

MINUTES

ARTESIA CITY COUNCIL CHAMBERS  
18747 CLARKDALE AVENUE, ARTESIA, CA

REGULAR MEETING OF THE ARTESIA  
CITY COUNCIL

MONDAY, APRIL 11, 2011

7:00 P.M.

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The regular meeting of the Artesia City Council was called to order at 7:05 p.m., Monday, April 11, 2011, in the Artesia City Council Chamber by Mayor Victor Manalo. The Invocation was presented by Pastor William Hundley of Bethel Miracle Church. The Pledge of Allegiance was led by Woman's Club of Artesia-Cerritos.

ROLL CALL – PRESENT:            Tony Lima, Councilmember  
   Sally Flowers, Councilmember  
   Michele Diaz, Councilmember  
   John P. Lyon, Mayor Pro Tem  
   Victor Manalo, Mayor

ALSO PRESENT:                    Maria Dadian, City Manager  
   Kevin Ennis, City Attorney  
   Justine Menzel, Deputy City Manager/Finance Officer  
   Gloria Considine, City Clerk  
   Okina Dor, Associate Planner  
   Melissa Gobas, Parks and Recreation  
   Superintendent

**APPROVAL OF AGENDA**

MOTION BY COUNCILMEMBER LIMA, SECONDED  
BY COUNCILMEMBER DIAZ, TO APPROVE AMENDED  
AGENDA TO MOVE ITEMS 29 AND 30 PRIOR TO CITIZEN  
COMMENTS.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES:                    COUNCILMEMBERS: Lima, Flowers, Diaz, Lyon and Manalo  
NOES:                    COUNCILMEMBERS: None  
ABSTAIN:                COUNCILMEMBERS: None  
ABSENT:                 COUNCILMEMBERS: None

29. EXTENSION FOR 10 MONTHS AND 15 DAYS OF MORATORIUM ON SIDE YARD FENCES AND WALLS THAT PROJECT INTO THE FRONT YARD AREA OF RESIDENTIALLY ZONED PROPERTIES IN THE CITY; AND

ORDINANCE NO. 11-767-U

An Interim Ordinance of the City of Artesia Extending Interim Urgency Ordinance No. 11-764-U Prohibiting the Erection of Any New Fence or Wall Within a Side Yard of an Interior Lot or Parcel of Land or Within the Side Yard along the Interior Side Lot Line of a Corner or Reversed Corner Lot or Parcel of Land that Projects Into the Front Yard Area of a Residentially Zoned Lot in the City of Artesia, and Declaring the Urgency Thereof and the Immediate Effectiveness of this Ordinance Pursuant to Government Code Sections 65858, 36934 and 36937

(ADOPTION)

Kevin Ennis, City Attorney presented the staff report for this item.

MOTION BY COUNCILMEMBER LIMA, SECONDED BY COUNCILMEMBER FLOWERS, TO CLOSE THE PUBLIC HEARING.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Flowers, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

MOTION BY COUNCILMEMBER LIMA, SECONDED BY COUNCILMEMBER FLOWERS, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 11-767U AS READ BY TITLE.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Flowers, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

30. FIRST EXTENSION FOR 10 MONTHS AND 15 DAYS OF MORATORIUM ON NEW OR EXPANDED RESTAURANTS AND SIMILAR USES IN THE OLD DOWNTOWN AREA THAT DO NOT PROVIDE ON-SITE PARKING SPACES IN COMPLIANCE WITH SECTION 9-2.1103(b)(8)(D) of the Artesia Municipal Code; and

ORDINANCE NO. 11-768-U

An Interim Ordinance of the City of Artesia Extending Interim Urgency Ordinance No. 11-766-U Prohibiting the Expansion of Existing Restaurants or Similar Uses or the Development or Operations of New Restaurants and Similar Uses in the Old Downtown Area of the City That Do Not Provide On-Site Parking Spaces for the Proposed Use in Compliance with the "Parking Requirements" Portion of Section 9-2.11-3(B)(8)(D) of the Artesia Municipal Code, and Declaring the Urgency Thereof and the Immediate Effectiveness of this Ordinance Pursuant to Government Code Sections 65858, 36934, and 36937  
(ADOPTION)

Kevin Ennis, City Attorney presented the staff report for this item.

