

**MINUTES
ALHAMBRA CITY COUNCIL
ALHAMBRA REDEVELOPMENT AGENCY
Joint Regular Meeting
September 8, 2008
5:30 p.m.**

ROLL CALL: At 5:30 p.m., on Monday, September 8, 2008, the Alhambra City Council and the Alhambra Redevelopment Agency (ARA) met in the Council Chambers of the Alhambra City Hall, 111 South First Street, Alhambra, California.

CITY COUNCIL/ARA BOARD MEMBERS:

COUNCIL: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
ARA: SHAM, MESSINA, PLACIDO, AYALA, YAMAUCHI

Officials Present: City Manager Fuentes, Assistant City Manager/Personnel Director Bacio, City Attorney Montes, Assistant City Clerk Rogers, Director of Development Services Martin, Director of Finance Longballa, Chief of Police Hudson, Fire Chief Stedman, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Sergeant-at-Arms Ponce

FLAG SALUTE: Led by Chairman Yamauchi

RESOLUTIONS BY TITLE ONLY

On motion of Mr. AYALA, seconded by Dr. PLACIDO, and carried unanimously (SHAM, MESSINA, PLACIDO, AYALA, YAMAUCHI), the City Attorney/Agency Counsel was instructed to read by title only all resolutions appearing in these minutes which are required by law to be read in their entirety.

Action Taken: Hearing no objections, the Mayor and Chairman so ordered.

AGENCY/COUNCIL CONSENT AGENDA

All items listed under the Consent Agenda were considered by the Agency Board/City Council to be routine and, therefore, were enacted by one motion.

1. ACCOUNTS PAYABLE – F2M8-500

Agency staff had submitted for the Agency Board's review and approval Accounts Payable for the period ended August 18, 2008, Check Nos. 10042 – 10060, in the total amount of \$131,683.29.

Discussion: None

Action Taken: Agency Board approved as submitted.

Vote: Moved: AYALA Seconded: SHAM
Ayes: SHAM, MESSINA, PLACIDO, AYALA, YAMAUCHI
Noes: NONE
Absent: NONE

URGENCY ORDINANCE

2. URGENCY ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MASSAGE SERVICES & BUSINESSES – F2M8-71, O2M8-4532

The State Legislature adopted AB 2427 would greatly restrict cities from adopting new regulations of massage businesses after January 1, 2009. If the City failed to establish new regulations prior to the end of the year, the City may lose some of its power to regulate massage services and businesses. It would seem to be in the City's best interest to adopt a moratorium on establishing such businesses while the City reviews its current regulations and any revisions needed to adequately address massage services and businesses. Therefore, staff requested Council adopt an urgency ordinance creating a 45-day temporary moratorium on the issuance of licenses or permits for massage services and/or businesses.

Discussion: City Attorney **MONTES** noted this ordinance was just a 45-day moratorium whose purpose was to give City staff an opportunity to prepare and present for Council consideration an ordinance that would more comprehensively regulate massage services and businesses.

Action Taken: City Attorney introduced and gave first reading by title only to **Ordinance No. O2M8-4532** entitled:

An Urgency Ordinance of the City Council of the City of Alhambra, California, enacted pursuant to California Government Code Sections 36934, 36937, and 65858, adopting a moratorium on the granting of business licenses, land use entitlements, occupancy permits, or massage permits to any person subject to Chapter 9.44 of the Municipal Code, entitled "Massage Services and Massage Establishments"

after which the Council unanimously adopted the same as it was an urgency measure.

Vote: Moved: MESSINA Seconded: AYALA
Ayes: SHAM, MESSINA, PLACIDO, AYALA, YAMAUCHI
Noes: NONE
Absent: NONE

ORAL COMMUNICATIONS: None

CLOSED SESSION & CITY ATTORNEY ANNOUNCEMENT re SAME - F2M8-14

City Attorney/Agency Counsel **MONTES** identified those items listed on this evening's agenda which would be discussed in Closed Session as follows:

Conference with Real Property Negotiator (Govt. Code Section 54956.8):

- a) Property: 33 West Main Street, Negotiating parties: Angelena's Companies, Inc., and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Michael Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both;
- b) Property: 2500 West Commonwealth Avenue, Negotiating parties: Cypress Retail Group and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Michael Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both.
- c) Property: 26 North Third Street Street, Negotiating parties: Shawlain Liu, et al, and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Michael Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both.
- d) Property: 12 West Main Street, Negotiating parties: Stephen Chan and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Michael Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both;
- e) Property: 912 – 912½ North Garfield Avenue, Negotiating parties: Regina M. Hargens and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Michael Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both.

