

SAN GABRIEL CITY COUNCIL AND REDEVELOPMENT AGENCY

MINUTES OF JULY 15, 2008

The regular meetings of the San Gabriel City Council and the San Gabriel Redevelopment Agency convened on July 15, 2008 at 7:30 p.m. with Mayor/Chair Baldwin, Vice Mayor/Vice Chair Costanzo, Council/Agencymembers Gutierrez, Huang, Sawkins, City Manager/Executive Director Paules, City Attorney/General Counsel Kress, and Deputy City Clerk/Agency Secretary Castruita present.

Pledge of Allegiance

RECESS AGENCY MEETING

Recess Agency Meeting

Agencymember Sawkins moved to recess; seconded by Vice Chair Costanzo. There being no objections, it was so ordered.

PRESENTATIONS

Presentations

A. RETIREMENT RECOGNITION OF POLICE LIEUTENANT JOSEPH E. LARA
Chief Lawton presented, Phong Ly of Assemblymember Mike Eng's office recognized retirement of Joseph Lara.

B. ADMINISTRATION OF OATH TO POLICE OFFICER PAUL PUENTE

Deputy City Clerk Castruita gave oath, Chief Lawton presented.

C. PROCLAMATION FOR 2008 NATIONAL NIGHT OUT

Mayor Baldwin presented, Chief Lawton and Crime Prevention Officer Alex Acosta received proclamation.

PUBLIC HEARING: 221-309 EAST VALLEY BLVD. AND 1532 SOUTH PALM AVE.
PLANNING CASE PL-07-111 SPECIFIC PLAN AMENDMENT PLANNED
DEVELOPMENT OVERLAY AND VACATION OF ALLEY

Public Hearing: 221-309 E. Valley Blvd. and 1532 S. Palm Ave. PL_07-111 Specific Plan Amendment Planned Overlay and Vacation of Alley Approved.

The Emerald Gardens mixed-use project containing 20,000 square feet of retail space, six live/work units and 149 residential units, adjacent to public transit and within walking distance of shopping and dining opportunities can make the neighborhood's Valley Vision a reality. The Community's Vision is for a cleaner, greener, more sustainable Valley Blvd. as well as helping to provide for the region's housing needs.

Recommended Action: The Community Development Department recommends that the City Council:

- 1) Find that the environment impacts of the proposed specific plan amendment and planned development overlay zone will not have an effect on the environment sufficient enough to require an environment impact report and approve the Mitigated Negative Declaration of Environmental Impact; and
- 2) Introduce and place on first reading Ordinance No. 577 C.S. which will:
 - (a) Adopt the specific plan amendment
 - (b) Place the subject properties within a planned development overlay zone; and
- 3) Approve Resolution 08-14 vacating the public alley; and
- 4) Approve Planning Case PI-07-111, which would approve the specific plan amendment and planned development overlay zone.

City Planner Gallatin presented the Council with the staff report.

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

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

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

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

PUBLIC HEARING: 2007-2008 WEED CLEARANCE CHARGES

The City contracts with Los Angeles County to perform annual weed abatement services. Pursuant to Resolution 08-05, the City Council held a public hearing on March 4, 2008 regarding those properties identified as vacant properties in the City that require inspection services. Property owners were duly noticed and abatement services have been rendered as necessary for the 2007-08 Weed Abatement program. The County is requesting Council approval of the costs to be assessed to property owners.

Public Hearing: 2007-2008
Weed Clearance Charges
Approved.

Recommended Action: After holding the public hearing, that the City Council confirm the charges as presented.

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

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

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

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

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

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

Phong Ly, Assemblymember Mike Eng's office, announced the passage of the Assembly Bill 974 and informed the Council of a press conference to be held on the cell phone law.

Julie Sorensen, San Gabriel Librarian, gave update on the library's opening.

MATTERS PERTAINING TO THE UTILITY USERS TAX

Matters Pertaining to the Utility
Users Tax Approved.

- A. 08-16 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE UTILITY USERS TAX.
- B. 08-17 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER, 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.
- C. 08-18 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

Decreasing tax revenues and expected State reductions in funding are forcing the City of San Gabriel to make difficult decisions about city services and planned maintenance projects. Due to recent changes in federal law and telecommunications technology, portions of the City's utility users' tax ordinance have become out-of-date and up to \$1.3 million in General Fund revenues may be subject to legal challenge. In addition, the City is facing an ongoing \$600,000 operating budget shortfall that cannot be adequately addressed by existing reserves. Many public priorities, such as street paving and repair, along with the maintenance of city facilities may be delayed or cancelled. During the 2008-09 fiscal year, the City expects to have over \$1.8 million in unfunded capital projects.

The City has closely examined expenditures, potential cuts, and revenue increases in order to preserve services. A plan to reduce department budget expenditures by over \$240,000 in the current fiscal year has been implemented. In order to maintain current service levels for public safety and other important municipal services and address the backlog of street repairs and other maintenance needs, the City's utility users' tax must be updated. San Gabriel voters have been asked to express their opinions on this issue through a community opinion telephone survey and through a brochure with a mail-in comment card sent to all voter households earlier this month. When informed about this issue, 60 % of the telephone survey respondents said that they would support a modest increase in the utility tax—from 6% to 8%--to continue funding essential City services and maintain public facilities. The proposed increase would generate approximately \$1.2 million per year which would be used for general municipal services and facilities.

