

**MINUTES  
ALHAMBRA CITY COUNCIL  
ALHAMBRA REDEVELOPMENT AGENCY  
Joint Regular Meeting  
February 23, 2009  
5:30 p.m.**

**ROLL CALL:** At 5:30 p.m., on Monday, February 23, 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:**

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

**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 Black

**FLAG SALUTE:** Led by Chairman Yamauchi

**RESOLUTIONS BY TITLE ONLY**

On motion of Dr. PLACIDO, 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.

**HEARING:**

1. **PUBLIC HEARING: TIME LIMIT EXTENSION ORDINANCES FOR INDUSTRIAL REDEVELOPMENT PROJECT AREA (INCLUDING ADDED AREA "A") & CENTRAL BUSINESS DISTRICT PROJECT AREA – F2M4-509, N2M9-9, M2M9-501, O2M9-4535, O2M9-4536**

This was the time and place set by **Notice No. N2M9-9** for the Alhambra Redevelopment Agency and the Alhambra City Council to hold a public hearing pursuant to California Health and Safety Code Sections 33333.2 and 33333.6 to adopt ordinances

amending the Alhambra Redevelopment Agency's Amended and Restated Industrial Redevelopment Project Area Plan, including Added Area "A", and the Central Business District Redevelopment Project Area Plan extending the time limit of the effectiveness of the Plans and extending the time limit for payment of indebtedness and receipt of property taxes by one year pursuant to California Health and Safety Code Section 33681.12 (SB 1096).

City Attorney/Agency Counsel **MONTES** explained that before Council/Agency Board this evening were two City ordinances to extend the life of the two project areas by one year, an extension authorized by SB 1096, as well as an Agency Minute Order amending the Agency's Amended and Restated Redevelopment Plan to reflect the one-year time limit extension authorized by the two ordinances.

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

**Action Taken:** City Council and/or the Agency Board jointly and severally took the following actions:

- 1) Directed the City Attorney to introduce and give first reading by title only to **Ordinance No. O2M9-4535** entitled:

An Ordinance of the Alhambra City Council amending the Redevelopment Plan for the Alhambra Central Business District Project Area by extending the time limit of the effectiveness of the Plan and extending the time limit for payment of indebtedness and receipt of property taxes by one year pursuant to SB 1096

and **Ordinance No. O2M9-4536** entitled:

An Ordinance of the Alhambra City Council amending the Redevelopment Plan for the amended and restated Development Plan for the Industrial Redevelopment Project Area including Added Area "A" by extending the time limit of the effectiveness of the Plan and extending the time limit for payment of indebtedness and receipt of property taxes by one year pursuant to SB 1096

with such ordinances to come back for second reading and adoption at a future City Council meeting; and,

- 2) Adopted **Minute Order No. M2M9-501** as follows:

RESOLVED by the Alhambra Redevelopment Agency Board that this Agency Board hereby amends the Agency's Amended and Restated Redevelopment Plan for the Industrial Redevelopment Project Area, including Added Area "A", and the Redevelopment Plan for the Central Business District Project Area to extend the time limit on the effectiveness of the Plan and extend the time limit on receipt of tax increment to pay indebtedness by one year

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

**2. PUBLIC HEARING: AMENDMENT NO. 1 TO 2008-2009 ANNUAL ACTION PLAN – F2M8-46, N2M9-2, M2M9-10**

This was the time and place set by **Notice No. N2M9-2** for the City Council to hold a public hearing on the proposed First Amendment to the City of Alhambra’s 2008/09 Annual Action Plan to receive comment on the proposed changes. In addition, the City of Alhambra is soliciting public comment with regard to the proposed reprogramming and utilization of HOME funds. The public comment period ran from Friday, January 9, 2009 (8:00 a.m.) through Monday, February 9, 2009 (5:00 p.m.) pursuant to and in compliance with the United States Department of Housing and Urban Development (HUD) pre-submission requirements as outlined in Section 570.305 of the Code of Federal Regulations. Project proposed for funding is more fully described in said Notice on file in the City Clerk’s Office. Staff requested that this hearing be continued to the next meeting.

**Action Taken:** ARA Chairman **YAMAUCHI** opened the public hearing, after which the City Council continued the hearing to 5:30 p.m., or as soon thereafter as the matter may be heard, on Monday, March 9, 2009, in the Alhambra City Hall Council Chambers.

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

**AGENCY/COUNCIL CONSENT AGENDA (Item Nos. 3 – 8)**

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.

