



Gateway  
to the  
San Gabriel Valley

**CITY OF ALHAMBRA  
AGENDA  
ALHAMBRA CITY COUNCIL  
ALHAMBRA REDEVELOPMENT AGENCY  
JANUARY 30, 2012**

**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 Adjourned Regular Meeting**  
**ALHAMBRA CITY COUNCIL**  
**ALHAMBRA REDEVELOPMENT AGENCY**

Ruth C. Reese Hall  
Alhambra Civic Center Library  
101 South First Street  
January 30, 2012  
5:30 p.m.

**ROLL CALL:**

**COUNCIL:**

**ARA:**

Sham, Messina, Yamauchi, Placido, Ayala  
Messina, Yamauchi, Placido, Ayala, Sham

**FLAG SALUTE:**

Led by Mayor Ayala

**READING OF ORDINANCE TITLES**

Government Code Section 36934 requires that all ordinances be read in full prior to City Council taking action on the ordinance. By listing the ordinance title on the Council agenda, Council may determine that the title has been read.

**Recommended Action:** By motion, determine that the titles to all ordinances which appear on this public agenda have been read, and waive further reading.

**CITY CLERK/ARA ASSISTANT SECRETARY REPORT - NOTICE NO. N2M12-11**

The City Clerk/ARA Assistant Secretary hereby reports that she duly gave notice of the Joint Adjourned Regular Meeting of the Agency Board and City Council being held this evening pursuant to the order of the Mayor and ARA Chairman and in accordance with Section 54955 of the Government Code of the State of California.

**AGENCY/COUNCIL CONSENT AGENDA (Item Nos. 1 - 8)**

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.

**1. RESOLUTION EMPLOYING INDIVIDUALS FORMERLY EMPLOYED BY THE ALHAMBRA REDEVELOPMENT AGENCY & ADOPTION OF REVISED CLASS SPECIFICATIONS – F2M12-2, R2M12-5, M2M12-13**

Staff requests that the City Council adopt a resolution employing individuals formerly employed by the Alhambra Redevelopment Agency in accordance with ABX1 26 and also adopt the related Class Specifications.

**Recommended Action:** 1) City Council adopt **Resolution No. R2M12-5** entitled: *A Resolution of the City Council of the City of Alhambra employing individuals formerly employed by the Alhambra Redevelopment Agency in accordance with Assembly Bill 26*; and,

2) City Council adopt the revised Class Specifications for Deputy Director of Development Services/Economic Development Manager and Project Manager as described in the Assistant City Manager/Personnel Director's January 30, 2012 report on file in the Office of the City Clerk. (**M2M12-13**)

**2. CERTIFICATE OF COMPLETION: CT RESTAURANT AND BREWING CO., LLC, DBA 38 DEGREES - 100 WEST MAIN STREET - F2M8-508, F97-513, C98-540, M2M12-506**

On March 10, 2008, the Agency Board approved a Second Amendment to the OPA and Assignment and Assumption Agreement between American Brewing Factory and Restaurant, LLC ("Assignor"), and CT Restaurant and Brewing Co., LLC dba 38 Degrees, by and through Mike Fata and Chuck Fata ("Assignees") and the Alhambra Redevelopment Agency for 100 West Main Street. The Agency provided tenant improvement assistance to CT Restaurant and Brewing Co. toward construction costs related to the establishment of a restaurant and bar. All construction and development related to the establishment of 38 Degrees at 100 West Main Street is complete. It would be appropriate at this time for the Agency Board to approve a Certificate of Completion for the project.

**Recommended Action:** Agency Board adopt **Minute Order No. M2M12-506** as follows:

RESOLVED by the Alhambra Redevelopment Agency Board that this Board hereby certifies all construction and improvements related to the establishment of a restaurant and bar known as 38 Degrees, located on the property commonly known as 100 West Main Street, by CT Restaurant and Brewing Co., LLC dba 38 Degrees, by and through Mike Fata and Chuck Fata, has been fully and satisfactorily completed as of July 23, 2010, and, therefore, this Agency Board hereby approves that certain *Certificate of Completion*, a copy of which is on file in the office of the City Clerk as **Contract No. C98-540** and by this reference incorporated herein and made a part hereof as though fully set forth herein; and, directs staff to undertake the steps necessary to finalize Agency Board's action.

**3. CERTIFICATE OF COMPLETION: 24 WEST MAIN STREET, LLC DBA CB AFTER DARK – 24 WEST MAIN STREET – F2M10-508, C2M10-501, M2M12-507**

On February 8, 2010, the Alhambra Redevelopment Agency entered into an Owner Participation Agreement (OPA) with 24 West Main Street, LLC dba CB After Dark to provide tenant improvement assistance to establish a tapas bar/restaurant at the property commonly known as 24 West Main Street. All construction related to the establishment of CB After Dark at 24 West Main Street is complete. It would be

appropriate at this time for the Agency Board to approve a Certificate of Completion for the project.

