

MINUTES

ARTESIA CITY COUNCIL CHAMBERS
18747 CLARKDALE AVENUE, ARTESIA, CA

REGULAR MEETING OF THE ARTESIA
CITY COUNCIL

MONDAY, NOVEMBER 9, 2009

7:00 P.M.

The regular meeting of the Artesia City Council was called to order at 7:00 P.M. p.m., Monday, November 9, 2009, in the Artesia City Council Chamber by Mayor Tony Lima. The Invocation was presented by Dr. Keith Tanis of New Life Community Church. The Pledge of Allegiance was led by Girl Scout Troop 513.

ROLL CALL – PRESENT: John Martins, Council Member
Larry R Nelson, Council Member
Victor Manalo, Mayor Pro Tem
Tony Lima, Mayor

ABSENT: Sally Flowers, Council Member

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

Councilmember Flowers arrived for the meeting at 7:50 p.m.

APPROVAL OF AGENDA

Motion by Councilmember Nelson seconded by Mayor Pro Tem Manalo, to approve agenda.

Said motion carries by the following roll call vote:

AYES: COUNCILMEMBERS: Martins, Nelson, Manalo and Lima
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Flowers

ANNOUNCEMENT REGARDING SPEAKER CARDS

Gloria Considine, City Clerk presented announcement regarding speaker cards.

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

Barbara Nightingale of the Artesia Library presented the events that will be occurring at the library.

CEREMONIAL PRESENTATION

1. PRESENTATION OF CERTIFICATE TO BILL GRADY, DISTRICT DIRECTOR FOR THE OFFICE OF CONGRESSWOMAN LINDA SANCHEZ FOR HIS MANY CONTRIBUTIONS TO THE PROGRESS OF OUR COMMUNITY

Presentation was continued to the December 15, 2009 City Council meeting.

INTRODUCTION OF JOSE DELGADO, NEW DISTRICT DIRECTOR FOR THE OFFICE OF CONGRESSWOMAN LINDA SANCHEZ

Introduction was continued to the December 15, 2009 City Council meeting.

2. PRESENTATION OF PLAQUES TO 50TH ANNIVERSARY PARADE GRAND MARSHALLS FOR THEIR OUTSTANDING SERVICE

Plaques were presented and accepted by Bill Walker, Resident Grand Marshall, George Dominquez, Education Grand Marshall and Joyce Yeutter accepting for her mother Gretchen Whitney, Government Grand Marshall.

3. PRESENTATION OF BANNERS TO TITLE SPONSORS – LOS ANGELES COUNTY SUPERVISOR DON KNABE, CONSOLIDATED DISPOSAL, RICHARDS WATSON AND GERSHON, BHINDI JEWELERS AND DR. ROY EGARI

Banners were presented and accepted by Consolidated Disposal, Richards, Watson and Gershon and Dr. Roy Egari.

BUSINESS PRESENTATION(S)

4. ARTESIA STRATEGIC PLAN UPDATE

Report receive and filed.

CONSENT CALENDAR

It is recommended that Items 5 through 22 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 Martins, seconded by Councilmember Nelson, to approve consent calendar with the exception of items 11, 13, 15, 18, 19 and 21.

Said motion carries by the following roll call vote:

AYES:	COUNCILMEMBERS:	Martins, Nelson, Manalo and Lima
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Flowers

5. EXCUSING COUNCILMEMBERS WHO ARE ABSENT FROM MEETING
6. WAIVING OF FULL READING OF ORDINANCES LISTED ON AGENDA
7. APPROVAL OF CITY COUNCIL DEMANDS
8. APPROVAL OF CITY COUNCIL FINANCIAL REPORTS
9. APPROVAL OF CITY COUNCIL MINUTES FOR THE FOLLOWING MEETINGS:
October 12, 2009 – Regular Meeting
10. APPROVAL OF COMMISSION MINUTES
Planning Commission – September 22, 2009
11. FIRE FLOW REQUIREMENTS FOR THE WATER LINES ON 183RD STREET
EAST OF GRIDLEY TO SUMMER AVENUE

Mayor Lima abstained from this item.

Motion by Council member Nelson, seconded by Council member Martins, to approve fire flow requirements.

Said motion carries by the following roll call vote:

AYES:	COUNCILMEMBERS:	Martins, Nelson and Manalo
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Lima
ABSENT:	COUNCILMEMBERS:	Flowers

12. 50TH ANNIVERSARY CELEBRATION CARNIVAL, COUNTRY FAIR AND PARADE CLOSING REPORT

13. UPDATE ON WEBSTREAMING OF CITY COUNCIL MEETINGS

Council member Nelson requested City Clerk to give update on the web streaming.

