

**SAN GABRIEL CITY COUNCIL
ADJOURNED REGULAR MEETING
CONFERENCE ROOM "A" at CITY HALL
425 SOUTH MISSION DRIVE, SAN GABRIEL, CALIFORNIA**

**TUESDAY, MAY 5, 2009
at
5:30 P.M.**

AGENDA

1. CALL TO ORDER
2. ATTENDANCE: COSTANZO, DE LA TORRE, GUTIERREZ, HUANG, SAWKINS
3. PUBLIC COMMENT: PURSUANT TO PROVISIONS OF THE GOVERNMENT CODE §54957, THIS IS THE TIME PROVIDED FOR MEMBERS OF THE PUBLIC TO ADDRESS THE CITY COUNCIL REGARDING MATTERS ON THIS AGENDA
4. RECESS COUNCIL MEETING TO CLOSED SESSION
 - A. CLOSED SESSION
The City Council will meet in Closed Session with the City's labor negotiators, pursuant to Government Code §54957.6.

City negotiator: Negotiator Linda Jenson, City Manager, Police Chief,
Fire Chief, Finance Director
Employee organizations: All recognized City labor organizations
5. ADJOURN

Please note that the regular City Council/Redevelopment Agency meeting will be held at the standard 7:30 p.m. in the Council Chamber.

NOTE: CITY HALL IS HANDICAPPED ACCESSIBLE. AUDIO DEVICES FOR THE HEARING IMPAIRED ARE AVAILABLE FROM THE CITY CLERK DURING EACH MEETING

Speaker's Request Cards are provided on the table in the lobby of the Council Chamber. If you wish to address the Council during the meeting, please complete a speaker's card and hand it to the City Clerk before the start of the meeting.

**SAN GABRIEL CITY COUNCIL REGULAR MEETING
and
REDEVELOPMENT AGENCY REGULAR MEETING
held in the
COUNCIL CHAMBER
at
CITY HALL
425 SOUTH MISSION DRIVE
SAN GABRIEL, CALIFORNIA
on
TUESDAY, MAY 5, 2009
at
7:30 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ATTENDANCE: COSTANZO, DE LA TORRE, GUTIERREZ, HUANG, SAWKINS**
- 4. RECESS AGENCY MEETING**
- 5. PRESENTATIONS:**
 - A. Introduction of Associate Civil Engineer Szeka Angela Cheng
 - B. Proclamation – Building & Safety Week
 - C. Administration of Oath – Sergeant Rene Hernandez (Promotion)
 - D. Administration of Oath – Police Officer Ryan Evan Gee
 - E. Recognition of Community Emergency Response Team (CERT) Training
- 6. 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**

Citizens wishing to address the Council on any matter not on the Agenda, which is in the subject matter jurisdiction of the San Gabriel City Council, 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 the Brown Act, the City Council cannot take any action until such time as the matter may appear as an item on a forthcoming agenda.

**7. PUBLIC HEARING: CASE NO. PL-08-119 - APPEAL
MY FRIENDS OYSTER BAR, 523 SOUTH SAN GABRIEL BOULEVARD**

A request to serve alcohol on an outside patio of My Friends Oyster Bar was first considered by the Planning Commission on December 8, 2008. Due to neighbor concerns regarding the restaurant's operation and the applicant's absence at this meeting, the Commission directed staff to facilitate a meeting in January 2009 between the two entities to try to reach an understanding.

The Planning Commission again considered this item on March 9, 2009 where staff reported that no action had been taken by the applicant per previous agreement. Based on this inability, the Commission denied the requested conditional use permit amendment. On March 16, 2009, an appeal of the Planning Commission's decision was filed.

Recommended Action: That the City Council deny the appeal and uphold the decision of the Planning Commission to deny a conditional use permit amendment for the sale of alcoholic beverages on the patio, based on an inability to make the required findings for approval.

8. BIENNIAL REVIEW AND EXTENSION OF STANDING CONTRACTS AND PROFESSIONAL SERVICES AGREEMENTS

When the City Council approved the selection of consulting firms to assist the Community Development Department in 2000, it was proposed that the firms be regularly reviewed and communicated to Council to determine whether and when contracts should be extended, renewed, terminated, or put out to bid. All related service agreements have been placed on a common schedule for review.

Recommended Action: That the City Council approve extensions of agreements specified in report, and authorize the City Manager or designee to execute them in the City Attorney's approved form.

**9. SELECTION OF CITY ARCHITECT CONSULTANT REQUEST FOR PROPOSAL
09-01**

The firm that provided the City's previous Architect Consultant services eliminated this from their firm's practice earlier this year. Request for Proposal 09-01 has been circulated to provide for City architectural consulting services.

Recommended Action: That the City Council authorize the City Manager or designee to execute the professional services agreement with Onyx Architects as the City Architectural consultant in the amount not to exceed \$36,000 for the period of June 1, 2009 through May 31, 2011.

10. APPROVAL OF TREE TRIMMING CONTRACT WITH WEST COAST ARBORIST

The Public Works Division and the Parks and Recreation Department would like to piggyback on the City of Agoura Hills competitive bid process for tree trimming services with West Coast Arborists. The contract agreement would be for one year and in an amount not to exceed \$35,000. This would allow for the trimming of approximately 545 street/parkway trees and 90 park trees.

