

**MINUTES  
ALHAMBRA CITY COUNCIL  
ALHAMBRA REDEVELOPMENT AGENCY  
Joint Regular Meeting  
October 26, 2009  
5:30 p.m.**

**COUNCIL CHAMBERS**

**ALHAMBRA CITY HALL**

**ROLL CALL:** At 5:35 p.m., on Monday, October 26, 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, MESSINA YAMAUCHI, PLACIDO, AYALA  
ABSENT: NONE**

**Officials Present:** Manager/ARA Executive Director Fuentes, Assistant City Manager/Personnel Director Bacio, Assistant City Attorney/Assistant Agency Counsel Richman, Acting City Clerk/ARA Assistant Secretary Myles, Deputy City Manager/Administrative Services Director Schultz, Director of Finance Longballa, Director of Development Services Reynoso, Deputy City Manager/Director of Utilities Swink, Director of Community Services Jarvis, Chief of Police Hudson, Assistant to the City Manager Keating, Assistant to the City Manager Hayashi, Sergeant-at-Arms Elizalde

**FLAG SALUTE:** Led by Chairman Ayala

**RESOLUTIONS BY TITLE ONLY**

On motion of Mr. SHAM, seconded by Dr. PLACIDO, and carried unanimously (SHAM, MESSINA, YAMAUCHI, PLACIDO, AYALA), the Assistant City Attorney/Assistant 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, so ordered.

**PUBLIC**

1. **RESOLUTIONS:** ATHERTON BAPTIST HOMES – F2M9-78, N2M9-120, R2M9-33

time and place set by **Notice No. N2M9-120** for the City Council to conduct

a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986 and the Tax Equity and Fiscal Responsibility Act of 1982 to consider adoption of a City Council Resolution approving the issuance of tax-exempt revenue bonds for the purpose of funding the construction by Atherton Baptist Homes (ABH) of a 50-unit senior housing complex and other purposes. The principal amount of the revenue bonds to be issued is not to exceed \$47,000,000 if mortgage insurance is obtained through Cal-Mortgage and \$42,000,000 if mortgage loan insurance is not obtained.

City Manager **FUENTES** noted the Agency's involvement in the issuance of these tax-exempt revenue bonds was as a conduit issuer. Director of Development Services **REYNOSO** reported the issue before the Board was a request to approve the issuance of a tax-exempt revenue bond not to exceed \$47 million. Atherton Baptist Homes, a California non-profit corporation, has been in Alhambra since 1914, and is a continuing care retirement community. They were seeking City assistance as a conduit issuer for the sale of the bonds to provide funding for 50 new residential living units, refurbishment of existing facilities and re-financing existing debt. As a conduit issuer, the City would not have any responsibility or obligation to make payments on the bond. The documents before the Board had been reviewed by the City Attorney's Office and approved as to form. Staff requested Council consider the resolution approving the financing and the bond documents for sale of the bonds.

**Discussion:** In response to Mayor **PLACIDO's** question regarding responsibility for payments, Director of Development Services **REYNOSO** reiterated the City would not be obligated to make any payments for these bonds. She also noted the increase in community senior housing with the addition of 50 units, to which Dr. Placido commented that such an addition would improve the value of the property and so improve the City's tax base. Mr. **YAMAUCHI** added the City was fortunate to have Atherton Baptist Homes in the community.

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

**Action Taken:** City Council adopted **Resolution No. R2M9-33** entitled: *A Resolution of the Alhambra City Council approving the issuance and delivery of revenue bonds by the City of Alhambra to finance the expansion, construction and equipping of a continuing care retirement community by and for the benefit of Atherton Baptist Homes, approving the form and authorizing the execution of documents, certificates, agreements and contracts relating thereto, and authorizing certain other actions in connection therewith.*

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

## **PRESENTATIONS**

### **2. PROPOSITION 1A SECURITIZATION – F2M9-79, R2M9-31**

Proposition 1A was passed by California voters in 2004 to ensure local property tax and sales tax revenues remain with local government. An emergency suspension of Proposition 1A was passed by the State Legislature as part of the 2009-10 budget package. Under this provision, the State will borrow 8% of the amount of property tax revenue apportioned to cities, counties and special districts. The Proposition 1A Securitization Program was instituted by the California Statewide Communities Development Authority ("California Communities") to enable local agencies to sell their respective Proposition 1A Receivables to California Communities. Under the Securitization Program, California Communities would simultaneously purchase Proposition 1A Receivables, issue bonds and provide each local agency with the cash proceeds in two equal installments to coincide with the dates that the State will be shifting property tax from local agencies. Staff requested that the City Council adopt a resolution approving the form of and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the Proposition 1A Securitization Program and direct and authorize certain other actions in connection therewith as more fully discussed in the Director of Finance's October 26, 2009 report on file in the City Clerk's Office.

City Manager **FUENTES** noted last Spring's budget discussion with Council regarding the possibility that the City, along with other California communities, might be asked to provide additional funding to assist the State with their budget situation. At that time Alhambra's contribution was estimated at \$1.5 million of General Fund resources going back to the State of California should they fail to resolve their budget difficulties. Returning to this item, the City was being requested to provide assistance, again, along with other communities, to help address the State budget situation. The original plan was to use reserve money and contribute that money to this allocation. Under Proposition 1A, that money would have to be reimbursed to Alhambra after three years, with interest. The Proposition 1A Securitization Program allows the City to fulfill its obligation without having to reduce the General Fund reserve.