MOTION BY MAYOR PRO TEM LYON, SECONDED  
BY COUNCILMEMBER LIMA, TO CLOSE THE  
PUBLIC HEARING.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Flowers, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

MOTION BY COUNCILMEMBER LIMA, SECONDED  
BY MAYOR PRO TEM LYON, TO WAIVE FURTHER  
READING AND ADOPT ORDINANCE NO. 11-768U AS  
READ BY TITLE.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Flowers, Lyon and Manalo  
NOES: COUNCILMEMBERS: Diaz  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None

Councilmember Flowers excused herself from the remainder of the meeting due to illness.

#### **ANNOUNCEMENT REGARDING SPEAKER CARDS**

Mayor Manalo presented announcement.

#### **CITIZEN COMMENTS ON ITEMS THAT ARE NOT ON THE AGENDA OR ITEMS LISTED UNDER THE HEADING CONSENT CALENDAR**

Sug Kitahara of the Artesia Chamber of Commerce presented information regarding the mixer and future meeting on April 27, 2011 at the Artesia D.E. S. Hall. He mentioned that there would be a new business in Artesia the Dollar Tree store.

**CEREMONIAL PRESENTATION(S)**

- 1. RECOGNITION TO PARAMEDICS OZZIE CUEVAS AND JOSE TOVAR FROM THE LOS ANGELES COUNTY FIRE DEPARTMENT

Recognitions accepted by Paramedics Ozzie Cuevas and Jose Tovar.

- 2. RECOGNITION TO THE GAHR HIGH SCHOOL VARSITY BASKETBALL TEAM

Recognitions accepted by the Gahr High School Varsity Basketball Team.

- 3. PROCLAMATION PROCLAIMING APRIL AS FAIR HOUSING MONTH

Proclamation to be mailed to the Fair Housing Foundation.

- 4. NATIONAL LIBRARY WEEK APRIL 10 – 16, 2011

Proclamation accepted by Barbara Nightingale, Librarian and the Friends of Artesia.

**BUSINESS PRESENTATION(S)**

- 5. ARTESIA LIBRARY MONTHLY EVENTS

Barbara Nightingale presented the events.

- 6. ARTESIA STRATEGIC PLAN UPDATE

Justine Menzel, Deputy City Manager presented the update.

**CONSENT CALENDAR**

It is recommended that Items 3 through 16 be acted on simultaneously in one vote unless a member of the City Council requests separate discussion and/or action on the item. In the event a City Council requests separate discussion on a consent calendar, the City Council will consider that item immediately following approval of the rest of the consent calendar.

MOTION BY COUNCILMEMBER LIMA, SECONDED BY MAYOR PRO TEM LYON, TO APPROVE AGENDA WITH THE EXCEPTION OF ITEMS 15, 17, 18, 21 AND 22.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

7. EXCUSING COUNCILMEMBERS WHO ARE ABSENT FROM MEETING
8. WAIVING OF FULL READING OF ORDINANCES LISTED ON AGENDA
9. APPROVAL OF CITY COUNCIL DEMANDS
10. APPROVAL OF CITY COUNCIL FINANCIAL REPORT
11. APPROVAL OF COMMISSION MINUTES  
 BEAUTIFICATION AND MAINTENANCE COMMISSION – DECEMBER 16, 2010  
 PARKS AND RECREATION COMMISSION-JANUARY 26, 2011  
 PLANNING COMMISSION-JANUARY 22, 2011  
 PUBLIC SAFETY COMMISSION - JANUARY 18, 2011
12. ATTENDANCE RECORDS FOR THE BEAUTIFICATION AND MAINTENANCE COMMISSION, PARKS AND RECREATION COMMISSION, PLANNING COMMISSION AND PUBLIC SAFETY COMMISSION
13. CONSOLIDATED DISPOSAL SERVICES REPORT THROUGH FEBRUARY 2011  
 “IN KIND ROLL-OFF BIN FOR CITY”
14. HOUSEHOLD HAZARDOUS AND ELECTRONIC WASTE COLLECTION PROGRAM SITING LIABILITY AGREEMENT FOR CITYWIDE COLLECTION ON JULY 9, 2011
15. CALIFORNIA BOARD OF EQUALIZATION STATEWIDE COMPLIANCE AND OUTREACH PROGRAM CONDUCTED IN CITY OF ARTESIA

MOTION BY COUNCILMEMBER LIMA, SECONDED  
 BY COUNCILMEMBER DIAZ, TO RECEIVE AND FILE  
 REPORT

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES:	COUNCILMEMBERS:	Lima, Diaz, Lyon and Manalo
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Flowers

Received and filed 4-0-1 Flowers-absent

16. RECOMMENDATION THAT CITY FEES FOR ABC ADULT SCHOOL CLASSES REMAIN CONSTANT PENDING A TENTATIVE ADULT SCHOOL SCHEDULING

