

**MINUTES  
ALHAMBRA CITY COUNCIL  
ALHAMBRA REDEVELOPMENT AGENCY  
Joint Regular Meeting  
January 12, 2009  
5:30 p.m.**

**ROLL CALL:** At 5:30 p.m., on Monday, January 12, 2009, 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/ARA Executive Director Fuentes, Assistant City Manager/Personnel Director Bacio, City Attorney/Agency Counsel Montes, City Clerk/ARA Assistant Secretary Moore, Director of Development Services/ARA Deputy Executive Director Martin, Director of Finance Longballa, Chief of Police Hudson, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Sergeant-at-Arms Aguayo

**FLAG SALUTE:** Led by Chairman Yamauchi

**RESOLUTIONS BY TITLE ONLY**

On motion of Mr. SHAM, seconded by Mr. AYALA, 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.

**PUBLIC HEARING:**

- 1. JOINT PUBLIC HEARING: LEASE AGREEMENT WITH SUBWAY REAL ESTATE CORP. FOR 116 WEST MAIN STREET – F2M9-507, F99-511, N2M8-115, C2M9-501, M2M9-1000**

This was the time and place set by **Notice No. N2M8-115** for the Alhambra City Council and the Alhambra Redevelopment Agency Board to conduct a joint public hearing on the proposed Lease between the Alhambra Redevelopment Agency and Subway Real Estate Corp., dba *Subway*, for the operation of a sandwich shop at 116 West Main

Street and approval of a Summary Report required under California Health and Safety Code Sections 33431 and 33433. The lease is categorically exempt from the provision of the California Environmental Quality Act. The real property to be leased contains approximately 1,084 square feet of building area and was previously occupied by *Juice It Up*. Since the premises were previously occupied by a quick-service juice store and since it will now be improved with a sandwich shop, the property will need tenant improvements, including a new kitchen with specialized equipment. The project will retain approximately 8-10 jobs in the City by moving from Alhambra Place to 116 West Main Street. The initial term of the Lease is for 5 years at the monthly rate of \$1,897, with 3 consecutive 5-year extension options.

Director of Development Services **MARTIN** reported State law required the Agency to conduct a public hearing when leasing property the Agency purchased using tax increment funds. This would apply to the property at 116 Main Street, former site of *Juice It Up!* Staff had negotiated a lease with the local *Subway* franchisee which had two shops in the City; one in *Alhambra Place* at Garfield and Main, the other at Marengo and Main. Because of the uncertainty of the center, the franchisee had worked with staff to find a new location downtown. Over the term of the lease, the lease will produce a little over \$390,000 in revenue. The lease provides assistance of \$100,000 to be applied as a credit toward rent payments, and a maximum of up to \$30,000 for upgrades; such as HVAC, electrical and installation of new grease interceptor.

**Opened & Closed Public Hearing:** Chairman **YAMAUCHI** opened the public hearing, and as there was no one present desiring to speak, he closed the same.

**Discussion:** In response to Dr. **PLACIDO's** question regarding terms of the lease, Mr. **MARTIN** stated the terms of the lease were binding upon the initial term and any options which were exercised by the tenant. If they stayed until the end of the initial term, five years, they could tell the Agency they were not interested in exercising any of the options, close their doors and depart. If they closed at any time during the initial term, under the lease they would owe the Agency a maximum of one year's rent. That was part of the Subway corporate language that they had insisted upon. At that point we probably would still be crediting them toward the tenant improvements so we would not have an actual loss. If they exercised one or any of the three options and closed within the option period, then they would owe us up to one year's rent. The lease itself was with the Subway corporate entity. They would not likely try to sublease it or assign it to one of their competitors. Answering Chairman **YAMAUCHI's** question as to the number of *Subways* in Alhambra, Mr. **MARTIN** noted three, two of which were owned by the current franchisee.

