



CITY OF AZUSA

MINUTES OF THE CITY COUNCIL

REGULAR MEETING

WEDNESDAY, MAY 14, 2008 – 6:31 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.

CLOSED SESSION

Closed Sess

Mr. Jorge Rosales addressed the Ranch Market Tenants item, expressing concern regarding the titles, which he stated are misleading and asked if the Target project is still viable.

J. Rosales
Comments

City Manager Delach responded stating that the Target project is moving forward on schedule.

City Mgr
Response

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

Recess

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

Conf w/Labor
Neg

Agency Negotiators: Administrative Services Director-Chief Financial Officer Kreimeier
Organizations/Employee: IBEW, SEIU, AMMA, ACEA

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Real Prop
428-432 San
Gabriel

Address: 428 - 432 N. San Gabriel, Azusa, CA 91702 (La Tolteca)
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: LTA LLC
Under Negotiation: Price and Terms of Payment

BLOCK 36

Block 36

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Real Prop
152 E. Foothill

Address: 152 E. Foothill Boulevard, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: Bank of America & LOWE Enterprises Real Estate Group
Under Negotiation: Price and Terms of Payment

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Real Prop
100 E. Foothill

Address: 100 E. Foothill Boulevard, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: LOWE Enterprises Real Estate Group
Under Negotiation: Price and Terms of Payment

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Real Prop
614-640
N. Azusa

Address: 614 - 640 N. Azusa Avenue, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: LOWE Enterprises Real Estate Group
Under Negotiation: Price and Terms of Payment

RANCH MARKET TENANTS

Ranch Mkt
Tenants

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Real Prop
802 N. Azusa

Address: 802 N. San Gabriel Avenue, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: Broderick's Auto Body - Business Owner Evelyn & George Broderick
Under Negotiation: Price and Terms of Payment

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Address: 120 West 9th Street, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: Alondra's Bakery - Business Owner Raul Corona
Under Negotiation: Price and Terms of Payment

Real Prop
120 W. 9th St

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Address: 150/190 West 9th Street, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: King Ranch Market - E & T Foods, Inc. - Business Owner Aner Iglesias
Under Negotiation: Price and Terms of Payment

Real Prop
150/190
W. 9th St

REAL PROPERTY NEGOTIATIONS (Gov. Code Sec. 54956.8)

Address: 809 N. Azusa Avenue, Azusa, CA 91702
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff
Negotiating Parties: Community Garage - Business Owner Conrad Diaz Jr.
Under Negotiation: Price and Terms of Payment

Real Prop
809 N. Azusa

PUBLIC EMPLOYMENT APPOINTMENT (Gov. Code Sec. 54957)

Title: Director of Economic and Community Development

Pub Emp
Appoint

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code Sec. 54956.9 (a)).

Case No. CIT 07B04349, Kelly Sakata Moon v. City of Azusa.

Conf w/Legal
Counsel Moon

The City Council reconvened at 7:38 p.m. City Attorney Carvalho advised that there was no reportable action taken in Closed Session.

Reconvened
City Attorney

Mayor Rocha called the meeting to order.

Call to Order

Azusa Police Captain Street led in the pledge to the Flag.

Flag Salute

INVOCATION was given by City Manager Delach

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, Director of Public Works/Assistant City Manager Makshanoff, Police Captain Street, Assistant Director of Water Operations Anderson, Public Information Officer Quiroz, Assistant Community Development Director McNamara, Administrative Services Director – Chief Financial Officer Kreimeier, City Clerk Mendoza, Deputy City Clerk Toscano,

Pub Part

PUBLIC PARTICIPATION

Mr. Lewis and his Academy of the Arts Students performed a short “clip” of their Spring production of “Peter Pan and The Revenge of Hook”, to be held at The Little Theatre on Rockvale Avenue from May 20th – June 1st for more information call (626) 815-3427.

