

**CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 2, 2008**

CALL TO ORDER

Mayor Harbicht called the Meeting to order at 5:00 p.m.

ROLL CALL OF CITY COUNCIL/REDEVELOPMENT AGENCY MEMBERS:

PRESENT: Council/Agency Member Amundson, Chandler, Kovacic, Wuo and Harbicht

ABSENT: None

CLOSED SESSION/STUDY SESSION PUBLIC COMMENTS (5 minutes per person)

John Martin, Kare Youth League appeared and spoke on their proposal to the City to purchase a portion of the Arcadia Par 3 Golf Course.

Harry Joe, President Well Fargo Bank appeared and spoke in support of Kare Youth League's proposal to the City.

Richard Park appeared and spoke in support of Kare Youth League's proposal to the City.

CLOSED SESSION

- a. Pursuant to Government Code Section 54956.9(c) to confer with legal counsel regarding potential litigation – one (1) case.
- b. Pursuant to Government Code Section 54956.8 conference with real property negotiators:
Property: Arcadia Par 3 Golf Course (620 E. Live Oak Avenue, Arcadia)
City Negotiators: City Manager and Assistant City Manager/Public Works Services Director
Negotiating Parties: City of Arcadia and Kare Youth League (John Martin)
Under Negotiation: Price and Terms of Payment

STUDY SESSION

- a. Report, discussion and direction regarding Holiday Decoration Proposal options
Recommended Action: Provide direction

Connie Schacatano, Executive Assistant in the City Manager's office presented and summarized the two holiday decoration proposals received for decorations in the Redevelopment Project Area on Huntington Drive between Santa Clara and Fifth.

It was the consensus of the City Council to enter into a 3 year lease agreement in amount of \$28,500 annually with Dekra-Lite.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING TO OPEN SESSION

Mayor Harbicht called the Regular Meeting to order in the Council Chamber at 7:00 p.m.

INVOCATION

Mayor Robert Harbicht

PLEDGE OF ALLEGIANCE

Fire Chief Tony Trabbie

ROLL CALL OF CITY COUNCIL/REDEVELOPMENT AGENCY MEMBERS:

PRESENT: Council/Agency Member Amundson, Chandler, Kovacic, Wuo and Harbicht

ABSENT: None

City Attorney Steve Deitsch reported that the Redevelopment Agency conducted a study session concerning Item a listed on the posted agenda under Study Session. He noted that it was a report, discussion and direction regarding a Holiday Decoration program where the Redevelopment Agency decided to enter into a three year lease program in the amount of \$28,500 per year to install holiday decorations and lights in the downtown redevelopment agency commercial area for the purpose of promoting holiday festivities.

In addition, Mr. Deitsch reported that the City Council/Redevelopment Agency met in closed session to consider Items a and b on the posted agenda under closed session. He reported that Item a which is anticipated litigation, no reportable action was taken; and he deferred Item b to the Mayor.

The Mayor announced that regarding Item b under closed session regarding the possible sale of part of the golf course property, the City Council rejected Kare Youth League's counter offer proposal and end all negotiations.

SUPPLEMENTAL INFORMATION FROM CITY MANAGER/EXECUTIVE DIRECTOR REGARDING AGENDA ITEMS

None

MOTION TO READ ALL ORDINANCES AND RESOLUTIONS BY TITLE ONLY AND WAIVE THE READING IN FULL

A motion was made by Council/Agency Member Amundson, seconded by Council/Agency Member Chandler and carried on roll call vote to read all ordinances and resolutions by title only and waive the reading in full.

1. **PUBLIC HEARING**

CITY COUNCIL ITEMS:

- a. Consideration of Residential-Mountainous Development Permit Application No. RM 08-01 for an open and uncovered hillside deck at 383 Torrey Pines Drive.
Recommended Action: Approve

Jim Kasama, Community Development Administrator presented the staff report regarding a Mountainous Development Permit Application submitted by the property owners to legalize a deck that extends out from the top of the slope at the rear of the residence; he noted that Residential Mountainous Development Permit applications are subject to Planning Commission review and to the City Council, if appealed; he further noted that this application was not appealed but must be considered by the City Council since It would involve waivers of conditions of approval that were imposed by the City Council in 1986 for the subdivision that created the subject property. Mr. Kasama commented that the deck can be retrofitted to satisfy current building and safety codes and maintained in a manner that will satisfy the R-M development criteria and the City's Single-Family Architectural Guidelines and recommends approval of the applicant's request subject to the conditions listed in the staff report.

Mayor Harbicht opened the public hearing.

Annie Wei, daughter of the property owner appeared and spoke in support of approving the deck on behalf of her father and noted that her father was not aware that permits were required.

Bob Stricker, Civil Engineer for the property owner and original development, appeared and noted that plans have been prepared to legalize the deck.

