



**CITY OF AZUSA**  
**MINUTES OF THE CITY COUNCIL**  
**REGULAR MEETING**  
**MONDAY, NOVEMBER 3, 2008 – 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.

**CLOSED SESSION**

Closed Sess

The City Council recessed to Closed Session at 6:33 p.m. to discuss the following:

Recess

City Attorney Carvalho advised that with regard to the Real Property Negotiations at 150 W. 9<sup>th</sup> Street additional discussion would be held regarding Pending Litigation Government Section 54956.9 (a) Redevelopment Agency of the city of Azusa v. E&T Foods, Inc. dba King Ranch Market (LASC Case No. 08U02021, relating to the same property.

City Attorney  
Comments

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

Conf w/labor  
Negotiator

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

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

Real Prop  
Negotiations  
830 N Azusa  
812 N. Azusa  
801 N. Alameda  
17511 Arrow  
150 W. 9<sup>th</sup> St

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

**Address:**

**Negotiator:**

- |   |   |
|---|---|
| a. 830 N. Azusa Avenue, Azusa, CA 91702,          | Donna M. Matson                                     |
| b. 812 N. Azusa Avenue, Azusa, CA 91702           | John R. & Lillian O. Cortez, Cortez Family Trust    |
| c. 801 N. Alameda Avenue, Azusa, CA 91702         | John R. & Lillian O. Cortez, Cortez Family Trust    |
| d. 17511 E. Arrow Hwy, Azusa, CA 91702            | Fowler Family Trust                                 |
| e. 150 W. 9 <sup>th</sup> Street, Azusa, CA 91702 | King Ranch Market, Aner Igelsias, Business<br>Owner |

The City Council reconvened at 7:30 p.m. City Attorney Carvalho advised that there was reportable action with regard to the Real Property Negotiation at 150 W. 9<sup>th</sup> Street and the Pending Litigation of Unlawful Detainer action. She stated that the City Council, by unanimous vote, directed the City Attorney's office to accept an offer that was made by King Ranch Market as follows: that the market be able to remain open and offered a stipulated judgment, which the Council would accept if they carry out their promise to vacate the property by January 12, 2009, and to pay the City and Agency the sum of \$75,000 of the holdover rent. She detailed the history of the property and process of the lease agreement with Ranch Market and the Unlawful Detainer when they failed to comply with the agreement.

Reconvened  
City Attorney  
Comments  
Accept offer  
by King Ranch  
Market

Mayor Rocha called the meeting to order.

Call to Order

Mr. Richard Carpenter led in the Salute to the Flag.

Flag Salute

**INVOCATION** was given by President Richard A. Walker of the Church of Jesus Christ of Latter-Day Saints.

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, Police Chief Garcia, Economic and Community Development Director Christianson, Assistant Community Development Director McNamara, Director of Public Works/Assistant City Manager Haes, Public Information Officer Quiroz, Building Official Keyes, Administrative Services Director-Chief Financial Officer Kreimeier, City Clerk Mendoza, Deputy City Clerk Toscano.

**PUBLIC PARTICIPATION**

Pub Part

Mr. Ralph Megna, Representative of King Ranch Market expressed his appreciation on behalf of employees of the market for allowing them to work during the holidays.

R. Megna  
King Ranch Mkt

Mr. Miles Rosedale, representing the Canyon City Foundation addressed Council detailing the history of the Foundation, its purpose and successes, the established website, and distribution of grants. The following grant recipients addressed Council expressing appreciation for the grants and summarized their projects: Ms. Karen Mitt – Neighborhood Homework House, Mr. Tom Andrews of Azusa – Keeping History Alive Project, Mr. Harry Heflin – Youth Conference, Julie Pusztaï – Neighborhood Wellness Center.

M. Rosedale  
Cyn City Found  
Mitt, Andrews,  
Heflin and  
Pusztaï.

Mr. Mike Lee stated the following: urged all to vote tomorrow, expressed his opinion regarding the candidates; announced the City Election on March 3, 2009; congratulated Councilmember Macias for attaining the rank of Ensign; support to Home Kitchen, and urged all to support Azusa businesses.

