



CITY OF AZUSA
MINUTES OF THE CITY COUNCIL
REGULAR MEETING

MONDAY, FEBRUARY 1, 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

The City Council presented Certificates of Recognition to all who participated in the Holiday Toy Drives throughout the City of Azusa.

Cert Toy Drive

CLOSED SESSION

Closed Sess

Mr. Jorge Rosales addressed Council questioning the difference between a potential litigation and an anticipated litigation as listed on the Agenda.

J. Rosales Comments

City Attorney Carvalho responded stating that according to the Brown Act there are several government code sections cited when entering closed session, the two items listed are both claims against the city and anticipated is based on threats of litigation and potential is more than a threat.

City Attorney Response

Mr. Mike Lee addressed item regarding potential litigation from City of Duarte stating that if it involves Vulcan he hopes there is a way to resolve it; he commented the issue at the Planning Commission meeting.

M. Lee Comments

The City Council recessed to Closed Session at 6:57 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

h. Address: 1313 W. Gladstone Street, Azusa, CA
Negotiating Parties: Azusa Land Reclamation Incorporated

2. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL CLAIM AGAINST AZUSA (Gov. Code Sec. 54956.9(b))** - Natural Resources Defense Council v. County of Los Angeles, LA County Flood Control. Conf w/legal Cnsl NRDC
3. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Gov. Code Section 54956.9 (b).** Potential Litigation from the City of Duarte Conf w/legal Cnsl City of Duarte

The City Council reconvened at 7:36 p.m. City Attorney Carvalho advised that with regard to item on NRDC w. County of Los Angeles, on a 5-0 vote, Mayor Rocha was directed to sign a Tolling Agreement with the County of Los Angeles. With regard to item three, Staff was directed to send a letter in response to the City of Duarte's claim. The reminder of the closed session items will be discussed at the end of the agenda. Reconvened Reportable Action

Mayor Rocha called the meeting to order. Call to Order

Reggie and Tyler Hernandez led in the salute 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, 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, Public Information Officer Quiroz, City Clerk Mendoza, Deputy City Clerk Toscano.

PUBLIC PARTICIPATION Pub Part

Mr. Eric Knoles addressed Council with several rhetorical questions regarding mining, within the City of Azusa and throughout other cities. E. Knoles Comments

Ms. Jeri Vogel addressed Council in opposition to mining in Azusa. J. Vogel Comments

Mr. Tyler Hernandez addressed Council expressing appreciation to the City Council for its support of the Azusa High School Leadership Program. T. Hernandez Comments

Mr. Mike Lee addressed Council expressing his opinion regarding many issues i.e. Census, local restaurants, Vulcan, Duarte, mining, prayer for troops and President Obama. M. Lee Comments

Mr. Jorge Rosales requested that the comment period for the Vulcan EIR be extended. He noted that the EIR was released on December 23, 2009, the period will end on February 5, 2010 and that the 45 day is a minimum requirement; he asked that it be extended 15 days. J. Rosales Comments

Ms. Xilonin Cruz-Gonzalez, representing Save Our Canyon, advised that they will be holding a community meeting on Wednesday, February 3, 2010, at 5:30 p.m. by the City Library and will attend the Planning Commission meeting regarding Vulcan immediately following; she too asked that the comment period be extended. X. Cruz-Gonzalez Comments

Mr. Dan Spangler addressed Council expressing his appreciation for the Mayor and all he does. He talked about his history with the City, the rock quarry and looks forward to Azusa and its fresh new start. D. Spangler Comments

Mr. Bruce Knoles addressed Council requesting that they disallow any more destruction of hillsides within the City of Azusa and extend the comment period for the Vulcan EIR. B. Knoles Comments

City Attorney Carvalho presented an item of subsequent need which arose after the posting of the agenda, a letter from the Sierra Club requesting an extension of the comment period for the Vulcan EIR which will end on Friday, February 5, 2010 and it was moved by Councilmember Gonzales, seconded by Mayor Rocha and carried by roll call to add the subject letter as item C-2 to the Scheduled Items portion of the Agenda. Councilmember Hanks voting no. City Attorney Item of Sub-sequent Need Letter from Sierra Club

REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF

Updates/Cncl

Mayor Pro-Tem Macias stated that there is a need to enforce loitering laws at the Edgewood Shopping Center on Gladstone Street as women employees and shoppers have been getting harassed by loiters. He stated that there is a need to contact security, Police Department and Management for the Center to address the situation. He and on behalf of his family thanked all who expressed their condolences on the loss his mother and talked about what a high inspiration she was to his family.

Macias
Comments

Councilmember Gonzales asked that the sign directing Day Laborers to the Center on Gladstone be placed back up in that area and announced the 4th Annual Casino Night as a fundraiser for local organizations i.e. American and National Little Leagues and Parks and Recreation, on Friday, February 12th from 6:30 p.m. to 11:00 p.m. at the Azusa Woman’s club. He encouraged all to donate to the Baker to Vegas Run by the Azusa Police Department.

Gonzales
Comments

Councilmember Carrillo advised that on last Saturday, as Vice President of the San Gabriel Council of Governments, he had the opportunity to chair a six hours strategic planning session and expressed his appreciation to City Manager Delach and Assistant City Manager Makshanoff who were in attendance. He talked about the benefits of regional representation, i.e. Councilmember Hanks and Mayor Pro-Tem Macias on the Gold Line Boards. He noted that with SGOG there will be funds available for housing projects of which Atlantis Gardens would qualify and stated that they will soon be adopting six month goals.

Carrillo
Comments

Mayor Rocha announced that on Saturday, February 13, 2010, the Be A Walker Program will be held at Veterans Park and walkers will meet by the Museum at 9:30 a.m. Guest walk leaders will be Assemblyman Ed Hernandez and Andrew Montez. He asked that the meeting be adjourned in memory of Aurora Carrillo Wilson and Sharon Driever.

Rocha
Comments

SCHEDULED ITEMS

Sched Items

RESOLUTION SUPPORTING THE LEAGUE OF CALIFORNIA CITIES SPONSORED INITIATIVE LOCAL TAXPAYER, PUBLIC SAFETY & TRANSPORTATION PROTECTION ACT OF 2010.

League
sponsored
Resolution

City Manager Delach and Councilmember Carrillo, Vice President of the League of California Cities, presented the issue stating that this resolution is to support the initiative and the signatures on the petitions to block the State of California from raiding or taking funds from local governments. They stressed the need for local cities to protect themselves from State raids of revenues and funding sources. There is a Statewide goal of collecting 1.1 million signatures to place the item on the November ballot.

Councilmember Carrillo offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010.

Res. 10-C8
Support Cities
Sponsored
Initiative Local
Taxpayer, Public
Safety &
Transportation
Protection Act
Of 2010

Moved by Councilmember Carrillo, seconded by Mayor Pro-Tem 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 above resolution was passed and it was requested that staff send copies to local legislative representatives Dr. Ed Hernandez and Senator Gloria Romero.

A REQUEST FROM THE SAN GABRIEL VALLEY TASK FORCE OF THE SIERRA CLUB, CHAIR JOAN LICARI, TO EXTEND THE COMMENT PERIOD FOR THE VULCAN EIR FOR FIFTEEN DAYS.

Request to
Extend EIR
Comment per.
City Attorney
Presentation

City Attorney Carvalho advised that under the California Environmental Quality Act, the City must give a minimum time of 45 days comment period and a maximum of 60 days. She noted that should any substantive comments come in after that time they would be addressed. She responded to question posed that days are calendar days and the maximum that could granted is 15 days, February 20, 2010, postmarked accepted.

After Councilmember comments, it was moved by Councilmember Gonzales, seconded by Mayor Pro-Tem Macias and carried by roll call to approve a fifteen (15) day extension of the comment period of the Environmental Impact Report (EIR) for the Vulcan Project. Councilmember Hanks voting no.