A motion to close the public hearing was made by Council Member Chandler, seconded by Council Member Amundson and seeing no further objection, the Mayor declared the public hearing closed.

It was moved by Council Member Chandler, seconded by Council Member Wuo and carried on roll call vote to approve the Residential-Mountainous Development Permit No. RM 08-01 and Architectural Design Review, accept staff's determination of a Categorical Exemption and directed staff to prepare a resolution for adoption at the next City Council meeting which includes the conditions of approval and findings that the deck and light fixtures are consistent with the provisions of the R-M Zone.

AYES: Council Member Chandler, Wuo, Amundson, Kovacic and Harbicht
NOES: None
ABSENT: None

PUBLIC COMMENTS

Assembly Member Anthony Portantino appeared and delivered his State of the State address regarding current legislation, health care issues, the State budget and other matters related to Arcadia.

Pamela Bennett resident of Alta Street Classics appeared and spoke regarding Homeowner Association, structural and property maintenance issues.

Harry Joe appeared and spoke in support of Kare Youth League and asked the City Council reconsider its decision to end all negotiations with Kare Youth League.

David Guerrero appeared and spoke in support of Kare Youth League and asked the City reconsider its decision to end all negotiations.

Steven Martin appeared and spoke in support of Kare Youth League.

Nancy Burch appeared and read a letter from President of the Bye Bye Birdies Club at Arcadia Par 3 Golf Course in support of Kare Youth League.

Steven French appeared and spoke in support of Kare Youth League.

Noel Walsh appeared and read a letter from her husband Dr. Walsh in support of Kare Youth League.

Leslie Orsburn, Principal Rio Hondo Prep School appeared and spoke in support of Kare Youth League.

Greg Bolinger, Kare Youth League Program Director appeared and spoke in support of Kare Youth League's proposal and asked that the City reconsider its decision to end all negotiations.

Casey Clevenger appeared and spoke about improving the golf course.

John Maron appeared and spoke in support of Kare Youth League.

Dave Reid appeared and spoke in support of Kare Youth League and asked the City reconsider its decision to end all negotiations.

Jim Hanna appeared and spoke in support of Kare Youth League

Arthur Tashkesen appeared and spoke in support of Kare Youth League and asked the City reconsider its decision to end all negotiations.

John Martin appeared and spoke regarding Kare Youth League proposal to purchase a portion of the Arcadia Par 3 Golf Course.

Joseph Kovalik appeared and spoke regarding noise, disorderly conduct and disturbances from Bar Twist.

REPORTS FROM THE MAYOR, CITY COUNCIL AND CITY CLERK

Council Member Kovacic thanked everyone who appeared and spoke in regarding the Kare Youth League matter; he noted that the Kare Youth League offer was too low and commented on an item in the police blotter regarding a child abuse matter.

Council Member Amundson commented on the incredible turn out in support of Kare Youth League and the counter proposal to the City by Kare Youth League.

Council Member Chandler commented on a burglary matter on the police blotter and encouraged residents to call the police when suspicious activity is suspected and commented on the speaker complaining about Bar Twist.

Council Member Wuo appeared and commented on the turn out in support of Kare Youth League; he announced that he was in San Francisco for his oldest son's wedding and noted that tomorrow is the first day of school in Arcadia and encouraged everyone to drive carefully and be observant of the traffic and parking laws.

City Clerk Barrows reported that the traffic around the high school was heavy and encouraged everyone to be carefully around the schools for the safety of the children; he apologized for missing the last City Council meeting and thanked Deputy City Clerk Marina Simonian for assisting the Chief Deputy City Clerk Lisa Mussenden; and noted that last week he attended a last minute planning session for music camp for about 700 kids from Arcadia High School.

Mayor Harbicht read a letter he received letter from Peter L. Tweak complimenting the police for their professionalism in a police related matter on his street; he commented on a complaint received from a resident a couple of meetings ago under public comment who was not happy with the response received by a Police Department dispatcher when she called the police on a mall situation; Mayor Harbicht noted that the Police Department did respond to the situation at the Mall and reported for the month of July 2008, the police department responded to 295 calls for service and further noted that the situation was addressed properly; he commented on a letter he received from the Mayor of Anaheim Kurt Pringle that they have taken action regarding retiree medical benefits and suggested that the City Manager contact the City of Anaheim to obtain additional information and would like to see this item placed on a future study session.

Mr. Martin stepped up to the podium and addressed the City Council; he inquired as to the vote in closed session regarding Kare Youth League's proposal to the City noting that the Brown Act requires this.

In response to Mr. Martin's request for the vote in closed session, City Attorney Steve Deitsch reported that the City Council gave direction to its negotiators and there is no other requirement to report anything else.

Mayor Harbicht responded that the City Council 4-1 to rejected the offer made by Kare Youth League.