**Recommended Action:** Agency Board adopt **Minute Order No. M2M12-507** as follows:

RESOLVED by the Alhambra Redevelopment Agency Board that this Board hereby certifies all construction and improvements related to the establishment of a tapas bar/restaurant known as CB After Dark, located on the property commonly known as 24 West Main Street, by 24 West Main Street, LLC dba CB After Dark has been fully and satisfactorily completed as of September 24, 2010, and, therefore, this Agency Board hereby approves that certain *Certificate of Completion*, 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, directs staff to undertake the steps necessary to finalize Agency Board's action.

**4. NOTICE OF COMPLETION: MAHAN INDIAN RESTAURANT INC. DBA MAHAN INDIAN RESTAURANT AT 110 WEST MAIN STREET - F2M1-508, C2M8-501, M2M12-508**

Staff requests that the Agency Board approve the Notice of Completion for tenant improvements related to the establishment of an Indian cuisine restaurant at 110 West Main Street. All construction on the site is completed; therefore, it would be appropriate for the Agency Board to approve a Notice of Completion at this time.

**Recommended Action:** Agency Board approve the Notice of Completion for tenant improvements related to the establishment of an Indian cuisine restaurant at the property commonly known as 110 West Main Street (C2M8-501) and direct staff to undertake the steps necessary to finalize Agency Board's action. **(M2M12-508)**

**5. CONFLICT OF INTEREST CODE RESOLUTION - F2M2-90, F94-92, R2M12-4**

Staff requests that the City Council adopt a resolution adopting the City of Alhambra's Conflict of Interest Code. Due to staffing changes related to the dissolution of the Redevelopment Agency and changes in staff titles, staff has reviewed and is recommending the adoption of a Conflict of Interest Code, which will bring current the list of positions and the categories under which they are required to report their financial interests. The resolution also includes the adoption by reference of the Fair Political Practices Commission's standard model Conflict of Interest Code which may be amended by the Commission.

**Recommended Action:** City Council adopt **Resolution No. R2M12-4** entitled: *A Resolution of the Alhambra City Council adopting a Conflict of Interest Code which incorporates by reference the Fair Political Practices Commission's Standard Model Conflict of Interest Code.*

**6. PERSONNEL ACTIONS – F2M12-2**

**Recommended Action:** Ratify the actions of the City Manager set forth in that certain Personnel Actions document dated January 30, 2012 showing the various appointments, classifications, salary changes, etc., since the last City Council meeting.

**7. MINUTES**

**Recommended Action:** Agency Board and/or the City Council review and approve as submitted the Minutes of the May 31, 2011 Joint Adjourned Regular Meeting of the Alhambra Redevelopment Agency and the Alhambra City Council; the June 8, 2011 Joint Adjourned Regular Meeting of the Alhambra Redevelopment Agency and Alhambra City Council; and, the January 23, 2012 Joint Regular Meeting of the Alhambra Redevelopment Agency and the Alhambra City Council and the Regular Meeting of the Alhambra City Council.

**8. ACCOUNTS PAYABLE – F2M12-500**

**Recommended Action:** Agency Board approve as submitted the Accounts Payable for the period ending January 18, 2012, Check Nos. 11628-11637, in the total amount of \$52,753.34.

**PRESENTATIONS**

**9. PROPOSED US STORAGE CENTER AT 2500-2520 HELLMAN AVENUE – F2M11-58**

Staff wishes to present to the City Council the proposed project located at 2500-2520 Hellman Avenue. On January 9, 2012, US Storage Center representatives made their second presentation regarding the project to the City Council with more detailed renderings. The City Council asked for revisions to the project; therefore, the architect and proposed owner worked with staff to ensure the issues addressed by the City Council were implemented and have made substantial changes to the plan. The revised project rendering and material boards are ready for review by the City Council.

**Recommended Action:** City Council review and receive and order filed the informational report presented this evening.

**10. PROPOSED OFFICE & RETAIL CENTER AT 539 WEST MAIN STREET – F2M12-24**

Staff wishes to present to the City Council the proposed office and retail center located at 539 West Main Street. The property owner has submitted an application to renovate and convert a former auto body shop to office and retail use and to build a 1,888 square foot addition. The project rendering and material boards are ready for review by the City Council.

**Recommended Action:** City Council review and receive and order filed the informational report presented this evening.

**11. PROPOSED MEDICAL CENTER AT 1411 SOUTH GARFIELD AVENUE – F2M12-26**

Staff wishes to present to the City Council the proposed medical center located at 1411 South Garfield Avenue. The property owner has submitted an application to construct a three-story 26,627 square foot medical office building with retail commercial uses on the first floor and 19 medical office condominium units on the second and third floor. The proposal includes a two-level subterranean parking garage. The property is located on property south of Valley Boulevard on the west side of Garfield Avenue. Currently, a restaurant is located at the site.

**Recommended Action:** City Council review and receive and order filed the informational report presented this evening.

**12. AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE – F2M11- 47, R2M12-501**

Staff requests that the Agency Board consider adoption of a resolution approving and adopting an Amended Enforceable Obligation Payment Schedule pursuant to Assembly Bill (AB)x1 26. As a result of the timing of the California Supreme Court ruling to uphold ABX1 26 and overturn and invalidate ABX1 27, the Enforceable Obligation Payment Schedule adopted August, 2011 has since expired. Therefore, staff recommends that the Agency amend its Enforceable Obligation Payment Schedule to update and include enforceable obligations from January 1, 2012 through June 30, 2012 to ensure that payments can be made prior to and following the Agency's dissolution on February 1, 2012.

