

**MINUTES
ALHAMBRA CITY COUNCIL
ALHAMBRA REDEVELOPMENT AGENCY
Joint Regular Meeting
May 11, 2009
5:30 p.m.**

ROLL CALL: At 5:30 p.m., on Monday, May 11, 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, AYALA
ABSENT: PLACIDO**

Officials Present: Assistant City Manager/Personnel Director/Risk Manager Bacio, City Attorney/Agency Counsel Montes, City Clerk/ARA Assistant Secretary Moore, Director of Development Services/ARA Deputy Executive Director Martin, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Sergeant-at-Arms Mejia

FLAG SALUTE: Led by Chairman Yamauchi

RESOLUTIONS BY TITLE ONLY

On motion of Mr. SHAM, seconded by Mr. YAMAUCHI, and carried unanimously (SHAM, MESSINA, YAMAUCHI, AYALA [PLACIDO, absent]), 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, so ordered.

PUBLIC HEARING:

1. **HEARING: SECOND AMENDMENT TO THE 2008-2009 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CBDG) & HOMELESS PREVENTION AND RAPID RE-HOUSING FUNDS PROVIDED THROUGH THE AMERICAN RECOVERY & REINVESTMENT ACT- F2M8-46, N2M9-47, M2M9-40**

This was the time and place set by Notice No. N2M9-47 for the City Council to hold a public hearing on the proposed Second Amendment to the City of Alhambra's 2008/09 Annual Action Plan, to receive comment on the proposed changes. The public comment period ran from Friday, April 10, 2009 (8:00 a.m.) through Monday, May 11, 2009 (5 p.m.) pursuant to and in compliance with the Federal Department of Housing and Urban Development (HUD) pre-submission requirements as outlined in Section 570.305 of the

Code of Federal Regulations. Deputy City Manager **SCHULTZ** reported that the projects proposed for funding are as follows:

Amendment No. 2 ARRA – Public Facilities and Improvements - Limited Clientele: *Removing Barriers to Access and Providing Improved ADA Accessibility to the Joslyn Center.* An amendment to the 2008/2009 Annual Action Plan for the use of the American Recovery and Reinvestment Act (ARRA) CBDG Funds for providing ADA accessibility improvements at the Joslyn Center, where senior citizens throughout Alhambra congregate to participate in classes and recreational activities. The updates would provide needed accessibility opportunities for disabled citizens and senior citizens to access the services provided by the center which include counselling and other assistance in addition to recreation. The project would include additional and improved ADA wheelchair ramp access, ADA accessible automatic doors, ADA accessible bathroom facilities and other ADA safety upgrades to the facility, including flooring, signage, and related miscellaneous improvements. The proposed budget would be approximately \$190,000.

Amendment No. 2 ARRA – Public Facilities and Improvements – Limited Clientele: *Providing ADA Accessible Curb Cuts at Street Crossings.* An amendment to the 2008/2009 Annual Action Plan for use of ARRA CBDG Funds for providing ADA accessibility to curbs at street crossings. The project would install ADA wheelchair ramp curb cuts at street crossings throughout the City, as well as indicators for the visually impaired. This would accommodate not only the wheelchair bound citizens, but also the visually impaired, providing greater access to City services through increased mobility. The proposed budget would be to construct approximately 60 ramps at the estimated cost of \$3,000 per ramp, for a maximum of \$180,000.

Amendment No. 2 ARRA – Homelessness Prevention and Rapid Re-housing Program – Homelessness Prevention Fund: *Providing Financial Assistance & Relief.* An amendment to the 2008/2009 Annual Action Plan for the use of the ARRA Homelessness Prevention Fund to provide temporary financial assistance and necessary services to prevent individuals and families from becoming homeless, and to enable those who are experiencing homelessness to be quickly re-housed and stabilized. It is the intention of the City to use these funds from this program to target those individuals and families who would otherwise be homeless, if not for this financial assistance. The City will use these funds to provide assistance in a variety of ways, such as: short-term or medium-term rental assistance, which may include vouchers, and/or housing relocation and/or stabilization services. Such forms of assistance could come from mediation, credit counselling, security or utility deposits, utility payments, moving cost assistance, and case management. The City is prepared to spend the allotted \$567,605 over the next two to three years.

On April 7, 2009, staff presented the proposed Second Amendment to the HCDA Citizen Advisory Committee who, after review, recommended approval of same to the 2008/09 Annual Action Plan.

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

Discussion: Mr. **SHAM** asked whether the money allocated for Joslyn Center would be used to make repairs to the building, such as to the air conditioning system. Deputy City

Manager **SCHULTZ** answered that the money would be used only for ADA-accessibility issues; such as, the construction of a ramp from the street level to the Joslyn Center and making the entry ways handicapped accessible. City Manager **FUENTES** added that the air-conditioning system would be repaired with separate funds from an energy efficiency grant available to the City. Chairman **YAMAUCHI** stated that he was willing to vote in favor of this item tonight because he believed that the Action Plan specifically defined its goals and whom it was going to help, but that he still had reservations about the general grouping of people defined as homeless.