M. Lee  
Comments

Ms. Stephanie Mills asked that ordinance regarding the prohibition of tarps in front, side and back yards be reconsidered to state that if tarps can't be seen from the side and back of the house they should be allowed and if they are worn and tattered they should be removed.

S. Mills  
Comments

Mr. Ted Garcia congratulated Councilmember Macias on his commission in the Navy for attaining the rank of Ensign and stated that he is an asset to the Council; he expressed his views on individuals that speak at meetings and expressed his opinion regarding the candidates for the election.

T. Garcia  
Comments

Mr. Frank Allen addressed Council urging all to get out and vote and expressed his opinion regarding what he would be voting.

F. Allen  
Comments

Mr. Jorge Rosales addressed Council with the following questions: if the Pension Obligation Bonds weren't sold, how much money would have to be paid to Calpers in ten years; what is the primary reason for relocating the utilities on Block 36 for the construction of the underground parking structure; and will the Tax Allocations Bonds repay a loan from the City to the Agency and the money borrowed from the Low to Mod Funds.

J. Rosales  
Comments

Mrs. Olivia Ordaz , on behalf of her husband, Sergeant First class Edgar Ordaz, addressed Council expressing her appreciation to Mayor Rocha and Councilmember Gonzales for visiting their home when her husband was on leave and for the special treatment they give military personnel. She presented Mayor Rocha with a Certificate of Appreciation from the United States Army, signed by the Secretary of the Army.

O. Ordaz  
Presentation to  
Mayor

Mr. Dennis Willut addressed Council with concerns that Charter Communication is destroying property at 741 and 743 Soldano, i.e. cable damage, sprinklers and grass and requested a moratorium. He also talked about locks placed on meters and utility boxes to which residents were not provided with keys; he request a committee be established to look into the problem.

D. Willut  
Comments

City Manager Delach responded to questions posed stating that the bond proceeds will assist in paying off loans to the City and Utility; the loans for the housing bonds is not going to be paid back with bond proceeds but Redevelopment tax increment; underground utilities for Block 36 were moved out of the alleyway to allow for more developable land; and the savings from the Pension Obligation Bonds is estimated at 30-50 thousand dollars per year.

City Mgr  
Response  
to questions

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

Rpts/Updates

Mayor Pro-Tem Carrillo expressed congratulations to Councilmember Macias on his new commission in the U.S. Navy and urged all to get out and vote.

Carrillo  
Comments

Councilmember Macias congratulated recipients of the Canyon City Foundation Grants and urged all to vote.

Macias  
Comments

Councilmember Gonzales congratulated Councilmember Macias on his new commission, urged all to vote; thanked the Veterans who have given so much for the opportunity to vote.

Gonzales  
Comments

Councilmember Hanks congratulated Councilmember Macias and Mayor Rocha for their achievements; urged all to vote Not on Proposition 7 and Measure R as they will affect the City adversely and expressed his personal opinion regarding Proposition 8. Hanks  
Comments

Mayor Rocha invited all to the Veterans Day Observation on Tuesday, November 11<sup>th</sup> at 11a.m. at the City Hall Flag Pole; he announced the 11<sup>th</sup> Annual Food Drive to begin on November 21<sup>st</sup> through Friday December 19<sup>th</sup>, food will be distributed to the five local Food Banks; he announced that on Saturday, December 6<sup>th</sup>, the Veterans Committee will be sending candy to servicemen stationed in Iraq and Afghanistan, candy can be taken to the Office of the City Clerk; he announced the Foreclosure Workshop to be held on Wednesday, November 12<sup>th</sup> at 6:30 p.m. at the Azusa Senior; and urged all to vote. Rocha  
Comments

**SCHEDULED ITEMS**

Sched Items

Building Official Keyes presented the proposed ordinance amending chapter 30 of the Azusa Municipal Code and adopt 2008 Fire Code of Los Angeles County. He stated that the most significant change to the AMC is construction within the high fire security zone. R. Keyes  
2008 Fire Code  
Prop Ord

