



CITY OF AZUSA

MINUTES OF THE CITY COUNCIL

REGULAR MEETING

MONDAY, JULY 19, 2010 – 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

Mr. Augustine Duran and Edgar Salgado of the U.S. Census Bureau presented the City Council with a plaque and letter of appreciation for partnering with them to achieve a complete and accurate census count in 2010. They advised that the City of Azusa has obtained 74% cooperation from the community. They provided other statistics regarding the Census count.

Presentation
By U.S.
Census to
City

Certificates of Recognition were presented to the Sponsors of the Kids Come First Golf Tournament.

Kids Come First

Certificates of Recognition were presented to 2009-2010 Junior Girl Scout Troop 9024, for outstanding accomplishment of being recipients of the "Bronze Award".

Jr. Girl Scouts
Troop 9024

CLOSED SESSION

Closed Session

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

1. **CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code Sec. 54957.6)**

Conf w/labor
Negotiators

Agency Negotiators: Administrative Services Director-Chief Financial Officer Kreimeier
Organizations AMMA, SEIU, APOA, APMA and ACEA

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

Real Prop
Negotiations
Talley Prop

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

a. **TALLEY PROPERTY**

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

3. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Gov. Code Sec. 54957).**

Pub Emp Disc

4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Gov. Code Sec. 54956.9 (c)).** Council will discuss a potential lawsuit to enforce an agreement.

Conf w/legal
Cnsl

The City Council reconvened at 7:36 p.m. The City Attorney advised that with regard to the Personnel Matter the City Council upheld a disciplinary matter involving the Personnel Board.

City Attorney
Close Sess Rpt

Mayor Rocha called the meeting to order. Jason Hodges led in the salute to the Flag. Pastor Dale Nelson of Azusa House of the Nations gave the invocation.

Call to Order
Flag Salute
Invocation

City Attorney clarified for the record that the City Council meeting is conducted pursuant to California Government Code Section 54953, in that one member of the City Council, Keith Hanks, would be participating in the City Council meeting by teleconference. In accordance with the Brown Act, the teleconference location was identified in the notice and agenda for the meeting. She asked Councilmember Hanks, the audience and City Council members a series of questions required under special procedures required by the Brown Act.

City Attorney
Announced
Teleconference
K. Hanks

Councilmember Keith Hanks joined in the meeting via Teleconference Call from the following location:

Keith Hanks
Via
Teleconference

Residence 443 East 700 South, St. George, UT 84770-4016

All votes were taken via a voice vote of the City Council.

ROLL CALL

Roll Call

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

ALSO PRESENT:

Also Present

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

PUBLIC PARTICIPATION

Pub Part

Mr. Mike Lee addressed Council expressing condolences regarding the passing of John Moreno, invited all to the 60th Anniversary celebration of the Korean War Armistice Day event July 27th, and expressed his opinion regarding Vulcan Project.

M. Lee
Comments

Ms. Madelyn Payne addressed Council talking about the importance of HIV Infection and AIDS and the lack of knowledge and ignorance; she provided statistics regarding the disease. She then noted that a resident, Paul Naccachian had recently raised over \$3000 by participating in the AIDS Lifecycle from San Francisco to Los Angeles.

M. Payne
Comments

Chief Executive Director of the Azusa Chamber of Commerce Irene Villapania, addressed Council expressing the Chambers opposition regarding the proposed Tobacco Retailer License Fee. She stated that the businesses affected will comply with the ordinance prohibiting the sale of Tobacco products to minors and the penalties in the form of administrative fees. Ms. Mary McKenrick also of the Chamber of Commerce presented petitions and statements with signatures.

I. Villapania
Comments

Mr. David Czamanske of the Sierra Club addressed Council asking questions regarding the Vulcan Proposal.

D. Czamanske
Comments

Mr. Jorge Rosales expressed his condolences regarding the passing of John Moreno and stated that John had asked that he complete the planning ceremony of the Sixtieth Annual Korean War Armistice Day Ceremony and invited all to attend on Tuesday July 27th at 10 a.m. in front of the monument at city hall. He pointed out discrepancies he believed were wrong on the Agenda.

J. Rosales
Comments

Mr. Mark Smith addressed Council and expressed his opinion regarding the democratic process and his support of it.