Action Taken: After receiving public testimony, the Mayor closed the public hearing and the City Council adopted **Minute Order No. M2M9-40** as follows:

RESOLVED by the Alhambra City Council that this Council hereby certifies that it has reviewed the proposed Second Amendment to the *2008-2009 Annual Action Plan* for the use of its Community Development Block Grant and Homeless Prevention and Rapid Re-Housing Funds provided through the American Recovery and Reinvestment Act as more fully described in that certain May 11, 2009 report of the Deputy City Manager on file in the Office of the City Clerk as F2M8-46 and by reference incorporated herein and made a part hereof as though fully set forth herein; and, in connection therewith, hereby approves that certain Second Amendment to the *2008-2009 Annual Action Plan* for the use of its Community Development Block Grant and Homeless Prevention and Rapid Re-Housing Funds provided through the American Recovery and Reinvestment Act, copies of which likewise are on file in the City Clerk's Office as F2M8-46 and by this reference incorporated herein and made a part hereof as though fully set forth herein; and,

BE IT FURTHER RESOLVED by the Alhambra City Council that this Council hereby authorizes staff to file the said Second Amendment to the *2008-2009 Annual Action Plan* for the use of its Community Development Block Grant and Homeless Prevention and Rapid Re-Housing Funds provided through the American Recovery and Reinvestment Act (ARRA) with the United States Department of Housing and Urban Development (HUD).

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

AGENCY/COUNCIL CONSENT: (2 - 4)

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

2. ACTIVATION OF FUNDING FOR PUBLIC IMPROVEMENTS - F2M8-46, M2M9-41

Staff requested the City Council activate Community Development Block Grant funding set aside in the City's 2008-2009 Annual Action Plan for public improvements, as more fully discussed in the Deputy City Manager's May 11, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: City Council adopted **Minute Order No. M2M9-41** as follows:

RESOLVED by the Alhambra City Council that this Council hereby approves the activation of \$400,000 in Community Development Block Grant funds for the Public Improvements activity listed in the Backup List in the City of Alhambra's 2008-2009 Annual Action Plan.

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

3. ACCOUNTS PAYABLE – F2M9-500

Agency staff submitted for the Agency Board's review and approval Accounts Payable for the period ended May 1, 2009, Check Nos. 10542 – 10569, in the total amount of \$1,377,091.72.

Discussion: None

Action Taken: Agency Board approved as submitted.

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

4. MINUTES

The Minutes of the April 27, 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, AYALA, YAMAUCHI
Noes: NONE
Absent: PLACIDO

ORAL COMMUNICATIONS: None

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

City Attorney/Agency Counsel **MONTES** stated an additional item pertaining to a conference between the City's Labor Negotiator and the Alhambra Police Employee Association Non-sworn arose subsequent to the posting of this agenda which staff needs to discuss with the City Council this evening; however, in order to do so, a 4/5th vote of the City Council/Agency Board was required to add it to the agenda under Closed Session.

Action Taken: On motion of Mr. AYALA, seconded by Mr. SHAM, and carried unanimously (SHAM, MESSINA, AYALA, YAMAUCHI [PLACIDO absent]), said matter was added under *Conference with City's Labor Negotiator*.

City Attorney/Agency Counsel **MONTES** 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):

- 1) Property: 33 West Main Street, Negotiating parties: Tim Stearns and City Manager/ARA Executive Director Julio J. Fuentes & Director of Development Services Martin, Under Negotiation: Instruction to negotiators will concern price, terms of payment or both.

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

Conference with Legal Counsel Anticipated Litigation: Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b): 1 matter. Initiation of litigation pursuant to Govt. Code Section 54956.9(c): None

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

Conference with City's Labor Negotiator (Govt. Code Section 54957.6: Alhambra Police Employee Association Non-sworn.

PLACIDO: At 5:34 p.m., Dr. Placido entered the room.

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 7:05 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
May 11, 2009
7:00 p.m.**

RECONVENE & ROLL CALL: At 7:05 p.m., on Monday, May 11, 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 Community Services Jarvis, Chief of Police Hudson, Fire Chief Stedman, Director of Finance Longballa, Library Director Hernandez, Deputy City Manager Schultz, Assistant to the City Manager Hayashi, Code Enforcement Manager Bisogno, Deputy Director of Utilities Ray, Sergeant-at-Arms Mejia

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.

CEREMONIALS:

1. PROCLAMATION – F2M9-3

Ratified the action of **Mayor MESSINA** in proclaiming each of those days from **May 10, 2009** through **May 19, 2009**, as **POPPY DAY** in Alhambra. **Mayor MESSINA** presented the **PROCLAMATION** to **American Legion Post #139** representative Ms. **TONI RIVANIS**.

PRESENTATION

2. SR-710 TUNNEL TECHNICAL STUDY TEAM – F2M3-96

Glenda SILVA, Outreach Manager for the lead outreach firm, Sierra Group, representing the SR-710 Tunnel Technical Study Team, orally updated the City Council on the ongoing 710 tunnel technical study. She explained that the team was moving into the analysis phase of the study. A final report will be ready in the fall, 2009. The Study Team will also hold a community meeting on the SR-710 tunnel on June 4, 2009 at 6:30 p.m. in the Community Room of the Alhambra Civic Center Library. All are welcome to

attend. Ms. Silva left informational fliers regarding the community meeting for the public, a copy of which is on file in the City Clerk's Office.

