



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

**TUESDAY, SEPTEMBER 7, 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

Recreation and Family Services Program Coordinator Adrian Martinez presented a check in the amount of \$1,000 to Azusa High School Golf Team and Coaches, courtesy of their efforts at the Kids Come First Golf Tournament.

Check AHS  
Golf Team

**CLOSED SESSION**

Closed Session

Mr. Jorge Rosales addressed the Closed Session portion of the agenda requesting clarification on Real Property Negotiations items a and c, and the two loans for Il Forno and the Talley Building.

J. Rosales  
Comments

The City Council recessed to Closed Session at 6:40 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

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

a. **ENTERPRISE PROPERTY**

Enterprise  
Prop

Address: 229 S. Azusa Avenue (APN 8614-014-056, 057 and 058)  
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff  
Negotiating Parties: City of Azusa and City of Azusa Redevelopment Agency

b. **NEC AZUSA/ARROW SITE**

Azusa/Arrow  
Site

Address: 17511 E. Arrow Hwy, Azusa, CA 91702  
Negotiator: Fowler Family Trust  
Address: 17525 E. Arrow Hwy  
Negotiating Parties: City of Azusa and City of Azusa Redevelopment Agency

c. **BLOCK 36**

Block 36

Address: 100 E. Foothill Boulevard, Azusa, CA 91702  
614 – 640 N. Azusa Avenue, Azusa, CA 91702  
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff  
Negotiating Parties: City of Azusa and City of Azusa Redevelopment Agency

Address: 152 E. Foothill Boulevard, Azusa, CA 91702  
Agency Negotiators: City Manager Delach and Assistant City Manager Makshanoff  
Negotiating Parties: Bank of America & City of Azusa Redevelopment Agency

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code Sec. 54957)**

Pub Emp Evalu

Title: City Manager

4. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (Gov. Code Sec. 54956.9(c))** One Case of Potential Litigation: Based on existing facts and circumstances, the City will discuss whether to initiate litigation in relation to loan agreements regarding the Talley Building.

Conf w/legal  
Cnsl  
Potential  
Litigation

The City Council reconvened at 7:36 p.m. The City Attorney advised that with regard to the Public Employee Performance Evaluation – City Manager, Council will hold a Special Meeting on Monday, September 13, 2010 regarding the issue, and with regard to Conference with Legal Counsel Potential Litigation, the City Council decided not to pursue litigation on that matter. The Labor Negotiations matter will be discussed in Closed Session at the end of the City Council Meeting.

City Attorney  
Close Sess Rpt

Mayor Rocha called the meeting to order.

Call to Order

Zachary Urquhart led in the salute to the Flag.

Flag Salute

Councilmember Keith Hanks gave the Invocation. There was a moment of silence in honor of the victims of September 11<sup>th</sup>.

Invocation  
K. Hanks

### 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, Director of Public Works Haes, Economic and Community Development Director Christiansen, Administrative Services Director-Chief Financial Officer Kreimeier, Director of Recreation and Family Services Jacobs, Assistant Director of Water Operations Anderson, Assistant Director of Economic and Community Development McNamara, City Clerk Mendoza, Deputy City Clerk Toscano.

### PUBLIC PARTICIPATION

Pub Part

Mr. Mike Lee commented on the following: Concerts in the Park, VFW Fundraiser, Labor Unions, Kool Cuts for Kids Program, and asked for clarification on Vulcan Referendum.

M. Lee  
Comments

Mr. Lynn Eaton addressed Council regarding his encounter with Vulcan Referendum petitioner.

L. Eaton

Mr. Walter Schaub of Shepherds Pantry addressed Council inviting all to a fundraiser to be held on September 18, 2010, at the Masonic Lodge in Glendora.

W. Schaub  
Comments

Ms. Stephanie Jerome, Ms. Marissa Chavez and Ms. Marissa Sanchez, addressed Council requesting donations to sponsor them in Azusa High Cheer.

