

SAN GABRIEL CITY COUNCIL AND REDEVELOPMENT AGENCY

MINUTES OF FEBRUARY 16, 2010

The regular meetings of the San Gabriel City Council and the San Gabriel Redevelopment Agency convened on February 16, 2010 at 7:40 p.m. with Mayor/Chair Costanzo, Vice Mayor/Vice Chair Huang, Council/Agencymembers De La Torre, Gutierrez, Sawkins, City Manager/Executive Director Preston, City Attorney/General Counsel Kress, and Deputy City Clerk/Agency Secretary Castruita present.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance

ATTENDANCE

Attendance

RECESS AGENCY MEETING

Recess Agency Meeting

Agencymember Sawkins moved to recess; seconded by Agencymember De La Torre. There being no objections, it was so ordered.

PUBLIC COMMENT: PURSUANT TO GOVERNMENT CODE SECTION 54954.3, THIS IS THE TIME PROVIDED FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS OF INTEREST THAT ARE NOT ON THE AGENDA WITHIN THE SUBJECT MATTER JURISDICTION OF THE SAN GABRIEL CITY COUNCIL

Public Comment

There was no one who wished to address the Council at this time.

PUBLIC HEARING: LICENSE FEE FOR TOBACCO RETAILER'S LICENSE

Public Hearing; License fee for tobacco retailer's license approved.

A public hearing has been noticed for the setting of the fee for a Tobacco Retailer's License.

Recommended Action: After conducting the public hearing, that the City Council adopt Resolution No. 10-10 approving the license fees for Tobacco Retailer licenses.

City Manager Preston presented the Council with the staff report.

Councilmember Gutierrez moved to open the public hearing; seconded by Councilmember Sawkins. There being no objections, it was so ordered.

There was no one in the audience who wished to address the Council at this time.

Councilmember Gutierrez moved to close the public hearing; seconded by Vice Mayor Huang. There being no objections, it was so ordered.

Councilmember De La Torre moved to approve the recommended action; seconded by Councilmember Sawkins and passed by a vote on the board of five yes.

PUBLIC HEARING: ANNUAL WEED ABATEMENT PROGRAM

Public Hearing: Annual weed abatement program approved.

Annually the City contracts with Los Angeles County to perform annual weed abatement services. At the February 2, 2010 meeting, the City Council adopted Resolution 10-05 that set a public hearing, for the hearing of any protests, for February 16, 2010.

This year the annual assessment cost for inspection service by the County is \$45.33. NIS Division Manager and a County representative will be present to respond to protests or questions.

Recommended Action: After holding the public hearing and considering all testimony, that the City Council adopt Abatement Order 2010 in accordance with the established Weed Abatement procedures directing the Los Angeles County Agricultural Commissioner/Director of Weights and Measures to abate the nuisance by having the weeds, rubbish and refuse removed.

Deputy City Clerk Castruita presented the Council with the staff report.

Councilmember Sawkins moved to open the public hearing; seconded by Councilmember De La Torre. There being no objections, it was so ordered.

There was no one in the audience who wished to address the Council at this time.

Councilmember Gutierrez moved to close the public hearing; seconded by Councilmember De La Torre. There being no objections, it was so ordered.

Councilmember Gutierrez inquired on how properties are removed from the list when they are in compliance.

Staff responded to questions.

Councilmember Sawkins moved to approve the recommended action; seconded by Councilmember Gutierrez and passed by a vote on the board of five yes.

ORDINANCE NO. 585-C.S. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL AMENDING THE MUNICIPAL CODE BY REQUIRING A CITY LICENSE FOR TOBACCO RETAILERS AND PROHIBITING SMOKING IN CITY PARKS AND RECREATION AREAS

Per Council's direction at the February 2, 2010 meeting, the suspension and revocation penalties for violation of retailer's license regulations have been made mandatory. The prohibition of smoking in parks and recreation facilities has been extended to parking lots and sidewalks adjacent to such parks and recreation facilities.

Recommended Action: That the City Council waive reading in full and introduce Ordinance No. 585-C.S.

City Attorney Kress presented the Council with the staff report and revised ordinance.

Roy Rosell, San Gabriel Coalition for Tobacco Free Youth, thanked the Council for implementing the ordinance.

Wesley Reutimann, Day One, offered assistance in rolling out the enforcement.

Peng Lay, uses the park and stressed the importance of strict enforcement.

Mayor Costanzo moved to approve the recommended action; seconded by Councilmember De La Torre and passed by a vote on the board of five yes.