Discussion: None

Action Taken: Received the information and ordered filed.

PUBLIC HEARING:

3. HEARING: APPEAL FROM THE DECISION OF THE PLANNING COMMISSION DENYING RESIDENTIAL PLANNED DEVELOPMENT PERMIT RP-09-6 TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON REAL PROPERTY AT 1105 SOUTH STONEMAN AVENUE – F2M9-51, N2M9-57

This was the time and place set by **Notice No. N2M9-57** for the City Council to hold a public hearing on the Appeal filed by Chu Choy from the decision of the Alhambra City Planning Commission denying Appellant's Application for Residential Planned Development Permit RP-09-6 to construct a new two-story, single-family residence on an approximate land area of 6,750 square feet located at 1105 South Stoneman Avenue, Alhambra, California, which real property is in the R-1 (Single Family Residential) zone, hereinafter called "Project."

Director of Development Services **MARTIN** reported that this particular property is located on the west side of Stoneman Avenue between San Marino Avenue and Shorb Street. The home currently on the property is a 1,320 square-foot, single-story Spanish-style home. The appellant wishes to demolish this home and construct a 2,354 square-foot, two-story home with four bedrooms and three bathrooms. The home is built out to the maximum .35 floor area ratio (FAR) allowed in the R-1 Single Family Residential Zone. It was also pointed out at the Planning Commission meeting that there is a storage and laundry room connected to the garage that adds just less than 200 square feet not included in the .35 calculation of the FAR. The neighborhood itself is well established as it was primarily developed in the 1920's and 1930's and it is comprised of almost exclusively single story homes. The few homes in the neighborhood with two stories have the second story situated well to the rear of the property so that they are not very noticeable driving along the street. Staff also prepared the anti-mansionization calculation based on the pure square footage of the home and it was at the lower end of the anti-mansionization policy of somewhere between 50-75% in comparing to the other homes on the Stoneman Avenue.

Mr. Martin further reported that the application was considered by the Alhambra City Planning Commission on March 16, 2009. After discussion, the application was denied by a vote of 9-0 (one member not present). On April 6, the Planning Commission adopted formal Findings for Denial, which Findings raised issues of detrimental alterations of the neighborhood character and stability; excessive bulk and massing; and lack of compatible proportion and scale with the surrounding area.

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

Proponents:

1. **Chu CHOY**, the appellant and owner of the property, argued that demolishing her current single-story home in favor of the proposed two-story home was necessary as the foundation of the home was cracking. The 2,354 square-foot home was necessary to accommodate her family members living there as the current home has only three bedrooms and one bathroom. Although she did not attend the Planning Commission meeting or the meetings of the Design Review Board (DRB), her architect attended to represent her interests. At one of these meetings, the DRB indicated that the size of her proposed home was compatible with the neighborhood and pointed out that several of the other homes in the neighborhood were two story homes. Due to this fact, she believed that her proposed home was not completely out of character for the neighborhood. She explained that by making the home two stories, it would allow for more open space on the lot and in the backyard as all of the additional square footage added was to the second floor.
2. **Dennis TANG**, 2417 Florentina Avenue, favored the appeal because he believed that it would not only improve the current condition of the home in desperate need of both an internal and external structural upgrade, but it would help improve the quality of the neighborhood with a brand new home. This would be a positive for the community as the economy has not been good for housing values.
3. **Jenny CHEN**, 1428 South Fifth Street, echoed Mr. Tang's comments regarding the new home improving the value of homes in the neighborhood. She also believed that the green space that the proposed two-story design created was good for the environment and that since there were already two-story homes in the neighborhood, there was no reason to deny Ms. Choy a home of the same style.
3. **Hearng CHOY**, 1105 South Stoneman Avenue, also commented that a brand new home would help make the neighborhood a nicer place. He wanted the Council to understand that the home was in poor condition and needed to be completely redone. He also pointed out that a second story would allow his family to be more comfortable not only inside the home, but outside as the proposed design allowed for a backyard.
4. **Stacci SAM**, 621 South Fremont Avenue, conveyed to the Council that the Choy's renovation was necessary due to the cracking and unstable foundation. She felt that many of the people in opposition to the proposed design were not even residents in the immediate neighborhood.
5. **Bernadette KWAN**, 1016 South Granada Avenue, took the position that every home, especially homes built 80-100 years ago, would need to be upgraded or possibly demolished. She felt that many homes in Alhambra, such as the Choy residence, were built at a time when the community had a smaller population and that a single-story home may have been adequate then, but today, due to the increasing population of Alhambra, two-story homes were necessary. As long as Ms. Choy's design for her home met the technical requirements of the City, her home was compatible with the neighborhood and her permit should not be denied.