**3. FIFTH AMENDMENT TO LEASE AGREEMENT: PARKING LOTS A & B – 16-18 N. SECOND STREET – F98-510, C98-504, M2M9-1001**

Staff requested the Agency Board/City Council to approve a Fifth Amendment to an existing Agreement with Ray C. Saehung and Jing Wang, owners of the real property located at 16-18 North Second Street, for the right to Use Parking Lot “A” and Parking Lot “B” for an additional one-year period to and including March 10, 2010, for the sum of \$2,500 per month. The lease payments would be paid out of the Redevelopment Industrial Project Fund (Fund 93). The Agreement to lease a total of 60 parking spaces (21 full-time spaces and 39 evening and weekend spaces) significantly addressed the increased parking demands in the downtown during the past 11 years and will continue to do so for one additional year.

**Discussion:** None

**Action Taken:** City Council and Agency Board jointly and severally adopted **Minute Order No. M2M9-1001** as follows:

RESOLVED by the Alhambra City Council and the Alhambra Redevelopment Agency Board that this City Council and Agency Board hereby approves that certain FIFTH AMENDMENT TO THE LEASE AGREEMENT, (“the Amendment”), dated effective as of March 10, 2009, by and between RAY C. SAEHENG and JING WANG, (collectively “Lessor”), and the ALHAMBRA REDEVELOPMENT AGENCY and the CITY OF ALHAMBRA, (the “Lessee”), a copy of which Amendment is on file in the City Clerk’s Office as Contract No. C98-504 and by this reference incorporated herein and made a part hereof as though fully set forth herein; and, after such Amendment has been duly executed by said Lessor, the Mayor and ARA Chairman are hereby authorized to execute said Amendment for and on behalf of the City and Agency and the City Clerk/ARA Assistant Secretary is hereby authorized to attest the same and to affix the seals of said City and Agency thereto.

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

**4. ACCOUNTS PAYABLE – F2M9-500**

Agency staff submitted for the Agency Board’s review and approval Accounts Payable for the period ended February 5, 2009, Check Nos. 10399 – 10431, in the total amount of \$358,129.11, and for the period ended February 13, 2009, Check Nos. 10432--10441, in the total amount of \$558,968.24.

**Discussion:** None

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

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

**5. TREASURER’S REPORT - F2M9-1**

The Director of Finance has prepared and submitted the Treasurer's Report for the month of January, 2009, listing all of the City's and the Alhambra Redevelopment Agency's investments as of January 31, 2009, a copy of which is on file in the office of the City Clerk as File No. F2M9-1.

**Discussion:** None

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

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

**6. DEVELOPMENT SERVICES FEES: CORRECTIONS – F2M4-74, R2M9-8**

On February 2, 2009, the City Council adopted Resolution No. R2M9-1 approving certain adjustments to various City fees and service charges. A review of Exhibit "A" attached to that Resolution revealed several typographical errors making the amounts of certain fees unclear; consequently, staff requested the City Council to adopt a second resolution for the purpose of readopting certain development services' fees and charges to remove such errors.

**Discussion:** None

**Action Taken:** City Council adopted **Resolution No. R2M9-8** entitled: *A Resolution of the Alhambra City Council modifying Resolution No. R2M9-1 to correct errors in certain City development services fees and service charges.*

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

**7. MINUTES**

Minutes of the January 26, 2009 Joint Regular Meeting of the Alhambra Redevelopment Agency and Alhambra City Council and the Regular Meeting of the Alhambra City Council, and the Minutes of the February 9, 2009 Joint Regular Meeting of the Alhambra Redevelopment Agency and Alhambra City Council and the Regular Meeting of the Alhambra City Council were ready for review and approval by both the Agency Board and/or the City Council.

**Discussion:** None

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

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

**8. EMPLOYEES/EMPLOYER PERS CONTRIBUTIONS REPORTABLE AS TAX DEFERRED FOR INCOME TAX PURPOSES – F2M9-34 [Formerly F77-121, F82-24 & F71-82], R2M9-6**

Staff requested the City Council to adopt a Resolution authorizing the implementation of the provisions Section 414(H)(2) of the Internal Revenue Code to allow the City for income tax purposes to report together as tax deferred both the employee and employer PERS contributions, as more fully discussed in the Assistant City Manager/Personnel Director's February 23, 2009 report on file in the City Clerk's Office.

