday; registration is in December and for further information call him at (626) 665-4562. S. Martinez
 Comments

Ms. Catherine Martinez provided an update on the Miss Azusa and Miss Outstanding Teen Scholarship Program; cited Board Members as follows: Vice President Francine Michel, Secretary Gabriela Ocegana, Treasurer Rose Montes, President Catherine Martinez, Board Members are Sylvia Contreras and Yolanda Pena, Executive Director Peggy Martinez, for further information call (626) 334-2448 or Catherine Martinez at (626) 812-9443. Pageant will be at Citrus College on February 6, 2010. C. Martinez
 Comments

Ms. Crystal Munoz, Miss Azusa, addressed Council stating that it has been an honor representing the City and cited her goals for the remainder of the year and thanked all for their support. C. Munoz
 Comments

Ms. Sara Weir, Miss Outstanding Teen, addressed Council expressing her experience while representing the City and the benefits. S. Weir
 Comments

Mrs. Sylvia Contreras and members of the Azusa Golden Days, addressed Council expressing thanks for their support; they presented Golden Days T-Shirts to Council, introduced the Civic Grand Marshall, Ginny Dadaian, who was honored by the appointment. Peggy Martinez introduced the 2009 honored citizens as follows: Vera Mendoza and Jesse Alva, who were both honored by the recognition. The Theme of Golden Days is Western Memories; they invited all to attend.	Azusa Golden Days Committee Announcements & Introductions
Ms. Mercedes Castro, on behalf of the Azusa Lions Club announced that they would again be giving away helmets during Golden Days, on Sunday, October 11, 2009, from 2-5 p.m. at Memorial Park; she requested Council donation. She stated that when kids pick up the helmets parents can have eye check-up and tests for diabetes. She invited all to the Lion's Club Mixer to be held on Tuesday, September 29, 2009, at Express Auto, 633 San Gabriel, proceeds will be benefitting Home Work House.	M. Castro Comments
Mr. Richard Deem addressed Council announcing the Save Our Canyon group and Sierra Club will be having an informational meeting at the Covina City Library on Thursday, September 10 th at 7 p.m. He commented on his research of bias laws.	R. Deem Comments
Ms. Diana Sorges-Alkana addressed Council presenting a petition regarding yard sales which requests the continued limit of four yard sales per year, but to be held on any weekend the individual wishes; she detailed reasons for the petition.	D. Sorges-Alkana Comments
Ms. Patricia Hall addressed Council noting that her concerns with yard sales were expressed by Ms. Alkana. She expressed her frustration regarding the City limiting the use of water by the community, due to the drought. She stated that there are too many rules. She noted a couple incidents where she saw instances of water runoff.	P. Hall Comments
Mr. Richard Carpenter addressed Council expressing his concerns regarding yard sales as well as the inattention to Cerritos Avenue with regard to street paving.	R. Carpenter Comments
Mr. Jorge Rosales, Planning Commissioner, addressed Council expressing his opinion regarding the request by Councilmembers to have Planning Commissions go through a renewal of interest interview process at the meeting of July 20 th . He stated that he has been cited as being conflicted out with respect to participating in the proposed Vulcan application conditional use permit review process and proceeded to display a video of Council candidates' comments regarding Vulcan, suggesting that they too are conflicted.	J. Rosales Comments
Ms. Barbara Dickerson addressed Council thanking them for recognizing students who have graduated and wish to continue their education after high school and what it means to the community. She recognized Hector Carrera of Azusa High who will be attending Yale University.	B. Dickerson Comments
Mr. Antonio Tapia addressed Council expressing his frustration regarding the late hours of operation of Ice Cream vendors in his community; barking dogs and vehicles parked in the alley where he resides.	A. Tapia Comments
Ms. Madelyn Payne, President of Friends of the Azusa City Library, provided an update on the recent Book Sale held at Slauson Park.	M. Payne Comments
Mr. Ernesto Duenas addressed Council expressing concern regarding rental properties on Vernon not being maintained and the lot in back of Valley Super Burgers is a dust nuisance.	E. Duenas Comments
Mr. Todd Priest of Vulcan Materials, addressed Council inviting them and the members of the public to a community meeting regarding the new plan, on Tuesday, September 22, 2009, at 6:30 p.m. at the Azusa Woman's Club.	T. Priest Comments
It was consensus of Councilmembers to direct City Manager to donate \$100 to the Azusa Lions Club, c/o Mercedes Castro, to purchase and give away bicycle helmets during Azusa Golden Days.	Donation Lion's Club \$100
City Attorney Carvalho responded to comments made during public participation regarding extreme bias, stating that she has always given Council objective unbiased legal advice and it has been up to them to make policy decisions. She noted that she provided Council Members and Planning Commissioners with a legal memorandum that outlined all of the conflict laws which state all statutes and case law that support her advice. With regard to the clips shown earlier in the meeting, she researched the cases and cited: "The rules do not preclude officials from holding opinions, philosophies, or strong feelings about issues or specific projects, it also does not prescribe expressions and views about matters of importance to the community particularly during an election campaign". Another case states "a Planning Commissioners pre hearing involvement advocating against a proposed housing project constituted an unacceptable probability of actual bias, and thus the developers due process rights had been violated when that Planning Commissioner participated in a hearing involving that project". She stated that based on her interpretation of those cases, she gave advice. She noted that she urged all Planning Commissioners to file the applications as she understood it was the Council's wish. Discussion was held regarding the issue.	City Attorney Comments and Responses
Additional responses/direction was given to staff regarding other matters discussed during public participation.	Responses and Directions to Staff

REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF

Rpts/Updates

Assistant City Manager Makshanoff introduced the new Director of Utilities, Mr. George Morrow, who offered a few words regarding his first week at Azusa.	Intro G. Morrow Dir of Util
Battalion Fire Chief presented an update on the Station Fire. He noted it was 60% contained; there have been community outreach meetings; fire is active in the Cogswell Dam area, and detailed the impact on the communities.	Battalion Fire Chief update on fire
Moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Macias and unanimously carried to approve the request to have a Joint City Hall on the Move with Azusa Unified School District Board on Saturday, October 17, 2009 at Magnolia School from 10 a.m. to 12 Noon.	Joint City Hall On the Move AUSD 10/17
Mayor Rocha announced the Community Walk Program and detailed the information regarding it; which is a health oriented program geared toward the youth of the community.	Community Walk Program
Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to approve request for sponsorship in the amount of \$100 to Ms. Kayla Trujillo, sophomore at Azusa High School to support her in an educational opportunity in a trip to France and Spain in the summer of 2010.	Sponsorship K. Trujillo
Moved by Mayor Pro-Tem Macias, seconded by Councilmember Gonzales, to approve request for sponsorship in the amount of \$200 to Gladstone High School 2009 Cross Country Team to go towards the purchase of uniforms.	Sponsorship Gladstone Cross Country
Moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Macias and unanimously carried to approve request for certificates of appreciation for hair stylist and cutters for haircut drive for Azusa kids and request for recognition for Azusa American Little League Executive Board for past 09 season.	Cert of Apprec Stylists & Amer Little League
Mayor Pro-Tem Macias praised Miss Azusa Program, Fire Fighters and Parks and Recreation Program for the public service that they have done. He also noted the benefits and the pit falls of being a public servant.	Macias Comments
Councilmember Hanks thanked all who participated in the Fire meeting update held on Friday, September 11, 2009. He also welcomed George Morrow to the City as Director of Utilities.	Hanks Comments
Councilmember Gonzales thanked staff in the Stylist/Hair Cutter Program held at Memorial Park; he provided statistics on how it benefitted the community. He invited all to the Celebrity Softball Game to be held on October 4 th at Gladstone Park.	Gonzales Comments
Councilmember Carrillo gave direction to staff, with no objection from his colleagues, to prepare certificates of recognition to Mayor of the City of Covina, Kevin Stapleton for the one year of service as President of the ICA; to Mayor of City of Monrovia, Joe Garcia, for his service as President of the Los Angeles League of California Cities Chapter, and to Father Gustavo of Saint Frances of Rome who is becoming the official Pastor of the church. He thanked all who participated in the Fire meeting held on Friday, September 11, 2009 in light of the Holiday weekend and expressed condolences to fallen firefighters. Lastly, school is back in session and Target is coming to Azusa.	Carrillo Comments
Mayor Rocha stated that the meeting would be adjourned in memory of Tony Ruelas, Joseph A. Estrada, Maria Socorro Robles, Evelyn Sanchez Castaneda, and Howard Feldman. He thanked our Emergency Services Coordinator, Olga Bruno for keeping all informed with her updates on the fire; thanks to Adrian Martinez, Marc Gonzales, Joe Jacobs and all recreation staff for the success of the summer programs; thanks to Library staff for their Summer Reading Program; and thanks to all employees who contributed to items to soldiers. Councilmember Gonzales shared a heartfelt story about the impact of the packages sent. Mayor Rocha thanked staff for CityLinks, and advised that they would be cleaning up several areas of the community. He announced the workshop with Azusa Police Department and AUSD, Gang and Tagging Program at the Library, Thursday, September 10 th at 7 p.m.	Mayor Rocha Comments
It was consensus of Councilmember to schedule Board and Commission Interviews for Tuesday, September 22, 2009, beginning at 6:15 p.m.; that the three late applications be accepted; and that a pre-meeting for Planning Commission applicants be held with City Attorney and staff, in order that they understand the nature and duties of a Planning Commissioner; it is not mandatory.	Board & Com Interviews, Late apps & pre- Planning meeting

