Gateway
to the
San Gabriel Valley

CITY OF ALHAMBRA
AGENDA
ALHAMBRA CITY COUNCIL
ALHAMBRA REDEVELOPMENT AGENCY
FEBRUARY 8, 2010

MISSION STATEMENT

The City of Alhambra is dedicated to responsive, creative leadership and quality services, ensuring desirable neighborhoods and a supportive business environment, while being sensitive to the diversity of our community.

VISION STATEMENT

The City of Alhambra shall be the premier family-oriented and economically prosperous community in the San Gabriel Valley.

***Addressing the Council**:* Section 2.04.210 of the Alhambra Municipal Code establishes the procedures for addressing the Council. Any person wishing to address the Council/Agency Board during the meeting must complete a Speaker Request Card and submit it to the City Clerk.

When called upon by the Mayor or Agency Chairman, please step to the podium and give your name, address and organization or other party you represent, if any, in an audible tone of voice for the record. Remarks are limited to 5 minutes.

All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor or ARA Chairman. No question shall be asked a Councilperson or Agency Board member except through the Mayor or the ARA Chairman.

***Standards of Decorum**:* Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council or Agency Board shall be forthwith, by the Mayor or ARA Chairman, barred from the meeting.

***Enforcement of Decorum**:* The Chief of Police, or his designee, shall be Sergeant-at-Arms of the Council/Agency Board meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Mayor or ARA Chairman for the purpose of maintaining order and decorum at the Council/Agency Board meeting.

***Persons Authorized to be Within Rail**:* No person, except City officials, their representatives, and newspaper reporters, shall be permitted within the rail in front of the Council Chamber without the express consent of the Council/Agency Board.

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AGENDA
Joint Regular Meeting
ALHAMBRA CITY COUNCIL
ALHAMBRA REDEVELOPMENT AGENCY
City Council Chambers
111 South First Street
February 8, 2010
5:30 p.m.

ROLL CALL:
COUNCIL: Sham, Messina, Yamauchi, Ayala, Placido
ARA: Sham, Messina, Yamauchi, Placido, Ayala

FLAG SALUTE: Led by Chairman Ayala

RESOLUTIONS BY TITLE ONLY

By motion, unanimously adopted, the City Attorney shall be instructed to read by title only all resolutions appearing on this agenda which are required by law to be read in their entirety.

PUBLIC HEARING

1. CONTINUED JOINT PUBLIC HEARING: DDA BTWN ARA & CITY VENTURES, LLC, FOR DEVELOPMENT OF MIXED USE PROJECT AT 410 WEST MAIN STREET – F2M10-507, C2M10-503, N2M9-502, M2M10-1000

This is the time and place set by **Notice No. N2M9-502** for the Alhambra Redevelopment Agency and the Alhambra City Council to hold a joint public hearing, which public hearing was duly continued from the January 25, 2010 meeting on the possible sale of real property to City Ventures, LLC pursuant to State of California Health and Safety Code Sections 33431 and 33433 for redevelopment purposes. The real property proposed to be developed contains approximately 91,025 square feet of lot area and is identified as Assessor's Parcel No. 5344-017-902 and is generally located on the south side of Main Street between Fourth Street and Fifth Streets, commonly known as 410 West Main Street (the "Site"). The Agency Board will also consider the approval of a Disposition and Development Agreement (DDA) with City Ventures, LLC for the sale and development of the Site and a summary report pursuant to State of California Health and Safety Code Sections 33431 and 33433 for the proposed project. The proposed development consists of a mixed-use project consistent with the West Main Corridor Master Plan which includes up to 86 condominium units and 8,200 square feet of commercial space.

Recommended Action: After receiving public testimony, the Agency Chairman should close the public hearing and the Agency Board/City Council should take whatever action(s) it deems appropriate, which may include, but not be limited to, jointly and severally adopting **Minute Order No. M2M10-1000** as follows:

1) City Council adopt **Resolution No. R2M10-8** entitled: *A Resolution of the Alhambra City Council approving a sale as part of a Disposition and Development Agreement between the Alhambra Redevelopment Agency and City Ventures, LLC concerning that approximately 2.1 acres owned by the Agency in the City of Alhambra located between Fourth and Fifth Streets on the south side of Main Street (former Library site) in accordance with California Health and Safety Code Section 33433, and making findings in support thereof*; and,