Director of Finance **LONGBALLA** detailed how in January and May of 2010 Los Angeles County would divert approximately \$1.5 million of City property tax money to the State. Under normal circumstances the City would wait until June 30, 2013, then, hopefully, receive repayment, plus 2% interest (approximately \$90,000). Under the Proposition 1A Securitization Program a joint powers association, the California Statewide Communities' Development Authority, purchases the City's right to receive this money in three years. The City will not see it or give it out, but will then get it back. The joint powers authority packages it, sells the bonds, and promises to pay the bond holders the interest. There is no issuance or closing bond costs to the City which has no obligation on the bonds and no credit exposure to the State. Bondholders would have no recourse to the City if the State defaulted on the bonds three years from now.

**Discussion:** City Manager **FUENTES** remarked that the advantage was in not taking \$1.5 million out of reserve and transferring that to the State. Some of the City's revenues were still in flux, so it was better to keep as much money in the bank as was necessary to pay for unexpected contingencies should the City have a shortfall in revenue forecasting. In response to Mr. **YAMAUCHI's** question regarding how other cities were responding to this program, Mr. **LONGBALLA** stated many cities were doing this. Mr. **FUENTES** added he thought it best to hold the money and go through this process. In the end, whether the State borrowed the money from us or through this bond mechanism, it had to be paid back in three years. His only caution was that the State

could borrow twice within a ten-year period and he suspected another round of this before it was over. In response to Chairman **AYALA's** question regarding a League of California Cities lawsuit, Mr. **LONGBALLA** stated that it referred to a Redevelopment Agency imposed obligation separate from this issue. For Alhambra, that obligation may be over \$5.2 million paid from Agency proceeds. That would have to be addressed in the next several months pending the outcome of the litigation.

Dr. **PLACIDO** noted this program was a way for the City to become whole again, although the State's collecting of this money to close their financial gap did not really solve their problem as they still had to pay it back. City Manager **FUENTES** added that Proposition 1A had a loophole that allowed the State to use City revenues in an emergency with a 2/3<sup>rd</sup>s legislative vote. However, the League was sponsoring an initiative which would clean up this language and essentially close the loophole. From the redevelopment perspective, redevelopment agencies in the State argued in the first lawsuit that taking \$350 million in revenue was not constitutional because this revenue could not be spent outside the project area. The California Redevelopment Agency (CRA) has prevailed on that argument.

**Action Taken:** Adopted **Resolution No. R2M9-31** entitled *A Resolution of the Alhambra City Council approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the Seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.*

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

### 3. **ALAMEDA CORRIDOR EAST: SAN GABRIEL RAIL TRENCH PROJECT – F2M9-84**

The Alameda Corridor East presented information regarding the San Gabriel Rail Trench Project (the "Project") and its affects upon the City of Alhambra, particularly the Ramona Street closure for a three month period beginning May, 2012 and ending July, 2012. All other work for the Project will be completed within the Union Pacific Railroad right-of-way or outside of the City of Alhambra.

City Manager **FUENTES** stated this evening's presentation was an overview and an update on the Alameda Corridor-East (ACE) project and the negotiations between ACE and the City. Specific items related to negotiations might have to be held during Closed Session because the City might possibly challenge the Environmental Impact Report (EIR). Discussions so far had been fruitful and productive. Mr. Fuentes suggested that anything specific the Council wished to discuss be done at the next meeting, since staff had not indicated this item for Closed Session this evening.

Assistant to the City Manager **KEATING** reported that Alameda Corridor-East staff were in attendance this evening to present to Council the San Gabriel Rail Trench Project. Cities were working with ACE to make significant changes to mitigate impacts to the City of Alhambra. The most notable impact would be the closing of Ramona Street for three months from May to July 2012. ACE staff would discuss the detour route in their

presentation.

Rick **RICHMOND**, Chief Executive Officer, *Alameda Corridor-East Construction Authority*, 4900 Rivergrade Road, Suite A120, Irwindale, CA, introduced the staff and consultants involved in the San Gabriel Rail Trench Project and presented a brief history of the Alameda Corridor-East Project. He noted that the Project included 20 grade separations in the corridor from downtown Los Angeles eastward to Pomona. The *ACE Construction Authority* was halfway through the Project, with ten separations finished, in construction, or going into construction. The lead project of the second half of the Project was the largest, the San Gabriel trench and involved grade separations at four streets to Alhambra's immediate east. At 2.2 miles in length it involved a continuation of the Alhambra cut, the lowering of tracks through Alhambra east of Chapel Avenue. The *Construction Authority* would level off the railroad bringing it low enough to get under and stay below Ramona, Mission, Del Mar and San Gabriel. East of San Gabriel Boulevard it would begin to come up again to surface at Walnut Grove, the next crossing in the City of Rosemead. The *Construction Authority* was in the middle of the circulation of their EIR, with the comment period scheduled to close mid-November. Completion of the EIR circulation process was February with earliest construction activities next summer. Initial construction would consist of preliminary activities such as right-of-way for relocation of some sewer lines in the City of San Gabriel and work on the relocation of the fiber optic lines within the railroad right-of-way in San Gabriel. Construction was anticipated to start in spring 2011 and conclude in June 2014. There would be no change to the existing Alhambra trench. The *ACE Construction Authority* had been working with City of Alhambra staff for over 18 months and had made a lot of progress in dealing with all the questions that had arisen.

Duane **KENAGY**, P.E., Sr. Vice President, *Moffatt & Nichol*, was the lead technical resource on this project. Mr. **KENAGY** remarked on Alhambra's concerns for traffic detours and road closures, as well as impacts to San Gabriel High School and how detour and haul routes were to be laid out to minimize disruption on streets, or to businesses and citizens. Lastly, he addressed concerns about protecting City facilities including the golf course area, with assurances the *Construction Authority* was not going to excavate that area because of its past history as a landfill. The Project would not adversely affect Alhambra's sensitive water source, or its pumping plant adjacent to their Project or the San Pasqual wash.