**Discussion:** None

**Action Taken:** City Council adopted **Resolution No. R2M9-6** entitled: *A Resolution of the Alhambra City Council implementing the provisions of Section 414(H)(2) of the Internal Revenue Code to allow the City to report both employee and employer PERS contributions together as tax deferred for income tax purposes.*

**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 - 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.

Property: 2500 West Commonwealth Avenue, 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.

***Conference with Legal Counsel--Existing Litigation (Govt. Code Section 54956.9(a):***

- a) Williams vs. City of Alhambra, Case No. GC040138
- b) Chen vs. City of Alhambra, Case No. GC040584

whereupon at 5:35 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 7:04 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**  
**February 23, 2009**  
**7:00 p.m.**

**RECONVENE & ROLL CALL:** At 7:04 p.m., on Monday, February 23, 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 Chavez, Director of Utilities Swink, Director of Community Services Jarvis, 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 Black

**FLAG SALUTE:** Led by Mayor Messina

**RESOLUTIONS BY TITLE ONLY**

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

**PUBLIC HEARING:**

**1. PUBLIC HEARING: APPEAL FROM PLANNING COMMISSION DECISION - SUNDAY BISTRO AT 1032 EAST VALLEY BOULEVARD – F2M9-29, N2M9-16**

This was the time and place set by **Notice No. N2M9-16** for the City Council to hold a public hearing on the Appeal filed by *Sunday Bistro* (the "Appellant") from the decision of the Alhambra City Planning Commission on January 5, 2009 imposing the following additional conditions:

1. Business to close by 2 a.m.
2. Planning Commission to review in 6 months

at the conclusion of the Planning Commission's periodic review of Appellant's previously approved application for Conditional Use Permit CU-07-10 to allow beer and wine service in conjunction with meals in an existing restaurant located at 1032 East Valley Boulevard, Alhambra, California, and zoned Valley Boulevard Specific Plan, hereinafter called "Project." At the time the application was initially approved, the Appellant stated he intended to remain open until 3:00 a.m.

Director of Development Services **MARTIN** explained that the Appellant is requesting relief from one of the additional conditions of approval; namely, that the business must close by 2:00 a.m., that was imposed after a periodic review by the Planning Commission of an approved application for a Conditional Use Permit (C.U.P.). He stated that on April 3, 2006, the Planning Commission approved the establishment of the restaurant with an outdoor dining patio. On May 21, 2007, the Planning Commission approved a C.U.P. to allow beer and wine sales in conjunction with meal service subject to review by the Planning Commission after one year of operation. The license was issued by the Department of Alcoholic Beverage Control on December 13, 2007. On September 2, 2008, a one year follow-up review hearing was held, at the conclusion of which the Planning Commission reaffirmed its approval subject to the following conditions:

- a) The Planning Commission shall review the Project on December 1, 2008;
- b) The business hours will be evaluated on December 1, 2008; until that time, the business may remain open until 4:00 a.m.
- c) The provision of additional security is recommended.

The Appellant did not appear at the December 1 hearing and the matter was continued to January 5, 2009, at which time, the Planning Commission reaffirmed the C.U.P. by a vote of 8-2 subject to the following conditions:

- a) The business shall close by 2:00 a.m.
- b) The Planning Commission shall review the Project in six months.

The Appellant filed an Appeal on January 15 to allow the restaurant to remain open until 4:00 a.m., citing that it was always his intent for the restaurant to be open until 4:00 a.m. and that there had been an error when the original application was submitted.

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

1. City Clerk **MOORE** reported for the record that she had received one e-mail from **Glenn BARNETT**, 917 Violeta Drive, objecting to the halogen lights installed to illuminate the rear (south) parking lot of the shopping center in which the restaurant is located as they shine in his bedroom.
2. Mayor **MESSINA** likewise noted for the record that the Appellant, or his representative, was not present this evening. City Manager **FUENTES** added the Appellant was aware that his hearing would be on this evening's agenda

because he had filed all of the necessary paperwork and had been duly noticed.

3. **Lola ARMENDARIZ** thought it unfortunate the business owner was not present this evening; however, he had not attended the September 1, 2008 or January 5, 2009 meetings as well. She urged the Council to support the decision of its Planning Commission, suggesting that after the six-month review, this business should be reviewed annually.