CHANGE

17. ANNUAL FINANCIAL REPORT OF THE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3, PROPOSITION A, PROPOSITION C, AND MEASURE R LOCAL RETURN FUNDS FOR THE FISCAL YEAR ENDED JUNE 30, 2010

MOTION BY MAYOR PRO TEM LYON, SECONDED BY COUNCILMEMBER LIMA, TO RECEIVE AND FILE REPORT

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

18. CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REVIEW OF THE CITY'S ADOPTED HOUSING ELEMENT

MOTION BY COUNCILMEMBER LIMA, SECONDED BY MAYOR PRO TEM LYON, TO RECEIVE AND FILE REPORT

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

19. GOLDEN STATE WATER COMPANY ADVICE LETTER NO. 1438-W RELATIVE TO THE WATER REVENUE ADJUSTMENT MECHANISM (WRAM) AND THE MODIFIED COST BALANCING ACCOUNT (MCBA) FOR JANUARY 2010-DECEMBER 31, 2010

20. NORWALK TRANSIT SYSTEM FIXED ROUTE SERVICES REDUCTIONS

21. IMPLEMENTATION ARRANGEMENTS FOR THE SENIOR EASTER LUNCHEON SCHEDULED FOR APRIL 13, 2011

MOTION BY MAYOR PRO TEM LYON, SECONDED BY COUNCILMEMBER DIAZ, TO APPROVE ARRANGEMENTS WITH NO HEAD TABLE AND FUTURE AGENDA TO ADDRESS COST RECOVERY OF LUNCHESES.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

22. SOCIAL PROGRAM AGREEMENT – ARTESIA VETERANS MEMORIAL

MOTION BY MAYOR MANALO, SECONDED BY MAYOR PRO TEM LYON , TO APPROVE SOCIAL PROGRAM AGREEMENT AND APPOINTED COUNCIL MEMBER LIMA AND MAYOR PRO TEM LYON TO AD HOC COMMITTEE TO SOLICIT DONATIONS FOR VETERANS MEMORIAL PROJECT.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

23. CALIFORNIA SUPREME COURT DENIES BASIN PLAN REVIEW FILED BY THE CITY OF ARCADIA AND SEVENTEEN ADDITIONAL CITIES

24. REQUEST FOR APPROVAL TO DISPOSE OF EXCESS INOPERABLE EQUIPMENT

25. PARK WATER COMPANY ADVICE LETTER NO. 222-W RELATIVE TO IMPLEMENTING A TEMPORARY SURCHARGE TO WATER RATES

26. INFORMATION ON NPDES PERMIT ACTIVITY AND COURT DECISION

**PUBLIC HEARING**

ADMINISTRATION OF OATH

27. CASE NO. 2010-37

MWI, Inc. (Certified Pipe) P.O. Box 5169, Oceanside, Ca. 92052

A request for approval of a conditional use permit to allow a wholesale warehouse (plumbing supplies) for the property located at 18803 Corby Avenue in the Light Manufacturing and Industrial (M-1) Zone.

Okina Dor, Planning Director presented the staff report for this item.

MOTION BY MAYOR PRO TEM LYON, SECONDED BY COUNCILMEMBER LIMA , TO CLOSE THE PUBLIC HEARING.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

MOTION BY COUNCILMEMBER LIMA, SECONDED BY MAYOR PRO TEM LYON, TO WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 11-2269 AS READ BY TITLE.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

28. CASE NO. 2011-03 Code Amendment relating to Front Yard Fencing  
City of Artesia, 18747 Clarkdale Avenue, Artesia, Ca. 90701

And

ORDINANCE NO. 11-769

An Ordinance of the City of Artesia Establishing Definitions of Fences, Hedges and Walls, Regulating Fencing Materials in Front Yards of Properties in the Single Family Residential (R-1), Agricultural Single Family (A-1), Medium Density Residential (M-D-R), Multiple Family Residential (M-R), and Mixed Commercial/ Single-Family Residential (M-C-R) Zones, and Amending the Artesia Municipal Code (INTRODUCTION)

Okina Dor, Planning Director presented the staff report for this item.

MOTION BY MAYOR PRO TEM LYON, SECONDED BY COUNCILMEMBER LIMA , TO CLOSE THE PUBLIC HEARING.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

MOTION BY COUNCILMEMBER LIMA, SECONDED BY  
MAYOR PRO TEM LYON, TO REFER ITEM BACK TO  
THE PLANNING COMMISSION.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

**RESOLUTION**

31. RESOLUTION NO. 11-2270

A Resolution of the City Council of the City of Artesia Supporting Reasonable, Practicable and Economically Achievable Stormwater NPDES Permit and TMDL Requirement, Through the Use of Progressive and Adaptive Best Management Practices  
(ADOPTION)

Maria Dadian, City Manager presented the staff report for this item.