Continuing, Mr. **KENAGY** stated that initial work, aside from utilities relocations, was to construct a railroad detour "shoofly" shifting the existing mainline within the existing right-of-way but to the north to allow room to construct the trench in the southerly portion of the Union Pacific right-of-way. He then detailed excavation construction materials used within the trench and addressed constructed roadways across the trench at Ramona Street, Mission Road, Del Mar Avenue, and San Gabriel Boulevard. Two principal concerns to Alhambra were the Ramona Street and Mission Road projects to which the *Construction Authority* had agreed to limit construction of the Ramona Street bridge to summer months to minimize impact on schools. The School Districts planned to shift their summer school operations during that summer to alternative campuses. Ramona Street closure traffic would be detoured to the east, up to Del Mar Avenue and into the City of San Gabriel. The *Authority* was working with Alhambra to detail traffic signage in the New Avenue area to ensure construction traffic and the normal detour traffic was directed into the City of San Gabriel. Mission Road and Ramona Street would not be closed at the same time. Each would require approximately three months and be done

at different periods to minimize impact. The City expressed concerns regarding detouring haul routes over to Chapel Avenue and into the City, so truck haul route schemes avoid directing any of the traffic into and through the golf course area. Basic haul routes would travel just east and west of Alhambra wash to Mission Road then back to Mission Road and south to San Gabriel Boulevard.

Paul **HUBLER**, Director of Government & Community Relations, *Alameda Corridor-East Construction Authority*, noting the linguistic diversity in the San Gabriel Valley, stated advanced construction detour notices would be in English, Spanish and Chinese. ACE had on staff members who were fluent in all these languages, as well as Mandarin and Cantonese. Before construction began, *ACE Community Relations* would put together a multi-page construction notice that detailed the project, its phases and construction techniques. That notice was offered in the various translations and would be distributed in coordination with City staff through regular meetings staff had been attending. *ACE Community Relations* would coordinate with City staff as to where outreach should occur in the City. Notices would be posted in real time on the ACE website. All notices have the *Alameda Corridor-East Construction Authority* 800 number and a help line answered by staff during regular business hours. An after-hours voice mail box for messages in English, Spanish or Chinese would be monitored 24/7. In addition, the Authority also provided a school safety outreach program during which their staff made presentations, or screened a video to assemblies with important safety messages, particularly relating to rail lines and construction sites. They also distributed safety kits. Businesses directly affected by street closures would be provided advertising and directional signage for their businesses with multilingual advertising, if requested.

#### **Discussion:**

Councilmember **MESSINA** asked if traffic would be detoured through the Terrace Tract, west of New Avenue and abutting the Almanson Golf Course on Adams to which Mr. **HUBLER** responded no detouring would occur west of New Avenue, but rather would be detouring back into San Gabriel.

In response to Dr. **PLACIDO's** several questions on the number of railroad lines, the temporary line, and expansion of bridge lanes, Mr. **RICHMOND** stated the trench would eventually support two lines, the one line that currently exists, with space for a second line and the temporary line would be removed. As to future expansion of lanes on the bridge Mr. **KENAGY** added the *Authority* had no plans to do it, but the trench structure was such that a bridge could be widened in the future. Dr. Placido asked if the lines were just for freight. Mr. Richmond responded that AMTRAK ran the line, but there was no Metrolink service. Dr. Placido asked if ACE maintained as well as built the project to which Mr. Richmond stated railroad components of the trench were maintained by the railroad, including the track, track beds, and the signal system. The structure itself would be the responsibility of the City of San Gabriel. They were working on specifics as to how that would work, but they would take ownership of the structure of the railroad trench, the walls and the bottom slab and the drainage inside the trench as well as the street crossing. The bridges where the streets cross would also be owned by the City of San Gabriel. Dr. Placido noted that the graffiti on the walls would then have to be cleaned up by the City of San Gabriel.

**Citizen Input:** Dr. Clyde **WILLIAMS**, 4115 Barrett Road, Los Angeles, was interested in how this project might increase the frequency of trains in his area. The

groups he represented were reviewing the Environmental Impact Report and submitting their comments to the City Council. If the Council decided to oppose, Dr. Williams might be able to provide the Council with information regarding alternative construction methods.

**Action Taken:** City Council received and ordered filed the informational report presented this evening.

**4. FY 2008-2009 APPROPRIATION ADJUSTMENTS, CARRYOVERS & TRANSFERS, AND, DESIGNATION OF GENERAL FUND RESERVES - FY 2009-2010 BUDGET MODIFICATIONS - F2M9-17, F2M8-17, R2M9-32**

In June, 2008, the City Council adopted the 2008-2009 fiscal year budget that appropriated sums of money to the various departments, offices, boards, commissions, and accounts of the City of Alhambra within each fund. Because of the costs associated with previously approved capital projects or unavoidable costs incurred, several budget line items were in need of adjustment. In addition, each department had examined their valid contracts and purchase orders and their unexpended, unencumbered appropriation balances at June 30, 2009 for carryovers to the 2009-2010 fiscal year budget. The resulting requests, fund balance designations and budget modifications had been reviewed by the City Manager and Director of Finance and were now ready for approval by the City Council. Director of Finance **Longballa** presented an overhead presentation on file in the City Clerk's Office.