Gloria Considine, City Clerk presented update on status of web streaming City Council meetings.

Report received and filed

14. CONSOLIDATED DISPOSAL SERVICES REPORT FOR AUGUST-SEPTEMBER 2009 "IN-KIND ROLL-OFF BINS FOR CITY

15. CONSIDERATION OF SUSPENDING VACATION BUY BACK BENEFITS ON NOVEMBER 20, 2009

Council member Nelson requested background information on this issue.

Justine Menzel, Deputy City Manager stated that this item was part of an amendment to the budget in August in order to save approximated \$41,000 and determined that suspending the vacation buy back to a future date. She said the hours would remain on the books and payable to employees when they leave. She said that the current amount is between \$50,000 and \$55,000 and the City Council decided to suspend the buyback temporarily.

Council member Nelson inquired as to why the amount is different than listed in the staff report.

Deputy City Manager Menzel explained the difference.

Council member Nelson inquired if this had been explained to the employees.

Maria Dadian, City Manager replied by saying no but they were aware it was an unbudgeted item.

Mayor Pro Tem Manalo suggested putting this item on the budget study session in December.

Mayor Lima stated that his should be continued until the economic situation changes even if the ballots pass.

Motion by Council member Nelson, seconded by Mayor Pro Tem Manalo to continue this item to the special budget meeting.

Said motion carries by the following roll call vote:

AYES:	COUNCILMEMBERS:	Martins, Nelson and Manalo
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Lima
ABSENT:	COUNCILMEMBERS:	Flowers

16. DISSOLUTION OF CALIFORNIA CITIES HOME OWNERSHIP AUTHORITY ("CCHOC") BY RESCISSION OF THE JOINT POWERS AGREEMENT MADE ON NOVEMBER 1, 1996

17. ASSURANCES AND UNDERSTANDINGS REGARDING RECEIPT AND USE OF MEASURE R LOCAL RETURN FUNDS

18. CHRISTIANSEN AMUSEMENTS AND "O" ENTERTAINMENT CONTRACTUAL OBLIGATIONS PERTAINING TO THE IMPLEMENTATION OF THE 50TH ANNIVERSARY CELEBRATION 4 DAY CARNIVAL EVENT

Maria Dadian, City Manager stated that this report informs the City Council on the delivery of service from “O” Entertainment and Christiansen Amusements. She said that they were submitting a demand letter in the amount of \$2727.66. She said the contract called for certain provisions to compensate the City . She said the check received was short according to contract.

Council member Nelson stated that “O’ Entertainment and Christiansen Amusements are two separate entities. He inquired if the issue was with “O” Entertainment.

City Manager Dadian stated that it was her understanding that there was affiliation with Christiansen Amusements but she would verify that.

Councilmember Nelson stated that the issue is with “O” Entertainment. He said that this saddens him that they took this position and stated that the money is owed.

Motion by Council member Martins, seconded by Mayor Pro Tem Manalo to approve demand letter for the amount of \$2727.66.

Said motion carries by the following roll call vote:

AYES:	COUNCILMEMBERS:	Martins, Nelson, Manalo and Lima
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Flowers

19. SHERIFF’S DEPARTMENT DENIAL OF CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED AT 12147 SOUTH STREET

Johnny Miranda stated that statements were true that he has family members and friends who affiliated with gangs. He said he does not approve of their actions. He said that he will continue to socialize with them. He said that he has never been arrested for gangs or drugs in the past. He said that he did get into trouble when he was a minor. He said it has been a difficult time trying to get this Conditional Use Permit process completed. He said that it doesn’t make sense to have gang members hanging around the bar to make the business succeed. He said the permit would be revoked in six months if there were any problems. He said the information from the sheriff department was correct.

Mayor Lima stated there is an issue with crime at that location and ABC had too many licenses in the vicinity.

Council member Martins stated that he didn’t understand why this item was on the consent calendar. He said that he thought that they approved this item last month pending a report. He said if there was a problem with the report then it would come back to the City Council. He said it is on the consent calendar for denial and no discussion.

Kevin Ennis, City Attorney stated that the City Council approved the Conditional Use Permit with an additional condition that the sheriff department’s review for purposes of insuring that the applicant didn’t have any criminal background problem or violation. He said if the sheriff department approved the applicant then that would be the end of matter. He said if the applicant was denied by sheriff department then that would also be the end of the matter. He said if the applicant doesn’t approve of the condition then it would be appropriate for him to apply for a modification to the conditional use permit approval to have the condition deleted. He said this would be the process in order for this item to come back before the City Council.