M. Smith
Comments

Mr. Daniel Meza addressed Council and expressed his opposition to the Vulcan Project and offered suggestions on the way to proceed after referendum against the ordinance is completed, he thanked all who were against the project.

D. Meza
Comments

Ms. Sandra Rentschler addressed Council thanking them from the residents of Mountain Cove, Crystal Canyon and Mirador for their vote on the Vulcan Project. She talked about the mis-information circulated.

S. Rentschler
Comments

Ms. Andrea Cruz addressed Council stating that the prior Municipal Code said that mining would be discontinued within years and now it reads differently. She talked about citations that have been given to a certain owner and talked about the rezoning of the property when Rosedale zoning was changed.

A. Cruz
Comments

Staff responded to questions regarding Vulcan mining; the Agenda descriptions; the Azusa Municipal Code and Development Code and citations.

Staff response

REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF

Updates/Rpts

NOTICE TO THE PUBLIC

Notice

NOTICE IS HEREBY GIVEN of City Board and Commission term of office expirations, ending September 30, 2010 for the following Boards and Commissions of the City of Azusa:

Brds & Com

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

City Manager Delach announced that the Freeway Sign will be put in place on Tuesday at 7 a.m. He announced that on August 5 th Councilmember Angel Carrillo will be installed as the new President of the Los Angeles Chapter of the League of California Cities.	City Mgr Comments
Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Macias and unanimously carried to approve request for proclamation for Zachary Urquhart in honor of receiving Eagle Scout status.	Proc Eagle Scout Z. Urquhart
Mr. Darren Kasamoto, General Manager of the SGV Municipal Water District provided a update presentation on the issue of water.	D. Kasamoto SGV Muni Wtr
Mayor Pro-Tem Gonzales asked that the City Attorney clarify facts behind a proposed referendum on the proposed ordinance to be considered at this meeting regarding Vulcan Mining.	Gonzales Comments
City Attorney Carvalho provided the definition of referendum, and stated that the approved EIR, Revised Conditional Use Permit and Reclamation Plan will not be subject to referendum because it can only be used to reject statute or parts of laws, and legislative actions. The Development Agreement is subject to referendum; she described it and its contents and noted the implications of overturning it as it contains additional requirements, the promise not to mine after 2038, special benefits for the acquisition of open space, guarantee of the trail head, and a number of other things not required by the CUP and Reclamation Plan. The effect of a proper referendum on the Development Agreement means that the City would lose many of the benefits that have been negotiated.	City Attorney Response
Mayor Pro-Tem Gonzales continued and congratulated Councilmember Angel Carrillo on becoming the new President of the Los Angeles Chapter of the League of California Cities; announced the Cool Cuts for kids to be held on Sunday, August 29 th , from noon to 4 p.m.; and wished Gil Valenzuela of Fire Station 32, a speedy recovery as he had surgery today.	Gonzales Continued
Councilmember Hanks congratulated Councilmember Angel Carrillo on becoming the new President of the Los Angeles Chapter of the League of California Cities and talked about the significance of the use of reclaimed water.	Hanks Comments
Councilmember Macias congratulated the in-coming officers of the Azusa Chamber of Commerce, expressed condolences on the passing of Mr. John Moreno, talked about his Commissioned Officer status with the U.S. Navy, congratulated Angel Carrillo as new President of League and announced a Helping Hand benefit on Saturday, at 5 p.m. at Parish Hall.	Macias Comments
Councilmember Carrillo talked about his representation as delegate to outside boards and expressed his appreciation to his colleagues for their support. He noted that there have been very important decisions made on behalf of the City and San Gabriel Valley that have been good decisions and expressed his disappointment that some people would think that they would intentionally make bad decisions. He encouraged all to use the local cooling centers.	Carrillo Comments
Mayor Rocha expressed congratulations to Councilmember Carrillo, asked that the meeting be adjourned in memory of John Patrick Moreno and Ramiro Cipres, and asked that everyone pray for service men and women. He reminded all of the following: Buster Balloon Man show at the Auditorium on Tuesday, Concerts in the Park will begin on Thursday, 60 th Korean Veterans Day Celebration, Be a Walker Program on September 11 th at Northside Park and August 14 th at Memorial Park where Councilmember Carrillo will be a Guest Walker, Tree Planting on August 7 th at Mountain View School, Citrus Crossing Clean up, every other Sunday at 7:30 a.m.	Rocha Comments
<u>SCHEDULED ITEMS</u>	Sched Items
<u>PUBLIC HEARING - RESOLUTIONS</u> ADOPTING 2010/11 FISCAL YEAR SCHEDULE OF FEES AND CHARGES.	Pub Hrg Fees & Charges
Administrative Services Director-Chief Financial Officer Kreimeier addressed the Hearing stating that a comprehensive study of the fees and charges has been completed by Revenue Costs Specialists and the fees reflect the recommendation. The fees were reviewed by the City Council at a workshop on June 28, 2010. He noted correction on page 39 S-48.3 Senior Center Rental.	A Kreimeier 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 San Gabriel Valley Tribune on July 8, 2010.	Hrg Open
Testimony was solicited, but none was received. Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Carrillo and unanimously carried to close the Public Hearing.	Hrg Closed
Discussion was held regarding Senior/Low Income dog license fee discounts, carnival workers fees for background investigation, appeal fees, and appreciation was noted to staff for keeping swimming and meals affordable.	Discussion

