



**CITY OF AZUSA**  
**MINUTES OF THE CITY COUNCIL**  
**REGULAR MEETING**

**TUESDAY, FEBRUARY 16, 2010 – 6:32 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.

**CLOSED SESSION**

Closed Session

The City Council recessed to Closed Session at 6:34 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. **TALLEY PROPERTY**

Talley Prop.

Address: 619 - 621 N. Azusa Avenue, Azusa  
Negotiator: 621 Talley LLC

- b. Address: 809 and 813 N. Dalton Avenue  
Negotiating Parties: O'Bryant, Steven and Wetsfall, Betty (Owner)
- c. Address: 820 and 822 N. Alameda Avenue  
Negotiating Parties: Carlos E. Garcia (Owner)
- d. Address: 817 N. Dalton Avenue and 262 – 284 E. Ninth Street  
Negotiating Parties: Ernest L. Jackson and David E. Jackson (Owner)
- e. Address: 824 N. Alameda Avenue  
Negotiating Parties: Roberto Arzate (Owner)
- f. Address: APN# 8608-027-902 (MTA Site)  
Negotiating Parties: LACMTA (Owner)

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

Downtown  
Properties  
A2 & A3 Sites

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  
Negotiating Parties: City Manager Delach and Assistant City Manager Makshanoff

2. **CONFERENCE WITH LEGAL COUNSEL GOVERNMENT CODE SECTION 54956.9(b)-  
Significant Exposure to Litigation and (c) – Potential Initiation of Litigation.** One case.

Conf w/legal  
Cnsl Potential  
Litigation

The City Council reconvened at 7:30 p.m. City Attorney Martinez advised that there was no reportable action taken in closed session and that Councilmember Gonzales abstained from participation of discussions regarding the Talley Property due to a potential conflict of interest.

Reconvened  
No Reports

Mayor Rocha called the meeting to order.

Call to Order

Mr. Tom Sanchez led in the salute to the Flag.

Flag Salute

**INVOCATION** was given by Pastor Jimmy Gilek of Bread of Life Christian Center

Invocation

**ROLL CALL**

Roll Call

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

**ALSO PRESENT:**

Also Present

City Attorney Martinez, City Manager Delach, Assistant City Manager Makshanoff, Azusa Police Chief Garcia, Director of Public Works/Assistant City Manager Haes, Economic and Community Development Director Christiansen, Administrative Services Director/Chief Financial Officer Kreimeier, Director of Recreation and Family Services Jacobs, Assistant Director of Economic and Community Development McNamara, Utilities Director Morrow, Library Director Johnson, Public Information Officer Quiroz, City Clerk Mendoza, Deputy City Clerk Toscano.

**PUBLIC PARTICIPATION**

Pub Part

Mr. Mike Lee addressed Council expressing his appreciation to Chief of Police Garcia for a post card sent from Washington D.C. and to Mayor Pro-Tem Macias for visiting the Edgewood Shopping Center in order to resolve certain problems. He reminded all about the importance of the upcoming Census, advised of his attendance at the Vulcan Public Hearings and the importance of the decisions to be made.

M. Lee  
Comments

Ms. Etna Medina of Azusa Pacific University, addressed Council stating that there is a need for a change in community involvement and a need for students to participate in the community of Azusa; she asked for Council suggestions and feed back.

E. Medina  
Comments

Ms. Peggy Martinez addressed Council expressing her concern and disappointment regarding the lack of communication to the Downtown North Association regarding the termination agreement with Lewis; she stated she would like to work together regarding downtown in the future.

P. Martinez  
Comments

Mr. Bruce Knoles addressed Council thanking them for extending the Draft Environmental Impact Review period of the Vulcan project.

B. Knoles  
Comment

Ms. Catherine Martinez addressed Council thanking them for their continued support of the Miss Azusa and Miss Outstanding Teen Scholarship Program and the use of the Library and Police Department facilities. She provided an update on the program and presented the new Miss Azusa and Miss Outstanding Teen. Miss Azusa is Christina Alcaraz and Miss Outstanding Teen is Marisa Piceno.

C. Martinez  
Comments

Mr. Jorge Rosales addressed Council expressing his concern regarding the financial solvency of the City and the Redevelopment Agency citing prior meetings which reported a negative in redevelopment funds, plus outstanding debt to the City and now staff is recommending that the City approve another loan to the Agency for 2.5 million dollar to pay the State. He noted restrictions in item F-1 and the proposed purchase of residential properties outside of the Redevelopment Project Area and in item F-2, Termination of ENA with Lewis Investment Company, he talked about his prior concerns regarding Lewis and now the high cost of purchasing those properties.