Councilmember Hanks offered an Ordinance for first reading entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA ADOPTING BY REFERENCE THE 2008 FIRE CODE OF THE LOS ANGELES COUNTY CODE AND AMENDING AZUSA MUNICIPAL CODE SECTION 30-36 AND ADDING SECTION 30-37. 1<sup>st</sup> Rdg Ord  
Fire Code

Moved by Councilmember Hanks seconded by Mayor Pro-Tem Carrillo and unanimously carried to waive further reading and introduce the ordinance and to set the public hearing for November 17, 2008. Introduced PH set  
for 11/17/08

Councilmember Gonzales offered an Ordinance for first reading entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, AMENDING CHAPTER 46 OF THE AZUSA MUNICIPAL CODE BY ADDING DIVISION 1 REGARDING PAYMENT OF SPECIAL REWARDS. 1<sup>st</sup> Rdg Ord  
Amend Chapter  
46 Special  
Rewards

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

Councilmember Macias offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, OFFERING A SPECIAL REWARD IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000) LEADING TO THE ARREST AND CONVICTION OF THE PERSON WHOSE WILLFUL MISCONDUCT RESULTED IN THE DEATH OF PAULINE SQUIRES AND SERIOUS INJURY TO MICHAEL BRAIER. Res. 08-C102.  
\$10,000 Reward  
Pauline Squires  
& Michael  
Braier

Moved by Councilmember Macias, seconded by Councilmember 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

COUNCIL APPOINTMENT TO THE CANYON CITY FOUNDATION. City Manager Delach addressed the matter requested that Council Members submit nominations to his office by November 13, 2008, at 12 noon, and that Executive Assistant to the City Manager Cravens will send Council dates for consideration of the interviews. Moved by Mayor Pro-Tem Carrillo, seconded by Councilmember Gonzales and unanimously carried to accept City Managers request to submit nominations and hold interviews for nominees for Canyon City Foundation Council appointees. Canyon City  
Foundation  
Council  
appointee

Councilmember Hanks offered a Resolution entitled:

THE CITY OF AZUSA, CALIFORNIA, APPROVING AN EMERGENCY PAY POLICY FOR EXEMPT EMPLOYEES WORKING OVERTIME IN RESPONSE TO A MAJOR DISASTER OR MAJOR EMERGENCY DECLARED BY THE PRESIDENT OF THE UNITED STATES. Res. 08-C103.  
Approving  
Emergency  
Pay Policy  
Employees

Moved by Councilmember Hanks, seconded by Councilmember Macias, 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

THE FOLLOWING ITEM WAS MOVED FROM THE CONSENT CALENDAR.

Consent Item

PENSION OBLIGATION BONDS. Administrative Services Director-Chief Financial Officer Kreimeier presented the Pension Obligation Bonds detailing the process for the issuance of the bonds and responding to questions posed. Councilmembers congratulated Mr. Kreimeier and staff for the work accomplished.

Pension Obligation Bonds A. Kreimeier

Councilmember Hanks offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, SUPPLEMENTING A RESOLUTION OF THE CITY COUNCIL ADOPTED JUNE 2, 2008, PROVIDING FOR THE ISSUANCE OF ONE OR MORE SERIES OF CITY OF AZUSA TAXABLE PENSION OBLIGATION BONDS, AND RATIFYING ACTION TAKEN ON JUNE 2, 2008, APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, BOND PURCHASE AGREEMENT AND OFFICIAL STATEMENT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Res. 08-C104 Bond Purchase Agmt, Stmnt Authorizing Issuance POB

Moved by Councilmember Hanks, seconded by Councilmember 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

The **CONSENT CALENDAR** consisting of Items D-1 through D-10 was approved by motion of Councilmember Macias, seconded by Councilmember Gonzales, and unanimously carried with the exception of items D-5, 6, 7, and 9, which was considered under the Special Call portion of the Agenda.

