

SAN GABRIEL CITY COUNCIL AND REDEVELOPMENT AGENCY MINUTES OF NOVEMBER 16, 2010

The regular meetings of the San Gabriel City Council and the San Gabriel Redevelopment Agency convened on November 16, 2010 at 7:31 p.m. with Mayor/Chair Gutierrez, Council/Agencymembers Costanzo, De La Torre, 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

Boy Scout Troop 174 led the Council and public to cite the Pledge of Allegiance

ATTENDANCE

Attendance

RECESS AGENCY MEETING

Recess Agency Meeting

Agencymember Costanzo 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

Mary Garcia, resident, informed the Council that the street light at the corner of Broadway and San Gabriel Blvd. is in need of synchronization.

Quido Diaz, resident, presented the Council with a signed neighborhood petition against the Rapid Rail System.

Michael Belmonte, resident, concerned with speeding, no handicap access, flickering light problems on Longden, and to re-certify the street for radar use citations, and an unsafe and unkept roadway at California and Los Olivos.

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 NOVEMBER 2, 2010

Minutes approved.

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

Recommended Action: Approval

- B. MATERIAL DEMANDS 85314-85442 INCLUSIVE \$1,598,123.23

Material Demands approved.

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

Recommended Action: Approval

- C. INVESTMENT REPORT

Investment Report approved.

Investment Report for the Month of September 2010

Recommended Action: That the City Council receive and file report.

D. RESOLUTION IN SUPPORT OF SCAG's BUSINESS FRIENDLY PRINCIPLES

Resolution 10-40 in support of SCAG's Business Friendly Principles approved.

Southern California Association of Governments (SCAG) has requested that the City of San Gabriel participate in their efforts to increase awareness of business friendly principles as they develop a Southern California Economic Growth Strategy. The initial step in the development of the Strategy is to request that Southern California cities adopt a resolution supporting these principles. Resolutions from a majority of Californian cities will then be presented to the Governor-elect at a December 2nd event being held for elected officials and members of the business community.

Recommended Action: That the City Council adopt Resolution No. 10-40.

E. OPTIONS PRESCHOOL AGREEMENT

Options Preschool Agreement approved.

The Public Works Department and Options Preschool have agreed on a License for Use of the property at 927 E. Grand Avenue. The license agreement will run from October 1, 2010 and shall terminate on July 31, 2011. Under the terms of agreement, Options Preschool will pay the City a fixed amount on the first of every month for the use of the building and will be responsible for all utility expense. The agreement allows Options to operate a preschool on the property and may not use the property for any other reason without obtaining prior written consent from the City.

Recommended Action: That the City Council approve the License for Use of the property at 927 E. Grand Avenue and allow Options Preschool to operate through the current school year and terminate their operations on or before July 31, 2011.

F. MEMORANDUM OF AGREEMENT – LOS ANGELES RIVER METALS TOTAL MAXIMUM DAILY LOAD (TMDL) SITE SPECIFIC OBJECTIVES STUDIES

MOU-Los Angeles River Metals Total Max. Daily Load (TMDL) Site Specific Objectives Studies approved.

The Los Angeles River and Tributaries Metals Total Maximum Daily Load (TMDL), adopted by the Regional Water Quality Control Board requires Los Angeles River watershed cities and agencies to take steps to reduce the concentration of certain metals in the Los Angeles River and its tributaries.

Recommended Action: That the City Council:

1. Approve and authorize the City Manager or designee to sign the Memorandum of Agreement with the Gateway Cities Council of Governments as fiduciary agent to secure services to conduct scientific studies and prepare an analysis of Site Specific Objectives to direct implementation of the Los Angeles River Metals TMDL; and
2. Appropriate a total of \$22,781 over the next three fiscal years from the Waste Management Fund to support the Los Angeles River Metals TMDL SSO studies.

Vice Mayor Sawkins moved to approve the consent calendar as presented; seconded by Councilmember Costanzo and passed by a vote on the board of four yes.

**PUBLIC HEARING: 1532 SOUTH PALM AVENUE; PLANNING CASE PL-10-011;
ZONE CHANGE AND SPECIFIC PLAN AMENDMENT**

Public Hearing: 1532 S. Palm Ave.; PL-10-011 Zone Change and Specific Plan Amendment approved.

This is a request for a specific plan amendment and zone change to change the land use designation of this property in the Valley Boulevard Specific Plan from R-C (Valley Boulevard Multi Family Residential Corridor) to MU/T (Valley Boulevard Mixed-Use Transit Oriented Development.) Pending approval, the applicant plans to convert the existing auditorium building on this site into office space. To permit office uses at this location requires the amending of the specific plan and the rezoning of the property.

Recommended Action: That after conducting the public hearing, the City Council:

1. Find that the environmental impacts of the proposed specific plan amendment and zone change will not have an effect on the environment sufficient enough to require an environmental impact report and approve the Negative Declaration of Environmental Impact; and
2. Introduce and place on first reading Ordinance No. 586 C.S. which will approve and adopt the specific plan amendment and the zone change.

City Planner Gallatin presented the staff report.

Councilmember Costanzo moved to open the Public Hearing; seconded by Vice Mayor Sawkins. There being no objections, it was so ordered.