2) Approve that certain DISPOSITION AND DEVELOPMENT AGREEMENT (the "DDA"), by and between the ALHAMBRA REDEVELOPMENT AGENCY (the "Agency"), and CITY VENTURES, LLC., a Delaware Limited Liability Company, a copy of which DDA is on file in the office of the City Clerk as **Contract No. C2M10-503** and by this reference incorporated herein and made a part hereof as though fully set forth herein and summary report (the "Report") pursuant to Health and Safety Code Sections 33431 and 33433 of the California Community Redevelopment Law for real property at 410 W. Main Street (identified as Assessor's Parcel Number 5344-017-902) located on the south side of Main Street between Fourth and Fifth Streets"), a copy of which Report is on file in the City Clerk's Office as **F2M10-507** and incorporated herein by reference and made a part hereof as though fully set forth herein; and, direct staff to undertake the steps necessary to finalize the Council's and/or Agency Board's action.

AGENCY/COUNCIL CONSENT AGENDA (Item Nos. 2 - 4)

All items listed under the Consent Agenda are considered by the Agency Board/City Council to be routine and will be enacted by one motion unless a citizen or Agency Board/Council member requests otherwise; in which case, the item will be removed for separate consideration.

2. OPA: 24 WEST MAIN STREET LLC DBA "CB AFTER DARK" – 24 W. MAIN STREET – F2M10-508, C2M10-501, M2M10-502

Staff requests that the Agency Board consider approval of an Owner Participation Agreement (OPA) by and between the Alhambra Redevelopment Agency and 24 West Main Street LLC (dba "CB After Dark") to provide financial assistance for tenant improvements for a new tapas bar/restaurant at the property located at 24 W. Main Street.

Recommended Action: Agency Board approve the OWNER PARTICIPATION AGREEMENT BY AND BETWEEN THE ALHAMBRA REDEVELOPMENT AGENCY AND 24 WEST MAIN STREET LLC, a copy of which is on file in the office of the City Clerk as Contract No. **C2M10-501** and by this reference incorporated herein and made a part hereof as though fully set forth herein and direct staff to undertake the steps necessary to finalize the Agency Board's action. (**M2M10-502**)

3. MINUTES

Recommended Action: Agency Board and/or the City Council review and approve as submitted the Minutes of the January 11, 2010 Joint Regular Meeting of the Alhambra

Redevelopment Agency and the Alhambra City Council and the Regular Meeting of the Alhambra City Council.

4. ACCOUNTS PAYABLE – F2M10-500

Recommended Action: Approve as submitted the Accounts Payable for the period ending January 29, 2010, Check Nos. 10885-10911, in the total amount of $280,029.52.

ORAL COMMUNICATIONS (TIME LIMITATION - 5 MINUTES)

Citizens wishing to address the Council/Agency Board on any matter which is within the subject matter jurisdiction of the City Council/Agency Board not on the Agenda may do so at this time. Please state your NAME and ADDRESS CLEARLY for the record.

Please note that while the City Council/Agency Board values your comments, pursuant to January 1, 1987 amendments to the Brown Act, the City Council/Agency Board cannot respond nor take any action until such time as the matter may appear as an item on a forthcoming agenda.

CLOSED SESSION & CITY ATTORNEY ANNOUNCEMENT re SAME - F2M10-14

The Agency Board and/or City Council will move into a closed session pursuant to applicable law, including the Brown Act (Government Code Sec. 54950, *et seq.*) for the purposes of conferring with the City/Agency's Real Property Negotiator, and/or conferring with the City Attorney/Agency Counsel on potential and/or existing litigation, and/or discussing matters covered under Government Code Section 54957 (Personnel), and/or conferring with the City's Labor Negotiators as follows; provided, however, prior to so moving into closed session, the City Attorney/Agency Counsel shall make any announcements required by the Brown Act pertaining to such closed session matters:

Conference with Real Property Negotiator (Govt. Code Section 54956.8): None

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

1) NRDC vs. County of Los Angeles, Case No. 08-1467 AHM (PLAx)
2) Lauren M. Cruz, et al., vs. City of Alhambra, et al., Case No. CWC #L207,509DMD
3) Patrick Bass vs. City of Alhambra, USDC CV08-07660 PST(RZx)
4) Cor-Ray Painting Co. vs. City of Alhambra, LASC GC044506

Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b): 2 matters. Initiation of litigation pursuant to Govt. Code Section 54956.9(c): 2 matters.

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

Conference with City's Labor Negotiator (Govt. Code Section 54957.6): Richard Bacio, Personnel Director/Risk Manager, re Management Employees, Alhambra Police Miscellaneous Association, Alhambra Police Association, Alhambra Fire Fighters' Association, and the Alhambra City Employees' Association.