Consent Cal Approved

1. The minutes of the regular meeting of October 20, 2008, were approved as written.

Min appvd

2. Human Resources Action Items were approved as follows:

**Merit Increase and/or Regular Appointments:** G. Acosta and E. Atencio.

HR Action Items

3. The City Treasurer's Report as of September 30, 2008, was received and filed.

Treas Rpt

4. Approval was given for the purchase of panels, storage, and work surfaces for reconfiguration of the West wind I.T. area in accordance with Azusa Municipal Code Section 2-518 section B, supplies and equipment bidding and contracting, informal or alternative purchasing procedure and appropriate the required funds from the City's Public Works Endowment Fund to provide for the project and the contract was awarded to the lowest bidder D&R Office Works in the amount of \$14,168.73.

Purchase of Panels, storage & work surfaces & agmt w/D&R Office Work

5. SPECIAL CALL ITEM.

6. SPECIAL CALL ITEM.

7. SPECIAL CALL ITEM.

8. PENSION OBLIGATION BONDS ITEM MOVED TO SCHEDULED ITEMS.

9. SPECIAL CALL ITEM.

10. 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

08-C105 Warrants

**SPECIAL CALL ITEMS**

Spec Call Items

Councilmember Macias addressed employee contracts thanking staff and Association Representatives for working together in coming to a consensus on the agreements. Mayor Rocha addressed the employees contracts requesting that AMMA and APMA contracts include language as ACEA with regard to bereavement leave as follows: "Bereavement leave for close personal relationships other than listed relationships may be approved by the Department Head and Director of Human Resources." Moved by Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried to include the language.

Macias Rocha Comments Add'l language approved

Moved by Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried that the Azusa Classified Employee Association (ACEA) contract dated July 1, 2008 through June 30, 2010, be approved.