Council member Martins stated that he was still not satisfied. He said that it was his understanding that if there were any issues then the item would come back before the City Council.

City Attorney Ennis stated that staff recommended at the last meeting not to approve and continue item to allow information with the result to be reviewed by the City Council. He said there was an interest by the City Council to get this item disposed of and approved with that condition.

Mayor Lima inquired if the applicant had been arrested for criminal activity.

Mr. Miranda replied that he had not been arrested for any gang activity or drugs. He said that he had been arrested for not permitting his garage.

Council member Martins stated that he didn't like how the condition was interpreted. He said if that was the case then it should be a general condition not coming before the City Council.

City Attorney Ennis stated that there were some unusual issues with this case. He said there were some concerns with the facility and applicant. He said based upon that information it was recommended to continue the item to obtain that information. He said that this is not always an issue for every applicant.

Council member Flowers stated that her motion was that it was approved upon a condition and if that condition wasn't met it would come back before the City Council.

City Attorney Ennis stated that if the council wanted this item before them again then they should have the applicant apply for a modification to the approved conditional use permit and set item for public hearing.

Council member Martins stated that there was a misunderstanding in the interpretation of the action. He said now the process will be stalled.

Sgt. Knapp stated that the letter was complied after the background check on the establishment and applicant.

Council member Nelson inquired if the applicant has the right of privacy and those private issues should not be addressed. He said in the past letters were received regarding background checks and they had been general information.

Sgt. Knapp replied by saying yes.

Council member Nelson stated that the applicant did not clear the background check and that the City Council should not be going through all this discussion. He inquired if he was correct regarding the background check.

Sgt. Knapp replied by saying that was correct.

Council member Nelson stated that this should be denied and that was his motion.

Sgt. Knapp stated that this was different than the standard check. He said this has been extended unusually long because of the process. He said that there would be a meeting with the sheriff department, ABC and City Manager regarding time lines and responsibilities. He said it was not unusual for him to complete background check. He said that he works with the ABC Liaison Sergeant regarding background and address checks and if there was anything alarming then they would take it from there. He stated that he filed a protest with ABC on this item. He also said it is not unusual to do background checks for every business or address if it is requested by the city or ABC.

Councilmember Nelson stated that the bottom line is that he did not pass the background check.

Sgt. Knapp stated that was correct.

Mayor Lima inquired if there were any unusual circumstances in this case.

Sgt. Knapp stated that the sheriff department findings were recommendations to the City Council and that it was their final decision. He said this establishment poses a high risk in the city.

Councilmember Flowers stated that she was concerned about the applicant's background.

Kevin Ennis, City Attorney stated that if the City Council wanted this to come back before them for action to release the condition or modify it then it should be set for public hearing at December 1, 2009 Special City Council meeting.

Mayor Lima stated that there was motion on the floor.

Motion by Council member Nelson to affirm the sheriff's department recommendation for denial.

Council member Flowers inquired if the applicant viewed the information provided by the sheriff's department and agreed it was true.

Mr. Miranda replied that it was true and presented the information he reported earlier prior to Council members Flowers arrival to the meeting

Mayor Lima stated that there was a motion on the floor.

Motion fails due to no second.

City Attorney Ennis stated that a public hearing would need to be set for the December 1, 2009 special meeting to move forward with any action. He said any other action without a public hearing he would not be comfortable with.

Council member Nelson inquired if any of the facts would change on December 1, 2009.

City Attorney Ennis replied by saying he didn't think so.

Councilmember Martins stated that he didn't disagree with the sheriff department findings it was the way the item was presented to the City Council.

Motion by Mayor Pro Tem Manalo, seconded by Councilmember Flowers to set item for public Hearing at the December 1, 2009 Special City Council meeting.

Said motion carries by the following roll call vote:

AYES:	COUNCILMEMBERS:	Flowers, Manalo and Lima
NOES:	COUNCILMEMBERS:	Martins and Nelson
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

20. LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
LETTER OF AGREEMENTS FOR THE SOUTH STREET PEDESTRIAN,
BIKEWAYS AND TRANSIT IMPROVEMENT PROJECT

21. SOUTHERN CALIFORNIA EDISON COMPANY APPLICATION TO
INCREASE RESIDENTIAL ELECTRIC RATES EFFECTIVE JANUARY 1, 2010
Mayor Lima commented on the rate increases.

Ben Harvey, Southern California Edison Company explained Senate Bill 695 and rate Increase information.