Academy of
Arts Azusa
High

Mr. Mike Lee addressed Council with comments regarding the following: Mayor’s letter regarding Mother’s Day in Examiner newspaper, reminded all to vote on June 3rd; thanked Letter Carriers for food drive; and noted the late Ramiro Lopez work with veterans.

M. Lee
Comments

Mr. Jorge Rosales addressed Council announcing Mayor’s Prayer Breakfast on May 28th, sponsored by the Azusa Ministerial Association and Azusa Pacific University at 7:30 a.m. at APU Turner Campus Center, 901 E. Alost, cost is \$15 per person and for further information call Pastor Samuel Martinez at 969-7945. He stated that with regard to the proposed RV Ordinance the Planning Commission had a discrepancy in its minutes regarding the issue and requested that the item be continued to the meeting of June 2nd.

J. Rosales
Comments

Mr. Art Morales addressed Council providing background on the late Ramiro Lopez, local hero who served in the military in Viet Nam. He also talked about free swim, the Azusa Avenue Storm Drain, and dogs running loose in the park.

A. Morales
Comments

Mr. Sammy Zaribaf of Il Forno Restaurant addressed Council requesting that the Storm Drain Project on Azusa Avenue be held in August/September; asked the possibility of moving it the other side of the street, stating that it would be devastating to his business; he asked that he be notified when it would occur so he could close his business during that time.

S. Zaribaf
Comments

Mr. Thomas Ross addressed Council stating that his nephew recently passed away; his sister is in need of help to assist with services; for donations call Ava Davis at (562) 699-6217, or send to 5593 Pioneer Blvd, Unit No. 1, Whittier, and CA. 90601 or to 10935 Tierra Vista Parkway, Unit 255, and Rancho Cucamonga, CA 91730.

T. Ross
Comments

REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF

Rpts/Updates

Interim Assistant City Manager Makshanoff introduced Conal McNamara, new Assistant Community Development Director.

Intro C.
McNamara

Moved by Mayor Pro-Tem Carrillo, seconded by Councilmember Gonzales and unanimously carried to approve request for certificates of appreciation to the five food banks in Azusa to be presented at the May 28th Mayor Prayer Breakfast.

Cert to
Food Banks

Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to approve request for a proclamation to proclaim the week of May 18th – 24th as American Public Works Week, in the City of Azusa.

Public Works
Week

Ms. Anita Dominguez of the American Cancer Society Relay For Life provided information on the activity on July 12th and 13th; she stated it's a 24 hour fundraising event and funds will go to research, etc. The Mayor will be the Chair and she requested co-sponsorship with the city. Ms. Robin Russek, daughter of Edie and Ron Russek provided details about her father's bout with cancer, who passed as away and requested community support.

A. Dominguez
American
Cancer Society

City Manager Delach announced that the proposed budget would be sent to Council tomorrow and stated that the Legislative Analyst has advised that the Motor Vehicle In-Lieu Fees could be taken away from cities.

City Mgr
Comments

Discussion was held regarding the issue with the Planning Commission and the proposed RV ordinance. Moved by Councilmember Macias, seconded by Councilmember Hanks and unanimously carried to continue item C-3, proposed Ordinance Amending Portions of the Azusa Development Code concerning Vehicle Parking and Storage Regulations, etc. to the meeting of June 2, 2008.

Dis PC and
RV issue
Prop Ord
Continued
6/2

City Manager Delach addressed Council with clarification that dogs are not allowed in City parks on or off leashes. He later made a correction: ordinance was changed, dog on leash are allowed in City parks; he will report back to Council.

City Mgr
Comments

Councilmember Carrillo stated that he was a victim of the vandalism which occurred in Azusa over the past week end where over 50 cars had their windows shot out with a pellet/bb guns; he expressed his frustration. Police Captain Street provided an update.