SCHEDULED ITEMS

None.

Sched Items
None.

The **CONSENT CALENDAR** consisting of Items D-1 through D-16 was approved by motion of Councilmember Hanks, seconded by Councilmember Gonzales and unanimously carried with the exception of items D-2, D-8 and D-9, which was considered under the Special Call portion of the Agenda. Mayor Pro-Tem Macias abstained from voting on the minutes of July 27, 2009, as he was absent from that meeting. Councilmember Gonzales abstained from item D-2, HR Action items as family members are listed.

Consent Calendar
D1-16 Appvd
D-2, 8 & 9 Spec
Call

1. The minutes of the regular meeting of July 20, 2009 and the Special meetings of July 27th and June 29th, 2009, were approved as written. Min appvd
2. Human Resources Action Items were approved as follows: HR Action Items
Merit Increase and/or Regular Appointments: J. Barnes, L. Rogers, B. Donnelson, A. Magana, J. Landa, J. Momot, W. Johnson, B. Parra, R. Nodarse, T. Tate, I. Del Toro, M. Gonzales, R. Chavez, M. Bowman, and D. Baird.
Flexible Staffing: V. Villagomez, Street Maint. Wkr II.
Promotion: L. Gonzales, Recreation Supervisor
New Classification: Senior Administrative Technician
Reclassification: F. Cawte, Senior Administrative Technician
New Appointment: S. Ramos, Police Officer Trainee
Separation: A. Foley, Police Officer, E. Carbajal, Engineering Assistant, J. Hsu, Director of Utilities, C. Williams, Line Mechanic, B. Tang, Assistant Director of Resource Management, D. Ramirez, Assistant Director Electric Operations.
3. City Treasurer's Reports for June and July were received and filed. Treas Rpts
4. Award of contract to Ace Electric in the amount of \$224,500 for the Athletic Field Lighting Replacement Project at Northside Park, was approved. Ace Electric Lighting Mem
5. Authorization was given for the solicitation of bids for diesel heavy-duty vehicle exhaust retrofits. Heavy Duty veh
6. Award of contract to Pervo Paint Company of Los Angeles, California in the amount of \$18,624.58 for the purchase of a thermoplastic applicator, was approved. Thermoplastic Applicator
7. Notice of Completion for City Hall Remodel Phase II - \$185,788.00 - Advantage Project Builders, was approved and staff was authorized to file the Notice of Completion with the Los Angeles County Clerk. NOC Phase II City Hall
8. **SPECIAL CALL ITEM.** Spec Call Item
9. **SPECIAL CALL ITEM.** Spec Call Item
10. Staff was authorized to award a contract to Alcon Colorado Engineering, Inc. for the new storm drain at Zacatecas Park in an amount not to exceed \$145,391.40 (\$132,174 + 10%). Storm Drain Zacatecas Park
11. Staff was authorized to award a contract to Sully Miller Contracting Company for the reconstruction of Foothill Boulevard from Todd Avenue to Orange Avenue in an amount not to exceed \$891,171.75 (\$813,792.50 +10%). Reconstruct Foothill
12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA DECLARING ITS INTENTION TO VACATE A PORTION OF SAN GABRIEL AVENUE AND A PORTION OF NINTH STREET IN THE CITY OF AZUSA. Res. 09-C70 Vacate San Gab Ninth
13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA DECLARING ITS INTENTION TO GRANT AN EASEMENT TO TARGET CORPORATION FOR BUILDING CONSTRUCTION PURPOSES ALONG SAN GABRIEL . Res. 09-C71 Grant of Esmt Bldg SG
14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA DECLARING ITS INTENTION TO GRANT AN EASEMENT TO TARGET CORPORATION FOR DRAINAGE FACILITY PURPOSES ALONG SAN GABRIEL AVENUE IN THE CITY OF AZUSA. Res No. 09-C72 Grant of Esmt Drainage SG
15. Staff was authorized to enter into a Cooperation and Reimbursement Agreement with Azusa Pacific University for installation of a new traffic signal on Citrus Avenue. Coop Agmt APU traffic sig
16. The following four (4) resolutions were 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. Nos. 09-C73-76 Warrants