Recommended Action: That the City Council:

- A. Waive formal bidding and authorize a “piggyback” arrangement on the City of Agoura Hills competitive bid process for tree trimming services.
- B. Award contract to West Coast Arborists in the amount not to exceed \$35,000.00 as budget has been approved by Council.
- C. Authorize the City Manager to execute the contract.

11. CITY OF SAN GABRIEL DRAFT HOUSING ELEMENT 2008-2014

State law requires a periodic update of Housing Elements to reflect changing housing needs. Our Housing Element, last updated in 2002, is being revised for the 2008-2014 planning period. There has been significant new legislation which requires the City to address new requirements. These include:

- Analyze by parcel vacant and “underutilized” sites with potential for new housing to meet San Gabriel’s fair share of the region’s needs.
- Demonstrate capacity to meet the City’s existing need for emergency shelters for homeless families or individuals. Otherwise, state law requires that shelters be allowed “by-right” (i.e., without a conditional use permit or other discretionary approval) in at least one zoning district.
- Treat transitional and supportive housing as a residential use subject to only those requirements that apply to other residential uses of the same type in the same zone.
- Revise the City’s development regulations to ensure that they do not unduly constrain the provision and use of housing by persons with disabilities or other special needs.

Recommended Action: That the City Council review the Draft Housing Element, receive comment, and direct staff to submit the Draft Housing Element to the California Department of Housing and Community Development for comment.

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

A. MATERIAL DEMANDS

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

Recommended Action: Approval

B. LEGISLATION IMPACTING THE SAN GABRIEL VALLEY

The San Gabriel Valley Council of Governments has taken action to support SB 652(Huff) which would clarify that the Alameda Corridor East Construction Authority and the SGVCOG are political subdivisions of the state and oppose AB 113(Portantino) which would siphon off funds from the 710 gap closure project for education.

The Independent Cities Association has also taken a position to support SB 696(Wright) which would allow the South Coast Air Quality Management District to restart issuing urgently needed air permits to businesses and public agencies that were put on-hold following a state court CEQA decision.

Recommendation: That the City Council support SB 652 (Huff) and SB 696 (Wright) and oppose AB 113 (Portantino).

C. REQUEST SUBMITTED ON BEHALF OF SYMPHONIC JAZZ ORCHESTRA FOR PARTNERSHIP WITH CITY ON MAY 27, 2009 CONCERT

The Symphonic Jazz Orchestra (SJO) offers the City of San Gabriel a partnership opportunity for a free educational concert on May 17, 2008. SJO is requesting a fee waiver for the San Gabriel Mission Playhouse theater rental fee of \$1,450.00 for this free concert.

Recommended Action: That the City Council approve the Symphonic Jazz Orchestra's request to waive the theater rental fee of \$1,450.00 for the proposed free admission educational concert on May 27, 2009

13. COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS

Each Council Member may address the Council and public on matters of general information and/or concern. This is also the time for Council members to report on conferences and/or meetings they have attended.

14. RECESS COUNCIL MEETING AND RECONVENE AGENCY MEETING

15. REDEVELOPMENT AGENCY MEETING:

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

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

Please note that while the Agency Board values your comments, pursuant to the Brown Act, the Agency Board cannot take any action until such time as the matter may appear as an item on a forthcoming agenda.

B. ADJOURN AGENCY MEETING

16. RECONVENE COUNCIL MEETING

17. RECESS COUNCIL MEETING TO CLOSED SESSION:

A. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

The City Council will meet in a closed session, pursuant to Government Code §54956.9 (a), to discuss Mawson v. Sam, City of San Gabriel et al., Case No. GC 039817, Los Angeles Superior Court, for the following purpose: conference with legal counsel – existing litigation

18. ADJOURN COUNCIL MEETING AS FOLLOWS

Council adjourns to Tuesday, May 19, 2009 at 5:30 p.m. in Conference Room “A” of the San Gabriel City Council Chambers, 425 S. Mission Drive, for the purpose of conducting a budget workshop and labor negotiations closed session.

The next regular Council meeting will be held Tuesday, May 19, 2009 at 7:30 p.m. in the Council Chamber at City Hall, 425 South Mission Drive, San Gabriel, California. Immediately following the Council meeting, the Redevelopment Agency will hold their regular meeting. Information regarding matters to be considered at each meeting will be available on Friday, May 15, 2009 by calling the Council Agenda Information Line at (626) 308-2800 and selecting option 5 or on the City’s website at www.sangabrielcity.com

NOTICE: The Office of the City Clerk has on file copies of written documentation relating to each item of business on this Agenda available for public inspection. Materials related to an item on this agenda, submitted to the City Council/Redevelopment Agency after distribution of the Agenda packet, are available for public inspection at the meeting or in the City Clerk’s office, located at City Hall, 425 South Mission Drive, San Gabriel, California, during regular office hours, Monday through Friday 8:00 a.m. to 5:00 p.m. except for Tuesdays until 6:30 p.m.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s office at 626/308-2816 at least 48 hours before the meeting, if possible.

Should any person have a question concerning any of the above agenda items prior to the meeting, please contact the City Clerk in person or by telephone at (626) 308-2816 during regular office hours.