**Action Taken:** Agency Board/City Council, jointly and severally adopted **Minute Order No. M2M9-1000** as follows:

RESOLVED by the Alhambra Redevelopment Agency Board and Alhambra City Council that this Agency Board and City Council hereby

- 1) Approve that certain *Summary Report pursuant to Sections 33431 and 33433 of the California Community Redevelopment Law on the Lease Agreement by and between Alhambra Redevelopment Agency and Subway Real Estate Corp., dba "Subway", 116 W. Main Street, dated January 12, 2009 (the "Report")*, a copy of

which Report is on file in the City Clerk's Office as F2M9-507 and incorporated herein by reference and made a part hereof as though fully set forth herein;

- 2) Approve that certain SUBWAY LEASE (the "Lease"), by and between the ALHAMBRA REDEVELOPMENT AGENCY, as Lessor, and SUBWAY REAL ESTATE CORP., as Lessee, a copy of which Lease is on file in the office of the City Clerk as **Contract No. C2M9-501** and by this reference incorporated herein and made a part hereof as though fully set forth herein;
- 3) Authorize after such Lease has been duly executed by said Lessee, the Chairman to execute said Lease for and on behalf of the Agency and the Secretary to attest the same and affix the seal of said Agency thereto;
- 4) Authorize the City Manager/Executive Director and/or City Attorney/Agency Counsel to take whatever other actions may be necessary on behalf of the Agency and/or City to implement the intent of this resolution; and
- 5) Direct the City Manager/Executive Director and/or City Attorney/Agency Counsel to include language in the agreement allowing the Agency to pay off any of the remaining original \$130,000 in the future if the Agency chose to do so.

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

**AGENCY/COUNCIL CONSENT AGENDA (Item Nos. 2 – 6)**

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.

**2. THIRD AMENDMENT TO OPA TO PROVIDE FORGIVABLE LOAN: SAPPHIRE LOUNGE - 119 WEST MAIN STREET - F2M2-511, C2M2-505, M2M9-500**

Staff requested the Agency Board to approve a Third Amendment to an Owner Participation Agreement (OPA) with Sapphire Lounge LLC dba *Sapphire Lounge*, to provide up to \$50,000 in the form of a forgivable loan over a 5-year period for the installation of a sprinkler system which was required by the Fire Code as a result of the expansion of the building at 119 West Main Street, as more fully discussed in the Deputy Executive Director's January 12, 2009 report on file in the City Clerk's Office.

**Discussion:** None

**Action Taken:** Agency Board adopted **Minute Order No. M2M9- 500** as follows:

RESOLVED by the Alhambra Redevelopment Agency Board that this Board hereby approves that certain THIRD AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BY AND BETWEEN THE ALHAMBRA REDEVELOPMENT AGENCY AND SAPPHIRE LOUNGE, LLC (the "Amendment"), a copy of which is on file in the office of the City Clerk as Contract No. C2M2-505 and by this reference incorporated herein and made a part hereof as though fully set forth herein; and, after said Amendment has been duly executed by Sapphire Lounge LLC, the Chairman is hereby authorized to execute such Amendment for and on behalf of the Alhambra Redevelopment Agency and the Secretary to attest the same and to affix the Seal of said Agency thereto.

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

**3. SUBMITTAL OF ARA AUDIT REPORT, FISCAL STATEMENTS & HCD LOW/MOD HOUSING REPORT FOR FY 2007-08 PURSUANT TO HEALTH & SAFETY CODE SECTION 33080.1 – F2M9-25, F90-98**

Section 33080.1 of the California Health and Safety Code requires redevelopment agencies to present a report conveying a wide range of economic and housing information to the Legislative Body (i.e., City Council and Agency Board) within six months of the end of the last fiscal year. Such report, together with the Alhambra Redevelopment Agency’s Component Unit Financial Statements and Supplemental Information for fiscal year ended June 30, 2008, Annual Report of Financial Transactions of Community Redevelopment Agencies, and Annual Report of Housing Activity of Community Redevelopment Agencies for Fiscal Year 2007-2008, Blight Progress Report, Loan Report and Property Report, were transmitted to the City Clerk prior to December 31, 2008.