Opponents:

1. **Michael LAWRENCE**, 1136 South Monterey Street, explained he was afraid that too many homes in the style of Ms. Choy's proposed design would jeopardize the charm of the existing neighborhood. Once a rebuild, such as this project, was allowed, the neighborhood would be changed forever. The issue was not that the home was two stories, but that it was incompatible with the rest of the neighborhood.
2. **Virginia FORD**, 1132 South Stoneman Avenue, was concerned about the negative effects the proposed design would have on the uniformity in the neighborhood, traffic congestion and the housing values of the neighborhood. She noted that sometimes change is not a good thing when it comes to preserving the character of an established neighborhood.
3. **Eleanor CARTER**, 1113 South Fourth Street, pointed out that the neighborhood involved was totally intact with an unbroken aesthetic fabric. The proposed design did not match this aesthetic. She wished that Ms. Choy had attended the DRB and Planning Commission meetings because many of their suggestions regarding her proposed design could have been heard and considered. If some of these suggestions had been implemented, then perhaps Ms. Choy would not be in the position that she was in this evening. It was unfortunate that it had to reach this point.
4. **Henry MENARD**, 1109 South Stoneman Avenue, believed that the proposed design could have added square footage to the home in the back and that two-story homes ruin the beauty of the area.
5. **Jim BULLARD**, 3154 Concord Avenue, recommended that the Council deny the permit as the Planning Commission did. It was nothing personal against Ms. Choy and her family, but the fact that Alhambra needed to preserve the integrity of its neighborhoods. After driving through the neighborhood, he did not observe many two-story homes at all. The proposed design would make the new home stick out like a sore thumb.

Rebuttal: Ms. **CHOY** responded to several points made by the Opponents by reiterating her initial comments. She further explained that this was her first time as a home owner and as a resident going through a rebuilding of her home. Therefore, she did not understand the importance of attending the Planning Commission and DRB meetings. She noted that she did make adjustments to the design based on what the DRB suggested and pushed back the proposed second floor 17 feet. In her initial design, the plan was to have the second story at the front of the home. She pointed out that her architect attended DRB meetings 5 times and each time came back and made adjustments. She wanted the Council to understand that because she was not familiar with drawing up plans for a home, that she relied heavily on what her architect designed and the adjustments he made to the plan.

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

Discussion: Mayor **MESSINA** explained that she could understand Ms. Choy's desire

to start from scratch on a home with a broken foundation, but that the City Council had a responsibility to residents to preserve the integrity of the community and to keep it beautiful. The issue was not that Ms. Choy could not have a new two-story home, but that the proposed design was too bulky and lacked compatibility with the neighborhood. She pointed out that when the DRB reviews plans for a home, they only look at the individual home and do not look at whether or not it fits in with the neighborhood as a whole. The key to resolving this matter was to find a proper design that would allow Ms. Choy to accommodate her family's needs and also preserve the character of the neighborhood. If Ms. Choy took all of the previous comments by the Planning Commission and DRB along with the comments made at this evening's hearing and went back to the drawing board to come up with a new design, she would be able to build the type of home her family needed.

Mr. **AYALA** thanked the participants on both sides of the issue for getting involved and taking the time to attend the meeting. He noted that the City did have an anti-mansionization policy that stated if a home exceeded 50% of the average size of homes in the neighborhood; it would be exceeding the policy. He then pointed out that a report from City staff indicated that with respect to the median-size home of the neighborhood, Ms. Choy's proposed home would be in excess of 59% in terms of mansionization. This report was based on a survey of 30 single-family residences in the neighborhood. The home would also be constructed on a lot that is 3% smaller than the average lot size of the neighborhood. He recommended that Ms. Choy re-draw her plans to reduce the bulkiness of the home on the lot and hoped that she would work closely with City staff as he understood her desire to improve her home.

Mr. **YAMAUCHI** thought Ms. Choy should have attended the Planning Commission and DRB meetings with her architect. If she had attended these meetings, she would have been aware of the changes that were necessary to make to the home fit in with the rest of the homes on the block. He understood that Ms. Choy and her architect had made some changes to the plan, but that the changes were not quite enough to make it compatible with the neighborhood. He believed that Ms. Choy should start over with a new design and plan.

Vice Mayor **PLACIDO** was glad that the Choy family was living in Alhambra as they seem like a nice family who is really just trying to improve upon their existing home. He echoed Mr. Yamauchi's comments that Ms. Choy should have attended the Planning Commission and DRB meetings as it was the homeowner and not the architect that was responsible for the design/plans for their home. If Ms. Choy had attended the meetings, she would have been able to ask questions, answer questions, receive input/suggestions from the board members/commissioners and understand the issues that they were bringing to light with respect to her proposed design. While Ms. Choy's reasons for wanting to improve upon her home were completely valid, she needed to start over with a clean slate and consider how to redesign a home that would fit in with the feel of the neighborhood.

Mr. **SHAM** also believed it was disconcerting that Ms. Choy had failed to attend the 5 meetings of the DRB at which her plans were discussed as well as the Planning Commission meeting. The board members/commissioners would have been able to help her with her project. Although it was important for residents to improve upon their homes, as Ms. Choy was trying to do, it was also equally important that the improvements to a home maintain the beauty and integrity of the neighborhood. He

understood the need for more rooms and bathrooms in the home and complimented Ms. Choy on her desire to preserve green space on the property. He suggested that she review her plan and see if there were ways to eliminate unnecessary space that made the design so bulky.

Action Taken: Appellant was directed to redesign her project for resubmittal to the Design Review Board.

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

CONSENT AGENDA (Item Nos. 4 – 16)

All items, except Item No. 14, listed on the Consent Agenda were considered by the City Council to be routine and, therefore, were enacted by one motion.