J. Rosales  
Comments

Ms. Jeri Voget addressed Council expressing her opinion that she is against the Vulcan project. She read excerpts of past mining contract with Azusa Rock. She asked questions similar to if there will be a review in 2013 if the CUP is passed, could the CUP be a way of renewal without proving substantial compliance, if review in 2013 is not in compliance will they be shut down, and will the biannual review continue if CUP is approved.

J. Voget  
Comments

Staff responded to questions stating that there are biannual reviews on an on-gong basis, as long as they are in compliance the City will not/cannot shut them down, it's up to Council to place conditions, but for now the recommendation is to leave as a two year review.

Staff response

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

Updates/Cncl

Mayor Pro-Tem Macias asked that the meeting be adjourned in memory of Maximo Padilla and Federico Mario Cassarubias. He asked that staff research the feasibility of a new graffiti abatement and illegal firework ordinance and that the police department, school district, public works and parks and recreation department participate to update the current ordinances. City Manager Delach responded stated that they would come back with a report at the first meeting in April. He stated that Lewis Investment Company approached the City regarding the termination and no one was left out. He asked that the fencing in the downtown area be removed until there is a plan for a permanent use and suggested that it be used for extra parking, a farmer's market or a joint use with the Chamber. City Manager Delach responded that he would come back with a proposal for temporary use as well as cost factors by March 15th. Councilmember Carrillo stated that he would also like some type of temporary use within budget and would like a report back from staff. Mayor Rocha asked for additional information. Mr. Macias announced the Gold Line Sign unveiling at Citrus Avenue, on Friday, March 5<sup>th</sup> at 11 a.m. and on Friday, March 20<sup>th</sup> at 11 a.m. at the Azusa Avenue railroad tracks Gold Line Station Stop. Further, that there will be a Gold Line Phase II A, Open House on April 1, 2010, at 5:30 p.m. at the Azusa Senior Center.

Macias  
Comments

Councilmember Hanks expressed his condolences to the Macias Family. He announced that on Thursday morning the MTA Measure R Committee will be meeting to discuss the fund transfer agreement recommendation to the MTA Board, he talked about the release of funds and relationship of the Gold Line and MTA.	Hanks Comments
Councilmember Gonzales thanked all who participated in the Fourth Annual Casino Night at the Azusa Woman's Club and noted that proceeds would go towards Azusa American League, Azusa National Little League and Azusa Raiders Jr. All American and asked that the Check presentation be held at the March 1, 2010 meeting. He thanked the person who cleaned the A up on the mountain.	Gonzales Comments
Moved by Councilmember Carrillo, seconded by Councilmember Gonzales and unanimously carried to approve request for Certificate of Recognition to Jousec Gonzalez for winning boxing championship.	Cert of Recog J. Gonzalez
Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to approve request for Certificates of Recognition for SCMAF/San Gabriel Valley Flag Football Champions. (To be presented at the meeting of March 1, 2010).	SCMAF Cert of Recog.
Mayor Rocha stated that the meeting will be adjourned in memory of Alexandra Campos, Maximo Padilla and Federico Mario Cassarubias, thanked all who participated in the Be A Walker Program and announced another to be held on Saturday March 13th at Northside Park, announced the UMAPA Scholarship Dance on March 6, 2010, on March 27 <sup>th</sup> the East San Gabriel Valley Census Count Committee would like to sponsor an event at the Senior Center for the Census Count, Congresswoman Judy Chu and Assemblyman Dr. Ed Hernandez will be present, and Census information is being held at the Library and Azusa High School. He asked that the following be placed on the March 1, 2010 agenda: Discussion of a sub-committee of the City Council and the Mayor to meet with a sub-committee of the School Board to discuss items that impact both entities.	Rocha Comments
<b><u>SCHEDULED ITEMS</u></b>	Sched Items
Mayor Rocha left the Council dais and abstained from the following item due to a potential conflict of interest.	Rocha Abstn
LOS ANGELES COUNTY FIRE DEPARTMENT WEED ABATEMENT PROTEST HEARING. Economic and Community Development Director Christiansen presented the Informal Public Hearing stating that this is to allow the property owners to object to the brush and clearance notice that they received, testimony should be received, adoption of the order to abate should be considered, all affected property owners have been contacted and costs associated with the weed abatement are placed on property tax rolls.	Infrml Hrg Weed Abatement
Moved by Councilmember Hanks, seconded by Councilmember Carrillo and unanimously* carried to open the Protest Hearing. Testimony was solicited, but none was received. Moved by Councilmember Carrillo, seconded by Councilmember Gonzales and unanimously* carried to close the Public Hearing.	Hrg open No Testimony Hrg Clsd
Moved by Councilmember Carrillo, seconded by Councilmember Hanks and carried by roll call to approve the motion and abatement order directing abatement of the nuisance by removing all weeds and rubbish from the affected improved parcels. Mayor Rocha abstained.	Order to Abate Approved
PUBLIC HEARING – ON A CITY INITIATED REQUEST TO AMEND VARIOUS SECTIONS OF CHAPTER 88, “DEVELOPMENT CODE, MARCH 2005” (2005 CODE) OF THE CITY OF AZUSA MUNICIPAL CODE.	Pub Hrg Amend Dev Code Chapter88
Senior Planner Cole addressed the Hearing stating that since the adoption of the current Development Code staff has noticed inconsistencies or areas where clarifications are needed, current revisions have been approved by the Planning Commission and she presented a proposed Ordinance which will approve the amendments by Council, she recommended approval.	S. Cole Comments
The Mayor declared the Hearing open. The City Clerk read the affidavit of proof of publication published in the Azusa Herald on February 4, 2010. Testimony was solicited, but none was received.	Hrg open Testimony
Moved by Councilmember Carrillo, seconded by Councilmember Gonzales and unanimously carried to close the Hearing.	Hrg closed
Councilmember Hanks offered an Ordinance for first reading and introduction, entitled:	
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, APPROVING AMENDMENTS TO CHAPTER 88-DEVELOPMENT CODE OF THE CITY OF AZUSA MUNICIPAL CODE.	1 <sup>st</sup> Rdg Ord Amend Dev Code
Moved by Councilmember Hanks, seconded by Mayor Pro-Tem Macias and unanimously carried to waive further reading and introduce the proposed ordinance.	

