



**CITY OF AZUSA**

**MINUTES OF THE CITY COUNCIL**

**REGULAR MEETING**

**MONDAY, DECEMBER 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 E. Foothill Boulevard, Azusa, CA 91702.

**CEREMONIAL**

Ceremonial

Councilmember Gonzales presented a Certificate of Sympathy to the family of Vicky Philipson, noting that the meeting would be adjourned in her memory.

Cert of Sympathy  
V. Philipson

The City Council members presented a Proclamation to Austin Tyler McMinn, honoring him for attaining the rank of Eagle Scout.

Proc to A. Tyler  
McMinn

The City Council presented Certificates of Recognition to the teams and volunteers of the American Cancer Society Relay for Life fundraiser held in April 2009.

Cert of Recog.  
Relay For Life

**CLOSED SESSION**

Closed Sess

Mr. Mike Lee addressed the Closed Session portion of the meeting stating that he hopes Atlantis Gardens is used for low income house and that the IBEW gets fair chance.

M. Lee  
Comments

The City Council recessed to Closed Session at 6:55 p.m. to discuss the following:

Recess

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

Real Prop  
Negotiations

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

a. **MTA SITES**

MTA Sites

Address: APN# 8608-025-900 (Azusa and Santa Fe) Azusa, CA 91702

Negotiating Parties: Los Angeles County Metropolitan Authority

Address: APN#8608-027-902 (Azusa and Alameda) Azusa, CA 91702

Negotiating Parties: Los Angeles County Metropolitan Authority

Address: APN#8608-028-906 (Azusa and Dalton) Azusa, CA 91702

Negotiating Parties: Los Angeles County Metropolitan Authority

b. **BLOCK 37**

Block 37

Address: 634 N. San Gabriel Avenue Azusa, CA 91702

Negotiating Parties: City/Azusa Redevelopment Agency/Kwon, Soon I

c. **ATLANTIS GARDEN**

Atlantis Garden

Address: 630 E. Sixth Street, Azusa CA 91702

Negotiating Parties: City/Azusa RedevAgency/Cardenas Faustino/Cardenas Eddy M.

Downtown No.

d. **DOWNTOWN NORTH A2 & A3 Site**

Addresses: 858 N. Azusa Avenue, Azusa, CA

832 N. Azusa Avenue, Azusa, CA

826 N. Azusa Avenue, Azusa, CA

812 N. Azusa Avenue, Azusa, CA

830 N. Azusa Avenue, Azusa, CA

801 N. Alameda Avenue, Azusa, CA

810 N. Alameda Avenue, Azusa, CA

803 N. Dalton Avenue, Azusa, CA

805 N. Dalton Avenue, Azusa, CA

809 N. Dalton Avenue, Azusa, CA

Negotiating Parties: City/Azusa Redevelopment Agency/Lewis Retail Centers

e. **ENTERPRISE PROPERTY**

Enterprise Prop

Address: 229 S. Azusa Avenue (APN 8614-014-058)

Negotiating Parties: City/Azusa Redevelopment Agency/Rogers Lillie M/Roger Lillie

Address: 229 S. Azusa Avenue (APN 8614-014-056)

Negotiating Parties: City/Azusa Redevelopment Agency/Rogers Lillie M/Roger Lillie

Address: (APN 8614-014-057) - No Address

Negotiating Parties: City/Azusa Redevelopment Agency/Rogers Clifton & Lillie/Roger

2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Gov. Code Sec. 54956.9 (b) and (c).** Two Cases. Conf w/legal Cnsl
3. **CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6)** Conf w/labor  
 Agency Negotiators: City Manager Delach and Admin Services Director-CFO Kreimeier Negotiator IBEW  
 Organizations: IBEW

The City Council reconvened at 7:38 p.m. City Attorney Carvalho stated that although there was no reportable action, Councilmember Keith Hanks recused himself from participating in item 1.a, Los Angeles County Metropolitan Authority and Councilmember Gonzales recused himself from participating in discussions on item 1. b, Block 37, for potential conflicts of interest. The City Council will resume discussions on Closed Session items 1. d, 1. e, and item 2 at the end of the Council Meeting. Reconvened Cnclmbrs recuse & Closed Sess Unfinished

Mayor Rocha called the meeting to order. Call to Order

Senior Airman Augustine Tuliaou led in the salute to the Flag. A moment of silence was held in observation of Peal Harbor Day. Flag Salute