Carrillo
Comments

Councilmember Gonzales announced the Mariachi Concert on Friday, May 30th; cost is \$20 and proceeds go to the program; for further info call Elaine Dominguez at (626) 858-6152; Azusa Youth Program Barbeque on June 7th, Kids Come First Golf Tournament on June 13th at San Dimas Canyon Golf Course for more information call Adrian Martinez at 812-5196.

Gonzales
Comments

Councilmember Macias thanked all the troops and congratulated them on Armed Forces Day on May 17th.

Macias
Comments

Councilmember Hanks commented on public workers who are in a life saving profession; they repair streets, maintain storm drains and maintain sewers; he encouraged all to thank the public workers.

Hanks
Comments

Mayor Rocha asked that the meeting be adjourned in memory of Ramiro Lopez; inquired about budget study session; carryover projects, i.e. intersection improvements and synchronization and street sweeping. He announced the following: Banner Hanging on May 17th; Ribbon Cutting for Economy Auto on same date at 10 a.m.; Memorial Day Ceremonial on May 26th at the City Hall flag pole at 10 a.m.; May 27th Senior Volunteer Dinner; May 31st Helping Hand Benefit for Patsy Navarette Pardo at the Azusa Woman's Club; Yard Sale June 7th and 8th no permits or fees required, and that Nicholas Dospital, U.S. Marine Corp., and Miguel Mikey Magana are soldiers home on leave.

Rocha
Comments

City Manager Delach stated that the first budget meeting will be following the next Utility Board on May 27th and there will be a preliminary draft CIP report next week. With regard to street sweeping it was noted for consistency, there will be no parking from 9 a.m. – 5 p.m. on street sweeping days.

City Mgr
Comments

SCHEDULED ITEMS

Sched Items

PUBLIC HEARING – REQUEST BY COVINA IRRIGATING COMPANY (CIC) THAT CITY OF AZUSA ADOPT A RESOLUTION CONSENTING TO CIC’S USE OF EMINENT DOMAIN.

Pub Hrg CIC
reso Emnt Dm

City Manager Delach addressed the issue stating that the item had been continued in order to give the parties, Covina Irrigating Company (CIC) and the Crystal Canyon Homeowners Association the opportunity to enter into mediation and resolve issues related to acquisition of an easement through the Crystal Canyon complex by CIC; no agreement has been reached and another mediation session is scheduled for June. He noted the following issues: offers in the mediation were greater than the city paid in the nearby easement and the pipeline cannot be connected to CIC water source without the pipeline coming from the north through the easement; alternate routes are not economically nor physically feasible.

City Mgr
Comments

The Mayor declared the Public Hearing open. The City Clerk acknowledged that she had the proof of mailing to all affected property owners in the area.

Hrg open

Mr. De Jesus, Applicant, addressed the hearing stating the need to install an underground pipeline and do away with the above ground open canal for liability, safety and security reasons. He stated that they were unable to resolve the issues during mediations and advised that David Byron of Civiltec was available to answer questions.

De Jesus
Applicant

Ms. Kim Antol addressed the Hearing expressing her opposition to the use of eminent domain on the Crystal Canyon property and suggested the use of the old dairy road and detailed her reasons and beliefs; she asked them to review the facts of the report by their attorney and asked they vote no on condemnation.

K. Antol
Comments

Mr. Ruston Glass addressed the Hearing in opposition to the proposed pipeline detailing the affects to the use of the garages/parking spaces and overall negative affects of the project, i.e. cut utilities; he suggested the pipeline go through Ranch Road.

R. Glass
Comments

Ms. Lynda Harner addressed the Hearing stating that during mediation she learned the true scope of the project, not just a 10 foot water pipeline easement but a 10 foot easement with a 25 foot temporary construction; she noted the lack of truth and inaccuracies of the project.

L. Harner
Comments

City Attorney Carvalho noted for the record that a letter was received on May 14th, from the Law Offices of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, regarding the issue, which was referred to in public comment.

City Attorney
Comment

Moved by Councilmember Gonzales, seconded by Councilmember Hanks and unanimously carried to close the public hearing.