Extension 15
days approved
Vulcan EIR

The **CONSENT CALENDAR** consisting of Items D-1 through D- 8 was approved by motion of Councilmember Carrillo, seconded by Councilmember Gonzales and unanimously carried. Councilmember Hanks abstained from the minutes as he was not present at that meeting.

Consent Calendar
D-1-8

- 1. The minutes of the regular meeting of January 19, 2010, were approved as written.

Min appvd

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| <p>2. Human Resources Action Items were approved as follows:
 Merit Increase and/or Regular Appointment: L. Santamaria, and K. McMath
 Promotion: F. Vasconcelos, Police Officer.</p> | <p>HR Action
Items</p> |
| <p>3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, DECLARING HAZARDOUS BRUSH, DRY GRASS, WEEDS, COMBUSTIBLE GROWTH OR FLAMMABLE VEGETATION, TO INCLUDE ORNAMENTAL VEGETATION, IN THE CITY OF AZUSA A SEASONAL AND RECURRING NUISANCE, AND SETTING THE DATE AND TIME OF FEBRUARY 16, 2010, AT 7:30 P.M., TO CONDUCT A PROTEST HEARING FOR AFFECTED PROPERTY OWNERS BEFORE THE CITY COUNCIL.</p> | <p>Res. 10-C9
Weed
Abatement Hrg
2/16/10</p> |
| <p>4. Approval was given for a Notice of Completion for the following project and staff was authorized to file same with the Los Angeles County Clerk: Foothill Boulevard Reconstruction Phase II Project No. 66110E - \$879,841.11 - Sully Miller Contracting Co., Anaheim, CA.</p> | <p>NOC Foothill
Reconstruction
Phase II</p> |
| <p>5. The City Treasure's Report as of December 31, 2009 was received and filed.</p> | <p>Treas Rpjt</p> |
| <p>6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA DECLARING INTENTION TO QUITCLAIM AN EASEMENT FOR THE CLOSURE OF A PEDESTRIAN WALKWAY BETWEEN CITRUS AVENUE AND VICEROY AVENUE.</p> | <p>Res. 10-C10
Intent close Walk
Way hrg 2/16/10</p> |
| <p>7. Approval was given to authorize staff to circulate a Request for Qualification (RFQ) to provide consultant services for various environmental reviews associated with projects being processed through the City.</p> | <p>Circulate RFQ
Environmental
Reviews</p> |
| <p>8. The following resolution was adopted and entitled:</p> <p style="padding-left: 40px;">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.</p> | <p>Res. 10-C11
Warrants</p> |

SPECIAL CALL ITEMS

- | | |
|---|---|
| <p>None.</p> | <p>Spec Call Items
None.</p> |
| <p>THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONVENE AT 8:32 P.M. THE CITY COUNCIL RECONVENED AT 8:33 P.M. THE CITY COUNCIL RECESSED AND THE AZUSA PUBLIC FINANCING AUTHORITY CONVENE AT 8:33 P.M. THE CITY COUNCIL RECONVENED AT 8:34 P.M.</p> | <p>CRA Convene
Cncl reconvened
Convene APFA
Cncl reconvened</p> |
| <p>It was consensus of the City Councilmembers to recess to Closed Session to discuss the remainder of the items; Councilmember Gonzales recused himself from discussion on the Talley Building. The City Council recessed at 8:34 p.m. and reconvened at 9:33 p.m. There was no reportable action taken in Closed Session.</p> | <p>Closed Session
Recess &
Reconvened
No Rpts</p> |
| <p>It was consensus of Councilmember to adjourn in memory of Aurora Carrillo Wilson and Sharon Driever.</p> | <p>Adjourn in
Memory of
A. Wilson
& S. Driever</p> |
| <p>TIME OF ADJOURNMENT: 9:34 P.M.</p> | |

CITY CLERK

NEXT RESOLUTION NO. 2010-C12

NEXT ORDINANCE NO. 2010-O1.