**INVOCATION** was given by Pastor Samuel Martinez of Christian Faith Center of the Valley Invocation

**ROLL CALL** Roll Call

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

**ALSO PRESENT:** Also Present

City Attorney Carvalho, City Manager Delach, Assistant City Manager Makshanoff, Azusa Police Chief Garcia, Director of Public Works/Assistant City Manager Haes, Administrative Services Director – Chief Financial Officer Kreimeier, Economic Development Director Christiansen, Public Information Officer Quiroz, City Clerk Mendoza, Deputy City Clerk Toscano.

**PUBLIC PARTICIPATION** Pub Part

Mr. Mike Lee addressed Council commenting on the following: his tribute to all the great American Hero's within the City and soldiers, grateful to City for honoring Vicky Philipson, the death of his friend Walter Harville and thanks to the City for placing his name on the Marquee, Target Ground Breaking, Pearl Harbor Day, and recognition and appreciation to his friends. M. Lee Comments

Mr. Fred Marquez and Maylene Luzod presented the City with a plaque from the American Cancer Society and a certificate from the County of Los Angeles, Supervisor of the Fifth District, Michael D. Antonovich, for the City's support of the Relay for Life fund raiser. F. Marquez Comments

Ms. Madelyn Payne of the Friends of the Azusa City Library addressed Council stating that she will be leaving as President of Friends and noted some of the accomplishments throughout the year as follows: Lunch At The Library, Summer Reading Concerts, End of the Year Carnival, Author Nights; four of the events raised more than \$10,000 and they were major sponsors of the new Book Mobile. She advised that in February of 2009 Friends sent books to soldiers in Kosovo, an event they will continue to support. M. Payne Comments

Mr. Miguel Ortiz invited all to the Grace Church of Glendora to the "Walk Thru Bethlehem" Event which will be held from December 11<sup>th</sup> – 13<sup>th</sup> from 5 – 9 p.m. The event will be held free of charge at 1515 S. Glendora Avenue, Glendora. M. Ortiz Comments

Ms. Melinda Andrade of Vulcan Materials Company invited all to a Community Meeting to be held on Tuesday, December 15, 2009 from 6:30 to 8:00 p.m. at Magnolia Elementary School, Multipurpose Room, 945 East Nearfield Street, Azusa. The evening will highlight the changes in the proposed plan and provide opportunities to answer questions. M. Andrade Comments

Mr. Mark Smith of Glendora addressed Council stating that the Azusa City Council Meetings are orderly, with plenty of time to talk, and stated that the Veterans Day celebration was great as well as the hard work being done with regard to the water shortage. M. Smith Comments

Mr. Dennis Willut addressed Council with comments regarding the following: tribute to all WWII Veterans, ordinance regarding recovery of attorney fees in connection with Code Enforcement activities, relaying a lengthy incident that occurred between a landlord and tenant and stated that the law is going to have to be changed. City Attorney Carvalho responded stating that it is in the City's Municipal Code and one reason they do not cite renters is because landlord usually have an agreement with them and the City should not become involved in Landlord Tenant relationships. Councilmembers advised that there is no interest in changing the code with regard to this issue. D. Willut Comments Response by City Attorney & Councilmembers

**REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF**

Updates/Cncl

Mayor Rocha announced that he is in the process of gathering criteria on how to establish a Youth Commission where the youth will conduct regular meeting to discuss items of interest to them. He will present the information regarding such commission at a later date.

Rocha  
Comments

Mayor Pro-Tem Macias thanked the Police Department, Chief and staff for the work they did in capturing a stalker outside of Slauson Middle School. He stated that he will miss Vicky Philipson, employee of Stater Bros, very much and in recognition of Pearl Harbor Day, today, he stated that he had the chance to attend a funeral of a Pearl Harbor survivor who passed away last year and his ashes were spread over Pearl Harbor, as requested.

Macias  
Comments

Councilmembers Carrillo and Gonzales thanked, recognized and congratulated the Azusa Parks and Recreation for a great Winter Fiesta and Tree Lighting Ceremony event held on Sunday, December 6<sup>th</sup>.

Carrillo  
Gonzales  
Comments

Councilmember Hanks expressed his hope that all had a pleasant Thanksgiving, and will have an enjoyable Christmas season and reminded all to drink responsibly.