SPECIAL CALL ITEMS

Spec Call Items

Mayor Rocha addressed item regarding Police Station Underground Storage Tank requesting clarification regarding the 9% contingency for unforeseen change orders.

Mayor Rocha
Comments

Director of Public Works Haes responded stating that it's 9% instead of the normal 10%, because the budget is \$30,000 and if it is above that amount it would be 10%.

Dir of Pub Wks
Response

Moved by Councilmember Carrillo, seconded by Councilmember Hanks and unanimously carried to Award of contract to Pacific Systems Electric of Winchester, California in the amount of \$27,490.00 for the installation of a Phase II Enhance Vapor Recovery System as mandated by the California Air Resources Board, was approved

Vapor Rec Sys
Approved

Mayor Rocha addressed item regarding Rosedale Traffic Mitigation requesting what the status is on Stein Street, and signal at Mauna Loa. Director of Public Works Haes responded that there is no definite plan at this time for Stein Street. He stated that the signal at Mauna Loa is described as a signal and may have additional stripping, but the Traffic Engineer will study both items. Mayor Rocha asked several other questions of concern and Director of Public Works Haes responded.

Rocha/Haes
Comments

Moved by Councilmember Carrillo, seconded by Councilmember Hanks and unanimously carried that Staff was authorized to enter into a professional services agreement with Transportation & Energy Solutions, Inc. (TES) to prepare plans, specifications, and estimates (PS&E) for the Rosedale Traffic Mitigation Project for an amount not to exceed \$174,203.

Specs Rosedale
Traffic Mit
Approved

THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONVENED AT 9:33 P.M. THE CITY COUNCIL RECONVENED AT 10:09 P.M. THE CITY COUNCIL RECESSED AND AZUSA PUBLIC FINANCING AUTHORITY CONVENED AT 10:10 P.M. THE CITY COUNCIL RECONVENED AT 10:11 P.M.

Cncl Recess
CRA Convene
Cncl reconvened
APFA Convened
Cncl reconvened

Councilmember Gonzales offered an ordinance entitled:

AN ORDINANCE OF THE CITY OF AZUSA, CALIFORNIA, ADOPTING THE CITYWIDE ART IN PUBLIC PLACES POLICY MANUAL BY AMENDING CHAPTER 2, ARTICLE V, DIVISION 3 AND ADDING CHAPTER 88.39 OF THE AZUSA MUNICIPAL CODE.

Ord. 09-04, Art
in Public Places
Policy Manual.

Moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Macias to waive further reading and adopt. Ordinance passed and adopted by the following vote of the Council:

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

It was consensus of Councilmembers to adjourn in memory of Tony Ruelas, Joseph A. Estrada, Maria Socorro Robles, Evelyn Sanchez Castaneda, and Howard Feldman. Lino Sausedo Salse and Gloria Ortiz.

Adjourn in
Memory of
Ruelas, Estrada,
Robles,
Castaneda,
Feldman

UPCOMING MEETINGS:

Upcoming

September 21, 2009, City Council Meeting – 6:30 p.m. (Auditorium)
September 28, 2009, Utility Board Meeting – 6:30 p.m. (Light and Water Conference Room)
October 5, 2009, City Council Meeting – 6:30 p.m. (Auditorium)
October 19, 2009, City Council Meeting – 6:30 p.m. (Auditorium)

Meetings

TIME OF ADJOURNMENT: 10:20 P.M.

CITY CLERK

NEXT RESOLUTION NO. 2009-C77.

NEXT ORDINANCE NO. 2009-O4.