**Discussion:** None

**Action Taken:** City Council received and ordered the documents filed pursuant to Section 33080.1 of the California Health and Safety Code.

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

**4. ACCOUNTS PAYABLE – F2M8-500**

Agency staff had submitted for the Agency Board's review and approval Accounts Payable for the period ended December 17, 2008, Check Nos. 10319 – 10357, in the total amount of \$819,603.14, and for the period ended December 31, 2008, Check Nos. 10358 – 10377, in the total amount of \$312,451.54.

**Discussion:** None

**Action Taken:** Agency Board approved as submitted.

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

**5. TREASURER'S REPORT - F2M8-1**

The Director of Finance had prepared the Treasurer's Report for the month of November, 2008, listing all of the City's and the Alhambra Redevelopment Agency's investments as of November 30, 2008, a copy of which was on file in the office of the City Clerk as File No. F2M8-1.

**Discussion:** None

**Action Taken:** City Council/Agency Board approved as submitted.

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

**6. MINUTES**

The Minutes of the December 8, 2008 Joint Regular Meeting of the Alhambra Redevelopment Agency and Alhambra City Council and the Regular Meeting of the Alhambra City Council were reviewed and approved by both the Agency Board and/or the City Council.

**Discussion:** **None**

**Action Taken:** Agency Board/City Council approved as submitted.

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

**ORAL COMMUNICATIONS:** None

**CLOSED SESSION & CITY ATTORNEY ANNOUNCEMENT re SAME - F2M9-14**

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):*** None.

- a) Property: 2597 Loma Vista Drive, Negotiating parties: Prudential California Realty 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: 2510 Carlos Street, Negotiating parties: Century 21 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: 2557 Las Flores Street, Negotiating parties: White House Properties 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: 2411 Florentina Avenue, Negotiating parties: Stapp Home Realty 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: 2921 Midwick Drive, Negotiating parties: Re/Max Masters-Glendora 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;
- f) Property: 428 North Olive Avenue, Negotiating parties: The Whiting Co. Realtors, 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.

***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): 1 matter.

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

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

whereupon at 5:40 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**  
**January 12, 2009**  
**7:00 p.m.**

**RECONVENE & ROLL CALL:** At 7:00 p.m., on Monday, January 12, 2009, 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, City Clerk Moore, Director of Development Services Martin, Director of Finance Longballa, Director of Public Works Swink, Director of Utilities Chavez, Chief of Police Hudson, Fire Chief Stedman, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Library Director Hernandez, Code Enforcement Manager Bisogno, Sergeant-at-Arms Aguayo

**FLAG SALUTE:** Led by Mayor Messina

**RESOLUTIONS BY TITLE ONLY**

On motion of Mr. YAMAUCHI, seconded by Mr. SHAM, 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.

**CEREMONIAL**

- 1. COMMENDATION BY AMERICAN CANCER SOCIETY FOR MAY 16<sup>TH</sup> & 17<sup>TH</sup> RELAY FOR LIFE 2009 SUPPORT -- F2M9-3**

The **AMERICAN CANCER SOCIETY** recognized the City of Alhambra for their support of the American Cancer Society's **RELAY FOR LIFE 2009**, to be held May 16<sup>th</sup> and 17<sup>th</sup> at Alhambra Park, by issuing a **COMMENDATION** to the **CITY OF ALHAMBRA**. The **Commendation** was **presented** by the Society's **Community Development Manager LISA CLEARY** to **Mayor MESSINA**.