Students AHS  
Cheer

Mr. Joe Guarrera announced that the new Mayor and Governor of Zacatecas, Azusa's Sister City, will be installed on October 13, 2010 and requested a letter of congratulations from the Council and Sister City. He expressed his concern regarding the possible relocation of the Sister City House and the Historical Museum, and possible closure of Alameda and Dalton at the Railroad Tracks. He referred to the Public Resource Code and the Public Park Preservation Act which he notes that no park can be removed without replacing it with park land.

J. Guarrera  
Comments

Mr. William Mairs, Assistant Regional Administrator of Los Angeles County Department of Children and Family Services presented the Chief of Police Robert Garcia with a plaque in appreciation of the Police Department working relationship with the Department.

W. Mairs  
Present PD

Mr. Daniel Meza addressed Council expressing his concerns regarding false advertisement in mailers received regarding Vulcan Mining.

D. Meza  
Comment

Ms. Blanch Weir addressed Council expressing her opinion in favor of their vote regarding Vulcan Mining decision and also reminded all that there is an opening in the Architectural Barriers Commission.

B. Weir  
Comments

Mr. Jorge Rosales requested clarification on item D-8, advance for service. He addressed D-9 MOU with Foothill Transit asking why the parking study performed by the City wasn't considered. He noted that it is against the law to take park land and not replace it. He commended the City for putting out an RFP for a mining consultant.

J. Rosales  
Comments

Ms. Jeri Vogel, President of Azusa Against Mining Expansion, addressed Council expressing her concern regarding flyers that have been circulating regarding Vulcan mining.

J. Vogel  
Comments

Ms. Napah Phyakul Quach and Mr. Scott Bledsoe of the Human Relations Commission invited all to the Lead In Harmony Conference for Azusa students to be held on October 13<sup>th</sup> at the Upper Turner Campus at Azusa Pacific University. The event is sponsored by Azusa Unified School District, Azusa Rotary and Azusa Human Relations commission and the cost will be \$25; she invited the public to become a sponsor by providing \$25 for a student to attend.