Assistant Economic and Community Development Director McNamara addressed the Hearing stating that this is a request to replace the current Water Efficient Ordinance per Assembly Bill 1881, which requires that the city either adopt an ordinance or use the States Model Ordinance which requires a reduction in the maximum applied water allowance which establishes a threshold for watering in the community and applies to landscapes and large water projects. He stated that guidelines will be distributed to affected applicants, he recommended approval. He then responded to question regarding the HOA's stating that since they may be the most affected, staff will meet with them personally and make sure they are aware of the changes and, with regard to residential landscapes, they will explain to them when applying for permits via building department. C. McNamara  
Comments

The Mayor declared the Hearing open. The City Clerk read the affidavit of proof of publication of said notice published in the San Gabriel Valley Tribune on February 3, 2010. Testimony was solicited, but none was received. Hrg open  
Testimony  
None

Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to close the Hearing. Hrg closed

Councilmember Carrillo offered an Ordinance for first reading and introduction, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, AMENDING CHAPTER 88:34 OF THE AZUSA MUNICIPAL CODE PERTAINING TO WATER EFFICIENT LANDSCAPING. 1<sup>st</sup> Rdg Ord  
Wtr Efficient  
Landscaping

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

The **CONSENT CALENDAR** consisting of Items D-1 through D- 8 was approved by motion of Councilmember Carrillo, seconded by Councilmember Hanks and unanimously carried. Councilmember Carrillo recused himself from item D-7 due to a possible conflict of interest. Consent Calendar  
D-1-8

1. The minutes of the regular meeting of February 1, 2010, and the special meetings of January 11 and 25, 2010, were approved as written. Min appvd

2. Human Resources Action Items were approved as follows:  
**Merit Increase and/or Regular Appointment:** E. Vazquez, P. Adame, J. Madaloni, and H. Vuong. HR Action  
Items

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS Res. 10-C12  
Grant Program

4. In accordance with Section 2-525(b) of the Azusa Municipal Code, approval was given for the disposal of one (1) surplus Telescopic Articulating Aerial Device (Bucket Truck), one (1) surplus Ford F-250 Pick-up Truck, and one (1) surplus Ford Ranger Pick-up Truck. Disposal of  
Surplus Trucks

5. Formal bidding procedures were waived per Azusa Municipal Code: 2-523 (g) when the authorized contracting party determines that a competitive bid procedure has been conducted by another public agency and the price to the City is equal to or better than the price to that public agency. The City Manager was authorized to execute a new three year agreement with a possible two year extension between the City and West Coast Arborist Inc. West Coasts  
Arborist, Inc.