## **PUBLIC HEARING:**

### **2. PUBLIC HEARING: APPEAL FROM PLANNING COMMISSION DECISION DENYING APPLICATION OF BP WEST COAST PRODUCTS FOR GENERAL PLAN AMENDMENT, ZONE CHANGE, SPECIFIC PLAN AMENDMENT & RELATED APPLICATIONS PERTAINING TO THE REAL PROPERTY AT 3201 WEST VALLEY BOULEVARD – F2M8-83, N2M8-141**

City Attorney **MONTES** reported that he just learned today that *BP West Coast Products* was the owner of this property. Mr. Montes further reported that he had a partner who represented BP in some labor and employment matters which were not related to this site; however, under State Bar rules, Mr. Montes still needed a written waiver to participate this evening. Since he did not have sufficient time to obtain such a written waiver, he was required to recuse himself whereupon at 7:05 p.m. he left the room.

Director of Development Services **MARTIN** stated that this was the time and place set by **Notice No. N2M8-141** for the City Council to hold a public hearing on the Appeal filed by BP West Coast Products from the decision of the Alhambra City Planning Commission pertaining to that certain parcel of real property with an approximate land area of 19,023 square feet located at 3201 West Valley Boulevard which decision denied Appellant's Application for General Plan Amendment GPA-08-1, Zone Change Z-08-1, and Specific Plan Amendment SPA-08-01 to change the land use designation and zoning on a portion of said property from Parking to Valley Boulevard Specific Plan. Related applications for a Tentative Parcel Map, Commercial Planned Development Permit CP-08-16 and Conditional Use Permit CU-08-15 for the development of a new gasoline service station and a 2,400 square-foot convenience store with the sale of packaged beer and wine as well as Variance V-08-9 to allow less than the required number of parking spaces were also denied by the Planning Commission. Appellant proposes to demolish the existing service station. (Collectively, the hereinabove-described components of said Appeal are hereinafter referred to as the "Project.")

He reported that the Planning Commission considered the application on October 6, 2008, and, after discussion, voted 10-0 to deny the project. The Commission's primary concerns expressed at the meeting: conditions and problems associated with the existing gas station on the site, incompatibility of the proposed facility with the area, traffic issues, crime, noise, overflowing queuing of vehicles on to Valley Boulevard or Westmont Drive, and the request to re-zone the parking parcel which traditionally along Main Street and Valley Boulevard acted as a buffer zone between commercial properties

on major arterials and residential neighborhoods abutting them. The applicant filed an Appeal October 29, 2008 and their supporting analysis was included in Council's packet. The property was currently developed with a 1,761 sq. ft. service station, with 4 double-sided fuel dispensers, combination 8 fuel dispensers and an auto repair building with 3 service bays. The proposal was to replace all existing improvements with a new ARCO gasoline service station with an AM/PM Mini Mart convenience store. The new development would feature a separate retail building, and separate fueling canopy. The canopy would have 6 double-sided fuel dispensers, for a total of 12 fueling stations. The convenience store would be a 2,400 sq. ft., single-storied structure located toward the rear (or north side) of the property. The convenience store had applied for a beer and wine license and proposed being open 24 hours a day, 7 days a week.

**Opened Public Hearing:** Mayor **MESSINA** opened the public hearing.

1. **Celso MARTINEZ**, Zoning Development Manager, *Global Alliance*, 4 Centerpointe Drive, La Palma, stated his company processed the *BP Franchise Program* by applying for permits and handling permitting through the various jurisdictions. Mr. Martinez requested continuance of the Appeal. Prior to the meeting they had sponsored December 18, 2008, Mr. Martinez had distributed 400 flyers in the neighborhood, both north and south of Valley Boulevard. Because of the Christmas holidays they had received very little response. He wished to gain neighborhood support by introducing the project to the neighborhood through another community meeting.

Mayor **MESSINA** remarked that for many years this had not been a desirable location and had been a problem for the residential neighborhood abutting it because of its proximity to the 710 freeway's entrance and exit. Ms. Messina did not see the convenience store selling beer and wine as a benefit to the City. She complimented the Planning Commission for covering all the pros and cons of this project and denying it 9-0.