Recommended Action: That the City Council:

1. Receive and file the staff report, which includes staff analysis on the fiscal impacts of the utility users' tax.
2. Place this issue before the voters of San Gabriel by adopting Resolutions 08-16, 08-17 and 08-18.

City Manager Paules presented the Council with the staff report.

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

PROPOSITION A FUND EXCHANGE

Proposition A Fund Exchange
Approved.

The purpose of this recommended action is to consider a Proposition A Local Return Fund trade agreement for General Funds with the City of West Hollywood.

Recommended Action: That the City Council approve a Proposition A Assignment Agreement arranged with the City of West Hollywood in which West Hollywood would buy \$1,500,000 of Proposition A Local Return Funds and the City of San Gabriel would receive \$1,155,000 in General Funds.

Finance Director Marston presented the Council with the staff report.

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

CASH CONTRACT 07-01 LIVE OAK STREET REHABILITATION

Cash Contract 07-01 Live Oak
Street Rehabilitation
Approved.

Proposed improvements on Live Oak Street from Junipero Serra Drive to California Street were designed in accordance with City design standards. The project includes pavement rehabilitation, sidewalk and driveway replacement, installation of cross gutters, gutter plate and installation of new handicap ramps with colored truncated dome inserts to comply with the latest American disability Act standards. The project is funded by the Community Development Block Grant funding program. Bids were received and opened publicly on June 26, 2008.

Recommended Action: That the City Council:

1. Approve the plans and specifications, and
2. Award Cash Contract 07-01 to Bannaoun Engineers Contractors Corp. in the amount of \$359,769.63 in accordance with its bid; and
3. Authorize the execution of the contract documents.

City Engineer Mattern presented the Council with the staff report.

Councilmember Gutierrez moved to approve the recommended action with the following correction; that the project is funded by using Waste Management, Traffic Congestion and Proposition 1B funds; seconded by Councilmember Sawkins and passed by a vote on the board of five yes.

CASH CONTRACT 07-11 SAXON & BRIGHTON STREET REHABILITATION
PROJECT CDBG PROJECT NO. 600958-07

Cash Contract 07-11 Saxon &
Brighton St. Rehabilitation
Project CDBG Project
No. 600958-07 Approved.

Proposed improvements on Saxon Avenue from Del Mar East to Denton Avenue and Brighton Street from I-10 (Caltrans ROW) to Loftus (Alhambra Wash) were designed in accordance with City design standards. The project includes pavement rehabilitation, replacement of concrete sidewalk, installation of gutter plate and installation of new handicap ramps with colored truncated dome inserts to comply with the latest American Disability Act standards. The project specifications were reviewed by the L.A. County Community Development Commission and were authorized for bid advertisement. The project will be funded by the Community Development Block Grant funding program. Bids were received and opened publicly on June 18, 2008.

Recommended Action: That the City Council:

1. Authorize an additional appropriation from CDBG Funds in the amount of \$60,100.00, and
2. Approve the plans and specifications, and
3. Award Cash Contract 07-11 to Silvia Construction in the amount of \$135,879.00 in accordance with its bid; and
4. Authorize the execution of the contract documents.

City Engineer Mattern presented the Council with the staff report.

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

CASH CONTRACT PARKS & RECREATION VEHICLE PURCHASE

Cash Contract Parks &
Recreation Vehicle Purchase
Approved.

The Parks and Recreation Department recommends that the City Council approve the proposal to purchase two (2) new 2008 Ford F250 Pick-Ups as part of a "piggyback" bid process, based upon the purchase by the City of Huntington Beach.

New Century Ford provided a bid of \$19,024.94 each, for a total cost of \$38,049.87, including state sales tax. We recommend that the City Council waive formal bidding procedures and authorize the purchase from account #122-850-55-99-777. In order to complete the dump bed conversion, we also recommend that the Council authorize the purchase and installation of the Venco bed hoist and Linex bed liner from Pacific

Truck Equipment for \$4,678.57. This purchase from account #121-850-05-21-000 will complete the conversion of one of the newly acquired trucks.

Recommended Action: That the City Council:

1. Waive formal bidding and authorize a cooperative (“piggyback”) purchase with that of the City of Huntington Beach;
2. Authorize approval of Cash Contract 08-07 and the issuance of a purchase order to New Century Ford for the acquisition of two (2) 2008 Ford F250 Pick-Ups in the amount of \$38,049.87, including state sales tax, to be funded from account #122-850-55-99-777; and,
3. Authorize the purchase and installation of the Venco bed hoist and Linex bed liner for the dump bed conversion from Pacific Truck Equipment for \$4,678.57, to be funded from account #121-850-05-21-000.