RECONVENE & CITY ATTORNEY REPORT: In the event the Agency Board and City Council move into a closed session, the Agency Board and City Council shall reconvene at the conclusion of such closed session and the City Attorney/Agency Counsel shall report upon the closed session if required.

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AGENDA
Regular Meeting
ALHAMBRA CITY COUNCIL
City Council Chambers
111 South First Street
February 8, 2010
7:00 p.m.

ROLL CALL:
COUNCIL: Sham, Messina, Yamauchi, Ayala, Placido

FLAG SALUTE: Led by Mayor Placido

RESOLUTIONS BY TITLE ONLY

By motion, unanimously adopted, the City Attorney shall be instructed to read by title only all resolutions appearing on this agenda which are required by law to be read in their entirety.

CEREMONIALS

1. COMMENDATION: 2009 HALLOWEEN DECORATIVE HOMES – F2M10-3, F2M7-108

Councilmember **YAMAUCHI** and the City Council wish to recognize and commend residents **HAILI BRITTON & ADAM VERDUGO, 313 North Palm Avenue,** who put forth an extraordinary effort at Halloween in decorating their homes for the holiday.

2. PROCLAMATION: *THE BIG READ* IN ALHAMBRA – F2M10-27, F2M10-3

Ratify the action of **Mayor PLACIDO** in proclaiming **March 13 thru April 15, 2010**, as ***THE BIG READ*** in Alhambra. The Proclamation will be presented to **Library Director, CARMEN HERNANDEZ**.

PRESENTATION

3. CONTRACT EXTENSION: RESIDENTIAL INTEGRATED WASTE MANAGEMENT – F94-80, F2M10-26, C2M10-4, M2M10-10

Staff will make a presentation to City Council regarding the extension of the City's contract with Republic Services, Inc. for residential integrated waste management. Staff is requesting that the Council award a contract extension for residential integrated waste management services to Republic Services, Inc. The proposed contract extension is for five years (April 1, 2010 through March 31, 2015) with one five-year extension possible.

Recommended Action: City Council approve that certain RESIDENTIAL INTEGRATED WASTE MANAGEMENT AGREEMENT with Republic Services, Inc., subject to final language approval by the City Manager and City Attorney, a copy of which Agreement is on file in the office of the City Clerk as **Contract No. C2M10-4** and by this reference incorporated herein and made a part hereof as though fully set forth herein, and direct staff to undertake the steps necessary to finalize Council's action. (**M2M10-10**)

CONSENT AGENDA (Item Nos. 4 – 13)

All items listed under the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion unless a citizen or Council member requests otherwise; in which case, the item will be removed for separate consideration.

4. RENAME THE ALHAMBRA CIVIC CENTER LIBRARY COMMUNITY ROOM AS RUTH C. REESE HALL – F2M1-69, R2M10-6

Staff requests that the City Council approve a Resolution that renames the Alhambra Civic Center Library's Community Room as the Ruth C. Reese Hall in recognition of Ms. Reese's contributions to the Library and the City of Alhambra. Ruth C. Reese was a long-time member of the Friends of the Alhambra Public Library. As one of thirteen local benefactors of her estate, the Civic Center Library received a generous gift in the total amount of $185,000 from the Ruth C. Reese Lifetime Trust.

Recommended Action: Adopt **Resolution No. R2M10-6** entitled: *A Resolution of the City Council of the City of Alhambra naming the Community Room in the Alhambra Civic Center Library for Ruth C. Reese.*

5. ACCEPTANCE OF *THE BIG READ* GRANT – F2M10-27, M2M10-11

Staff requests that the City Council accept *The Big Read* Grant from the Arts Midwest on behalf of the National Endowment for the Arts in the amount of $2,500. *The Big Read* is an initiative of the National Endowment for the Arts in partnership with the Institute of Museum and Library Services designed to restore reading to the center of American culture. The funds provided by the grant will be used to develop and present programs and discussion groups surrounding the selected book "The Joy Luck Club" by Amy Tan, which will encourage literary reading in teens and adults by bringing attention to great and accessible works of literature.

Recommended Action: Accept the $2,500 grant from the Arts Midwest on behalf of the National Endowment for the Arts (revenue account 101.50.42108) and direct the Director of Finance to allocate the funds to the Big Read Grant account (account 101.50.5010.99115). (**M2M10-11**)

6. APPLICATION FOR FUNDING: STATEWIDE PARK DEVELOPMENT & COMMUNITY REVITALIZATION PROGRAM OF 2008 (PROP 84) – F2M10-28, R2M10-7

Staff requests that the City Council authorize staff to apply for grant funding from the State of California under the Statewide Park Development and Community Revitalization Program of 2008 (Prop 84) administered by the Office of Grants and Local Services. The City proposes to apply for grants to improve recreational facilities and amenities through various projects at Almansor Park, Alhambra Park, Story Park and Granada Park.