4. ACCEPT GIFT: FRIENDS OF THE ALHAMBRA CIVIC CENTER LIBRARY – F2M9-12, M2M9-32

Staff requested that the City Council accept a gift of \$2,950 from the Friends of the Alhambra Public Library to support the Library's spring and summer reading programs, as more fully discussed in the Library Director's May 11, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-32** as follows:

RESOLVED by the Alhambra City Council that this Council hereby accepts with gratitude the gift of \$2,950 from the Friends of the Alhambra Public Library, \$1,550 of which shall be used to finance programs for Adult, Children and Teenagers for the spring season, with the remaining \$1,400 to be used to support the annual Summer Reading Program for Children, Teens and Adults, and directs the Director of Finance to credit such amount to revenue account 101.50.46730 after which said funds are to be allocated to the Alhambra Civic Center Library Special Departmental Supplies account 101.50.5010.64110; and,

BE IT FURTHER RESOLVED by the Alhambra City Council that this Council hereby directs the City Clerk to send a copy of this Resolution to the Friends of the Alhambra Public Library.

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

5. ACCEPT GIFT: ROTARY CLUB OF ALHAMBRA – F2M9-12, M2M9-33

Staff requested that the City Council accept a gift of \$810 from the Alhambra Rotary Club to support the Civic Center Library book collection, as more fully discussed in the Library Director's May 11, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-33** as follows:

RESOLVED by the Alhambra City Council that this Council hereby accepts with gratitude the gift of \$810 from the Rotary Club of Alhambra to support the Library's Book Collection, and directs the Director of Finance to credit such amount to revenue account 101.00.46701 after which said funds are to be allocated to the Alhambra Civic Center Library Book account 101.50.5010.98501; and,

BE IT FURTHER RESOLVED by the Alhambra City Council that this Council hereby directs the City Clerk to send a copy of this Resolution to the Rotary Club of Alhambra.

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

6. ACCEPT GIFT: AT&T UNITED WAY EMPLOYEE GIVING CAMPAIGN – F2M9-12, M2M9-34

Staff requested that the City Council accept a gift of \$137.50 from the AT&T United Way Employee Giving Campaign to support the Civic Center Library Literacy Program, as more fully discussed in the Library Director's May 11, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-34** as follows:

RESOLVED by the Alhambra City Council that this Council hereby accepts with gratitude the gift of \$137.50 from the AT&T United Way Employee Giving Campaign to support the Library's Literacy Program and directs the Director of Finance to credit such amount to revenue account 101.00.46701 after which said funds are to be allocated to the Alhambra Library Literacy Special Department Supplies account 101.50.5050.64110; and,

BE IT FURTHER RESOLVED by the Alhambra City Council that this Council hereby directs the City Clerk to send a copy of this Resolution to United Way acknowledging the gift from the AT&T United Way Employee

Giving Campaign.

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

7. NIB: 2009 HUD ADA RAMPS PROJECT – F2M9-55, N2M9-63

Staff requested City Council authorization to distribute a Notice Inviting Bids to solicit bids for the 2009 HUD ADA Ramps Project, as more fully discussed in the Director of Public Works' May 11, 2009 report on file in the City Clerk's Office. Funds for the project are provided by the City's HUD fund balance account.

Discussion: None

Action Taken: Authorized the City Clerk to advertise **Notice Inviting Bids No. N2M9-63** to solicit bids for the 2009 HUD ADA Ramps Project, with bids to be received on or before 10:30 a.m., on Thursday, June 4, 2009, in the office of the City Clerk, and publicly opened at 11:00 a.m. that same day.

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

8. NIB: INSTALLATION OF PLAYGROUND EQUIPMENT FOR EMERY AND ALHAMBRA PARKS – F2M9-56, N2M9-64

Staff requested City Council authorization to distribute a Notice Inviting Bids to solicit bids for the installation of playground equipment for Emery and Alhambra Parks, as more fully discussed in the Director of Community Services' May 11, 2009 report on file in the City Clerk's Office. Funds for the project are provided by annual grants offered by the California Department of Conservation's Division of Recycling.

Discussion: None

Action Taken: Authorized the City Clerk to advertise **Notice Inviting Bids No. N2M9-64** to solicit bids for the installation of playground equipment for Emery Park and Alhambra Park tot lots, with bids to be received on or before 10:30 a.m., on Thursday, June 4, 2009, in the office of the City Clerk, and publicly opened at 11:00 a.m. that same day.

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

9. CONTRACT AWARD – ALHAMBRA HILLS WATERLINE PROJECT: INSPECTION/CONSTRUCTION MANAGEMENT SERVICES – F2M9-27, M2M9-35, C2M9-13

Staff requested the City Council to award a contract to Savannah Tech in the amount of \$49,536.00, for inspection/construction management services for the oversight of the Alhambra Hills Waterline Project, as more fully discussed in the Director of Utilities' May 11, 2009 report on file in the office of the City Clerk. Funds are available for this project in project account number 401.80.884.90849.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-35** as follows:

RESOLVED by the Alhambra City Council that this Council hereby approves retaining SAVANNAH TECH, LLC, for the provision of inspection/management services for the Alhambra Hills Waterline Project for the sum of not to exceed \$49,536; and, in connection therewith, hereby directs the City Attorney to prepare the necessary PROFESSIONAL SERVICES AGREEMENT (**Contract No. C2M9-13**) with said Consultant, and, after such Agreement has been prepared and approved as to content and form by both the City Manager and the City Attorney and duly executed by said Consultant, the Mayor is hereby authorized to execute said Agreement for and on behalf of the City of Alhambra and the City Clerk to attest the same and to affix the seal of said City thereto.