2. **Roger WHITE**, 2116 Westboro Avenue, thought the project would be an improvement to the community.

**Motion for Continuance:** Councilmember **AYALA** commented that he had been contacted by Mr. Martinez to set up several community meetings regarding this project. Unfortunately, the only community meeting they were able to put together was in December and Mr. Ayala did not realize this item would come before the Council so quickly. Ten to fifteen people attended the one meeting that had taken place and those in attendance were open to the idea. Mr. Ayala felt it merited further conversation with the residents. He welcomed an opportunity to renovate certain areas along Valley. Regarding public safety issues, Mr. Ayala suggested the Chief of Police prepare a report on public safety concerns in that area. He then **moved to continue this item** to a future agenda so that residents could be given an opportunity to hear about the project, which **motion was seconded by** Councilmember **YAMAUCHI**.

**Discussion:** In response to Mr. **YAMAUCHI**'s question regarding the franchisee, Mr. **MARTINEZ** stated the same franchisee would own the station and property and continue to do business there. If granted a hearing continuance, Mr. **YAMAUCHI** asked for assurances that the franchisee would operate the new convenience store and gas station with more integrity than it was currently being operated as currently it was a very unsafe place to go to.

Councilmember **SHAM** also asked how the franchisee could assure the Council that, if they approved a continuance and eventual permission to build the new station, they would do a much better job than they were currently doing. **Gary WONG**, the franchisee, stated he had operated the gas station for 14 years, and that with the development of the new station he would address security issues with another camera.

**Pat FOLEY**, Area Development Manager, *US Convenience Retail, BP West Coast Products LLC*, 4 Centrepointe Drive, La Palma, stated that currently *ARCO BP West Coast Products* owned the building and the property and had laid out the security system as it was set out initially. When the building was re-built, the technology had gotten so much cheaper that gas stations formerly built with 6 to 8 cameras, were now being built with 32 cameras. Lighting would be better, and there would no longer be an area behind the station where people could congregate outside the view of anyone passing on Valley Boulevard. In addition, with the AM/PM convenience store program, *ARCO BP* has a "Pride Program" where they send out secret shoppers and inspectors to check stations for graffiti, vagrants, and compliance with their rules and regulations, including security regulations. Mr. Wong would be held to a higher standard once he became an AM/PM franchisee. If those standards were not met, *ARCO BP* would be able to terminate his franchise -- a strong incentive for compliance.

In response to Councilmember **SHAM**'s question regarding the City's ability to control the franchisee's compliance to higher standards, Director of Development Services **MARTIN** stated the building would be there, its use would be approved, and what would be initiated, probably through the Planning Commission, was potential revocation of the ability to sell beer and wine on the site. Vice Mayor **PLACIDO** noted that with respect to the request for a variance a business needed a unique property characteristic to entitle one to get privileges others did not get and he did not see anything unique about this property. Cutting the parking requirement was not a valid reason for changing that requirement. In effect, the City would be giving this property owner a liquor license. The City did not want convenience stores to have liquor licenses, but the petroleum industry had gone to the State and the State had determined that any convenience store could have a liquor license. Granting the property owner permission to operate a convenience store automatically entitled the business to the right to apply for a liquor license. Dr. Placido did not think it appropriate to sell liquor and gasoline at the same time. The variance did not qualify and he did not support a convenience store at this location.

Mayor **MESSINA**'s main concern was not the facility but the location. Whatever gas station was there would be the victim of that location. She could not see adding a beer

and wine license to the location as it was just inviting more problems into the neighborhood. A hearing continuance to gather neighborhood support was not going to change the issues or the problems.

**Action Taken:** Motion to continue the public hearing to a future meeting failed to pass.

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

Since the request for a continuance had been denied, City Manager **FUENTES** suggested the Applicant be given one more opportunity to place into record anything to support the position of the Applicant at this time, then offer the audience another opportunity to speak before closing the public hearing.