**Discussion:** In response to a question from Dr. **Placido** regarding funding for sidewalk repairs and the number of ramps to be installed, Director of Public Works **Chavez** stated HUD funding was being used for ramps at 90 locations within the City. Director of Finance **Longballa** responded to Chairman **Ayala's** question regarding funding the DARE program, stating it was not the City's money, but raised through a charitable event. Chief of Police **Hudson** added that DARE instruction was funded through overtime accounts and the Police Department actually paid overtime for that. The funding was used every year to send the kids to the DARE camp. The Police Department continued to do that even though they were not doing the DARE instruction in school this year, though hopeful they could reinstate it in future years. City Manager **Fuentes** noted the adjustments presented this evening by Director of Finance Longballa needed to be made but were not huge adjustments and were not off by much. Overall, the City still maintained an \$6.8 million reserve, which was presented to Council in the spring. Staff hoped to add to that and be over \$7 million before the end of the fiscal year.

**Action Taken:** City Council adopted **Resolution No. R2M9-32** entitled *A Resolution of the Alhambra City Council approving those certain Fiscal Year-end 2008-2009 Carryovers, Designation of 6-30-09 Unreserved General Fund Balance and Reappropriation of Outstanding Encumbrances.*

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

**AGENCY/COUNCIL CONSENT AGENDA (Item No 5)**

The item listed under the Consent Agenda was considered by the Agency Board/City Council to be routine and, therefore, was enacted by one motion.

**5. NIB: JOSLYN CENTER CDBG-R ADA RAMPS PROJECT – F2M9-83, N2M9-127, M2M9-111**

Staff requested City Council approval to accept and appropriate Community Development Block Grant Recovery (CDBG-R) funds and authorization to distribute a Notice Inviting Bids for an ADA Ramps Project at the Joslyn Center as more fully discussed in the Assistant to the City Manager’s October 26, 2009 report on file in the City Clerk’s Office.

**Discussion:** In reference to Dr. **PLACIDO’s** questions regarding the type and location of the ramp to be installed at the Joslyn Center, Assistant to the City Manager **KEATING** reported it would be similar to the current ramp, but ADA compliant, running from the street down to the Joslyn Center. City Manager **FUENTES** added this was on the north side of the property. The old ramp would be removed and replaced with a contemporary, state-of-the-art ADA compliant ramp pretty much in the same location. In response to Mr. **YAMAUCHI’s** question regarding skateboarders, Mr. **FUENTES** explained that the winding effect on the ramp’s schematic did not seem to be conducive for skateboarding. There were short links in every section of the ramp. With too many turns, skateboarders could not get a good run. Assistant to the City Manager **KEATING** added that with the ADA compliant 5% slope the pitch of the ramp itself was not going to be fiercely downhill. Chairman **AYALA** noted the difference in the level of liability for skateboarders versus seniors and how it was to the City’s benefit to be ADA compliant. Mr. **YAMAUCHI** asked if the City was doing this project voluntarily, to which Ms. Keating responded the project was part of the City’s CDBG-R funds. It was a shovel-ready project that could be implemented quickly. Mr. Fuentes added it was stimulus money to be used on the Joslyn Center to upgrade its overall capacity. Ms. Keating noted the types of grants in use at Joslyn, including an energy efficient grant, the CDBG-R grant, and a State grant Director of Community Services Jarvis had obtained.

**Action Taken:** City Council adopted **Minute Order No. M2M9-111** as follows:

RESOLVED by the Alhambra City Council that this Council hereby:

- 1) Accepts the \$190,000 in Community Development Block Grant Recovery (CDBG-R) funds awarded to the City of Alhambra;
- 2) Appropriates the \$190,000 in CDBG-R funds and directs the Director of Finance to set up those funds in account 251.12.1253.90855 for ADA improvements at Joslyn Center and appropriates \$1,243 and directs the Director of Finance to set up those funds in account 251.12.1253.various for administrative costs; and,

- 3) Authorizes the City Clerk to advertise **Notice Inviting Bids No. N2M9-127** for an ADA Ramps Project at the Joslyn Center.

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

#### **ORAL COMMUNICATIONS - F2M9-4, F2M3-96**

Dr. Clyde **WILLIAMS**, 4115 Barrett Road, El Sereno, informed the Council of the geotechnical study currently circulated by Caltrans that indicated the best route for the proposed 710 Tunnel project. He stated it would probably be through Zone 2 rather than Zone 3, the Meridian route. The other one was through Verdugo and Eagle Rock Boulevards at the side of the City of Glendale. Several groups Dr. Williams is affiliated with were trying to get a resolution through the Alhambra City Council regarding the 710 Tunnel portals locations. For Dr. Williams and the El Sereno group, the portal was paramount as they wished to see it beginning and ending south of Valley Boulevard.

Mr. **YAMAUCHI** asked Dr. Williams which groups he represented regarding this project. Dr. Williams noted there were several groups: The *Los Angeles 32 Neighborhood Council Land Use Committee*, the *Stop the 710*, and another group in Glassell Park. Dr. Williams was speaking primarily for the *Los Angeles 32 Neighborhood Council Land Use Committee*.

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

Assistant City Attorney/Assistant Agency Counsel **RICHMAN** stated an additional item needed to be addressed pertaining to property negotiations, related to property located at 115 West Main Street, the property owner Enrique Ramirez, pertaining to price and terms of payment, which arose subsequent to the posting of this agenda which staff needed to discuss with the City Council/Agency Board this evening; however, in order to do so, a 4/5<sup>th</sup> vote of the City Council/Agency Board was required to add it to the agenda under Closed Session.