2 . CONSENT CALENDAR

CITY COUNCIL ITEMS:

- a. Accept donations in the amount of \$16,514 from the Arcadia Public Library Foundation for programs and equipment at the Library.
Recommended Action: Approve
- b. Authorize the City Manager to execute a one (1) year contract extension with Republic Electric, Inc. for Scheduled and Extraordinary Traffic Signal Repairs in the amount of \$105,000.
Recommended Action: Approve

- c. Authorize the City Manager to execute a one (1) year contract extension with CLS Landscape Management, Inc. for Landscape Maintenance at City Facilities in the amount of \$521,595.
Recommended Action: Approve
- d. Authorize the City Manager to execute a one (1) year contract extension with B&P Painting for Painting and Wood Refinishing Services at Various City Facilities in the amount of \$43,500.
Recommended Action: Approve
- e. Award a Purchase Order to Ironman Parts & Services for the Installation of Diesel Particulate Matter Filters into three (3) Diesel Engine Trucks in the City's Fleet in the amount of \$45,136.
Recommended Action: Approve
- f. Award a Purchase Order to Road Rescue Inc. for the purchase of one (1) Paramedic Rescue Ambulance for the Fire Department in the amount of \$192,046.32.
Recommended Action: Approve
- g. Authorize the purchase of computer workstations and monitors from Dell Computer Corporation in the amount of \$65,181.62 and authorize a cooperative purchase using the Western States Contracting Alliance bid contract.
Recommended Action: Approve

A motion was made by Council/Agency Member Chandler seconded by Council/Agency Member Wuo and carried on roll call vote to approve items 2.a through 2.g on the City Council/Agency Consent Calendar.

AYES: Council Member Chandler, Wuo, Amundson, Kovacic and Harbicht
 NOES: None
 ABSENT: None
 ABSTAIN: Council Member Kovacic (Consent Calendar Item 2.c.)

3. CITY MANAGER

- a. Approve a Transit Service Program for Breeders Cup Events.
Recommended Action: Approve

Linda Hui, Transportation Services Manager provided the staff report regarding transit services for the Breeders' Cup event at the Santa Anita Race Track on October 24 and 25, 2008 and in November 2009. Ms. Hui reported that transit services will serve Santa Anita Park, selected points of interest and major hotels in Arcadia as well as some hotels in Monrovia; she further reported that staff will coordinate with Santa Anita Park to develop the most effective route plan and work with Southland Transit to develop a service plan that would accommodate event needs without compromising the regular transit services for the general public. She noted that in the past, the City provided bus services without collecting fares; the bus operators kept track of the number of riders and after the event, Santa Anita Park reimbursed the City. She reported that new federal regulations prohibit federal transit fund recipients from providing charter type services. She noted that Santa Anita Park management requested the transit fare not be collected from the riders at the time of boarding and that Santa Anita Park be allowed to

reimburse the City the uncollected fares. She further noted that since the City cannot accept payments from third parties for transit services the City would not be able to comply with Santa Anita Park's request and recommends waiving passenger fares during the two day event which may cost between \$2,000 -\$3,000 and noted that the Arcadia Transit budget has enough funds to cover the cost.

It was moved by Council Member Kovacic, seconded by Council Member Amundson and carried on roll call vote to provide free bus service to visitors and the general public, including service to selected locations outside the City limits for the 2008 Breeders' Cup World Championships event on October 24 and 25, 2008 and the option of providing a similar service for the 2009 event.

AYES: Council Member Kovacic, Amundson, Chandler, Wuo and Harbicht
 NOES: None
 ABSENT: None

- b. Report, discussion and direction regarding verification of the employment eligibility status of City employees and/or the employees of outside companies the City uses for services.

Recommended Action: Provide direction

City Manager Don Penman noted that at a previous meeting, the City Council directed staff to prepare a report and bring back to a future meeting, an agenda item regarding verification of employment eligibility of City employees and persons who are employed by contractors that perform services for the City and how the City currently addresses verification of employment. He reported that the Federal law requires that persons employed in the United States must be either a citizen or have some form of legal status and companies with employees, including the City of Arcadia, must comply with Federal laws in their hiring practices in addition to other federal state and local employment laws and policies. He further reported that the City has general language in its contracts and professional service agreements that contractors and/or consultants must comply with all state and federal law, but does not include language specific to the legal status of employment eligibility of their employees. Mr. Penman noted that the City already complies with the current law to ensure that potential employees have appropriate documentation and legal status prior to employment and feels there is no need to modify the City's procedures at this time. He provided the City Council with three options for consideration regarding employees of City contractors and alternatives should the City Council desire a more active program to verify compliance with employment laws relative to the City contractors.

City Attorney Steve Deitsch explained the legal ramifications and remedies for non-compliance.