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

**Discussion:** Mr. **YAMAUCHI** asked if the 2:00 a.m. closing time was on the original permit issued *Sunday Bistro*, to which Director of Development Services **MARTIN** responded it was not part of the official Conditions of Approval adopted at the time the permit was issued. However, in its presentation and materials, Appellant had indicated its hours of operation as 2 a.m. Vice Mayor **PLACIDO** thought Council should uphold the decision of the Planning Commission and not support the Appeal. Mr. **AYALA** thought the Planning Commission's six-month review was reasonable and he, too, supported the Planning Commission's decision. Mr. **SHAM** noted it was unfortunate the Appellant had not appeared this evening. Mr. **YAMAUCHI** assumed that the Appellant had good reason for not being here this evening, likewise commenting that it was unfortunate he was absent as Mr. Yamauchi would have liked to have heard what his arguments were. But, because the Appellant is not here, Mr. Yamauchi had no choice other than to support the Planning Commission's decision.

**Action Taken:** Upheld the January 5, 2009 decision of the Alhambra City Planning Commission reaffirming its May 21, 2007 approval of Appellant's Application for Conditional Use Permit CU-07-10 and imposing in connection therewith the following new conditions; to wit:

- 1) The Planning Commission shall review the project in six months, and
- 2) The business shall close no later than 2:00 a.m.,

thereby denying the Appeal filed by *Sunday Bistro* (the "Appellant") from the said additional conditions imposed by the Alhambra City Planning Commission after its review of Appellant's previously approved application for Conditional Use Permit CU-07-10 to allow beer and wine service in conjunction with meals in an existing restaurant located at 1032 East Valley Boulevard, Alhambra, California, and zoned Valley Boulevard Specific Plan (the "Project").

No action was taken with respect to the written concern from Glenn Barrett as it did not pertain to the subject matter of the Appeal.

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

**PRESENTATION:**

**2. STRATEGIC PLAN UPDATE – F2M8-58**

On December 4, 2008, the City Council and Executive Staff met to review the current three-year goals (2008-2011) and six-month objectives to implement the City's strategic plan. Approximately every six months, the City Council and Executive Staff meet to update the objectives. During the strategic planning process, it was determined that the staff would review the progress of the goals and objectives and present to the City Council the status on a monthly basis, Deputy City Manager **SCHULTZ** updated the Council regarding the Strategic Plan, which progress was more fully discussed in the Deputy City Manager's February 23, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Received and ordered filed the informational report presented this evening.

**CONSENT AGENDA (Item Nos. 3 – 8)**

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. TRACT MAP NO. 64354 - F2M9-11, M2M9-11**

Tentative Tract Map No. 64354 was originally approved by the Planning Commission on May 1, 2006, for an 8-unit condominium complex at 204-212 Palmetto Drive. The Tentative Tract Map was approved for a period of two years in accordance with State law, during which time the Map was to be recorded; however, in July, 2008, State law was amended to grant an additional year to the approval period. All conditions of approval of the Tentative Tract Map have been met including the municipal restrictions, reviewed and approved by the Planning Division staff. The City Engineer had signed the Tract map and recommended recordation of the same. Consequently, approval and recordation of this map was now appropriate.

**Discussion:** None.

**Action Taken:** Adopted **Minute Order No. M2M9-11** as follows:

RESOLVED by the Alhambra City Council as follows:

SECTION ONE: Based upon the recommendation of the Director of Development Services in his report dated February 23, 2009, this Council hereby finds and determines that the herein below described project will not violate any of the provisions of Sections 66473.5, 66474, 66474.1, and 66474.6 of the Subdivision Map Act of the State of California.

SECTION TWO: This Council hereby approves TRACT MAP NO. 64354, and authorizes the City Clerk to endorse on the face of the map the

certificate which embodies the approval of said map and acceptance of dedications

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

**4. TRACT MAP NO. 66879 - F2M9-11, M2M9-12**

Tentative Tract Map No. 66879 was originally approved by the Planning Commission on October 2, 2006, for a 63-unit condominium complex at 228-238 South Olive Avenue. The Tentative Tract Map was approved for a period of two years in accordance with State law, during which time the Map was to be recorded; however, in July, 2008, State law was amended to grant an additional year to the approval period. All conditions of approval of the Tentative Tract Map have been met including the municipal restrictions, reviewed and approved by the Planning Division staff. The City Engineer had signed the Tract map and recommended recordation of the same. Consequently, approval and recordation of this map was now appropriate.