Recommended Action: Adopt **Resolution No. R2M10-7** entitled: *A Resolution of the City Council of the City of Alhambra approving the application for Statewide Park Program Grant Funds*

7. TOLLING AGREEMENT WITH COUNTY OF LOS ANGELES – F2M10-29, C2M10-5, M2M10-12

Last year, the County of Los Angeles (the "County") presented a claim to the City seeking indemnification and contribution from the City should the County be found liable in the case filed against the County by the National Resources Defense Council (NRDC) and the Santa Monica Baykeeper under the Clean Water Act and related statutes. As an alternative to bringing Alhambra into the litigation at this point in time, the County has offered a tolling agreement which would preserve the County's rights to pursue the City for indemnification or contribution at a later time, should the County ultimately lose the NRDC lawsuit. At this time the City Attorney and staff are recommending that the City Council enter into the tolling agreement, as it will eliminate any immediate need to incur legal fees either defending or prosecuting claims between the City and the County over causes of action that arise or may arise from the NRDC/Santa Monica Baykeeper's dispute with the County.

Recommended Action: Approve that certain TOLLING AGREEMENT with the County of Los Angeles and Los Angeles County Flood Control District, subject to final language approval by the City Manager and City Attorney, a copy of which Agreement is on file in the office of the City Clerk as **Contract No. C2M10-5** and by this reference incorporated herein and made a part hereof as though fully set forth herein; authorize the Mayor to execute the Agreement on behalf of the City; and, direct staff to undertake the steps necessary to finalize Council's action. (**M2M10-12**)

8. NOTICE OF COMPLETION: ALMANSOR PARK JOGGING TRAIL REPLACEMENT PROJECT – F2M6-26, C2M7-11, M2M10-13

Staff requests that the City Council accept as complete the installation of the replacement of the rubberized jogging trail surface at Almansor Park by Atlas Tracks, Inc. The work has been completed, inspected by staff and determined to be acceptable.

Recommended Action: Accept as complete the installation of a Poured-in-Place replacement rubberized jogging trail surface by Atlas Tracks, Inc. for the construction of the Almansor Park Jogging Trail Replacement Project (**C2M7-11**); authorize the Director of Finance to release the retention 35 days from the date of the recording of the Notice of Completion provided no liens are filed and direct staff to undertake the steps

necessary to finalize Council's action. (**M2M10-13**)

9. NOTICE OF COMPLETION: GARFIELD RESERVOIR COATING PROJECT - F2M9-60, C2M9-20, M2M10-14

Staff requests that the City Council accept the work of Cor-Ray Painting Co. for the completion of the Garfield Reservoir Coating Project. The completed contract amount is $161,000. The work has been inspected by staff and all work has been completed in accordance with the City requirements and specifications. It is appropriate to file a notice of completion.

Recommended Action: Accept as complete the contract with Cor-Ray Painting Co. for the Garfield Reservoir Coating Project (**C2M9-20**) in the amount of $161,000 and direct staff to undertake the steps necessary to finalize Council's action. (**M2M10-14**)

10. NOTICE OF COMPLETION: FIRE DEPARTMENT TRAINING CENTER EXPANSION PROJECT - F2M1-45, C2M9-4, M2M10-15

Staff requests that the City Council accept the work of WRG Fire Training Simulation Systems, Inc. for the completion of the Fire Department Training Facility Expansion Project. One change order was approved by City Council on December 14, 2009, crediting the City in the amount of $21,977. However, this change order was issued prematurely and staff is recommending that Change Order No. 1 be rescinded. The work has been inspected by staff for conformance with the contract specifications and it is appropriate to file a notice of completion.

Recommended Action: 1) Accept as complete the contract with WRG Fire Training Simulation Systems, Inc. for the construction of the Alhambra Fire Training Facility Expansion Project in the amount of $1,087,336.50; 2) rescind Change Order No. 1; 3) approve Change Order No. 2 in the amount of $27,986.50 and 4) direct staff to undertake the steps necessary to finalize Council's action. (**M2M10-15**)

11. TREASURER'S REPORT - F2M10-1

Recommended Action: Approve as submitted the Treasurer's Report prepared by the Director of Finance for the month of December, 2009, listing all of the City's and the Alhambra Redevelopment Agency's investments as of December 31, 2009.