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

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

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 JULY 1, 2008

Minutes Approved

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

Recommended Action: Approval

B. MATERIAL DEMANDS: 74915 – 75012 INCLUSIVE \$1,092,224.17

Material Demands Approved

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

Recommended Action: Approval

C. REQUESTS FOR TEMPORARY STREET CLOSURES TO HOLD BLOCK PARTIES ON NATIONAL NIGHT OUT, AUGUST 5, 2008

National Night Out Street Closures Approved

Three requests for temporary street closures have been submitted for the purpose of holding block parties to participate in National Night Out on Tuesday, August 5, 2008 as follows:

- 215 Bradbury Drive
- 714 N. Alabama Street
- 541 Milton Drive

Recommended Action: That the Council approve the request subject to the following conditions:

- (1) A minimum width of 20 feet of one side of the street shall remain unobstructed for access by public safety vehicles.
- (2) Fire hydrants shall remain unobstructed at all times.
- (3) There shall be no consumption of alcohol within the public right-of-way.
- (4) There shall be no fireworks or other pyrotechnic displays.

D. HOMELAND SECURITY GRANT

Homeland Security Grant
Approved.

The City of San Gabriel Fire Department has received approval to purchase 11 new Self Contained Breathing Apparatus (SCBA) under the 2006 Homeland Security Grant. The total amount of approved grant funds for the San Gabriel Fire Department is \$61,919.

Recommended Action: That the City Council increase the Fire Department budget by \$61,919 for the purchase of 11 new Interoperable Self Contained Breathing Apparatus, waive the formal bid process and authorize the Fire Chief to purchase all approved grant items utilizing contract pricing through the Southern California Area Personal Protective Equipment Consortium.

E. ACCEPTANCE OF FINAL PARCEL MAP NO. 60568
1951 DENTON AVENUE PL-03-059

Acceptance of Final Parcel
Map No. 60568 1951 Denton
Ave. PL-03-059 Approved.

The Los Angeles County Department of Public Works has reviewed the subject parcel map for mathematical accuracy, survey analysis, title information and compliance with the State Subdivision Map Act. The Community Development Department has reviewed the map for compliance with the conditions of approval and applicable City ordinances.

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it is exempt based on Section 15315 of the Minor Land Division of the City of San Gabriel's "Environmental Guidelines." The Planning Commission approved the project on June 14, 2004. All conditions of approval have been completed.

Recommended Action: That the City Council accept final Parcel Map No. 60568 and authorize the City Clerk, City Engineer and City Treasurer to sign the map and return the map for filing.

Vice Mayor Costanzo moved to approve the consent calendar as presented; seconded by Councilmember Gutierrez 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

Councilmember Sawkins moved to adjourn Council meeting and reconvene Agency meeting.

REDEVELOPMENT AGENCY MEETING:

Agency Meeting

A. APPROVAL OF MINUTES OF JULY 1, 2008

Minutes Approved

Agencymember Gutierrez moved to approve the subject minutes; seconded by Vice Chair Costanzo. There being no objections, it was so ordered.

B. SGRA CASE NO. 04-02 – SECOND AMENDMENT TO AND PARTIAL
ASSIGNMENT OF THE DISPOSITION AND DEVELOPMENT AGREEMENT
WITH NEW CENTURY LM, LLC

SGRA Case No. 04-02 Second
Amendment to and Partial
Assignment of the Disposition
and Development Agreement
with New Century LM, LLC
Approved

On April 5, 2005 the San Gabriel Redevelopment Agency entered into a Disposition and Development Agreement (“DDA”) with New Century LM, LLC (“Developer”) for development of a Lincoln Mercury dealership and service building on five parcels. In 2006 a First Amendment to the DDA reduced the site to four parcels. Two of those parcels have been acquired by Developer and improved with an auto service building. The other two parcels have been acquired by the Agency with money advanced by the Developer.

Developer now proposes to assign its right to acquire and develop the remaining parcels to Excel Finance, Inc. (“Assignee”). The property would be conveyed to Assignee for development of a 23,00 +/- Square foot building with retail uses on the ground floor, and second floor office space to house Assignee’s automobile financing company.

Recommended Action: That the San Gabriel Redevelopment Agency approve the Second Amendment to and Partial Assignment of the Disposition and Development Agreement with New Century LM, LLC and Excel Finance, Inc.

Agencymember Gutierrez moved to approve the recommended action; seconded by Vice Chair Costanzo and passed by a vote on the board of five yes.

C. PUBLIC COMMENT

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

D. ADJOURN AGENCY MEETING

ADJOURN COUNCIL MEETING TO AUGUST 5, 2008 AT 6:00 P.M. AT THE MISSION PLAYHOUSE PARKING LOT, 320 SOUTH MISSION DRIVE, SAN GABRIEL, AT WHICH TIME THE CITY COUNCIL AND OFFICIALS WILL PARTICIPATE IN THE ANNUAL NATIONAL NIGHT OUT EVENT

At 8:56 p.m., Agencymember Gutierrez moved to adjourn; seconded by Vice Chair Costanzo. There being no objections, it was so ordered.

SAN GABRIEL REDEVELOPMENT AGENCY

SAN GABRIEL CITY COUNCIL

Nina Castruita, Secretary

Nina Castruita, Deputy City Clerk

Harry L. Baldwin, Chair

Harry L. Baldwin, Mayor