Councilmember Macias offered Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, ESTABLISHING CERTAIN DEVELOPMENT PROJECT FEES AND SERVICE CHARGES. Res. 10-C43
Dev Fees

Moved by Councilmember Macias, seconded by Mayor Pro-Tem Gonzales 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

Councilmember Macias offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, ESTABLISHING A USER FEE SCHEDULE FOR VARIOUS MUNICIPAL ACTIVITIES AND SERVICES. Res. 10-C44
User Fees

Moved by Councilmember Macias, seconded by Mayor Pro-Tem Gonzales 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

CONSIDERATION OF TOBACCO RETAILER LICENSE FEE AND PROGRAM Tobacco Lic Fee

Director of Public Works Haes addressed the issue presenting the no-fee educational/enforcement program to prevent illegal tobacco sales to youth and follow-up in July of 2011 with a report to Council to determine the effectiveness of the non-fee program. He presented the Tobacco Retailer License Fee and Program also, and recommended the no fee based education program. Discussion was held. T. Haes
Comments

Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Macias and unanimously carried to implement staff's proposed no-fee educational/enforcement program to prevent illegal tobacco sales to youth using the existing Ordinance passed on May 3, 2010 and review the program's effectiveness in July 2011. No-fee Edu
Program
Approved

The CONSENT CALENDAR consisting of Items D-1 through D-11 was approved by motion of Councilmember Macias, seconded by Mayor Pro-Tem Gonzales and unanimously carried with the exception of items D-2 and D-10, which were considered under the Special Call portion of the Agenda. Consent Calendar
D1 – D-11 D-2
&10 Spec Call

1. The minutes of the regular meeting of July 6, 2010, were approved as written. Min appvd
2. SPECIAL CALL ITEM Spec Call
3. Approval was given for an extension of the 2009 - 2010 senior meal contract and Staff was authorized to execute a one-year extension of the agreement with Management Specialist, Inc., DBA Morrison Health Care, caterer for the Azusa Senior Center. Extension of
Senior Meal
Contract
4. 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 approval was given for the software maintenance and support contract from Matrix Imaging, in the amount of \$12,929.00. Matrix Imag.
Software Maint
5. 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 approval was given for the software maintenance and support agreement from Motorola Inc, in the amount of \$23,982.00. Motorola Inc.
Software Maint.
6. Formal sealed bids were waived in accordance with Azusa Municipal Code Section 2-523 section B, computer software maintenance services and approval was given for the software maintenance support and licensing from CDW-G, in the amount of \$20,175. CDW-G
Software Maint
7. Formal sealed bids in accordance with Azusa Municipal Code Section 2-523 section B, computer software maintenance services and 2-523 section C, no competitive market and approval was given for the annual software maintenance and support agreement from SIRSI Corporation, in the amount of \$26,301.06. SIRSI
Software Maint
8. Staff was authorized to enter into a Cooperation and Reimbursement Agreement with the County of Los Angeles for the installation of two new pedestrian bridges on Alostia Avenue at Little Dalton Wash. Instaff two Ped
Bridges Alostia
Wash.