12. PERSONNEL ACTIONS – F2M10-2

Recommended Action: Ratify the actions of the City Manager set forth in that certain Personnel Actions document dated February 8, 2010 showing the various appointments, classifications, salary changes, etc., since the last City Council meeting.

13. DEMANDS - F2M10-1

Recommended Action: Approve as submitted Final Check List (114098 thru 114183) in the amount of $299,815.11 for the period ending January 7, 2010; Final Check List (114184 thru 114324) in the amount of $525,989.68 for the period ending January 8, 2010; Final Check List (114327 thru 114465) in the amount of $1,872,171.78 for the period ending January 14, 2010 and Schedule of Wire Transfers in the amount of $1,651,852.18 for the week ending December 31, 2009 and Schedule of Wire Transfers in the amount of $1,941,928.66 for the week ending January 14, 2010; and, Final Check List (114325-6/114466 thru 114557) in the amount of $306,082.28 for the period ending January 15, 2010.

ORDINANCE – FIRST READING

14. INITIATION OF THE PROCESS FOR THE CONDUCT OF THE 11-2-10 ALHAMBRA GENERAL MUNICIPAL ELECTION - F2M10-25, O2M10-4555

Staff requests the City Council consider the adoption of an ordinance calling the General Municipal Election in the City of Alhambra and the Alhambra Unified School District to be held on November 2, 2010 to be consolidated with the Statewide General Election to be held that same date for the purpose of submitting to the qualified voters the following named officers:

City of Alhambra
Councilperson of the First District, full term
Councilperson of the Second District, full term
Councilperson of the Fifth District, full term

Board of Education
Member, Board of Education – Fourth District, full term
Member, Board of Education – Fifth District, full term

and to take any and all actions necessary at this time to start the election process as more fully discussed in the City Clerk's February 8, 2010 report.

Recommended Action: By motion, instruct the City Attorney to introduce and give first reading to **Ordinance No. O2M10-4555** entitled:

> An Ordinance of the Alhambra City Council providing for a General Municipal Election in said City to be held on November 2, 2010, and providing for the participation therein of electors residing in the Alhambra Unified School District in territory outside of the corporate limits of said City, and providing for the consolidation of the General Municipal Election with the statewide General Election; said Election being held for the election of the following City and Unified School District Officials, to wit: Councilperson of the First District, Full Term; Councilperson of the Second District, Full Term; Councilperson of the Fifth District, Full Term; Member, Board of Education – Fourth District, Full Term; and, Member, Board of Education – Fifth District, Full Term

ORAL COMMUNICATIONS (TIME LIMITATION - 5 MINUTES)

Citizens wishing to address the Council on any matter which is within the subject matter jurisdiction of the City Council not on the Agenda may do so at this time. Please state your NAME and ADDRESS CLEARLY for the record.

Please note that while the City Council values your comments, pursuant to January 1, 1987 amendments to the Brown Act, the City Council cannot respond nor take any action until such time as the matter may appear as an item on forthcoming agendas.

COUNCIL COMMUNICATIONS (ANNOUNCEMENTS & FUTURE AGENDA ITEMS) F2M10-7

Each Councilmember at his discretion may address the Council and public on matters of general information and/or concern, including announcements and future agenda items.

ARA RECONVENE & ADJOURNMENT: There being no further business for the Agency Board or Council to transact, the ARA Chairman and Mayor, with the consent of the Agency Board and the City Council, shall adjourn their respective meetings to 5:30 p.m., on February 22, 2010, in the Council Chambers of the Alhambra City Hall, 111 South First Street, Alhambra, California.

N O T I C E

***Agenda Items**:* Copies of the staff reports or other written documentation relating to the items listed on this agenda are on file with the City Clerk in Alhambra City Hall, located at 111 South First Street, Alhambra, California, and are available for inspection during regular office hours, Monday through Thursday from 7:30 a.m. to 5:30 p.m., and Friday from 8:00 a.m. to 5:00 p.m.

Broadcast of Meeting: The regular meetings of the Alhambra Redevelopment Agency and the City Council are recorded and are broadcast on Charter Channel 55 at 7:30 p.m. on the Thursdays and Mondays following the meeting. Recordings are also available for viewing by the public at the Alhambra Public Library and, upon appointment, in the Administrative Services Department.

Americans with Disabilities Act: If you require special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 570-5094. Notification of at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

LAUREN MYLES
CITY CLERK/ARA ASSISTANT SECRETARY