**Action Taken:** On motion of Mr. SHAM, seconded by Mayor PLACIDO, and carried unanimously (SHAM, MESSINA, YAMAUCHI, PLACIDO, AYALA), said matter was added under *Conference with Real Property Negotiator (Gov't Code Section 54956.8)*.

Assistant City Attorney/Assistant Agency Counsel **RICHMAN** then 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: 410 W. Main Street, Negotiating parties: City Ventures, The Olson Company, City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Reynoso, 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):**

City of Alhambra vs. D'Ausilio, USDC 09-cv-03235 PA(SSx)

**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 6:33 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 7:05 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  
October 26, 2009  
7:00 p.m.**

**RECONVENE & ROLL CALL:** At 7:05 p.m., on Monday, October 26, 2009, the Alhambra City Council met in the Council Chambers of the Alhambra City Hall

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

**Officials Present:** Assistant City Manager/Personnel Director Bacio, Assistant City Attorney Richman, Acting City Clerk Myles, Deputy City Manager/Administrative Services Director Schultz, Director of Public Works Chavez, Chief of Police Hudson, Fire Chief Stedman, Director of Finance Longballa, Library Director Hernandez, Director of Development Services Reynoso, Deputy City Manager/Director of Utilities Swink, Director of Community Services Jarvis, Assistant to the City Manager Hayashi, Assistant to the City Manager Keating, Code Enforcement Manager Bisogno, Sergeant-at-Arms Elizalde

**FLAG SALUTE:** Led by Mayor Placido

**RESOLUTIONS BY TITLE ONLY**

On motion of Mr. YAMAUCHI, seconded by Mr. SHAM, and carried unanimously (SHAM, MESSINA, YAMAUCHI, AYALA, PLACIDO), 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.

## **CEREMONIALS**

### **1. PROCLAMATION – F2M9-3**

Ratified the action of Mayor Placido in proclaiming **OCTOBER & NOVEMBER, 2009** as **BREAST CANCER AWARENESS AND END DOMESTIC VIOLENCE MONTHS**, respectively, in Alhambra. Mayor **PLACIDO** presented the **PROCLAMATION** to **ADELE ANDRADE-STADLER, President of SOROPTIMIST INTERNATIONAL OF ALHAMBRA, SAN GABRIEL, SAN MARINO.**

### **2. PROCLAMATION – F2M9-3**

Ratified the action of Mayor **PLACIDO** in proclaiming **October 28, 2009** as **NATIONAL IMMIGRANTS' DAY** in Alhambra. Proclamation was mailed to **NICK M. IOANNIDIS, Founder, NATIONAL IMMIGRANTS' DAY.**

## **PRESENTATION**

### **3. STRATEGIC PLAN UPDATE – F2M8-58**

On June 3, 2009, 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. 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, which progress was more fully discussed in the Assistant to the City Manager's October 26, 2009 report on file in the City Clerk's Office.

Assistant to the City Manager **HAYASHI** reported that this was the final update for this Strategic Plan and that staff would be meeting next month to begin the process all over again.

#### **City Input:**

1. Ms. Lola **ARMENDARIZ** discussed aspects of the Strategic Plan Update, including use of the old Library site on Main Street for cultural events, a less expensive emergency notification system than the one proposed, whereby vehicles would drive through City streets using a PA system. Regarding the City establishing a method using current technology, i.e., Twitter, Facebook, to inform residents about relevant City activities and services, she remarked not everyone in the City had a computer and that the City already had *Around Alhambra* to serve that purpose. Regarding wrought-iron fencing and landscaping at *Home*

*Depot*, Ms. Armendariz wished to know the estimated cost of the fence and whether the City was paying for it. She did not feel a fence addressed the day laborer issue at *Home Depot*. Regarding City Environmental Committee appointments, she wished to know who the members were. Regarding funding for the *Summer Jubilee*, she felt the money would be better spent on other City needs.

Mayor **PLACIDO**, in response to Ms. Armendariz' questions on the Strategic Plan Update, stated the *Home Depot* fence was a simpler way to determine if people were loitering. Currently, day laborers loiter on and off *Home Depot* and City property. Fencing would get day workers off the sidewalk and moved onto *Home Depot* property where *Home Depot* could deal with that concern. Regarding Ms. Armendariz's question on emergency notification systems, he stated technology was an inexpensive way to get information to the public. However, the City also had Neighborhood Watch captains, and the CERT program to get the word out in emergencies. Continuing, the Mayor noted the Environmental Commission was established by the Council and the Council had to appoint Commissioners to that commission by year's end. It was a Commission, just as the Planning Commission or City Arts and Cultural Events Committee, where citizens could add their input on environmental issues.

2. Ms. Lillian **ANAYA** discussed the Strategic Plan Update identification of a developer for the site behind *Rick's Burgers* and *Charlie's Trio* and proposed building of additional parking and housing. She asked if there was to be public parking and housing behind both sites, or public parking at *Charlie's Trio* and/or housing behind *Rick's Burgers*? She also addressed the *Home Depot* day labor situation, stating *Home Depot* had never properly dealt with it. If a fence were erected at *Home Depot* the day laborers would simply start wandering through the adjacent neighborhood, checking out which homes were open. She suggested renting a unit across the street from *Home Depot* where there were empty rental units, to allow day laborers to stay there.

#### **Discussion:**

Director of Development Services **REYNOSO** reported on staff discussions with both *Home Depot* corporate and local management to arrange meeting times to go over details of the City's plan. *Home Depot* had agreed to put up a fence on their property. It would be at *Home Depot's* expense, not the City's. Staff was attempting to coordinate those efforts and address all the day laborer issues. A solution was not easy, but *Home Depot* has been cooperative in working with the City.

