

**MINUTES
ALHAMBRA CITY COUNCIL
ALHAMBRA REDEVELOPMENT AGENCY
Joint Regular Meeting
November 9, 2009
5:30 p.m.**

COUNCIL CHAMBERS

ALHAMBRA CITY HALL

ROLL CALL: At 5:35 p.m., on Monday, November 9, 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, City Attorney/Agency Counsel Montes, Acting City Clerk/ARA Assistant Secretary Myles, Director of Finance Longballa, Director of Development Services Reynoso, Deputy City Manager/Director of Administrative Services Schultz, Chief of Police Hudson, Assistant to the City Manager Keating, Assistant to the City Manager Hayashi

FLAG SALUTE: Led by Chairman Ayala

AGENCY/COUNCIL CONSENT AGENDA (Item No. 1)

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.

1. MINUTES

The Minutes of the September 28, 2009 Joint Regular Meeting of the Alhambra Redevelopment Agency and the Alhambra City Council and the Regular Meeting of the Alhambra City Council and the October 12, 2009 Joint Regular Meeting of the Alhambra Redevelopment Agency and the Alhambra City Council and the Regular Meeting of the Alhambra City Council were ready for review and approval by both the Agency Board and the City Council.

Discussion: None

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

Vote: Moved: SHAM 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, speaking on behalf of the *Los Angeles 32 Neighborhood Council Land Use Committee* submitted his resume to the Council, a copy of which is on file in the City Clerk's Office, and announced that they were reviewing the geotechnical study report and finding big holes in it, mainly in the groundwork. They would continue to review the report and contribute comments to Caltrans. The Alhambra City Council will be copied on those comments submitted to Caltrans.

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):

- 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.
- b) Property: 115 W. Main Street, Negotiating parties: Enrique Ramirez, 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.
- c) Property: 2500 W. Commonwealth Avenue, Negotiating parties: Fair View Investment Group, LLC, 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): 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): 2 matters.

Discussion of Personnel Matters (Govt. Code Section 54957): Director of Finance and City Clerk

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

whereupon at 5:33 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 7:10 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
November 9, 2009
7:00 p.m.**

RECONVENE & ROLL CALL: At 7:10 p.m., on Monday, November 9, 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: City Manager Fuentes, Assistant City Manager/Personnel Director Bacio, City Attorney Montes, Acting City Clerk Myles, 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, Deputy City Manager/Director of Administrative Services Schultz, Director of Community Services Jarvis, Assistant to the City Manager Hayashi, Assistant to the City Manager Keating, Code Enforcement Manager Bisogno

FLAG SALUTE: Led by Mayor Placido

CONSENT AGENDA (Item Nos. 1 – 8)

All items, except Items No. 3 and 4, listed under the Consent Agenda were considered by the City Council to be routine and, therefore, were enacted by one motion.

- 1. NOTICE OF COMPLETION: ALHAMBRA VETERANS' MEMORIAL – F2M6-70, C2M8-40, M2M9-76**

Staff requested that the City Council accept the work of Two Horse Construction in the amount of \$137,040 for construction of the Alhambra Veterans' Memorial Project. There were three change orders issued for a credit of \$3,250 to the City. The work had been completed and it was appropriate to file a notice of completion. The balance of funds held by the City will be released to Developers Surety and Indemnity Company as more fully discussed in the Director of Utilities' November 9, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-76** as follows:

RESOLVED by the Alhambra City Council that this Council hereby:

- 1) Approves those certain Change Order Nos. 1-3 to said Contract No. C2M8-40 in the total amount of a \$3,250 credit to the City;
- 2) Accepts as being fully complete, the work of Two Horse Construction, for the Alhambra Veterans' Memorial Project (the "Project") under Contract No. C2M8-40;
- 3) Authorizes payment forthwith of the remaining unpaid balance, not to exceed 90 percent of the contract price, to Developers Surety and Indemnity Company, 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 Developers Surety and Indemnity Company, 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: YAMAUCHI Seconded: AYALA
Ayes: SHAM, MESSINA, YAMAUCHI, AYALA, PLACIDO
Noes: NONE
Absent: NONE

2. NOTICE OF COMPLETION: ALHAMBRA PARK VETERANS' MEMORIAL FOUNTAIN CONSTRUCTION PROJECT – F2M6-70, C2M8-41, M2M9-112

Staff requested that the City Council accept the work of Condor, Inc. in the amount of \$80,310 for the Alhambra Park Veterans' Memorial Fountain Construction Project. There were two change orders issued for the project in the amount of \$11,910. The work had been completed and inspected by City staff for conformance with the contract

specifications as more fully discussed in the Director of Utilities' November 9, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-112** as follows:

RESOLVED by the Alhambra City Council that this Council hereby:

- 1) Approves those certain Change Orders 1-2 to said Contract No. C2M8-41 in the total amount of \$11,910;
- 2) Accepts as being fully complete, the work of Condor, Inc., for the Alhambra Park Veterans' Memorial Fountain Construction Project (the "Project") under Contract No. C2M8-41;
- 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: YAMAUCHI Seconded: AYALA
Ayes: SHAM, MESSINA, YAMAUCHI, AYALA, PLACIDO
Noes: NONE
Absent: NONE

3. NIB: CDBG-R ADA IMPROVEMENTS AND RENOVATION OF MEN'S RESTROOM AND RECREATION ROOM FLOORING AT JOSLYN CENTER – F2M9-85, N2M9-135

Staff requested City Council authorization to distribute a Notice Inviting Bids for the Community Development Block Grant–Recovery (CDBG-R) funded ADA Improvements and Renovation of Men's Restroom and Recreation Room Flooring Project at the Joslyn Center as more fully discussed in the Assistant to the City Manager's November 9, 2009 report on file in the City Clerk's Office.

Citizen Input: Daniel **GARCIA**, 4716 Cesar E. Chavez Avenue, Los Angeles, asked whether the City had an ADA Compliance Officer and/or an ADA Compliance Committee to help ensure compliance with ADA requirements. Deputy City

Manager/Director of Administrative Services **SCHULTZ** responded that she was the ADA Compliance Officer for the City and that City facilities were recently reviewed by HUD and found to be in compliance. The improvements being made to the Joslyn Center with CDBG-R money will make the ADA accessible facilities more accessible. Any individual with a question or issue relating to ADA compliance could contact her for assistance.

Action Taken: Authorized the City Clerk to advertise **Notice Inviting Bids No. N2M9-135** for the CDBG-R ADA Improvements and Renovation of Men's Restroom and Recreation Room Flooring Project at the Joslyn Center with bids to be received on or before 10:30 a.m. on Thursday, December 3, 2009, in the office of the City Clerk and publicly opened at 11:00 a.m. that same day.

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

4. ASSURANCES AND UNDERSTANDING AGREEMENT REGARDING RECEIPT AND USE OF MEASURE R LOCAL RETURN FUNDS – F2M9-86, C2M9-52, M2M9-115

Los Angeles County voters approved Measure R, ½-cent sales tax revenue, in November, 2008 to meet the transportation needs of the County. The Los Angeles County Metropolitan Transportation Authority (MTA) allocates and distributes the funds on a monthly basis to jurisdictions on a per capita basis with the funds to be used only for transportation purposes including street and road improvements, traffic control measures and public transit services. It is estimated by the MTA that Alhambra will receive \$459,689 in FY 2009-10 and \$783,784 in FY 2010-11 of Measure R revenue. Consequently, staff requested that the City Council approve an Assurances and Understanding Agreement Regarding Receipt and Use of Measure R Local Return Funds with MTA as more fully discussed in the Director of Public Works' November 9, 2009 report on file in the City Clerk's Office.

Citizen Input: Daniel **GARCIA**, 4716 Cesar E. Chavez Avenue, Los Angeles, asked whether there would be allocations for paratransit services such as those services offered by Access Services.

Discussion: Mrs. **MESSINA** asked Mr. Garcia whether he was asking about the City's ACT buses as she was not sure if Measure R money could be used to upgrade ACT buses with handicap lifts. Mr. **GARCIA** answered that he was interested in local paratransit services. Mayor **PLACIDO** noted that the City had both the ACT bus system that picked up residents at designated stops as well as Senior Ride services which will pick up individuals at their homes. Director of Public Works **CHAVEZ** added that all of the City's ACT buses have the handicap accessible lifts in the rear doors. The City has also recently purchased four new vehicles with such capabilities. She further explained that the Senior Ride Program provides services for residents with disabilities in addition to senior citizens.

Action Taken: Adopted **Minute Order No. M2M9-115** as follows:

RESOLVED by the Alhambra City Council that this Council hereby approves that certain ASSURANCES AND UNDERSTANDING AGREEMENT REGARDING RECEIPT AND USE OF MEASURE R LOCAL RETURN FUNDS by and between the CITY OF ALHAMBRA and the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (MTA), a copy of which Agreement is on file in the office of the City Clerk as **Contract No. C2M9-52** and by this reference incorporated herein and made a part hereof as though fully set forth herein; and, the City Manager is hereby authorized to execute such Agreement for and on behalf of the City of Alhambra and the City Clerk is hereby authorized to attest the same and to affix the Seal of said City thereto

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

5. TRACT MAP NO. 71135 - F2M9-11, M2M9-114

Tentative Tract Map No. 71135 was originally approved by the Planning Commission on July 6, 2009, for an eight unit condominium complex at 1008 South Marengo 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. 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 has signed the Tract Map and recommended recordation of the same. Consequently, approval and recordation of this map is was appropriate.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-114** as follows:

RESOLVED by the Alhambra City Council as follows:

SECTION ONE: Based upon the recommendation of the Director of Development Services in her report dated November 9, 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. 71135, 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: YAMAUCHI Seconded: AYALA
Ayes: SHAM, MESSINA, YAMAUCHI, AYALA, PLACIDO
Noes: NONE
Absent: NONE

6. TREASURER'S REPORT - F2M9-1

The Director of Finance had prepared the Treasurer's Report for the month of September, 2009, listing all of the City's and the Alhambra Redevelopment Agency's investments as of September 30, 2009, a copy of which is on file in the office of the City Clerk as File No. F2M9-1.

Discussion: None

Action Taken: Approved as submitted.

Vote: Moved: YAMAUCHI Seconded: AYALA
Ayes: SHAM, MESSINA, YAMAUCHI, AYALA, PLACIDO
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 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 November 9, 2009.

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

8. DEMANDS - F2M9-1

Final Check List (110849/110924 thru 111105) in the amount of \$839,425.58 for the period ending September 4, 2009; Final Check List (112014 thru 112033) in the amount of \$141,935.41 for the period ending October 15, 2009; Final Check List (112034 thru 112143) in the amount of \$559,872.63 for the period ending October 16, 2009; Schedule of Wire Transfers in the amount of \$1,678,939.70 for the week ending October 8, 2009;

Schedule of Wire Transfers in the amount of \$298,759.89 for the week ending October 15, 2009; Final Check List (112145 thru 112232) in the amount of \$67,736.68 for the period ending October 22, 2009; and, Schedule of Wire Transfers in the amount of \$1,540,945.67 for the week ending October 22, 2009 were submitted for Council's approval.

Discussion: None

Action: Approved as submitted.

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

ORAL COMMUNICATIONS - F2M9-4

1. Daniel **GARCIA**, 4716 Cesar E. Chavez Avenue, Los Angeles, spoke regarding his position as a Systems Change Advocate for Community Rehabilitation Services, Inc., an organization dedicated to empowering persons with disabilities to become more independent and self-reliant. He hoped to recruit ambitious individuals with disabilities to empower themselves and help others with disabilities to do the same. He asked that the Council think about employing disabled people, such as individuals that were deaf or that had cerebral palsy as that will help those individuals employed to live independently and become less reliant on government services and assistance.
2. Winston **CHUA**, reporter for the San Marino Tribune, asked if it would be possible to get a group picture of the Council for the paper after the meeting.

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

Mr. **YAMAUCHI** announced that he was was looking forward to attending the 14th Annual Eddy Awards competition dinner hosted by the Los Angeles Economic Development Council on November 12, 2009. The City was nominated as a finalist for its business-friendly policies. He also thanked residents in his district that decorated their homes for Halloween. He appreciated all the hard work that went into decorating homes to make Halloween special for children. Letters were sent to 15 homeowners in his District dubbed the *most* decorated for Halloween and by filling out a form accompanying the letter, those homeowners would be presented with a certificate at City Hall.

Mr. **AYALA** was pleased to report that the City was recognized by the San Gabriel Valley Energy-wise Partnerships Energy Savings Impact Awards and received an award for energy saving projects totaling over 974 kilowatt hours as a result of the completion of various retrofit projects including improvements made at City Hall. He congratulated the City for receiving the award from the San Gabriel Valley Council of Governments.

Mayor **PLACIDO** commended the Downtown Business Association, the Library and City staff for their contributions to the Halloween events they sponsored. Children had a great time at the Renaissance Plaza and it was a safe and sane event.

City Manager **FUENTES** asked if it would be possible to schedule a work session with the Council on November 16, 2009 at 5:30 p.m. to discuss budgets for projects the City would like to achieve with respect to the Downtown commercial issues, traffic issues on Westmont, Norwood and Cabrillo Avenues and other issues. He noted that there was also a Strategic Planning session scheduled on November 17, 2009.

Responding, Mr. **SHAM**, Mrs. **MESSINA**, Mr. **YAMAUCHI**, Mr. **AYALA** and Dr. **PLACIDO** agreed to a meeting on November 16, 2009 at 5:30 p.m.

RECONVENE & ADJOURNMENT: There being no further business for the Agency Board or Council to transact, the ARA Chairman and Mayor reconvened their respective meetings and **adjourned** the same to **8:00 a.m.**, on **Tuesday, November 17, 2009**, in **Salon 4** of **Almanson Court, 700 South Almanson Street**, Alhambra, California, for the purpose of meeting jointly to discuss and update the City's Strategic Plan (**Notice No. N2M9-134**).

LAUREN MYLES
ACTING CITY CLERK & ARA ASSISTANT SECRETARY