3. **Celso MARTINEZ** stated for the record that the parking the Applicant was requesting was a variance similar to other variances the City had allowed. In addition, cities normally required one parking space per 250 sq. ft. of store footage, allowing applicants to use 50% of the under-canopy or dispenser parking, as additional parking. Alhambra was different in that respect. The City did not allow additional parking at the dispensers, but requested additional parking because of the dispensers.
  
4. **Sonya BRANSON**, 1619 Seal Way, Seal Beach, representing *ARCO BP West Coast Products Franchise Program* and transitioning into the position held by Mr. Foley who was leaving the company, spoke to the current station vs. the proposed station control of the site. The *ARCO BP Franchise Program* was tied to an agreement required by the Petroleum Marketing Practices Act (PMPA), which was a supply agreement with the dealer. When an operator goes into the franchise business, they enter into an entirely different contract. They still have a supply agreement, but now they also have a franchise agreement, which is considerably stricter. That franchise agreement gives *ARCO BP West Coast Products* the ability to enforce more things than under the supply agreement; such as, stricter security requirements, and stricter cleanliness requirements. If a station/store operator does not comply with the franchise agreement, *ARCO BP West Coast Products* has the ability to terminate the agreement. The supply agreement was different in that it only required an operator to pay his bills and sell gasoline. Also, the *ARCO BP Franchise Program* only allowed the sale of packaged beer and wine, which was different from a liquor license. *ARCO BP Franchise Program* was committed to training their franchisees in meeting a higher standard; and, if they did not fulfill that, *ARCO BP* had the ability to address those issues. She also noted that economically, beer and wine were a big success factor for the business. Margins were less so for the gasoline business.

5. **Alex CUEVAS**, 150 South Arroyo Parkway, Suite 103, Pasadena, Project Manager for the architectural engineering firm working on this project, presented several display boards for the proposed project. He stated the proposed design addressed the safety concerns of the Council.
6. **Lola AMENDARIZ** requested clarification on Applicant's property ownership and asked if a representative of *BP West Coast Products* was in attendance this evening. She also asked what the necessity was of the beer and wine license. Ms. Amendariz suggested the Council deny the Appeal.
7. **Lillian ANAYA**, representing *Residents for a Better Alhambra*, discussed possible misuse of the 10-foot setback behind the station, noting she had formerly been approached by children selling candy at the station late at night. She stated total store receipts that gas/convenience stores received from beer and wine sales were a small percentage of their business and requested Council deny the Applicant permission to sell beer and wine.

**Closed Public Hearing:** There being no one further wishing to speak, Mayor **MESSINA** closed the public hearing.

**Discussion:** Mr. **AYALA** remarked on current blight along Valley Boulevard, especially in the proposed site area. Some residents in the area were open to the proposed project. Mr. Ayala had been contacted by residents over the weekend whom he had informed not to show up for this evening's meeting as Council was going to continue this item. He did not realize how difficult it would be to get a continuation as he wished to give those citizens an opportunity to speak. Regarding the site safety issue, he requested an update on crime in the area by the Chief of Police. Chief of Police **HUDSON** reported on police calls for service at the gas station location over the past five years. In 2008, the Police Department received 43 calls for service, with 2 "Part One" crimes – the standard by which the City judges where it is compared to cities across the country. In 2007, 29 calls for service, with 3 Part One crimes; in 2006, 35 calls-for-service with no Part One Crimes; in 2005, 25 calls-for-service, with 2 Part One crimes; in 2004, 29 calls for service with 5 Part One crimes, and over the past five years the City has had 12 Part One crimes in the service station location. By way of comparison, the Chief reported, on an annual basis the City in 2008 had 2,600 Part One crimes.