APPLICATION FOR GRANT FUNDS THROUGH THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (PROP 84)

The City of San Gabriel has the opportunity to apply for grant funds being made available by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). This Statewide Park Development and Community Revitalization Program, which was created by Assembly Bill 31 (De Leon), will award a total of \$368 million in two rounds of funding. Grants will be awarded on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically underserved

Ordinance No. 585 – amending the Municipal code requiring a city license for tobacco retailers and prohibiting smoking in city parks and recreation areas approved.

Application for grant funds through the Statewide Park and Development and Community Revitalization Program (Prop 84) approved.

communities across California. The City intends to apply for Statewide Park Program funding for the development of a new park on the Marshall School campus, in conjunction with the Garvey School District.

Recommended Action: That the City Council:

1. Approve the Agreement between City of San Gabriel and Garvey School District for joint use, land tenure, maintenance and operation of school and community park and recreation open space at Marshall School; and,
2. Adopt Resolution 10-06 approving the City's application for grant funds through the Statewide Park Development and Community Revitalization Program of 2008.

Parks and Recreation Director Perez presented the Council with the staff report.

Vice Mayor Huang moved to approve the recommended action; seconded by Councilmember Gutierrez and passed by a vote on the board of five yes.

REFURBISHMENT OF NEON CITY ENTRY SIGNS AND SAN GABRIEL VILLAGE SIGN

Refurbishment of neon city entry signs and San Gabriel Village sign approved.

The City currently has five entry neon signs and one area neon sign (San Gabriel Village) that were designed to be illuminated, but are currently non-operable. The Public Works Department is seeking to contract with Chief Sign Company Inc. (cash contract #10-01) to refurbish and maintain the neon signs and to enter into a one year maintenance agreement. Funds have been earmarked for this project under the Capital Improvement Program account number 122-800-15-97-152, CIP Project 8-09-13.

Recommended Action: That the City Council:

1. Waive the formal bidding process and authorize a "sole source" contract with Chief Neon Signs; and
2. Authorize the City Manager or designee to execute the work contract with Chief Neon Signs; and
3. Authorize the City Manager or designee to execute the one year service contract for maintenance of the six neon signs.

Interim Public Works Director Bustos presented the Council with the staff report.

Councilmember Sawkins moved to approve the recommended action; seconded by Councilmember De La Torre and passed by a vote on the board of five yes.

RESOLUTION 10-09 – IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

Resolution 10-09 – In support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 approved.

A coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General for potential placement on California's November 2010 statewide ballot. This amendment has been called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 and would close loopholes and change the Constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

Recommended Action: That the City Council approve Resolution No. 10-09 in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 and direct staff to fax a copy of the resolution to campaign offices.

City Manager Preston presented the Council with the staff report.

Vice Mayor Huang moved to approve the recommended action; seconded by Councilmember Gutierrez. There being no objections, it was so ordered.

UPDATE ON ALHAMBRA UNIFIED SCHOOL DISTRICT PROPOSED BUS STORAGE FACILITY AT SAN GABRIEL HIGH SCHOOL

Update on AUSD proposed bus storage facility

At the previous City Council meeting, the Council adopted a resolution concerning the bus storage facility. That resolution was transmitted to the Alhambra Unified School District and other parties. Attorney Lisa Kranitz will provide a verbal update on what has occurred since the last Council meeting.

Recommended Action: That the City Council receive the update.

Deputy City Attorney Kranitz updated the Council on the pending item.

A CPRA request and phone calls have been placed with the AUSD with minimal return. It appears AUSD complied with CEQA's notice of determination which would mean the statute of limitations has passed. Deputy City Attorney Kranitz cautioned the City Council about difficulties with taking legal action.

Councilmember Gutierrez sought other possible resolutions through the City of Alhambra, Alhambra School Board Members, and independent consultants to find another location if only on a temporary basis until a more permanent common solution could be reached.

Staff will continue to pursue obtaining all requested documents.

Brandon Lenihan, resident, was concerned with the lack of notification to residents regarding the issue and intends to utilize the noise ordinance daily to complain to the police department.

CONSENT CALENDAR: ALL ITEMS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND ENACTED IN ONE MOTION UNLESS A MEMBER OF THE CITY COUNCIL OR AUDIENCE REQUESTS SEPARATE DISCUSSION

Consent Calendar

A. MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 19, 2010

Minutes Approved

The minutes are a record of the official actions taken at the last Council meeting.

Recommended Action: Approval

B. MATERIAL DEMANDS: 82126 - 82284 INCLUSIVE \$1,212,397.04

Material Demands approved

This is the presentation of the "Register of Demands and Warrants" for the payment of City expenditures.

Recommended Action: Approval

C. REQUEST SUBMITTED FROM KIDS KLUB CHILD DEVELOPMENT CENTER SAN GABRIEL/ROSEMEAD FOR PERMISSION TO PLACE STREET BANNER

Street banner request approved for Kids Klub

The Kids Klub Development Center San Gabriel/Rosemead would like to notify the community about their Open House and Site Tours taking place on March 27, 2010 and requests a street banner to be displayed at the discretion of the City Council.