**Discussion:**           None.

**Action Taken:**       Adopted **Minute Order No. M2M9-12** as follows:

RESOLVED by the Alhambra City Council as follows:

SECTION ONE: Based upon the recommendation of the Director of Development Services in his report dated February 23, 2009, this Council hereby finds and determines that the herein below described project will not violate any of the provisions of Sections 66473.5, 66474, 66474.1, and 66474.6 of the Subdivision Map Act of the State of California.

SECTION TWO: This Council hereby approves TRACT MAP NO. 66879, and authorizes the City Clerk to endorse on the face of the map the certificate which embodies the approval of said map and acceptance of dedications

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

**5. SB 1407 PARKING CITATION FEE ADOPTION – F2M9-59, F2M4-79, R2M9-7**

Senate Bill 1407, which was signed by the Governor in accordance with California Vehicle Code (CVC) Section 40203.5 effective January 1, 2009, imposes an additional surcharge of \$3 (for a total of \$8) for each parking violation citation processed by the Court. Consequently, staff requested the City Council to approve the adoption of such additional \$3.00 State-imposed Court Construction parking violation surcharge, thereby increasing the current \$45 parking citation fine to \$48, as more fully discussed in the

February 23, 2009 joint report of the Director of Finance and Chief of Police on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Adopted **Resolution No. R2M9-7** entitled *A Resolution of the Alhambra City Council approving the adoption of an additional \$3.00 State-imposed Court Construction Parking Violation Surcharge Fee, amending Resolution No. R2M9-1 to reflect such action, and rescinding any and all resolutions, or portions thereof, contrary to this Resolution*

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

**6. BID AWARD: ALMANSOR PARK LOWER LAKE RENOVATION PROJECT – F2M8-34, N2M8-113, C2M9-5, M2M9-13**

On December 8, 2008, in response to Notice Inviting Bids N2M8-113 for the Almansor Park Lower Lake Improvements Project, ten bids were received, opened and publicly declared ranging from \$235,605.00 (C.W. Crosser, Inc.) to \$554,855.00 (Chi Construction), as more fully discussed in the Director of Community Services' February 23, 2009 report on file in the City Clerk's Office. C.W. Crosser, Inc., requested permission to withdraw its bid due to a math error; and; in addition, staff found the following bids to be nonresponsive: C & B Concrete, CS Legacy and Humphrey Constructors. Consequently, the lowest responsible bid received was submitted by United Engineering and Construction, Inc. Sufficient funding has been allocated in the FY 2008-09 budget.

**Discussion:** None.

**Action Taken:** Adopted **Minute Order M2M9-13** as follows:

RESOLVED by the Alhambra City Council that this Council hereby

1. Approves the withdrawal by C.W. Crosser, Inc., of its apparent low bid, and disqualifies those bids submitted by C&B Concrete, CS Legacy and Humphrey Constructors as failing to meet the minimum specification requirements of Notice Inviting Bids No. N2M8-113;
2. Accepts as the lowest responsible bid received the bid of UNITED ENGINEERING AND CONSTRUCTION, INC., in the total amount of \$439,000.00, for the Almansor Park Lower Lake Renovation Project, (the "Project") subject to the terms, conditions and specifications set forth in Notice Inviting Bids No. N2M8-113; and,
3. Directs the City Attorney to prepare the necessary PUBLIC WORKS CONTRACT (**Contract No. C2M9-5**) with said successful bidder for

said Project; and, after such Agreement has been prepared by the City Attorney, approved as to content and form by the City Manager and the City Attorney, and duly executed by said Contractor, the Mayor is hereby authorized to execute said 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 said City thereto.

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

**7. 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 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 February 23, 2009.

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

**8. DEMANDS - F2M9-1**

Final Check List (105283 thru 105444) in the amount of \$501,195.28 for the period ended February 5, 2009, and Final Check List (105445 thru 105609) in the amount of \$1,659,684.01 and Schedule of Wire Transfers in the amount of \$372,770.77 for the period ended February 12, 2009 were submitted for Council's approval.

**Discussion:** None.

**Action Taken:** Approved as submitted.

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

**ORDINANCES – FIRST READING**

**9. ALARM SYSTEMS – F2M9-40, O2M9-4537**

City Attorney **MONTES** stated that staff is requesting the City Council to amend the City's existing regulations pertaining to permits for alarm systems to better implement the use of alarm systems within the City, explaining that such changes were necessary because of the City Council's recent update of its fee schedule. In reviewing the City's existing regulations, there was a specific reference to a fee that needed to be deleted so that it could be set by Resolution as the Council did with all the other fees. Additionally, there was a section that required approval of an alarm system by the Police Department before the owner could install the system, which section is being deleted as this is not a function that the Police Department is currently performing.