Conference with Legal Counsel--Existing Litigation (Govt. Code Section 54956.9(a): None.

Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b): None. Initiation of litigation pursuant to Govt. Code Section 54956.9(c): None.

Discussion of Personnel Matters (Govt. Code Section 54957): None.

Conference with City's Labor Negotiator (Govt. Code Section 54957.6): None.

whereupon at 5:03 p.m., the Agency Board and City Council moved into closed session pursuant to applicable law, including the Brown Act (Government Code Sec. 54950, *et seq.*) for the purpose of conferring with the Agency Counsel/City Attorney.

RECONVENE & ARA RECESS: At 7:00 p.m., the Agency Board and City Council moved out of closed session with all members present, whereupon the ARA Chairman recessed the Agency's meeting until such time as the City Council had completed the public portion of its agenda.

MINUTES
ALHAMBRA CITY COUNCIL
Regular Meeting
September 8, 2008
7:00 p.m.

RECONVENE & ROLL CALL: At 7:00 p.m., on Monday, September 8, 2008, the Alhambra City Council met in the Council Chambers of the Alhambra City Hall

PRESENT: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
ABSENT: NONE

Officials Present: City Manager Fuentes, Assistant City Manager/Personnel Director Bacio, City Attorney Montes, Assistant City Clerk Rogers, Director of Development Services Martin, Director of Finance Longballa, Director of Public Works Swink, Deputy Director of Utilities Ray, Chief of Police Hudson, Fire Chief Kemp, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Library Director Hernandez, Code Enforcement Manager Bisogno, Sergeant-at-Arms Ponce

FLAG SALUTE: Led by Mayor Messina

RESOLUTIONS BY TITLE ONLY

On motion of Dr. PLACIDO, seconded by Mr. AYALA, and carried unanimously (SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA) the City Attorney was instructed to read by title only all resolutions appearing in these minutes which are required by law to be read in their entirety.

CONSENT AGENDA (Item Nos. 1 - 4)

All items listed under the Consent Agenda were considered by the City Council to be routine and, therefore, were acted upon by one motion.

1. **NIB: MAIN LINE IMPROVEMENT & VALVE REPLACEMENT PROJECT – F2M8-70, N2M8-111**

Staff requested City Council authorization to circulate a Notice Inviting Bids for the construction of the Midwick Mainline and Valve Replacement Project as more fully discussed in the Deputy Director of Utilities' September 8, 2008 report on file in the office of the City Clerk.

Discussion: None

Action Taken: Authorized the City Clerk to advertise **Notice Inviting Bids No. N2M8-111** for the construction of the Midwick Mainline and Valve Replacement Project, with bids to be received on or before 10:30 a.m., on Thursday, October 2, 2008, in the office of the City Clerk, and publicly opened at 11:00 a.m. that same day.

Vote: Moved: YAMAUCHI Seconded: AYALA
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

2. **CONTRACT SERVICES FOR PEST CONTROL – F2M8-72, C2M8-5, M2M8-79**

Staff requested the City Council enter into an agreement with the County of Los Angeles for pest control services for the period September 9, 2008 through June 30, 2009 as more fully discussed in the Assistant to the City Manager's September 8, 2008 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M8-79** as follows:

RESOLVED by the Alhambra City Council that this Council hereby approves that certain AGREEMENT PEST CONTROL (the "Agreement"), by and between the CITY OF ALHAMBRA and the COUNTY OF LOS ANGELES, for pest control services for the period September 9, 2008 through June 30, 2009, dated September 8, 2008, a copy of which Agreement is on file in the office of the City Clerk as **Contract No. C2M8-5** and incorporated herein by reference and made a part hereof as though fully set forth herein; and, the City Manager is hereby authorized to execute such Agreement for and on behalf of the City of Alhambra and the City Clerk is hereby authorized to attest the same and to affix the Seal of the said City thereto.