- 9. Approval was given for an amendment to the existing B/R Partners agreement, extending it to June 30, 2011, and the Mayor was authorized to sign the amended agreement Amend Agmt
B/R Partners
- 10. SPECIAL CALL ITEM. Spec Call
- 11. 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 Res. 10-C45
Warrants

SPECIAL CALL ITEMS Special Call Item

Mayor Pro-Tem Gonzales addressed the Human Resources Action Items stating that due a possible conflict of Interest he would be abstaining from the vote on that item. Gonzales abstn
HR Action Item

Moved by Councilmember Carrillo, seconded by Councilmember Macias and carried to approve the following, Mayor Pro-Tem Gonzales abstained. HR Action Item
Approved

- 2. Human Resources Action Items were approved as follows:
Merit Increase and/or Regular Appointment: O. Bruno, A. Magana, D. Ursua, S. Jauregui, R. Lomingkit II, G. Conrad, B. Hale, C. Curiel, M. Gonzales,

Mayor Rocha questioned the cost of the roofing project completed and Director of Public Works Haes responded stating that the fiscal impact should read at \$115,000 and not below. Rocha
Question

Moved by Councilmember Carrillo, seconded by Councilmember Macias and unanimously carried to approved the following: NOC Roofs
Approved

- 10. Notice of Completion for the following projects were approved and staff was authorized to file with the Los Angeles County Clerk: City Hall Roof Replacement (CIP# 11010A), Library Roof Restoration (CIP# 51110A), and Police Station Roof Restoration (CIP# 31010A). Approved

THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY CONVENED JOINTLY AT 9:50 TO ADDRESS THE FOLLOWING ITEMS: Cncl/CRA
Convene Jntly

REDEVELOPMENT AGENCY ADMINISTRATION/ADVANCE FROM THE CITY. Resolutions will authorize an advance of \$1,559,245 from the City's General Fund to the Redevelopment Agency, and authorize execution of the Note. Advance from
City

Director Gonzales 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. 10-R25
Requesting Loan

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

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

Mayor Pro-Tem 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. 10-C46
Authorizing
Loan

Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Hanks 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

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA AND HOGLE-IRELAND, INC. FOR AN EXTENSION OF TIME TO COMPLETE THE PREPARATION AND ADOPTION OF THE CITY'S HOUSING ELEMENT UPDATE. Amend PSA
Hogle-Ireland

Moved by Councilmember/Board Member Hanks, seconded by Councilmember/Board Member Macias and unanimously carried to authorize the City Manager to approve an amendment to the Professional Services Agreement with Hogle-Ireland, Inc., to extend their current contract with the City through November 30, 2010, for the preparation of the State-mandated update to the City's Housing Element of the General Plan. Amend PSA Hogle-Ireland Approved

THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONTINUED AT 10:05 P.M. THE CITY COUNCIL RECONVENED AT 10:22 P.M. Cncl Recessed
Cncl Reconvened

ORDINANCES/SPECIAL RESOLUTIONS Ord/Spec Resos

Councilmember Hanks offered a Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA APPROVING A DEVELOPMENT AGREEMENT WITH VULCAN MATERIALS COMPANY, PROCESSED IN CONJUNCTION WITH THE MODIFICATION TO CONDITIONAL USE PERMIT C-890-20 FOR THE AZUSA ROCK QUARRY LOCATED AT 3901 FISH CANYON ROAD, AZUSA, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTION 65864 ET SEQ. Ord 10-05 Approving Development Agreement Vulcan Mining

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

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

It was consensus of Council to set August 19, 2010 for the next City Hall on the Move. CH on the Move

It was consensus of Councilmembers to adjourn in memory of John Patrick Moreno, lifelong Azusa resident and Korean War Veteran and Ramiro Cipres. Adjourn in Memory John Patrick Moreno, and Ramiro Cipres

TIME OF ADJOURNMENT: 10:26 P.M.

CITY CLERK

NEXT RESOLUTION NO. 2010-C47.

NEXT ORDINANCE NO. 2010-O6.