Recommended Action: That the City Council grant the request subject to review and approval by staff and that the location shall be at the City's discretion.

- D. REQUEST SUBMITTED ON BEHALF OF MARIACHI HERITAGE SOCIETY FOR PERMISSION TO SELL/SERVE ALCOHOL AT SAN GABRIEL MISSION PLAYHOUSE FOR PRE-CONCERT ARRIVALS, DURING INTERMISSION AND AT A PRIVATE RECEPTION OF THEIR EVENT ON APRIL 11, 2010

Request to serve alcohol at Mission Playhouse and Grapevine Park for Mariachi Heritage Society approved.

San Gabriel Municipal Code Section 99.03(g) requires Council approval to serve alcoholic beverage, other than wine and champagne, for events held at the Grapevine Park, Mission Playhouse, and Adult Center.

Recommended Action: Approval subject to the condition that all requirements of the Alcoholic Beverage Control Board are met.

- E. CERTIFICATE OF AUTHORITY TO BANKING INSTITUTIONS

Certificate of Authority to Banking Institutions approved.

The City maintains a number of accounts with various banking institutions in accordance with the adopted investment policy. As certificates of deposit mature and renew, many banks are requesting that the City provide evidence that the account signatories are the authorized representatives of the City.

Recommended Action: That the City Council adopt Resolution No. 10-07, authorizing designated city officials to open, maintain and make transactions in city accounts in various banks and financial institutions.

- F. SAN GABRIEL FINE ARTS ASSOCIATION – MISSION PLAYHOUSE GLASS ROOM RENTAL AGREEMENT

San Gabriel Fine Arts Assoc. – Mission Playhouse Glass Room Rental Agreement approved.

The San Gabriel Mission Playhouse has been in negotiations with the San Gabriel Fine Arts Association (SGFAA) to rent the playhouse Glass Room to them as an art gallery. Those negotiations have been successfully completed, and an agreement has been prepared.

Recommended Action: That the City Council approve the San Gabriel Fine Arts Association Glass Room License Agreement and approve an increase to the Mission Playhouse Advertising Account #121-712-00-51-000 in the amount of \$3,000.00 for the 09-10 Fiscal Year.

- G. JUSTICE ASSISTANCE GRANT (JAG) 09 PROGRAM AWARD

Justice Assistance Grant (JAG) 09 Program Award approved.

The City of Los Angeles has submitted a Justice Assistance Grant (JAG) 09 application on behalf of the seventy-nine (79) eligible jurisdictions in Los Angeles County. All 79 jurisdictions must enter into one Memorandum of Understanding (MOU) with the City of Los Angeles. This grant program allows states and local governments to support a broad range of activities to prevent and control crime and improve the nation's criminal justice system.

Recommended Action: That the City Council approve the MOU with the City of Los Angeles for the (JAG) 09 Program Award, accepting \$22,521.00 and authorize the Mayor to execute on behalf of the City.

Councilmember Gutierrez moved to approve the consent calendar as presented; seconded by Vice Mayor Huang and passed by a vote on the board of five yes.

COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS

Council Comments and Conference/Meeting Reports

Each Council Member addressed the Council and public on matters of general information and/or concern. Also, the Council gave reports on meetings they had attended.

ADJOURN COUNCIL MEETING AND RECONVENE AGENCY MEETING

Adjourn Council meeting and reconvene Agency meeting

Vice Mayor Huang moved to adjourn and reconvene as indicated above; seconded by Councilmember Sawkins. There being no objections, it was so ordered.

REDEVELOPMENT AGENCY MEETING:

Agency Meeting

A. APPROVAL OF MINUTES OF JANUARY 19, 2010

Minutes approved

Vice Chair Huang moved to approve the subject minutes; seconded by Agencymember Sawkins. The motion passed by a vote on the board of five yes.

B. PUBLIC COMMENT

Public Comment

There was no one in the audience who wished to address the Agency at this time.

Vice Chair Huang moved to close public comment; seconded by Agencymember De La Torre. There being no objections, it was so ordered.

C. ADJOURN AGENCY MEETING

Adjourn Agency meeting

At 9:00 p.m., Agencymember Gutierrez moved to adjourn; seconded by Vice Chair Huang. There being no objections, it was so ordered.

SAN GABRIEL REDEVELOPMENT AGENCY

SAN GABRIEL CITY COUNCIL

Nina Castruita, Agency Secretary

Nina Castruita, Deputy City Clerk

Juli Costanzo, Chair

Juli Costanzo, Mayor