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

10. SENIOR RIDE VEHICLES – F2M9-52, F2M9-6A, C2M9-14, M2M9-36

Staff requested City Council award a contract to Creative Bus Sales, Inc. in the amount of \$430,414.02 for the purchase and delivery of eight (8) cutaway vehicles to replace worn out vehicles in the Senior Ride Fleet using the "piggyback" method with an established contract between Creative Bus Sales, Inc. and the San Mateo County Transit District as more fully discussed in the Director of Community Service's May 11, 2009 report on file in the City Clerk's Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-36** as follows:

RESOLVED by the Alhambra City Council that this Council hereby

- 1) Approves the purchase and delivery from and by Creative Bus Sales, Inc., of 4 cutaway vehicles (two 14 passengers + 2 wheelchairs capacity and two 8 passengers + 2 wheelchairs capacity) in FY 2008-2009 and for the purchase and delivery from

and by Creative Bus Sales, Inc., of 4 cutaway vehicles (8 passengers + 2 wheelchairs capacity) in FY 2009-2010, for the total sum of not to exceed \$430,414.02;

- 2) Authorizes utilizing the “piggyback” method in conjunction with San Mateo County Transit District’s current agreement with Creative Bus Sales, Inc., to effect said purchase and delivery;
- 3) Directs the City Attorney to prepare the necessary Agreement (**Contract No. C2M9-14**) with Creative Bus Sales, Inc., for said purchase; and after said Agreement has been prepared, approved as to content and form by the City Manager and City Attorney, and duly executed by Creative Bus Sales, Inc., the City Manager is hereby authorized to execute said Agreement for and on behalf of the City of Alhambra and the City Clerk to attest the same and to affix the Seal of said City thereto; and,
- 3) Directs further the City Manager, City Attorney and Director of Community Services to take on behalf of the City of Alhambra any and all actions necessary to carry out the intent of this Resolution without further Council approval.

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

11. AWARD CONTRACT: 2009 USDA SUMMER LUNCH PROGRAM – F2M6-60, C2M9-15, N2M9-29, M2M9-37

On April 16, 2009, one bid was received, opened and publicly declared in response to Notice Inviting Bids No. N2M9-29 for the 2009 USDA Summer Lunch Program in the amount of \$98,472.36 (Food Solutions, Inc.) as more fully discussed in the Director of Community Services’ May 11, 2009 report on file in the City Clerk’s Office.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-37** as follows:

RESOLVED by the Alhambra City Council that this Council hereby:

- 1) Accepts as the sole responsible bid received, the bid of FOOD SOLUTIONS, INC., in the amount of \$98,472.36, for the 2009 USDA Summer Lunch Program, subject to the terms, conditions and specifications set forth in Notice Inviting Bids No. N2M9-29;
- 2) Directs the City Attorney to prepare the necessary CONTRACT FOR VENDED MEALS (**Contract No. C2M9-15**) with said successful bidder for said Program; and, after said contract has been prepared, approved as to content and form by both the City

Manager and the City Attorney, and duly executed by said successful bidder, the Mayor is hereby authorized to execute said contract 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: SHAM Seconded: YAMAUCHI
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

12. AWARD BID: 2008 HUD FUNDED SIDEWALK, CURB & GUTTER REPAIR PROJECT – F2M8-77, N2M8-124, M2M9-39, C2M9-16,

On March 26, 2009, the City Clerk received and opened 12 bids ranging from \$137,513.51 with an alternate for \$5,700 (Kormx, Inc.) to \$271,339 with an alternate for \$7,800 (S. Parker Engineering, Inc.). for the construction of the 2008 HUD Funded Sidewalk, Curb, and Gutter Repair project (N2M8-124) as more fully discussed in the Director of Public Works' May 11, 2009 report on file in the City Clerk's Office. Funding for the project is allocated in the current budget.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-39** as follows:

RESOLVED by the Alhambra City Council that this Council hereby:

- 1) Accepts as the lowest responsible bid received, the bid of KORMX, INC., in the total amount of \$143,213.51, for the 2008 HUD Funded Concrete Sidewalk, Curb, and Gutter Repair Project, subject to the terms, conditions and specifications set forth in Notice Inviting Bids No. N2M8-124; and,
- 2) Directs the City Attorney to prepare the necessary PUBLIC WORKS CONTRACT (**Contract No. C2M9-16**) with said successful bidder for said Project, and after said contract has been prepared, approved as to content and form by both the City Manager and the City Attorney, and duly executed by said successful bidder, the Mayor is hereby authorized to execute said contract 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: SHAM Seconded: YAMAUCHI
Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

13. TRACT MAP NO. 66879 - F2M9-11, M2M9-38

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. The map was approved by the City Council at its February 23, 2009 meeting, but before the map could be signed by the appropriate City personnel, the developer's engineer advised that changes to the map were needed relating to a utility easement. This necessitated a complete revision of the signature page of the map. The revisions were recently completed and the revised map was ready for Council approval.