Vote: Moved: YAMAUCHI Seconded: AYALA
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

3. PERSONNEL ACTIONS – F2M8-2

A list of Personnel Actions had been prepared showing the various appointments, classifications, salary changes, etc., since the last City Council meeting. It was appropriate to ratify those actions by the City Manager

Discussion: None

Action Taken: Ratified the actions of the City Manager set forth in that certain Personnel Actions document dated September 8, 2008.

Vote: Moved: YAMAUCHI Seconded: AYALA
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

4. DEMANDS - F2M8-1

General City Warrants (282169 thru 282177) in the amount of \$97,735.82 and Schedule of Wire Transfers in the amount of \$1,237,884.40 for the week ended August 21, 2008; and, General City Warrants (282178 thru 282193) in the amount of \$52,065.32 and Schedule of Wire Transfers in the amount of \$377,503.93 for the week ended August 28, 2008 were submitted for Council's approval.

Discussion: None

Action Taken: Approved as submitted.

Vote: Moved: YAMAUCHI Seconded: AYALA
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

OLD BUSINESS

5. ESTABLISHMENT OF ALHAMBRA AD HOC GREEN TEAM COMMITTEE - F2M7-66, R2M8-26

Assistant to the City Manager **HAYASHI** reported that on July 28, 2008, Vice Mayor Placido requested the opportunity to agendize a discussion item regarding the creation of a Green Team Committee in the City of Alhambra. The subject was discussed at the

August 11, 2008 City Council meeting and the Council unanimously approved agendaing an enabling resolution. The purpose of the Green Team would be to review the City's actions to date that support and encourage energy and water conservation, transportation effectiveness, City beautification and the overall quality of life and the environment. The Green Team, comprised of five members, each appointed by a City Councilmember, would also formulate recommendations for future actions and submit a report on its findings to the City Council by December 31, 2008.

Discussion: Councilmember **AYALA** wondered if the standards set for cities in AB 32 should be part of this or separate? Mayor **MESSINA** noted she had given City Manager Fuentes a flyer on a workshop on this subject to which City Manager **FUENTES** remarked staff would explore that possibility. City Attorney **MONTES** stated that based on the direction received from the Council the intent of this Commission was to take a snapshot of where the community was now and possibly make recommendations to the Council. At that point, the Council might wish to move in a different direction from what had been done to date. Councilmember **YAMAUCHI** assumed that this being an *ad hoc* committee those appointed to the committee would not have to be citizens of Alhambra. City Attorney **MONTES** reported that under the current resolution persons appointed to the Commission could either be residents or members of the business community. If the resolution was adopted this evening, Councilmembers could make their appointments this evening or could advise the City Clerk's Office of the appointments.

Action Taken: Adopted **Resolution No. R2M8-26** entitled: *A Resolution of the Alhambra City Council creating that certain "Green Team" Committee and establishing the procedures governing such Ad Hoc Committee.*

Vote: Moved: PLACIDO Seconded: YAMAUCHI
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

ORAL COMMUNICATIONS: F2M8-4

Alexandria SANCHEZ, 317 West Glendora Way, Alhambra, discussed difficulties she has had when she hired a bogus contractor to build two bedrooms to her house. The Sanchez' had been bilked \$80,000 for the room additions. She asked Council if there were any City programs for which the Sanchez' qualified that could help her finish construction of the two bedrooms. Mayor **MESSINA** referred Ms. Sanchez to City Manager Fuentes regarding this issue.

COUNCIL COMMUNICATIONS (ANNOUNCEMENTS & FUTURE AGENDA ITEMS) – F2M8-7

Councilmember **SHAM** reminded citizens that Saturday, September 13, 2008 between 9 a.m. and 3 p.m., was the *Household Hazards and E-Waste Roundup* held at the Los Angeles County

Public Works building in Alhambra. For citizens with old computers and other electronic devices, it would be a good time to dispose of them.

ARA RECONVENE & ADJOURNMENT: At 7:15 p.m., the ARA Chairman reconvened the Agency meeting with all members present; and, as there was no further business for the Agency Board or Council to transact, the ARA Chairman and Mayor adjourned their respective meetings to 5:30 a.m., on Monday, September 22, 2008, in the City Hall Council Chambers, 111 South First Street, Alhambra, California, for the purpose of meeting jointly.

**FRANCES A. MOORE, CMC
CITY CLERK & ARA ASSISTANT SECRETARY
by
CRAIG ROGERS, CMC
ASSISTANT CITY CLERK**