**Recommended Action:** Agency Board adopt **Resolution No. R2M12-501** entitled: *A resolution of the Redevelopment Agency of the City of Alhambra approving and adopting an amended Enforceable Obligation Payment Schedule pursuant to ABX1 26*

**13. ABX1 26 IMPLEMENTATION ITEM: ESTABLISH REDEVELOPMENT OBLIGATION RETIREMENT FUND – F2M12-20, M2M12-12**

AB1X 26 adopted by the California legislature last June provides for the dissolution and wind-down of redevelopment agencies. As part of the wind down of the Alhambra Redevelopment Agency, the City Council on January 9, 2011 elected to have the City of Alhambra be the successor agency as well as the successor housing entity for the Alhambra Redevelopment Agency. ABX1 26 requires the establishment of a Redevelopment Obligation Retirement Fund within the City of Alhambra's (as successor agency) treasury. This is essentially the account from which wind down expenses will be paid and into which liquidated assets and future tax increment will be deposited.

**Recommended Action:** City Council adopt **Minute Order No. M2M12-12** as follows:

RESOLVED by the Alhambra City Council that this Council hereby directs the City Manager and Director of Finance to undertake any and all actions necessary to establish the Redevelopment Obligation Retirement Fund within the City of Alhambra's treasury.

**14. DISCUSSION OF A PROPOSED ORDINANCE ADDING CHAPTER 3.34 "ECONOMIC DEVELOPMENT" TO ALHAMBRA MUNICIPAL CODE – F2M12-25**

Staff requests that the City Council review the draft Economic Development Ordinance that would set forth the Economic Development powers of the City of Alhambra as a Charter Law City. The California Supreme Court recently upheld ABX1 26, while invalidating ABX1 27. Pursuant to that ruling, the Alhambra Redevelopment Agency will cease to exist as of February 1, 2012. Therefore, the Alhambra Redevelopment Agency will no longer be able to continue its vital and effective efforts to enhance the general welfare of the residents of Alhambra. The proposed Ordinance would create Chapter 3.34 "Economic Development" in the Alhambra Municipal Code and would set forth the economic development powers and obligations of the City of Alhambra. The ordinance includes many of the powers the Alhambra Redevelopment Agency utilized so successfully over the last forty plus years.

**Recommended Action:** City Council review and receive and order filed the report.

**15. DISCUSSION OF AN ORDINANCE TO AMEND THE ALHAMBRA MUNICIPAL CODE PERTAINING TO THE TIME AND PLACE OF CITY COUNCIL MEETINGS AND THE ORDER OF BUSINESS – F2M2-70, F86- 197**

Staff requests that the City Council consider a proposed ordinance amending Alhambra Municipal Code Chapter 2.04 pertaining to the time and place of City Council meetings and the order of business for those meetings.

**Recommended Action:** City Council consider the proposed amendment to the Alhambra Municipal Code pertaining to the time and place of City Council meetings and the order of business for those meetings.

**ORDINANCE – FIRST READING**

**16. CONSIDERATION OF AMENDMENTS TO TITLE III OF THE ALHAMBRA MUNICIPAL CODE – F2M4-74, O2M12-4593**

On June 27, 2011, the City Council adopted Resolution R2M11-12 setting fees and adopted Ordinance O2M11-4588 removing inconsistencies between the Municipal Code and the Fee and Service Charge Schedule and providing for the setting of fees by resolution. Following the adoption of the new fee schedule, staff has become aware of some additional minor modifications and is requesting City Council consideration of those proposed changes, which are outlined in Ordinance O2M12-4593.

**Recommended Action:** City Council direct the City Attorney to introduce and give first reading by title only to the following ordinance entitled:

**Ordinance No. O2M12-4593:** An Ordinance of the City Council of the City of Alhambra, California amending Chapter 3 of Title III of the Alhambra Municipal Code.

which ordinance shall return for a second reading and adoption at the next Council meeting.

**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.

**COUNCIL COMMUNICATIONS (ANNOUNCEMENTS & FUTURE AGENDA ITEMS) - F2M12-7**

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.

**CLOSED SESSION & CITY ATTORNEY ANNOUNCEMENT re SAME - F2M12-14**

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 Agency Counsel/City Attorney 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):*** 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): 1 matter.

***Discussion of Personnel Matters (Govt. Code Section 54957):*** Director of Utilities, Director of Administrative Services, Deputy Director of Community Services and Director of Development Services

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

**ADJOURNMENT:** The next regularly scheduled meeting of the Alhambra City Council will be held on Monday, February 13, 2012, in the Alhambra City Hall Council Chambers, 111 South First Street, Alhambra, California, with the Meeting of the City Council commencing at 7:00 p.m.

## NOTICE

**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 Friday from 8:00 a.m. to 5:00 p.m.

**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, CMC  
CITY CLERK/ARA ASSISTANT SECRETARY