Mayor Harbicht suggested that specific language be put in every contract, agreement and request for proposal that the City of Arcadia requires all workers be legal and the City reserves the right to request documentation of employment status.

City Attorney Deitsch noted that a certified document can be requested of the contractor that all his employees work status has been verified.

It was moved by Council Member Harbicht seconded by Council Member Amundson and carried on roll call vote to have the City Attorney and City Manager draft language to be placed in every City contract, agreement and request for proposal that all workers be legal and that the

City reserves the right to request documentation of employee employment status, to the extent permitted by law, and bring back to the City Council for final approval.

AYES: Council Member Harbicht, Amundson, Chandler, Kovacic and Wuo
 NOES: None
 ABSENT: None

c. Consideration of Adoption of the following Resolutions related to the formation of the Arcadia Citywide Lighting District 2009-1:

Adopt Resolution No. 6641 initiating proceedings for the formation of the Arcadia Citywide Lighting District 2009-1; and levy and collection of assessments related thereto commencing with Fiscal Year 2009-2010.

Recommended Action: Adopt

Adopt Resolution No. 6642 preliminarily approving the Engineer's Report regarding the formation of the Arcadia Citywide Lighting District 2009-1; and the levy and collection of assessments related thereto commencing with Fiscal Year 2009-2010.

Recommended Action: Adopt

Adopt Resolution No. 6643 declaring its intention to form the Arcadia Citywide Lighting District 2009-1; and to conduct a property owner balloting on the matter of new assessments related thereto commencing with Fiscal Year 2009-2010.

Recommended Action: Adopt

Assistant City Manager/Public Works Services Director Pat Malloy reported that at the last City Council meeting staff made a presentation to the City Council regarding the formation of a Street Lighting Assessment District and provided a summary of the California Supreme Court decision that changed the way special assessments can be levied. He noted that the City Council directed staff to assess the District based on its current contribution to the street lighting system plus District administration and rehabilitation costs for properties receiving a direct benefit from the street lights on their streets and come back with a new Engineer's Report changing the rates and how the property owners will be assessed.

Deputy Public Works Services Director Tom Tait presented a brief summary of the three resolutions required in order to proceed with the formation of a Citywide Street Lighting District. Mr. Tait noted that at the August 19th meeting, the City Council directed staff to assess the proposed Citywide Street Lighting Assessment District based on current assessment. He further noted that a budget was prepared that maintains the existing assessments to the property owners city wide based on special benefit plus administration costs and a portion of rehabilitation costs. He explained that Zone 1 areas with street lights will be assessed \$2.00 per month, Zone 2 areas with sporadic lights will be assessed \$0.84 per month and Zone 3 areas with no street lights and no direct street lighting benefit to the property owners will not be assessed; that the assessments are the maximum proposed assessment that each assessed parcel will pay for the 2009-2010 property tax roll and a 3% inflationary adjustment rate is proposed to be added for each fiscal year thereafter to account for reasonable increases in electricity and inflation that is inevitably associated with the ongoing maintenance and operation of street lights; that ballots will be mailed out the first week of October and a public hearing will be scheduled for the November 18, 2008 City Council meeting and following the public hearing, ballots will be tabulated and the results declared at the December 2, 2008 City Council meeting.

He noted that if the formation of Citywide Street Lighting District fails, the lost revenue would be made up from other sources which could cause an impact on City services such as street sweeping, tree trimming or landscape maintenance.

It was moved by Council Member Chandler, seconded by Council Member Wuo and carried on roll call vote to adopt Resolution No. 6641 initiating proceedings for the formation of the Arcadia Citywide Lighting District 2009-01; and the levy and collection of assessments related thereto commencing with fiscal year 2009-2010; Resolution No. 6642 approving the Engineer's Report regarding the formation of the Arcadia Citywide Lighting District 2009-01; and the levy and collection of assessments related thereto commencing with fiscal year 2009-2020; and Resolution No. 6643 declaring its intention to form the Arcadia Citywide Lighting District 2009-01; and to conduct a property owner balloting on the matter of new assessments related thereto commencing with Fiscal Year 2009-2010.

AYES: Council Member Chandler, Wuo, Amundson, Kovacic and Harbicht
NOES: None
ABSENT: None


- d. Report, discussion and direction regarding Proposal by Kare Youth League to purchase property at the Arcadia Par 3 Golf Course.
Recommended Action: Provide direction

Due to City Council action reported in closed session, this item was not discussed or acted upon.

ADJOURNMENT

The City Council/Redevelopment Agency adjourned this meeting in memory of Mary McVey (mother of City Employee Dave McVey) at 10:00 p.m. to September 16, 2008, 6:00 p.m. in the City Council Chamber Conference Room located at 240 W. Huntington Drive, Arcadia.

James H. Barrows, City Clerk



By: Lisa Amundson
Lisa Mussenden, Chief Deputy City Clerk/
Records Manager