Director of Development Services **MARTIN** responded to Mr. **YAMAUCHI**'s question on commercial buffer zones along Valley Boulevard and Main Street by stating that where there was a pattern of commercial zoning that allowed for alleys, some areas of the site were zoned for parking so that commercial buildings could not be built right up to residential. With this project, the Appellant needed the zone change and general plan amendment to place the building on that lot. Vice Mayor **PLACIDO** supported the decision of the Planning Commission. Mr. **SHAM** remarked that for 14 years the

operator of this business had failed to take care of the property and he was uncertain that that would change in the future.

**Action Taken:** Upheld the October 6, 2008 decision of the Alhambra City Planning Commission and affirmed the specific Findings for Denial for such decision adopted by the Alhambra City Planning Commission on October 20, 2008, thereby denying the Appeal filed by BP West Coast Products from said decision pertaining to that certain parcel of real property with an approximate land area of 19,023 square feet located at 3201 West Valley Boulevard which decision denied Appellant's Application for General Plan Amendment GPA-08-1, Zone Change Z-08-1, and Specific Plan Amendment SPA-08-01 to change the land use designation and zoning on a portion of said property from Parking to Valley Boulevard Specific Plan as well as related applications for a Tentative Parcel Map, Commercial Planned Development Permit CP-08-16 and Conditional Use Permit CU-08-15 for the development of a new gasoline service station and a 2,400 square-foot convenience store with the sale of packaged beer and wine and for Variance V-08-9 to allow less than the required number of parking spaces.

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

**MONTES:** At 8:10 p.m., Mr. Montes returned to the dais.

### **CONSENT AGENDA (Item Nos. 3 – 6)**

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

**3. NIB: TWO CNG ENGINE PASSENGER BUSES FOR ACT – F2M9-22, F2M9-6A, N2M9-4**

Staff requested City Council authorization to circulate a Notice Inviting Bids for the purchase of two (2) CNG Engine Passenger Buses for use in the Alhambra Community Transit (ACT) system as more fully discussed in the Director of Public Works' January 12, 2009 report on file in the office of the City Clerk. Funds for the purchase of the two buses was allocated in the 2008/2009 budget.

**Discussion:** None

**Action Taken:** Authorized the City Clerk to advertise **Notice Inviting Bids No. N2M9-4** for the purchase of two (2) CNG Engine Passenger Buses for use in the Alhambra Community Transit system, with bids to be received on or before 10:30 a.m., on Thursday, February 5, 2009, in the office of the City Clerk, and publicly opened at

11:00 a.m. that same day.

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

**4. USE AGREEMENTS FOR 5 AGENCIES TO FUEL AT CITY'S NGV FUELING FACILITY – F2M9-21, F2M7-26, C2M7-4, C2M7-5, C2M7-6, C2M7-7, C2M9-1, M2M9-1**

Staff requested City Council approval to extend for an additional five-year period the Agreements with Southern California Gas Company, the Cities of San Gabriel and Monterey Park, and Wondries Fleet Group, and enter into a new agreement with Alhambra Unified School District to fuel at the Natural Gas Vehicle Fueling Station located at the Alhambra City Yard for a period of 5 years ending December 31, 2013, as more fully discussed in the Director of Public Works' January 12, 2008 report on file in the City Clerk's Office.

**Discussion:**                      None

**Action Taken:**      Adopted **Minute Order No. M2M9-1** as follows:

RESOLVED by the Alhambra City Council that with respect to usage of the Alhambra City Yard CNG Fueling Station, this Council hereby

1. Approves those certain SECOND AMENDMENTS TO AGREEMENT with SOUTHERN CALIFORNIA GAS COMPANY, CITY OF SAN GABRIEL, CITY OF MONTEREY PARK and WONDRIES FLEET GROUP, dated effective January 1, 2009, copies of which Amendments are on file in the City Clerk's Office as **Contract Nos. C2M7-4, C2M7-5, C2M7-6, and C2M7-7**, respectively, and are incorporated herein by reference and made a part hereof as though fully set forth;
2. Approves that certain AGREEMENT with the ALHAMBRA UNIFIED SCHOOL DISTRICT, dated effective November 1, 2008, a copy of which is on file in the City Clerk's Office as **Contract No. C2M9-1** and incorporated herein by reference and made a part hereof as though fully set forth herein; and,
3. Authorizes the Mayor to execute the aforesaid Second Amendments and Agreement for and on behalf of the City of Alhambra and the City Clerk to attest the same and to affix the Seal of said City thereto.