**Discussion:** None.

**Action Taken:** Directed the City Attorney to introduce and give first reading by title only to **Ordinance No. O2M9-4537** entitled:

An Ordinance of the Alhambra City Council amending Sections 9.74.020, 9.74.030 and 9.74.060 and repealing Section 9.74.050 of Chapter 9.74 to the Alhambra Municipal Code regulating alarm systems

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

**10. FEES: APD SECOND RESPONSE TO LOUD GATHERINGS – F2M4-74, O2M9-4538**

City Attorney **MONTES** reported that Alhambra Municipal Code Chapter 9.99 provides for the recovery of costs associated with a special security assignment which is defined to include a second response by the Alhambra Police Department to an address or location to control a threat to the public peace, health, safety or general welfare arising out of a large gathering or party. Section 9.99.030 currently provides for fees and procedures associated with a second response by the police to a loud party or gathering. He further reported that staff is requesting the City Council to adopt an Ordinance to establish these fees by Resolution rather than by Ordinance in order to be consistent with the other City fee adjustment procedures.

**Discussion:** None.

**Action Taken:** Directed the City Attorney to introduce and give first reading by title only to **Ordinance No. O2M9-4538** entitled:

An Ordinance of the Alhambra City Council amending Alhambra Municipal Code Section 9.99.030 pertaining to fees and accounting for Police Department second responses to loud gatherings

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

**ORAL COMMUNICATIONS: F2M9-4, F2M7-94**

**David ABERNATHY**, 2421 Charnwood Avenue, requested a modification of Alhambra Municipal Code Section 11.36.050 (Ordinance No. O2M7-4506 adopted on November 13, 2007) regarding all-night guest parking, specifically the Recreational Vehicle Parking provision (subsections B and C) providing that a temporary permit (72 hours) can only be obtained a maximum of two times per month from the Police Department. He stated this provision did not allow him nor his family to take more than two trips in any given month as they needed to drive their motor home from its offsite storage location to their home to load and upon return unload. He requested the current ordinance be changed to annually allow a maximum of 36 permits.

**Note:** Section 11.36.050 was amended by Ordinance No. O2M8-4521 on April 14, 2008, which amendment deleted the time limitation and number of permits which may be issued per month.

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

Mayor **MESSINA** recognized Mary Comstock from the Alhambra Adult School who, along with some of her students, was in attendance this evening. She also apprized young people in the audience of openings on the City's Youth Commission which provided them with a great opportunity to get involved in civic affairs. Mr. **AYALA** invited young people in the audience to attend other City Council meetings and to become involved and stay informed about their local, State and federal government.

**ARA RECONVENE:** At 7:36 p.m., the ARA Chairman reconvened the Agency Board with all members present.

**RECOGNITIONS & ADJOURNMENT – F2M9-3, F2M9-7**

Councilmember **YAMAUCHI** stated that for a number of years he has served as a Board Member on the *Go for Broke National Education Foundation*, an organization dedicated to publishing the story of those Japanese-American soldiers who fought in World War II. He wished to officially recognize a fellow *Go for Broke* Board Member, retired four-star General **ERIC SHINSEKI**, who, having served 38 years in the military and retired as Commander-in-Chief of our European forces, has recently been named by President Obama to his cabinet as Secretary of Veterans' Affairs. He also wished to recognize **WATARU "WAT" MISAHA** who in 1947, as a college basketball player at Utah State, was the first person of color to be drafted by the National Basketball Association. Two weeks ago Wat Misaka was placed in the *College Basketball Hall of Fame* as well as the *Legends of Basketball Hall of Fame*. Mr. Yamauchi requested that this evening's meeting be adjourned in their honor.

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 in

**Recognition and Honor  
of  
Secretary of Veterans' Affairs  
GENERAL ERIC SHINSEKI  
and  
College Basketball and Legends of Basketball Halls of Famer  
WATARU "WAT" MISAKA**

to 5:30 p.m., on **Monday, March 9, 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**

**ATTEST:**

\_\_\_\_\_  
**BARBARA A. MESSINA, Mayor**

\_\_\_\_\_  
**FRANCES A. MOORE, City Clerk &  
ARA Assistant Secretary**

\_\_\_\_\_  
**GARY YAMAUCHI, ARA Chairman**