N. Quach  
S. Bledsoe  
Comments

Ms. Jennie Avila addressed Council and thanked staff for providing shading at the Senior Center patio. As President of Friends of the Library she announced that California Burgers will be helping with a fundraiser on September 9, 2010 where 20% of sales will go towards the Friends; she invited all to attend.	J. Avila Comments
Mr. Ian Scott addressed Council expressing his concern regarding item D-12, RFP for Mining Consultant and provided other information regarding the project.	I. Scott Comments
Mr. Antonio Tapia addressed Council with concerns regarding graffiti in the neighborhoods on Lee School, sidewalks, streets and public buildings. He also talked about dirty streets and loud music and his efforts to report them to the Police Department.	A. Tapia Comments
Ms. Peggy Martinez addressed Council expressing her concern with the removal of park use, the four story parking structure in front of the Police Department, and the taking of two historical buildings. She suggested a new Citizens Congress be formed to allow citizens to plan the future of the city.	P. Martinez Comments
Ms. Barbara Dickerson addressed Council commending the Police Department for patrolling the area of Atlantis Gardens but expressed concern regarding empty buildings. She also talked about the Azusa Pacific University scholarships and thanked the City Council for recognizing graduates and plans for their future.	B. Dickerson Comments
Mr. John Armstrong for Lindley Fire Protection addressed Council with concerns regarding a construction project entitled Mortech Expansion Project at Aerojet Avenue and Optical Dr. and requested Council to intervene between Light and Water Staff and their company.	J. Armstrong Comments
Mr. Richard Deem addressed Council expressing his opinion regarding the Vulcan Development Agreement.	R. Deem Comments
Ms. Martha Villanueva addressed Council thanked all the residents who signed the referendum petitions and asked that a new Citizens Congress, be created.	M. Villanueva Comments
City Clerk Vera Mendoza read a letter into the record from Jeffrey Cornejo, President of the Cultural and Historical Preservation Commission, voicing the commission's opposition to the relocation of the Durrell and Barnes House, to the proposed four story parking structure, against any dimensioning of public parks, and the closure of Dalton Avenue near the Sister City Clubhouse and Senior Center parking Lot..	City Clerk Read letter J. Cornejo
Staff responded to questions position regarding the referendum, street closures, Gateway advance money, graffiti removal, noise from ice cream trucks, empty structures in Atlantis Gardens, and APA Standard Testing Procedures.	Staff Response
<b><u>REPORTS, UPDATES COUNCIL BUSINESS AND ANNOUNCEMENTS-STAFF</u></b>	Updates/Rpts
Chief Financial Officer Kreimeier provided a report on the Current Revenue Forecast stating that he received the 2010 Assessed Valuation numbers from the County Auditor Controller and a report form HDL, sales tax consultant, which show property tax down by 8.45 %; he detailed the reasons for the reduction. He also talked about sales tax activity up 5%; he detailed information regarding sales taxes.	A. Kreimeier Comments
Mayor Pro-Tem Gonzales thanked all involved in Kool Cuts event and requested certificates be presented to the hair cutters; he provided an update on the success of the event. He invited all to attend the Golden Days Celebrity Softball game on Sunday, October 3 <sup>rd</sup> at Gladstone Park Field of Dreams at 6:00 p.m. He asked City Attorney for an explanation of the effects of the referendum against the ordinance regarding Vulcan Mining and she responded that it will only affect the Development Agreement and will not stop the mining.	Gonzales Comments
Councilmember Hanks thanked Mayor Rocha for reminding all to fly the American Flags on September 11 <sup>th</sup> in honor of the victims. He welcomed friends Carl and Kalami Fonoimoana on their recent visit to Azusa.	Hanks Comments
Councilmember Macias thanked staff for the success for Concerts in the Park, requested that staff contact Cal Trans to see if they can access on and off ramps that contain graffiti in order to remove it.	Macias Comments
Councilmember Carrillo noted that Council has never been in favor of closing Dalton Avenue, but this may be over ruled. He talked about the success of Concerts in the Park.	Carrillo Comments
Mayor Rocha announced the following: Be a Walker Program at Northside Park on 9/11/10at 9:30 a.m., Azusa Day at the Fair 9/17/10, the \$5 before 5 p.m. discount, local heroes are Ricky Sotela and Thomas Gonzales, financial assistance call 211 for more information and discussion was held regarding the closure of ditch through Sierra Madre and easements. He asked about the feasibility of obtaining an easement to access and clean up areas in railroad tracks; Director of Public Works/Assistant City Manager Haes responded that he would look into the matter. Councilmember Hanks advised that Gold Line has seminars regarding entrance for being on the railway right a way.	Rocha Comments

**SCHEDULED ITEMS**

Sched Items

**PUBLIC HEARING – ON ANNUAL METROPOLITAN TRANSPORTATION AUTHORITY (MTA) CONGESTION MANAGEMENT PROGRAM (CMP) LOCAL DEVELOPMENT REPORT.**

Pub Hrg  
CMP

The Mayor declared the Hearing open. City Clerk read proof of publication of notice of said hearing published in the Azusa Herald on August 24, 2010. Testimony was solicited, but none was received.

Hrg open.  
No testimony

Moved by Councilmember Carrillo, seconded by Mayor Pro-Tem Gonzales and unanimously carried to close the Public Hearing.

Hrg Clsd

Councilmember Macias offered a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE 2010 CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

Res. 10-C51  
Adopting  
CMP

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 SETTING A DATE FOR CITY BOARD AND COMMISSION INTERVIEWS AND ACCEPTANCE OF LATE APPLICATIONS FROM INCUMBENTS.**

Brd & Com Int  
Date

It was consensus of Councilmembers to set date for City Board and Commission interviews for Wednesday, September 22, 2010, at 6:00 p.m. and that late applications submitted to this date, be accepted.

September 22  
Apps accepted

The **CONSENT CALENDAR** consisting of Items D-1 through D-16 was approved by motion of Councilmember Hanks, seconded by Mayor Pro-Tem Gonzales and unanimously carried with the exception of items D-5, D-6, D-9 and D-12, which were considered under the Special Call portion of the Agenda.