Hanks  
Comments

Mayor Rocha asked that the meeting be adjourned in memory of Benny Flores Jr., Vicky Philipson, Beatrice H. Granados, Walter Harville, and Manuel Hernandez III. He thanked all who helped pack junk food sent to the soldiers over the weekend and especially to Azusa Police Officers Association and the Senior Counsel for paying for the postage. He reminded all of the Annual Food Drive going on for the five local food banks; pick up dates are December 11<sup>th</sup> and 18<sup>th</sup> and he also thanked the staff at City hall for helping with the candy drive. He announced the Be A Walker Program's next walk at Northside Park on Saturday December 12<sup>th</sup> at 9:30 a.m. where representatives of APU Wellness Center, Azusa Unified School District and the community will be walking with a special guest. Lastly, he asked that all keep our soldiers in prayer as we enjoy freedom they are out their fighting for it.

Rocha  
Comments

**SCHEDULED ITEMS**

Sched Items

**PUBLIC HEARING - EXPENDITURE PLAN – STATE AWARDED GRANT FUNDS.**

Pub Hrg CDBG  
Amend program  
Chief of Police  
B. Garcia  
Comments

Chief of Police Garcia addressed the Hearing stating that this is an annual event and is a funding mechanism in which the City received \$100,000 and this Public Hearing is held to decide how funds will be spent. The following expenditures are recommended: FAST Helicopter Services Program, Video Cameras for Patrol Cars, Overtime for Graffiti Detail, EOC: Podium/Cabling/Data & Home Lines, ALEA Western Safety Seminar and Overhead Expense. He responded to questions posed.

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 November 26, 2009.

Hrg open

Mr. Dennis Willut addressed the Public Hearing and suggested buying old brinks trucks with cameras to put in high crime rate areas. He is in favor of the recommended expenditures.

D. Willut  
Comments

Mr. Mike Lee addressed the Public Hearing in favor of the Chief's recommended expenditures.

M. Lee  
Comments

It was consensus of the Councilmembers to close the Public Hearing. Moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Macias and unanimously carried to approve including appropriations of funds to be received from the State Citizens' Option for Public Safety (COPS) Program and the proposed expenditure plan and purchases. The anticipated funding from this program is \$100,000. The proposed expenditure plan as was detailed and also includes \$46,584 in carryover funds from F/Y 08/09.

Hrg closed  
State COPS  
Recommended  
Expenditures  
Approved

**CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 46 OF THE AZUSA MUNICIPAL CODE BY ADDING SECTIONS 46-324 AND 46-325 RELATING TO THE POSSESSION AND USE OF AEROSOL SPRAY PRODUCTS BY A MINOR.**

Ord Possession  
& Use Aerosol  
Can by Minors

City Manager Delach addressed the item stating that there was a request to look into the legality and constitutionality of creating an ordinance banning the possession of aerosol spray products by minors as a misdemeanor offence and the City Attorney has drafted the ordinance. The City Attorney and Chief of Police responded by questions and comments.

City Manger  
City Attorney  
Chief of Police  
Comments

Councilmember Gonzales offered an Ordinance entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, AMENDING CHAPTER 46 OF THE AZUSA MUNICIPAL CODE BY ADDING SECTIONS 46-324 AND 46-325 RELATING TO POSSESSION AND USE OF AEROSOL SPRAY PRODUCTS BY A MINOR.**

1<sup>st</sup> Rdg Ord  
Possession Use  
Of Aerosol can

Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to waive further reading and introduce the ordinance.

The **CONSENT CALENDAR** consisting of Items D-1 through D-8 was approved by motion of Councilmember Hanks, seconded by Councilmember Carrillo and unanimously carried. Mayor Pro-Tem Macias abstained from the minutes as he was absent from that meeting.