Discussion: None

Action Taken: Adopted **Minute Order No. M2M9-38** 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 May 11, 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.

SECTION THREE: This Council hereby rescinds any and all resolutions, or portions thereof, heretofore approved by this Council contrary to the actions taken by this resolution.

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

14. DECISION RESOLUTION: APPEAL FROM THE DECISION OF THE PLANNING COMMISSION DENYING CONDITIONAL USE PERMIT FOR TEMPORARY HOUSING FOR AIRLINE FLIGHT CREWS ON REAL PROPERTY AT 422 NORTH THIRD STREET – F2M9-43, R2M9-14

At their March 23, 2009 meeting, the Alhambra City Council duly heard the Appeal filed by China Eastern Airlines from the decision of the Alhambra City Planning Commission, which denied the Appellant's application for Conditional Use Permit CU-08-10 to use as temporary housing for airline flight crews an existing five-unit apartment building on an approximate land area of 8,225 square feet in the R-3 (Multiple Family Residential) zone located at 422 North Third Street, Alhambra, California. At the conclusion of the hearing, the City Council by a 3-2 vote denied the Appeal and directed the City Attorney to

prepare a Resolution memorializing this decision for the Council's consideration at a future meeting. This Resolution was prepared and was ready for Council action.

Discussion: None

Action Taken: Adopted **Resolution No. R2M9-14** entitled: *A Resolution of the Alhambra City Council denying the Appeal filed by China Eastern Airlines and upholding the decision of the Alhambra City Planning Commission denying Appellant's application for Conditional Use Permit CU-08-10 for temporary housing for airline flight crews in an existing five-unit apartment building located at 422 North Third Street, Alhambra, California, in the R-3 (Multiple Family Residential) Zone*

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

15. **PERSONNEL ACTIONS – F2M9-2**

A list of Personnel Actions was 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 May 11, 2009.

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

16. **DEMANDS - F2M9-1**

Final Check List (106861 thru 107039) in the amount of \$677,832.83 for the period ended April 2, 2009; Final Check List (107040 thru 107211) in the amount of \$2,179,304.61 and Schedule of Wire Transfers in the amount of \$735,974.67 for the period ended April 9, 2009; Final Check List (10712 thru 107388) in the amount of \$322,911.67 for the period ended April 16, 2009; and Final Check List (107389 thru 107606) in the amount of \$2,253,002.68 and Schedule of Wire Transfers in the amount of \$378,465.93 for the period ended April 23, 2009 were submitted for Council's approval.

Discussion: None

Action Taken: Approved as submitted.

Vote: Moved: SHAM Seconded: YAMAUCHI

Ayes: SHAM, YAMAUCHI, PLACIDO, AYALA, MESSINA
Noes: NONE
Absent: NONE

ORDINANCES – FIRST READING

17. ESTABLISH REMEDY & PROCESS FOR ISSUING ADMINISTRATIVE CITATIONS – O2M9-4544, F2M9-53, F2M4-74

City Attorney **MONTES** reported that as directed by the City Council he has prepared for the Council’s consideration an ordinance establishing an administrative citation remedy and process for issuing administrative citations, permitting certain fines and penalties to be set by resolution and creating a “wobbler” provision for the prosecution of code violations. Fines, penalties and special assessments collected in connection with enforcement actions will enable the City to recoup some of the Code Enforcement costs.

Discussion: None

Action Taken: Directed the City Attorney to introduce and give first reading to **Ordinance No. O2M9-4544** entitled:

An Ordinance of the City Council of the City of Alhambra, California, amending Title I of the Alhambra Municipal Code by adding Section 1.12.070 and Chapter 1.13 which together establish an administrative citation remedy and process for issuing Administrative citations; and amending Sections 1.12.010 and 1.12.011 permitting certain fines and penalties to be set by City Council resolution.

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

18. ADMINISTRATIVE FINES FOR ILLEGAL FIREWORKS – O2M9-4545, F2M9-53

City Attorney **MONTES** reported that at the direction of the City Council as part of its recent review of City fees and charges, including those of the Fire Department, he has prepared for the Council’s consideration an ordinance imposing administrative fines related to the possession, use, storage, sale and/or display of those fireworks classified as dangerous fireworks under the California Health and Safety Code. The imposition of administrative fines shall be limited to persons who possess, use, sell and/or display, or the seizure of, 25 pounds gross weight or less of dangerous fireworks or persons who possess, use, sell and/or display safe and sane fireworks on or at the dates, times, and/or locations other than those permitted by the Municipal Code.

Discussion: Mayor **MESSINA** warned that this year the City was going to be vigilant about issuing citations to persons in possession of illegal fireworks and that the fines would be very expensive. She announced that City will be providing a very nice fireworks display at Almanson Park on the 4th of July and encouraged residents to attend this show

instead of setting off illegal fireworks at their homes.