Hrg clsd

Lengthy discussion was held between Councilmembers and staff with each member providing input regarding the matter. Mr. De Jesus, Ms. Antol and Ms. Harner all agreed that the mediation was working, but none were able to discuss the matter due to the confidentiality of the meetings.

Lengthy
Discussion

Mr. Christopher Chan responded to questions regarding indemnification, Mr. Dave Byrum of Civiltec responded to questions stating that there will be no outages/disruption to the customer utilities at that location and answered questions posed.

C. Chan
D. Byrum
Comments

City Attorney Carvalho responded to questions on possible future damages and protection to homeowners stating that the language in the resolution is general but there is future protection as in any other City or business owned easement.

City Attorney
Response

Councilmember Hanks offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA CONSENTING TO THE USE OF EMINENT DOMAIN, PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 1245.310 ET SEQ., BY THE COVINA IRRIGATING COMPANY TO ACQUIRE A PERMANENT 10-FOOT WIDE EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS AND TO CONSTRUCT, INSTALL, USE, INSPECT, LOCATE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, REMOVE AND/OR RELOCATE PIPELINES AND RELATED FACILITIES AND

Resolution
Consenting
To Use of
Eminent
Domain
(not adopted)

CONNECTIONS NECESSARY OR CONVENIENT FOR COVINA IRRIGATING COMPANY'S, OR ITS SUCCESSORS AND ASSIGNS, USE OF THE EASEMENT FOR WATER TRANSPORTATION AND FOR ANY AND ALL OTHER USES AND PURPOSES OF COVINA IRRIGATING COMPANY AND OF ITS SUCCESSORS AND ASSIGNS, AS WELL AS A TEMPORARY 25-FOOT WIDE CONSTRUCTION AND INSTALLATION EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS TO CONSTRUCT, INSTALL, USE, INSPECT, LOCATE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, REMOVE AND/OR RELOCATE SUCH PIPELINE OR PIPELINES AND FACILITIES, IN, UNDER, UPON, OVER, ACROSS AND THROUGH (SHADY OAK COURT AND PARKING LOT) PROPERTY OWNED BY THE CRYSTAL CANYON DEVELOPMENT HOMEOWNERS AND/OR CRYSTAL CANYON DEVELOPMENT HOME OWNERS ASSOCIATION AS DEPICTED ON THE DIAGRAM ATTACHED HERETO AS EXHIBIT "1"

Moved by Councilmember Hanks, seconded by Councilmember Carrillo to waive further reading and adopt. City Attorney Carvalho announced, later in the meeting, that the Resolution **was not** passed as it required a 4/5 vote of the Council and the vote was as follows: Resolution was Not adopted

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

RE-STRIPING OF CITRUS AVENUE FROM ARROW HIGHWAY TO GLADSTONE STREET TO ACCOMMODATE THE ADDITION OF TWO-WAY LEFT TURN LANE ADDITION ON CITRUS AVENUE AT LAXFORD. Re-Striping of Citrus Avenue

Public Works Director/Assistant City Manager Makshanoff presented the plan from the Los Angeles County of Public Works to re-strip Citrus Avenue in the vicinity of Arrow Highway which came on behalf of a County resident, Rudy Baca, via Supervisor Molina's office. Staff reviewed the plans and recommended Option 2 which would eliminate parking on the east side of Citrus Avenue but preserve parking on the west side where there is an apartment complex within the City limits. The County has advised that the total cost is \$21,000; the City's share of that is \$6,700; and the request is for approval and to bring back with funding identification. J. Makshanoff Comments

Moved by Councilmember Hanks, seconded by Councilmember Gonzales and unanimously carried to approve Option 2 which will take away street parking on the east side of Citrus Avenue but still provide parking along the West side of Citrus Avenue and the approval of up to \$6,700; the City of Azusa fair share of the cost. Re-Striping approved