ACEA Contract

Moved by Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried that the Azusa Middle Management Association (AMMA) contract dated August 1, 2008 through July 31, 2010, be approved.	AMMA Contract
Moved by Councilmember Macias, seconded by Councilmember Gonzales and unanimously carried that the Azusa Police Management Association (APMA) contract dated August 1, 2008 through July 31, 2010, be approved.	APMA Contract
Mayor Rocha addressed the Foothill Boulevard Cooperative Street Improvement Project Agreement asking if the cost estimate included construction with all the inspections, engineering and project management.	Rocha Comment
Director of Public Works/Assistant City Manager Haes responded stating that the cost is the Engineers estimate for the construction of the street including all of Irwindale time for review of the project.	Dir Pub Wks Response
Moved by Councilmember Hanks, seconded by Mayor Pro-Tem Carrillo and unanimously carried that the Foothill Boulevard Cooperative Street Improvement Project Agreement with the City of Irwindale to reconstruct Foothill Boulevard from the Westerly city boundary to Todd Avenue, be approved.	Foothill Blvd St Impvmt Project Agmt
<b>THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONVENED AT 9:00 P.M. THE CITY COUNCIL AND THE AZUSA PUBLIC FINANCING AUTHORITY CONVENED JOINTLY WITH THE REDEVELOPMENT AGENCY AT 9:08 P.M.</b>	Cncl Recess CRA Convene
<b>JOINT ITEM: CITY COUNCIL, REDEVELOPMENT AGENCY AND AZUSA PUBLIC FINANCING AUTHORITY.</b>	Convene Jntly Cncl,CRA,APFA
AUTHORIZATION TO ISSUE TAX ALLOCATION BONDS TO FINANCE PROPERTY ACQUISITION, PUBLIC IMPROVEMENTS, AND PUBLIC FACILITIES RESOLUTIONS OF THE CITY, AZUSA REDEVELOPMENT AGENCY AND AZUSA PUBLIC FINANCING AUTHORITY AUTHORIZING THE ISSUANCE AND DELIVERY OF ITS AZUSA'S 2008 TAX ALLOCATION BONDS, APPROVING TWO INDENTURES OF TRUST, TWO PRELIMINARY OFFICIAL STATEMENTS, AND A BOND PURCHASE CONTRACT, AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO.	Tax Allocation Bonds
City Manager/Executive Director Delach addressed the issue announcing that the City received an A-rating which will result in a savings of 2.5 million dollars for the life of the bonds and is equivalent to an A+ rating for the refunded bonds which is part of this process.	City Mgr Comments
Administrative Services Director-Chief Financial Officer Kreimeier presented the Tax Allocation Bonds from the Azusa Redevelopment Agency to repay the General Fund, Light and Water Fund and to provide for some infrastructure in the downtown area; he detailed how the escrow funds will be issued, invested and the additional tax increment funds. He talked about the housing component, for acquiring less desirable housing, multi-family, which developers will build new multifamily housing. Discussion was held regarding the need for affordable housing in the City.	ASD-CFO Kreimeier Presented Bonds
Director Macias offered a Resolution entitled:	
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA APPROVING THE ISSUANCE OF ITS AMENDED AND RESTATED MERGED CENTRAL BUSINESS DISTRICT AND WEST END REDEVELOPMENT PROJECT AREA TAX ALLOCATION BONDS, APPROVING TRUST INDENTURES, AN OFFICIAL STATEMENT, A PURCHASE AGREEMENT, SETTING THE MAXIMUM FINAL TERMS OF THE SALE OF THE BONDS AND MAKING CERTAIN DETERMINATIONS RELATING THERETO.	Res. 08-R46 Appvg issuance Amended, Restated Tax Allocation Bonds
Moved by Director Macias, seconded by Director Carrillo to waive further reading and adopt. Resolution passed and adopted by the following vote of the Agency Board Members:	
AYES: DIRECTORS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA NOES: DIRECTORS: NONE ABSENT: DIRECTORS: NONE	
Board Member Gonzales offered a Resolution entitled:	
A RESOLUTION OF THE AZUSA PUBLIC FINANCING AUTHORITY, APPROVING THE PURCHASE AND RESALE OF BONDS OF THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA, APPROVING A FORM OF PURCHASE AGREEMENT CERTAIN OTHER MATTERS RELATING THERETO.	Res. 08-P4 Appvg Purchase and Resale Bonds of CRA and form of Purchase Agmt

Moved by Board Member Gonzales, seconded by Board Member Hanks to waive further reading and adopt. Resolution passed and adopted by the following vote of the Authority Board Members:

AYES: BOARD MEMBERS: GONZALES, CARRILLO, MACIAS, HANKS, ROCHA  
NOES: BOARD MEMBERS: NONE  
ABSENT: BOARD MEMBERS: NONE

Councilmember Hanks offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, APPROVING THE FINANCING OF AMENDED AND RESTATED MERGED CENTRAL BUSINESS DISTRICT AND WEST END REDEVELOPMENT PROJECT AREA BY THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA AND OTHER MATTERS RELATING THERETO. Res. 08-C106, Appvg Financing of the Amended & Restated Merged CBD & West End

Moved by Councilmember Hanks, seconded by Councilmember 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

**THE REDEVELOPMENT AGENCY AND AZUSA PUBLIC FINANCING ADJOURNED AND THE CITY COUNCIL RECONVENED AT 9:22 P.M.** CRA & APFA Adjourn Cncl Convened

Moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Carrillo and unanimously carried to adjourn. Adjourn

**UPCOMING MEETINGS:**

Upcoming Meetings

November 17, 2008, City Council Meeting – 6:30 p.m. (Auditorium)  
November 24, 2008, Utility Board Meeting – 6:30 p.m. (Azusa Light and Water Conference Room)  
December 1, 2008, City Council Meeting – 6:30 p.m. (Auditorium)  
December 15, 2008, City Council Meeting – 6:30 p.m. (Auditorium)

**TIME OF ADJOURNMENT: 9:23 P.M.**

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**CITY CLERK**

**NEXT RESOLUTION NO. 2008-C107.**

**NEXT ORDINANCE NO. 2008-O11.**