Consent Calendar  
D1 – D-16 D-5  
6, 9&12 Spec  
Call

1. The minutes of the regular meeting of July 19, 2010 and the Special meetings of June 1, 14, 28 and July 26, 2010, were approved as written. Councilmember Macias abstained from July 26<sup>th</sup> meeting as he was absent.

Min appvd

2. **HUMAN RESOURCES ACTION ITEMS.**  
Human Resources Action Items were approved as follows:  
**Merit Increase and/or Regular Appointment:** J. Momot, R. Chivas, M. Moore, I. DelToro, and H. Gonzalez.  
**New Appointment:** C. Eads, Police Officer.

HR Action Items

3. City Treasurer’s Report as of June 30, 2010 was received and filed.

Treas Rpt June

4. City Treasurer’s Report as of July 31, 2010 was received and filed.

Treas Rpt July

5. SPECIAL CALL ITEM.

Spec Call

6. SPECIAL CALL ITEM.

Spec Call

7. Approval was given for Amendment I to the Communications Site License Agreement between the City of Azusa and Towerco Assets, LLC for the operation of a cellular communications tower adjacent to the West Wing of City Hall.

Com Lic  
Agreement  
Towerco

8. Authorization was given to Staff to do the following: (A) Utilize Prop C funds to spend ahead of the grant allocation for the Azusa Avenue/I-210 Gateway Project; (B) Solicit Request for Qualifications (RFQ) for professional landscape architectural/design services.

Prop C Funds  
RFQ Gateway  
Project

9. SPECIAL CALL ITEM.

Spec Call

10. Notice of Completion for the following project was approved and staff was authorized to file the Notice of Completion with the Los Angeles County Clerk: Citrus Avenue and Mauna Loa Drive Traffic Signal and Communication Project No. 66109E – \$92,965.02 – Christopher R. Morales, Inc., San Dimas, CA 91773.

NOC  
Citrus & Mauna  
Loa Traffic Sig

11.	Approval was given for the extension of the Use/Lease Agreement with Azusa Pacific University for the Slauson Park Community Pool/Azusa Aquatics Center from September 7, 2010 – April 22, 2011.	Lease Agmt APU - Pool
12.	SPECIAL CALL ITEM.	Spec Call
13.	Approval was given for the purchase of one 2010 Ford Ranger 4x2 Supercab truck from Wondries Fleet Group, 1247 W. Main Street, P.O. Box 3850 Alhambra, CA 91801 in an amount not to exceed \$17,517.17 and approve the purchase of this budgeted vehicle based on the competitive bid process completed by the County of Los Angeles, under which these vehicles are available, P.O.#AW-10321561-1, per Azusa Municipal Code Section 2-253(E).	Purchase Truck PD
14.	Approval was given for the Police Department's purchase of budgeted annual firearms training and duty ammunition.	Pur Training Firearms/ammo
15.	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, APPROVING A GRANT AGREEMENT WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR THE "DUI ENFORCEMENT AND HIGH SCHOOL EDUCATION PROGRAM," PROJECT #AL 1158.	Res. 10-C52 OTS Grant
16.	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-C53 Warrants
	<b><u>SPECIAL CALL ITEMS</u></b>	Special Call Item
	<b><u>CONSIDERATION OF FARMER'S MARKET AT BLOCK 36.</u></b>	Farmer's Mkt
	Director of Public Works/Assistant City Manager Haes responded to question stating that the report is asking for approval of having Saturday morning Farmer's Market at 11 a.m. at the Block 36 and then negotiate a contract with FFPI.	Haes Response
	Moved by Councilmember Carrillo, seconded by Councilmember Hanks and unanimously carried to approve a Farmer's Market event at Block 36 with Family Festival Productions Inc. (FFPI).	Farmer's Mkt @Block 36
	<b><u>CIP #66110H; TARGET PEDESTRIAN IMPROVEMENTS PROJECT: APPROVAL OF CHANGE ORDER #2.</u></b>	Target Change Order #@
	Mayor Pro-Tem Gonzales expressed concern regarding the street lighting for foot traffic at the Target site; Director of Public Works/Assistant City Manager Haes responded that he would look into the matter. Councilmember Hanks asked if Target would be accommodating scooters; staff responded yes.	Gonzales Lighting
	Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Carrillo and unanimously carried to approve Change Order #2 in the amount of \$93,201.32 authorizing additional street resurfacing along Ninth Street and San Gabriel Avenue.	Change Order Approved
	<b><u>AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AZUSA AND FOOTHILL TRANSIT TO PROVIDE DIRECTION FOR THE DEVELOPMENT OF A PARK AND RIDE FACILITY.</u></b>	MOU Foothill Transit
	Lengthy discussion was held regarding the MOU with Foothill Transit, senior and staff parking, a proposed supermarket site, and discussions with Historical Commission regarding moving museum and Sister City house. Moved by Councilmember Macias, seconded by Mayor Pro-Tem Gonzales and carried to table the item. Councilmember Hanks advised that he would be abstaining from voting as he is a member of Foothill Transit Authority Board.	Item Tabled
	<b><u>AUTHORIZATION FOR A REQUEST FOR PROPOSALS (RFP) FOR A MINING CONSULTANT FOR VARIOUS REVIEWS ASSOCIATED WITH SMARA (SURFACE MINING AND RECLAMATION ACT) COMPLIANCE</u></b>	RFP Mining Consultant
	Assistant Director of Economic and Community Development McNamara responded to question posed stating that the selection committee criteria is not defined yet, but, normally high ranking members of City Staff such as Administration, Economic and Community Development, Building and Safety and Engineering make up the committee and all interaction with Consultant will be with the City, all arrangement will be with the City and staff will request reimbursement from the applicant.	C. McNamara Comments
	Moved by Mayor Pro-Tem Gonzales, seconded by Councilmember Hanks and unanimously carried to authorize staff to circulate a Request for Proposals (RFP) to provide consultant services for various reviews and activities associated with the California State Surface Mining and Reclamation Act in the City of Azusa, as well as biennial monitoring of Azusa Rock Conditions of Approval.	Mining Consult Approved RFP

**THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY CONVENE JOINTLY AT 10:20 P.M. TO ADDRESS THE FOLLOWING ITEMS:** Cncl/CRA  
Convene Jntly

JOINT PUBLIC HEARING - CONSIDERATION OF THE FIRST AMENDMENT TO THE STATUTORY DEVELOPMENT AGREEMENT AND OWNER PARTICIPATION AGREEMENT FOR THE CITRUS CROSSING PROJECT LOCATED AT THE SOUTHWEST CORNER OF ALOSTA AVENUE AND CITRUS AVENUE. Joint Pub Hrg  
Continued  
To 9/20/10

Moved by Councilmember/Director Hanks/seconded by Mayor Pro-Tem/Director Gonzales and unanimously carried to continue the Public Hearing to the meeting of September 20, 2010.

APPROVE THE CONTRACT FOR FISCAL YEAR 2010/11 WITH THE AZUSA CHAMBER OF COMMERCE. Chamber Agmt  
Approved

Moved by Councilmember/Director Hanks, seconded by Councilmember/Director Carrillo and unanimously carried to authorize staff to finalize and execute the Agreement regarding Chamber of Commerce Funding and Support between the City/Agency of Azusa and the Azusa Chamber of Commerce for Fiscal Year 2010/11. Approved

**THE CITY COUNCIL RECESSED AND THE REDEVELOPMENT AGENCY CONTINUED AT 10:40 P.M. THE AZUSA PUBLIC FINANCING AUTHORITY CONVENE AT 10:47. CITY COUNCIL RECONVENED AT 10:48 P.M.** Cncl Recessed  
Cncl Reconvened

It was consensus of Councilmembers to adjourn in memory of Mr. Leonard C. Rodriguez, a life time resident of Azusa, and Mr. Ray Pier, WWII veteran and lifetime resident of Azusa. Adjourn in  
Memory  
L. Rodriguez  
& R. Pier

**TIME OF ADJOURNMENT: 10:49 P.M.**

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**CITY CLERK**

**NEXT RESOLUTION NO. 2010-C54.**

**NEXT ORDINANCE NO. 2010-O6.**