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

**5. PERSONNEL ACTIONS – F2M9-2**

A list of Personnel Actions had been prepared showing the various appointments, classifications, salary changes, etc., since the last City Council meeting. It was now appropriate for the City Council 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 January 12, 2009.

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

**6. DEMANDS - F2M8-1**

Schedule of Wire Transfers in the amount of \$634,251.95 for the week ended December 4, 2008, Final Check List (103674 thru 103832) in the amount of \$1,954,571.17 for the period ended December 5, 2008, Final Check List (103833 thru 103996) in the amount of \$824,933.25 for the period ended December 11, 2008, Final Check List (1137 thru 1388) in the amount of \$11,851.72 for the period ended December 17, 2008, Final Check List (103997 thru 104172) in the amount of \$2,569,344.65 and Schedule of Wire Transfers in the amount of \$375,985.40 for the period ended December 18, 2008, and Final Check List (104173 thru 104359) in the amount of \$288,726.29 for the period ended December 24, 2008 were submitted for Council's approval.

**Discussion:** None

**Action Taken:** Approved as submitted.

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

**ORDINANCE – SECOND READING**

**7. FIREWORKS PROGRAM – F2M8-26, O2M9-4534**

**Discussion:** None

**Action Taken:** With the unanimous consent of the City Council, City Attorney **MONTES** gave second reading by title only to **Ordinance No. O2M8-4534** entitled:

An Ordinance of the Alhambra City Council amending Subsections 3310.1 and 3310.2 of Section 19.02.020 of the Alhambra Municipal Code regulating the permitting and sale of fireworks

after which the Council adopted the ordinance.

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

**ORAL COMMUNICATIONS: F2M9-4**

1. **Lillian ANAYA** requested candidates' signs from November 4, 2008 General Municipal Election be removed.
2. **Lola ARMENDARIZ** requested better lighting at the entrance to City Hall, as well as the entrance to the Police Department.

**COUNCIL COMMUNICATIONS (ANNOUNCEMENTS & FUTURE AGENDA ITEMS) – F2M9-7, F2M7-108**

Councilmember **YAMAUCHI** requested that several homes in his district be recognized with a certificate from the City for the excellent job done decorating their houses around the holiday season. Notices had been sent to those homes. He congratulated them for ushering in the Christmas spirit. Mr. Yamauchi invited those who lived near his home at 429 North Campbell Avenue to a Neighborhood Watch meeting at his home, 429 North Campbell Avenue on Wednesday, January 21, 2009, at 7 p.m. Refreshments would be served.

Councilmember **AYALA** urged citizens to get involved in civic affairs.

Mayor **MESSINA** wished residents a Happy New Year. She thanked Fire Chief Stedman for the outstanding job firefighters did in collecting and distributing toys around Christmas. She also

thanked Chief of Police Hudson for his newsletter, which she found helpful in learning what was going on in the community.

**ARA RECONVENE & ADJOURNMENT:** At 8:15 p.m., the ARA Chairman reconvened the Agency Board with all members present; and, as there was no further business for the City Council or the Agency Board to transact, the Mayor and Agency Chairman, with the unanimous consent of the Council and Agency Board, adjourned their respective meetings to 5:30 p.m., on **Monday, January 26, 2009**, in the Council Chambers of the Alhambra City Hall, 111 South First Street, Alhambra, California.

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