Ms. **MESSINA** asked if a tent or covering at the side or back of *Home Depot* might mitigate the problem, rather than a fence. They did this at the Monrovia *Home Depot* and she believed Alhambra's *Home Depot* did it briefly as well. In Monrovia they had lunch benches and a portable restroom. People looking for day laborers, could find them at the side or back of *Home Depot*. They would not be loitering in the front of the facility.

Chief **HUDSON** stated the City had covered that option with *Home Depot*. They

were philosophically opposed to it because of the liability issues with bringing day laborers onto their property. Staff was looking at a non-profit organization to operate a hiring service, but that was cost-prohibitive to *Home Depot* and the City. Ms. **MESSINA** noted tenting and facilities at other *Home Depot* locations, to which Chief Hudson responded other locations were run by outside people, not necessarily *Home Depot*. Absent a non-profit wanting to do that free of charge, *Home Depot* was not particularly interested in that solution.

Mr. **AYALA** stated that staff looked at *Home Depot* locations that were most successful in dealing with this issue in downtown Los Angeles and elsewhere in the County. *Home Depot* has partnered with cities and provided technical skills for some of the workers. Day laborers were there to make a living. As to police enforcement, the City could only do something if day laborers were on *Home Depot* property because it was private property. With a fence, day laborers decided whether to stay on private property or not. The City could not enforce, nor could *Home Depot*, the laborers staying in one place or not. The installation of a fence was the closest the City had come to a solution on this issue.

Mr. **YAMAUCHI** did not think the fence was the solution. He requested an update on the status of meetings with *Home Depot*, to which Director of Development Services **REYNOSO** reported discussions had been ongoing with *Home Depot* throughout the years, but most recently with both the store manager and *Home Depot* corporate management. She noted *Home Depot* corporate was now involved and receptive to some of the City's ideas. Staff would continue meeting with them.

In response to a question by Mrs. **MESSINA** regarding *Home Depot's* perception of day laborers inside or outside the proposed fence, Ms. **REYNOSO** stated *Home Depot's* goal was to get the day laborers off their property. The City would enforce non-trespassing regulations. Chief **HUDSON** added that with the fence, *Home Depot's* intent was to notify day laborers they were not welcome on the property and should be on the sidewalk. It then becomes a police issue. The Police Department had the resources to commit to things obviously illegal and had previously made arrests for drug possession and gambling. Without such illegal loitering related activity, it becomes a safer environment for all, but this was not a panacea. Mrs. Messina noted the police could not remove laborers waiting for employment because they were doing nothing wrong. Chief Hudson responded that on a public right-of-way such laborers had the right to congregate. It was the illegal activity the police would do everything in their power to ensure did not take place.

Regarding Mr. **AYALA's** concerns of police enforcement on or off *Home Depot* property, Chief **HUDSON** stated the fence became the issue to create a "divide." *Home Depot* would prefer day laborers not be on their property because they tend to harass customers. Would *Home Depot*, if they had the resources, employ security to enforce day laborers not congregating on their property? Chief Hudson indicated that was an option; however, *Home Depot's* perception might be that given the economy, every additional expense to the company made it more difficult to generate a profit. Mr. Ayala suggested security rather than a fence might be the proper focus.

Mayor **PLACIDO** remarked that *Home Depot* had the day laborers in many of their locations. With the fence at the lower Azusa Road store they did not have this problem. The fence was wrought iron, and just high enough at four feet so that you cannot jump over it. It was barely noticeable because of the landscaping. Landscaping at the Alhambra *Home Depot* was not allowed to mature because the day laborers were walking through it all the time. *Home Depot* had to decide if they want the day laborers on their property or on the sidewalk. The fence addresses this problem. It may not be the answer but it is part of a solution. If the day laborers are on the sidewalk the City can deal with them. Once they go onto private property it is difficult.

**Action Taken:** City Council received and ordered filed the informational report presented this evening.

#### **CONSENT AGENDA (Item Nos. 4 – 11)**

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

#### **4. NOTICE OF COMPLETION: 2008 HUD FUNDED SIDEWALK, CURB & GUTTER REPAIR PROJECT – F2M8-77, C2M9-16, M2M9-107**

Staff requested that the City Council accept the work of Kormx, Inc. in the amount of \$139,963.88 for the 2008 HUD Funded Sidewalk, Curb and Gutter Repair Project. The single change order associated with this project resulted in a credit of \$3,249.63. The work had been inspected and approved by staff as more fully discussed in the Director of Public Works' October 26, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Adopted **Minute Order No. M2M9-107** as follows:

RESOLVED by the Alhambra City Council that this Council hereby

- 1) Approves that certain Change Order to said Contract No. C2M9-16 which resulted in a credit of \$3,249.63;
- 2) Accepts as being fully complete, the work of Kormx, Inc., for the 2008 HUD Funded Sidewalk, Curb and Gutter Repair Project (the "Project") under Contract No. C2M9-16;
- 3) Authorizes payment forthwith of the remaining unpaid balance, not to exceed 90 percent of the contract price, to said contractor, or assigns;
- 4) Authorizes the City Manager to sign the Notice of Completion and the City Clerk to record the same with the Los Angeles County

Recorder; and,

- 5) Authorizes payment of the balance of the contract price to said contractor, or its assigns, on or about 35 days after recordation of said Notice of Completion; provided there has been no mechanic's lien or stop notices filed against said work which have not been paid, withdrawn or eliminated as a lien against said work.