6. Approval was given to award a contract to Roberts Plumbing Company of Azusa, California in the amount of \$17,600 for the replacement of multiple valves and water lines at the Azusa Police Station (CIP #31010B). Roberts  
Plumbing  
PD

7. Approval was given to staff to enter into a professional services agreement with Rick Engineering Company for a not to exceed fee of \$11,489 to provide topographic survey and mapping services for Cerritos Avenue between Foothill Boulevard and Hollyvale Street and Fifth Street between Rockvale and 300' west of Cerritos Avenue to support design of the contract documents for CIP #66110I; Azusa Schools TLC. Councilmember Carrillo abstained from this item. Rick Engineering  
Topographic  
Survey & Map

8. 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. 10-C13  
Warrants

**SPECIAL CALL ITEMS**  
None. Spec Call Items  
None

**THE CITY COUNCIL CONVENED JOINTLY WITH THE REDEVELOPMENT AGENCY AT 8:40 P.M. TO DISCUSS THE FOLLOWING:** Convene Jntly

**LOAN AGREEMENT AND BUDGET AMENDMENT FOR SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT** Loan Agmt SERAF

Economic and Community Development Director Christiansen addressed the issue stating that the State of California has a shortfall in their budget and the Governor has proposed to take Redevelopment funds and as of State Law the Agency must notify the county auditor as to how the Agency intends to fund its SERAF payment by March 1, 2010. He stated that most agencies are using Housing Set Aside Funds, but the City of Azusa has utilized its funds by purchasing housing to develop low income housing; therefore, there is a need to request a loan from the City. He noted that there is currently a lawsuit filed by the California Redevelopment Association on behalf of redevelopment agencies to stop the payment but they are still required to identify where the payment is coming from by March 1st. City Manager/Executive Director Delach stated that the initial lawsuit was successful on behalf of the cities and is hopeful that the appeal is successful. Further, the City of Azusa has responsibly spent its housing funding and the source will come from the General Fund but will continue to look to consider other alternatives. K. Christiansen  
City Mgr  
Comments

Discussion was held between Councilmembers/Directors and staff regarding the general fund balance, potential property liquidation, identification of the funds to the State, the petition by the League of California to prohibit State from taking monies from cities and if approved, any takeaways between now and November will be reversed, and the prudent handling of the city finances. Discussion

Moved by Councilmember/Director Hanks, seconded by Councilmember/Director Carrillo and carried by roll call to approve agreement with the City to loan funds to the Agency to pay the Supplemental Education Revenue Augmentation Fund (SERAF) obligation and adopt Resolutions as follows, requesting and authorizing the loan, and approving appropriation amendments in the amount of \$2,491,858, and the City Manager/Executive Director was authorized to execute the necessary documents. Loan Agmt Approved

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 AND RANCH CENTER REDEVELOPMENT PROJECT AREAS. Res. 10-R7  
Requesting  
Loan  
SERAF

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

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

Councilmember Hanks offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA AUTHORIZING LOANS FOR PURPOSES OF THE MERGED AND RANCH CENTER REDEVELOPMENT PROJECT AREAS. Res. 10-C14  
Authorizing  
Loan SERAF

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

Councilmember Hanks offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA APPROVING APPROPRIATION AMENDMENT FOR FISCAL YEAR 2009/10 PURSUANT TO SECTION 2-450 OF THE AZUSA MUNICIPAL CODE. Res. 10-C15  
Approp Amend

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

Director Hanks offered a Resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA APPROVING APPROPRIATION AMENDMENTS FOR FISCAL YEAR 2009/10 PURSUANT TO SECTION 2-450 OF THE AZUSA MUNICIPAL CODE. Res. 10-R8  
Approp Amend

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

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

**THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONTINUED AT 8:49 P.M. THE CITY COUNCIL RECONVENED AT 9:10 P.M.** CRA Cont  
Cncl reconvened

It was consensus of Councilmember to adjourn in memory of Alexandra Campos, Maximo Padilla and Federico Mario Cassarubias. Adjourn in  
Memory of  
A. Campos,  
M. Padilla and  
F. Cassarubias

**TIME OF ADJOURNMENT: 9:11 P.M.**

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**CITY CLERK**

**NEXT RESOLUTION NO. 2010-C16**

**NEXT ORDINANCE NO. 2010-O1.**

**\* indicates Mayor Rocha abstained**