MOTION BY COUNCILMEMBER LIMA, SECONDED BY  
MAYOR PRO TEM LYON, TO WAIVE FURTHER READING  
AND ADOPT RESOLUTION NO. 11-2270 AS READ BY  
TITLE.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

**ORDINANCE(S)**

32. Measure V – Implementation of Reduction of Tax for Upper Floors and  
Amendment of “Floor Area” Definition;  
And

ORDINANCE NO. 11-765

An Ordinance of the City of Artesia Modifying the Additional Business License Tax on Service and Professional Businesses in the Commercial General Zone and Commercial Planned Development Zone and Amending the Artesia Municipal Code in Connection Therewith  
(SECOND READING AND ADOPTION)

Gloria Considine, City Clerk presented Ordinance No. 11-765 for adoption.

MOTION BY COUNCILMEMBER DIAZ, SECONDED BY MAYOR PRO TEM LYON, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 11-765 AS READ BY TITLE.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

**STAFF REPORTS**

33. CONSIDERATION OF APPOINTMENT TO FILL A VACANCY ON THE PLANNING COMMISSION

Gloria Considine, City Clerk presented the staff report for this item.

Mayor Pro Tem Lyon appointed Greg Uttecht as Planning Commissioner

34. DRAFT BINGO ORDINANCE

Kevin Ennis, City Attorney presented the staff report for this item.

MOTION BY MAYOR MANALO, SECONDED BY COUNCILMEMBER LIMA, TO APPROVE AD HOC COMMITTEE CONSISTING OF MAYOR MANALO AND COUNCILMEMBER LIMA TO WORK WITH STAFF TO COME BACK WITH A COMPLETED ORDINANCE THAT IS TAILORED TO ANSWER AND ADDRESS THOSE POLICY ISSUES IN A MANNER THAT FITS THE NEEDS OF THE CITY.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz and Manalo  
NOES: COUNCILMEMBERS: Lyon  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

35. 4<sup>th</sup> OF JULY FIREWORKS DISPLAY

Melissa Gobas, Parks and Recreation Superintendent

MOTION BY COUNCILMEMBER LIMA, SECONDED BY COUNCILMEMBER DIAZ, TO APPROVE 4<sup>TH</sup> OF JULY PROGRAM ACTIVITIES WITHOUT A FIREWORKS SHOW.

SAID MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: COUNCILMEMBERS: Lima, Diaz, Lyon and Manalo  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: Flowers

**ADDITIONAL CITIZEN COMMENTS**

Venkatesh Koka commented on the processing time for his project at 18616 Pioneer Boulevard.

**COUNCILMEMBER COMMENTS**

Councilmember Lima suggested contacting the Rotary Club for donation to the Veteran Memorial. He commented on a speaker from the FBI and child crimes and inquired of Sgt. Knapp if this existed in the city. He stated that Coca Cola and IBM are going to green. He said that the city needs to stay with cost recovery.

Councilmember Diaz stated that there will be a cleanup on May 7<sup>th</sup> meeting at 7:30 a.m. at city hall. She said the cleanup will be trimming vines and cleaning around tree wells along Norwalk Boulevard between Artesia Blvd and South Street.

Mayor Pro Tem Lyon reminded everyone of the events occurring at the library with month. He said that a city employee had mentioned to him to consider hiring one person back instead of subcontracting services.

Mayor Manalo presented information regarding the ceremony on placing of headstone at the Artesia Cemetery. He requested that the Chamber of Commerce be listed on the Business Presentation of the agenda at each regular City Council meeting. He presented visibility problems at 186<sup>th</sup> and Alburdis. He said that he would be meeting with the church volunteer groups on April 12<sup>th</sup>. He said that there will be a town hall meeting on Thursday, April 14<sup>th</sup> at Burbank Elementary School. He said that the Mayor from the City's Sister City Praia de Victoria visited and had presented a picture that he would like to hang in the City Council office. He said that he attended the ABC Adult School recognition for four students. He said that he was appointed to the California Contract Cities Board. He said that he attended a Pilipino induction at the Sheraton.

**COUNCILMEMBER REPORTS ON MEETINGS ATTENDED AT PUBLIC EXPENSE**

No meetings to report.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 9:11 p.m.