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

**5. COUNTY OF LOS ANGELES "BRAG ABOUT YOUR BAG"® CAMPAIGN – F2M9-82, R2M9-34**

Staff requested that the City Council express support for the County of Los Angeles reusable bag campaign called "Brag about Your Bag" which will be held from November 15 through December 17, 2009. The campaign's goal was to reach 1 million residents through various media, advertisements and campaign partners such as with Ralphs, Albertsons, HOWS and radio station 710ESPN to motivate residents to use reusable bags and recycle their plastic bags. The City of Alhambra would participate by distributing campaign materials at various City facilities, posting campaign announcements on the City website and displaying campaign posters as more fully discussed in the Assistant to the City Manager's October 26, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Adopted **Resolution No. R2M9-34** entitled *A Resolution of the Alhambra City Council expressing support of the County of Los Angeles "Brag about Your Bag"® reusable bag campaign.*

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

**6. NOTICE OF COMPLETION: SEWER MAIN REPAIRS – F2M7-92, C2M9-26, M2M9-108**

Staff requested that the City Council accept the work of Irish Construction in the amount of \$52,141.90 for sewer main repairs on Mission Road at Third Street, El Paseo Drive and Florentina Avenue. The single change order associated with this project totaled \$2,319.90. The work had been inspected by staff and it had been completed in accordance with City requirements and specifications as more fully discussed in the Director of Utilities' October 26, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Adopted **Minute Order No. M2M9-108** as follows:

RESOLVED by the Alhambra City Council that this Council hereby

- 1) Approves that certain Change Order to said Contract No. C2M9-26 in the total amount of \$2,319.90;
- 2) Accepts as being fully complete, the work of Irish Construction, for sewer main repairs on Mission Road at Third Street, El Paseo Drive and Florentina Avenue (the "Project") under Contract No. C2M9-26;
- 3) Authorizes payment forthwith of the remaining unpaid balance, not to exceed 90 percent of the contract price, to said contractor, or assigns;
- 4) Authorizes the City Manager to sign the Notice of Completion and the City Clerk to record the same with the Los Angeles County Recorder; and,
- 5) Authorizes payment of the balance of the contract price to said contractor, or its assigns, on or about 35 days after recordation of said Notice of Completion; provided there has been no mechanic's lien or stop notices filed against said work which have not been paid, withdrawn or eliminated as a lien against said work.

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

**7. NOTICE OF COMPLETION: STORM DRAIN REPAIR PROJECT – F2M9-72, C2M9-31, M2M9-109**

Staff requested that the City Council accept the work of T.A. Rivard, Inc. in the amount of \$42,400 for the Storm Drain Repair Project on Ramona Road at Marengo Avenue. The single change order issued to expand the depressions that lead into the storm drains totaled \$3,800. The work had been inspected and approved by staff as more fully discussed in the Director of Utilities' October 26, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Adopted **Minute Order No. M2M9-109** as follows:

RESOLVED by the Alhambra City Council that this Council hereby

- 1) Approves that certain Change Order to said Contract No. C2M9-31 in the total amount of \$3,800;
- 2) Accepts as being fully complete, the work of T.A. Rivard, Inc. for the Storm Drain Repairs Project on Ramona Road at Marengo Avenue under Contract No. C2M9-31;
- 3) Authorizes payment forthwith of the remaining unpaid balance, not to exceed 90 percent of the contract price, to said contractor, or assigns;
- 4) Authorizes the City Manager to sign the Notice of Completion and the City Clerk to record the same with the Los Angeles County Recorder; and,
- 5) Authorizes payment of the balance of the contract price to said contractor, or its assigns, on or about 35 days after recordation of said Notice of Completion; provided there has been no mechanic's lien or stop notices filed against said work which have not been paid, withdrawn or eliminated as a lien against said work.

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

**8. REJECT BIDS & RE-ADVERTISE: WELL NO. 15 REPAIR & REHABILITATION PROJECT – F2M9-70, N2M9-108, N2M9-125**

On October 8, 2009 two bids were received and opened by the City Clerk for the Well No. 15 Repair and Rehabilitation Project. Due to a misinterpretation of the bid specifications, the City did not receive accurate bids for the project. Therefore, staff had revised the specifications and was recommending the project be re-bid to ensure that the correct and most competitive prices are received for the project.

**Discussion:** None.

**Action Taken:** Rejected as being nonresponsive due to a misinterpretation of a bid item description, the bids submitted in response to Notice Inviting Bids No. N2M9-108 and authorized the City Clerk to advertise **Notice Inviting Bids No. N2M9-125** for the Well No. 15 Repair and Rehabilitation Project, with bids to be received on or before 10:30 a.m., on Thursday, November 5, 2009, in the office of the City Clerk, and publicly opened at 11:00 a.m. that same day.

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

**9. RFP: MOBILE DIGITAL VIDEO RECORDING EQUIPMENT FOR POLICE PATROL VEHICLES – F2M9-81, F2M5-112, RFP2M9-9**

Staff requested City Council authorization to distribute a Request for Proposals for the purchase of Mobile Digital Video recording equipment for police patrol vehicles, as more fully discussed in the Chief of Police's October 26, 2009 report on file in the City Clerk's Office.

**Discussion:** None.

**Action Taken:** Authorized staff to distribute **Request for Proposals No. RFP2M9-9** for the purchase of Mobile Digital Video recording equipment for Police Department marked patrol vehicles.

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

**10. 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 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 October 26, 2009.

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

**11. DEMANDS - F2M9-1**

Final Check List (111519 thru 111655) in the amount of \$181,641.26 for the period ending September 25, 2009; Final Check List (111656 thru 111673) in the amount of \$195,535.32 for the period ending October 1, 2009; Final Check List (111674 thru 111801) in the amount of \$295,421.38 for the period ending October 2, 2009, Final Check List (111802 thru 111821) in the amount of \$15,218.59 for the period ending October 8, 2009; and, Final Check List (111822 thru 112013) in the amount of \$411,325.81 for the period ending October 9, 2009 are being submitted for Council's approval.