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|----|---|--|
| 1. | The minutes of the regular meeting of November 16, 2009, were approved as written.  | Min appvd  |
| 2. | Human Resources Action Items were approved as follows:<br><b>Promotion:</b> S. Martinez, Police Officer.  | HR Action Items  |
| 3. | A JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES ACTING ON BEHALF OF THE LOS ANGELES COUNTY GENERAL, LOS ANGELES COUNTY CONSOLIDATED FIRE PROTECTION DISTRICT, LOS ANGELES COUNTY FLOOD CONTROL, THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF LOS ANGELES COUNTY, AND THE GOVERNING BODIES OF CITY OF AZUSA, SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT, APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES RESULTING FROM ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22. (ANNEXATION 22-400, FIVE EXISTING SINGLE-FAMILY HOMES). | Res. 09-C102<br>Joint Reso<br>Tax Revenues<br>5 properties |
| 4. | Approval was given to authorize staff to award the Citrus Avenue and University Drive Traffic Signal Project No. 66109M to Christopher R. Morales, Inc.   | C. R. Morales<br>Traffic sig                               |
| 5. | The City Treasurer's Report as of October 31, 2009 was received and filed.  | Treas Rpt  |
| 6. | The Retainer Agreement for legal services from Manning & Marder, Kass, Ellrod, Ramirez LLP that are anticipated to arise from an "officer involved shooting" that occurred on April 18, 2009 in an amount not to exceed \$60,000 without written approval from City Council, was approved.  | Retainer Agmt<br>Police Depart<br>Attorney                 |
| 7. | Approval was given for the revised class specifications for the following positions: Park Maintenance Worker I, II, III, Water Distribution worker I, II, III, Facilities Maintenance Worker I, II, III, Street Maintenance Worker I, II, Street Maintenance Worker III/Equipment Operator.   | Revised Class<br>Specifications                            |
| 8. | The following resolution was adopted and entitled:<br><br>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-C103<br>Warrants                                   |

**SPECIAL CALL ITEMS**

None. Spec Call Items  
None.

**THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONVENE AT 8:30 P.M. THE CITY COUNCIL RECONVENED AT 8:53 P.M.** CRA Convene  
Cncl reconvened

Councilmember Hanks offered an Ordinance entitled:

AN ORDINANCE OF THE CITY OF AZUSA, CALIFORNIA, AMENDING THE AZUSA MUNICIPAL CODE RELATING TO RECOVERY OF ATTORNEYS' FEES IN CONNECTION WITH CODE ENFORCEMENT ACTIVITIES. Ord 09-08  
Recovery of  
Attorney fees

Moved by Councilmember Hanks, 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, HANKS, MACIAS, ROCHA  
 NOES: COUNCILMEMBERS: NONE  
 ABSENT: COUNCILMEMBERS: NONE

The City Council recessed to Closed Session at 8:55 to discuss the following: Closed Session

- |    |  |                           |
|----|--|---------------------------|
| 1. | <b><u>REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)</u></b><br>Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff<br>Under Negotiation: Price and Terms of Payment  | Real Prop<br>Negotiations |
| d. | <b><u>DOWNTOWN NORTH A2 &amp; A3 Site</u></b><br>Addresses: 858 N. Azusa Avenue, Azusa, CA<br>832 N. Azusa Avenue, Azusa, CA<br>826 N. Azusa Avenue, Azusa, CA<br>812 N. Azusa Avenue, Azusa, CA<br>830 N. Azusa Avenue, Azusa, CA<br>801 N. Alameda Avenue, Azusa, CA | Downtown<br>North         |

810 N. Alameda Avenue, Azusa, CA  
 803 N. Dalton Avenue, Azusa, CA  
 805 N. Dalton Avenue, Azusa, CA  
 809 N. Dalton Avenue, Azusa, CA  
 Negotiating Parties: City/Azusa Redevelopment Agency/Lewis Retail Centers

e. **ENTERPRISE PROPERTY**

Enterprise  
Property

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2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Gov. Code Sec. 54956.9 (b) and (c).** Two Cases.

Conf w/Legal  
Cnsl Two Cases

The City Council reconvened from Closed Session at 10:57 p.m. City Attorney advised that there was no reportable action taken in Closed Session.

Reconvened  
No Reports

It was consensus of Council that the meeting be adjourned in memory of Benny Flores Jr., Vicky Philipson, Beatrice H. Granados, Walter Harville, and Manuel Hernandez III.

Adjourn in  
Memory of  
B. Flores Jr.  
V. Philipson  
B. Granados  
W. Harville  
M. Hernandez III

**TIME OF ADJOURNMENT: 11:00 P.M.**

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**CITY CLERK**

**NEXT RESOLUTION NO. 2009-C104**

**NEXT ORDINANCE NO. 2009-O9.**