The Proposed Ordinance Amending Portions Of The Azusa Development Code Concerning Vehicle Parking And Storage Regulations, Commercial, Oversized And Recreational Vehicle Parking And Storage Regulations On Private Property And Temporary Sign And Tent Regulations was referred to the meeting of June 2, 2008. Prop Ord Dev Code Veh Pkg & Strg continued

AN URGENCY AND REGULAR ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA AMENDING THE AZUSA MUNICIPAL CODE REGARDING NOISE SOURCE STANDARDS. Urgency & Regular Ord Noise

City Manager Delach addressed the item stating that there is a need for language change due to several issues in the new code language which is impractical and difficult to enforce, i.e. noise standards, amplified music and measurement. He responded to questions posed. City Mgr Comments

City Attorney Carvalho also responded to questions regarding outdoor festival process, truck deliveries, definitions, and construction activities on Sundays and Holidays. City Attorney Comments

Councilmember Hanks offered an Urgency Ordinance entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA AMENDING THE AZUSA MUNICIPAL CODE REGARDING NOISE SOURCE STANDARDS. Urg Ord Noise Adopted

Moved by Councilmember Hanks, seconded by Councilmember Gonzales 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

Councilmember Hanks offered an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA AMENDING THE AZUSA MUNICIPAL CODE REGARDING NOISE SOURCE STANDARDS. 1st Rdg Ord Noise

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

The **CONSENT CALENDAR** consisting of Items D-1 through D-4 was approved by motion of Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried with the exception of item D-4, which was considered under the Special Call portion of the Agenda. Consent Cal Approved D-4 Spec Call

1. The minutes of the regular meeting of May 5, 2008 and the special meeting of March 31, 2008, were approved as written. Min appvd
2. Human Resources Action Items were approved as follows:
New Appointment: L. Ferrari, Police Officer Trainee
Promotion: S. Abou-Taleb, Library Circulation Supervisor HR Action Items
3. Approval was given to support the proposed Assembly Bill 642 and the Mayor was authorized to send a letter on behalf of the City. Support AB 642
4. SPECIAL CALL. Special Call

SPECIAL CALL ITEM Spec Call Item

RECONSIDERATION OF AZUSA AVENUE DOWNTOWN STORM DRAIN PROJECT. Azusa Ave Storm Drain
Councilmember Macias addressed the issue requesting that the project be deferred to late summer or early fall due to the impact on business owners on Azusa Avenue. Macias Comment

City Manager Delach responded to comments made earlier that there was no physical way to put the storm drain on the opposite side of Azusa Avenue. City Mgr Comment

Discussion was held regarding the construction budget and cost, size of pipeline, impacts on Azusa businesses, project timeline, obligation to city with regard to infrastructure and safety, and trash in the storm drain. Discussion

Moved by Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried to defer the Storm Drain Project to sometime in the Fall and to work with staff and business owners to narrow a window of time for the project to be scheduled and completed before the end of the year. Azusa Avenue Storm

THE CITY COUNCIL RECESSED AND REDEVELOPMENT AGENCY CONVENED AT 10:03 P.M.
THE CITY COUNCIL RECONVENED AT 10:04 P.M. CRA convene Cncl rcnvd

Moved by Mayor Pro-Tem Carrillo, seconded by Councilmember Gonzales to adjourn in memory of Ramiro Lopez. Adjourn in Memory

UPCOMING MEETINGS: Upcoming Meetings

May 27, 2008, (Tuesday) Utility Board Meeting – 6:30 p.m. (Magnolia Elementary School, 945 E. Nearfield, Azusa)
June 2, 2008, City Council Meeting – 6:30 p.m. (Auditorium)
June 16, 2008, City Council Meeting – 6:30 p.m. (Auditorium)

TIME OF ADJOURNMENT: 10:04 P.M.

CITY CLERK

NEXT RESOLUTION NO. 2008-C38.

NEXT ORDINANCE NO. 2008-O4.