**Discussion:** None.

**Action Taken:** Approved as submitted.

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

#### **ORAL COMMUNICATIONS - F2M9-4, F2M8-81, F2M9-9**

1. **Lola ARMENDARIZ**, referencing an item on the October 12, 2009 agenda, requested the Council acknowledge the service of the Police Department's service canine, **EROS**, who had served the City for 4 ½ years and his several handlers, first, Corporal Jason **CONVENTO**, and then Officer Garrett **KENNEDY**.

Mayor **PLACIDO** added that the City had acknowledged the service rendered by **EROS** at the last regular Alhambra City Council meeting. He was retired at the same time as his current handler.

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

Vice Mayor **SHAM** wished to recognize the Alhambra High School students attending and participating in this evening's City Council meeting. Mr. Sham also wished everyone a happy and safe Halloween.

Mrs. **MESSINA** spoke of her attendance at the *Santa Anita Family Services of Monrovia Awards Dinner*. The mission of *Family Services* was to help people from all walks of life with a range of services, from medical to drug problems and psychologists and clinicians to help people. People pay what they can afford for services. One statistic Mrs. Messina quoted from the Dinner was that one out of every seven people in the San Gabriel Valley was jobless right now. In these hard times she felt we should look toward areas of support that agencies such as *Family Services* can provide. They are located in Monrovia with an office in the City of San Gabriel across from the Medical Center. Mrs. Messina reported that she had also attended *Atherton Baptist Homes 95<sup>th</sup> Anniversary luncheon* held last Saturday. The *Atherton Homes*, begun in 1914 by a woman who had invested \$40,000 in the property, was the beginning of today's large facility.

Mr. **AYALA** congratulated the Alhambra High School students in attendance this evening, announcing that students in the Alhambra Unified High School District had performed 21 points higher on their Academic Performance Index (API) scores this year than last. Twelve out of the thirteen schools in the District scored over 800 points, with the thirteenth school scoring 799 points. Mr. Ayala also noted the Council's attendance last week at a celebration for Alhambra Hospital. The Hospital ranked No. 1 in the State for pulmonary care this year, and has ranked in the top 5% nation-wide in pulmonary care over the last five years. Mr. Ayala called attention to a resolution passed this evening under the Council Consent Agenda, Item No. 5, the "Brag About Your Bag," campaign supported by the Los Angeles County Board of Supervisors. He

noted that six million non-biodegradable bags were thrown away each year in Los Angeles County, roughly 600 plastic bags per person with only 5% of them recycled. In Alhambra from November 15 to December 17, 2009, the City was going to create an incentive for people *not* to use plastic bags. Hopefully, recycling would become a habit.

Mr. **YAMAUCHI** announced the *West San Gabriel Valley YMCA Celebrity Waiters' Lunch* would be held at Almansor Court, Tuesday at 11:30 a.m., October 27, 2009. With between 200 and 300 people participating, the lunch was the biggest fundraiser for the YMCA. Celebrity waiters and waitresses would dress in costumes and try to win tips for the YMCA. He also wanted citizens to be aware that *The Alhambra*, at 1000 South Fremont Avenue, was holding its *Third Annual Health and Safety Expo*, Thursday, November 5, 2009 from 11:00 a.m. until 1:30 p.m. This event provided health and safety information of interest to the public. The Alhambra Fire and Police Departments would be represented there, and the Expo would be providing flu shots. Mr. Yamauchi had selected his Environmental Commission appointee and urged the other Councilmembers to submit their Commission appointees so that the Commission could become active. Mr. Yamauchi had met with people associated with the school system who had brought up the idea of reinstating a 3K or 5K run. He hoped to bring up the possibility of the City sponsoring a run as had been done in the past several years and asked the Council to give the idea some thought.

Mayor **PLACIDO** announced the October 29, 2009 event for teens for Halloween at the Alhambra Library. The Alhambra Downtown Association was having on Halloween night, October 30, 2009, a costume party at the Renaissance Plaza with candy and giveaways. On October 17, 2009 the City had a e-waste collection event at Granada Park which was a big success. Last weekend he attended the *Thunderbirds' Homecoming* along with Councilmember Messina. Lastly, he announced that the Los Angeles County Sanitation District is working on Garfield Avenue and Grand Avenue. They will be construction work on the streets for several nights from 9 p.m. until 6 a.m. This is something that has to be done to improve the main sewer lines. Mayor **PLACIDO** also announced the daylight savings change this coming Saturday, as Halloween would be affected by it.

In response to a question by Mrs. **MESSINA**, Chief of Police **HUDSON** reported that the "Gateway to Success" program for the Alhambra Unified School District had been in place for a year. She requested a presentation be made for "Gateway to Success" for the City Council. Chief Hudson stated they planned on making the presentation shortly after the first of the year.

**ARA RECONVENE & ADJOURNMENT:** At 8:00 p.m., there being no further business for the Agency Board or Council to transact, the ARA Chairman and Mayor adjourned their respective meetings to 5:30 p.m. on **Monday, November 9, 2009**, in the Council Chambers of the Alhambra City Hall, 111 South First Street, Alhambra, California.

**LAUREN MYLES**  
**ACTING CITY CLERK & ARA ASSISTANT SECRETARY**  
by  
**CRAIG ROGERS, CMC**  
**ASSISTANT CITY CLERK**