Action Taken: Directed the City Attorney to introduce and give first reading to **Ordinance No. O2M9-4545** entitled:

An Ordinance of the City Council of the City of Alhambra, California, amending Section 19.02.020 of the Alhambra Municipal Code by adding thereto a new subsection (H)(1) relating to Administrative fines for illegal fireworks

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

ORDINANCES – SECOND READING

19. R-1 SINGLE-FAMILY RESIDENTIAL GUIDELINES – F2M6-21, O2M9-4531

Discussion: None

Action Taken: Directed the City Attorney to give second reading by title only to **Ordinance No. O2M9-4531** entitled:

An Ordinance of the Alhambra City Council modifying Chapters 2.37 and 23.14 of the Alhambra Municipal Code regarding Single-Family Residential Design Guidelines for R-1 neighborhoods and the Design Review Board

after which the Council adopted the ordinance.

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

20. SEWER MANAGEMENT PLAN: DISCHARGE OF SUBSTANCES INTO SEWER SYSTEM – F2M7-92, O2M9-4542

Discussion: None

Action Taken: Directed the City Attorney to give second reading by title only to **Ordinance No. O2M9-4542** entitled:

An Ordinance of the City Council of the City of Alhambra amending Alhambra Municipal Code Sections 16.24.010 and 16.08.100 pertaining to the discharge of substances into the sewer system

after which the Council adopted the ordinance.

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

ORAL COMMUNICATIONS – F2M9-4

1. **Mary COMSTOCK**, 601 North Stoneman Avenue, thanked Mayor Messina and the City Council for their support of the Alhambra Adult Education Program.
2. **Chris MENDEZ**, 912 South Fourth Street, spoke as a representative of the Alhambra Democratic Club and conveyed to Council that the club, in the spirit of President Obama's call for community action, had donated a tree to be planted in one of the City's fine parks. He also invited any member of the Council to come and speak at one of the club's meetings to discuss any topics that may be relevant to the City.

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

Mr. **SHAM** invited Alhambra residents to join the City Council for its reorganization on May 26, 2009 to celebrate the leadership of outgoing Mayor Messina and to welcome incoming Mayor, Dr. Placido.

Vice Mayor **PLACIDO** was sorry to have missed the Police Department's car wash fundraiser and the Fire Department's pancake breakfast to raise money for the Community Emergency Response Team (CERT) program. He invited residents to attend the dedication of the Alhambra Park Veterans' Memorial on June 6, 2009 as it a good time to celebrate and remember our veterans' dedication and sacrifices.

Mr. **AYALA** announced that he recently received a press release that children in Alhambra between the ages of 6 months and 6 years old will be eligible to participate in a two-year, multi-ethnic pediatric eye disease study that will be conducted in Alhambra by the University of Southern California (USC). The project is a \$1 million, federally-funded project through the National Institute of Health. Representatives from USC will be circulating through Alhambra neighborhoods starting in June to look for eligible children with any of these three conditions: refractive error (which includes near/far sightedness and astigmatism), wandering eye (crossed eye) and myopia. He urged residents to check for details and updates on the program on the City's website.

Mr. **YAMAUCHI** congratulated Captain James P. Henchey of the Police Department on his retirement and thanked him for his 30 years of service to the community. He announced that the YMCA will hold its pancake fundraiser on Saturday, May 16, 2009 and that May is *Asian Pacific Islander Month*. He congratulated those in the community of Asian Pacific Islander heritage. He likewise invited residents to attend the dedication of the Alhambra Park Veterans' Memorial on June 6, 2009 and noted that attendee Congressman Adam Schiff had sponsored and recently passed HR7058 through the House of Representatives and that the companion bill would be introduced in the Senate by California Senator Barbara Boxer. HR7058 will grant the Congressional Medal of Honor, collectively, to the primarily Japanese American 100th Infantry Battalion and the 442nd Regimental Combat Team of United States Army, in recognition of their

dedicated service during World War II. It was a great thing that these men be recognized for their service with the congressional gold medal, a high honor. He thanked Congressman Schiff for his work on the Resolution.

Mayor **MESSINA** announced that over the weekend she attended the Southern California Association of Governments (SCAG) General Assembly and that at this meeting the board was able to pass a resolution to send to Governor Schwarzenegger regarding protecting vehicle license fee money and local cities' property tax funds from being taken by the State should the propositions on the ballot for the May 19, 2009 election fail. She commended the Alhambra Unified School District on its participation in a youth mental health awareness program and was proud that Alhambra was the only school district in our area willing to take on this issue and participate in the study to help students in the District that may have mental health issues. She thanked members of Alhambra Fire Department for their hands-on assistance with the YMCA pancake breakfast event.

ARA RECONVENE & ADJOURNMENT: At 8:25 p.m., the ARA Chairman reconvened the Agency Board with all members present; and, as there was no further business for the City Council or the Agency Board to transact, the Mayor and Agency Chairman, with the unanimous consent of the Council and Agency Board, adjourned their respective meetings to 5:30 p.m. on Tuesday, May 26, 2009, in the Council Chambers of the Alhambra City Hall, 111 South First Street, Alhambra, California.

**FRANCES A. MOORE, CMC
CITY CLERK & ARA ASSISTANT SECRETARY
and
LAUREN MYLES
SENIOR DEPUTY CITY CLERK**

ATTEST:

BARBARA A. MESSINA, Mayor

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

GARY YAMAUCHI, ARA Chairman