22. REQUEST FOR AUTHORIZATION OF GRANT CONTRACT FOR
2000 PARKS BOND ACT ROBERTI-Z'BERG-HARRIS BLOCK GRANT

ORDINANCE(S)

23. CASE NO. 2009-25 – CODE AMENDMENT

A REQUEST FOR APPROVAL OF A CODE AMENDMENT TO ESTABLISH DEVELOPMENT STANDARDS FOR AIR CONDITIONING UNITS.

AND

ORDINANCE NO. 09-751

An Ordinance of the City of Artesia Amending to the Artesia Municipal Code to Establish Development Standards for all Air Conditioning Units in all Zone within the City of Artesia **(FIRST READING AND INTRODUCTION)**

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

Motion by Councilmember Nelson seconded by Mayor Pro Tem Manalo to waive further reading and introduced Ordinance No. 09-751 as read by title.

Said motion carries by the following roll call vote:

AYES: COUNCILMEMBERS: Flowers, Nelson, Manalo and Lima
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Martins
ABSENT: COUNCILMEMBERS: None

STAFF REPORTS

24. ENGINEERING (CIVIL AND TRAFFIC) DEPOSIT FEE FOR REVIEW OF PRELIMINARY PLANS FOR PROPERTY DEVELOPMENT AND IMPROVEMENTS

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

Motion by Councilmember Nelson, seconded by Councilmember Flowers, to approve deposit fees with exception that lot consolidation fees not apply to Single Family Residential lot consolidations and any outstanding fees on projects need to be paid before additional projects can be processed. Direction to staff to set for a future meeting establishing planning review fees.

Said motion carries by the following roll call vote:

AYES: COUNCILMEMBERS: Martins, Flowers, Nelson, Manalo and Lima
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

25. REQUEST FOR DIRECTION FROM THE CITY COUNCIL ON THE DECEMBER REGULAR CITY COUNCIL MEETING

Gloria Considine, City Clerk presented the staff report.

December 14, 2009 is scheduled for ceremonial meeting and December 15, 2009 scheduled for business items.

ADDITIONAL CITIZEN COMMENTS

This time is set-aside for the public to address the City Council on any item of interest within the subject matter jurisdiction of the City Council that could not be heard under citizen comment section at the beginning of the meeting.

City Council presented banner to Mr. Bhindi of Bhindi Jewelers.

Members of the Artesia Business District presented information regarding their meetings.

COUNCILMEMBER COMMENTS

This is the time for additional general comment, announcements, and requests of staff and/or other issues of concern to Council members that may briefly be presented at this time.

Councilmember Flowers stated that she received a call from a resident regarding trimming of a tree on Hibbing Street and was denied request to have tree trimmed lower. She congratulated Mayor Victor Manalo on his reappointment. She inquired about the measure count.

Councilmember Martins expressed gratitude to the City Council and staff during his eight years on the City Council. He shared his experiences while serving on the City Council.

Councilmember Nelson stated that the Veterans Day event was fabulous. He stated that staff worked hard on the event. He also thanked the Mayor.

Mayor Pro Tem Manalo congratulated Councilmember Flowers on her reappointment. He commented on how Councilmember Martins and himself served on the Planning Commission and City Council together over the years. He said that they have become good friends and hope to stay in contact. He inquired on how to access web streaming on the city website. He thanked Councilmember Nelson on the great job he did on the Veterans Day event. He stated that the trees branches on 183rd are covering the speed sign. He thanked staff for the cross walk at 183rd and Roseton Avenue.

Mayor Lima stated that Councilmember Martins had been an inspiration to him and appreciated his passion and efforts. He congratulated his colleagues on their reappointments. He stated that Councilmember Nelson did an outstanding job on the Veterans Day event. He stated that staff worked tirelessly on the event. He thanked Tony Martins for cooking for the event.

COUNCILMEMBER REPORTS ON MEETINGS ATTENDED AT PUBLIC EXPENSE

No meeting to report.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:00 p.m. to December 14, 2009 City Council meeting.

ATTEST:

GLORIA CONSIDINE, CITY CLERK

I, Gloria Considine, City Clerk of the City of Artesia, do hereby certify that the foregoing minutes were approved at a Adjourned Regular Meeting of the City Council held on the 15th day of December 2009, by the following roll call vote:

AYES: COUNCIL MEMBERS: Flowers, Nelson, Manalo and Lima
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: Flowers
ABSTAIN: COUNCIL MEMBERS: Lyon

GLORIA CONSIDINE, CITY CLERK