Public Testimony opposed to project:

Edward Chen, resident and condo association member, was opposed to the project for residential safety issues.

Tom Chan, resident and neighbor to proposed project, stated that these types of proposed projects are unsuitable for residential areas.

Public Testimony for project:

Bill Herrera, realtor of Global Valley, LLC, represented the sale of building approves of project.

Michael Chiu, Hannon Development for Global Valley, LLC, in favor of project.

Bob Jeffs, business owner, not opposed to project but requests original proposed project to be brought back for discussion.

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

RESOLUTION 10-34 – CASTING VOTES FOR ROSEMEAD COUNCILMEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

Resolution 10-34 Casting Votes for Rosemead Councilmember Margaret Clark to represent cities without prescriptive pumping rights on the board of the San Gabriel Basin Water Quality Authority approved.

The San Gabriel Basin Water Quality Authority (WQA) is composed of seven members with three appointed members from each of the three municipal water districts, one elected City Council person from cities in the San Gabriel Basin with prescriptive pumping rights, and one elected City Council person from cities in the San Gabriel Basin without prescriptive pumping rights, and two members representing water producers in the San Gabriel Basin. Rosemead Councilmember Margaret Clark requested the Council's support for re-election to this position. On September 21, 2010, the San Gabriel City Council unanimously adopted Resolution 10-33 nominating Councilmember Clark for this office. Resolution 10-34 officially casts San Gabriel's four votes for Councilmember Clark.

Recommended Action: That the City Council adopt Resolution 10-34.

Deputy City Clerk Castruita presented the staff report.

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

S.B. 1608 CERTIFIED ACCESS SPECIALISTS PROGRAM (CASp)

Senate Bill 1608 was signed into law by Governor Schwarzenegger on September 28, 2008. This bill is a comprehensive reform measure intended to promote better compliance with the Americans with Disabilities Act (ADA) as well as the state's own equal access laws provided in the California Building Code. Local building departments do not enforce federal ADA standards; however, property owners are required to comply with these requirements. The Department of Justice regulates these standards. This bill was established to primarily address the problem of non-complying commercial properties, by recognizing the value of promoting voluntary compliance and prevention. Therefore, this bill requires that the City retain a Certified Access Specialist (CASp) who is knowledgeable in both ADA and state regulations.

S.B 1608 Certified Access Specialists Program (CASp) approved.

Recommended Action: That the City Council receive and file this report.

Building Division Manager Zeisel presented the staff report.

Mayor Gutierrez so ordered the recommended action.

ORDINANCE NO. 587 C.S. – ADOPTION OF 2010 CALIFORNIA BUILDING AND FIRE CODES

The California Building Standards Commission has adopted new building & fire codes as of January 1, 2010. Publications were available as of July of this year. The Building & Safety Division and Fire Department staff have monitored the development of these Codes closely, and are engaging in training to ensure that the City's building and safety and fire personnel are properly trained to implement the new standards.

Ordinance No. 587 C.S. – Adoption of 2010 California Building and Fire Codes approved.

Recommended Action: That the City Council introduce and place on first reading Ordinance No. 587-C.S., adopting the specific California Codes, and making related amendments to the San Gabriel Municipal Code.

Building Division Manager Zeisel presented the staff report.

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

DEVELOPMENT IMPACT FEES FUND REPORT

The San Gabriel City Council adopted Development Impact Fee Ordinance No. 533 C.S. (SGMC Sections 154.001-154.006) on October 19, 2004 and the fees became effective January 17, 2005. The Development Impact Fees are to fund the cost of key capital facilities that will be needed to meet the City's growth demands over the next 20 years.

Development Impact Fees Fund Report approved.

Recommended Action: That the City Council review the report and make the information available to the public pursuant to Government Code section 66006.

Finance Director Marston presented the staff report.

Mayor Gutierrez so ordered the recommended action.

CASH CONTRACT NO. CC-10-07; VINCENT LUGO PARK SITE IMPROVEMENTS PROJECT; PHASE I

CC-10-07; Vincent Lugo Park Site Improvements Project; Phase I approved.

The proposed project includes Phase I site improvements as part of the Vincent Lugo Park Master Plan. Scope of work for this phase includes clearing and grading; replacement of the park's aging electrical system and new pedestrian lighting; planting of drought-tolerant landscaping; and the addition of the following park elements – a dry stream bed; an outdoor classroom; a walking trail, decorative fencing and landscape buffering along the Alhambra Wash; and a youth-sized athletic field/open space.

The project plans and specifications were reviewed by Community Development, Police and Fire Department staff and were authorized for bid advertisement. These improvements will be funded through the following sources – Rivers and Mountains Conservancy (RMC), 2002 Bond Act Per Capita Grant Program, 2002 Bond Act Roberti-Z'Berg-Harris Grant Program, LA River Parkways Grant Program, LA County Trails Grant Funds and City Development Impact Funds. Bids were received and opened publicly on October 14, 2010.

Recommended Action: That the City Council:

1. Approve the plans and specifications;
2. Authorize the removal of two Canary Island Pines in the southeast corner of the park and thus reduce project costs by not requiring the proposed retaining wall;
3. Award Cash Contract 10-07 to Simgel Co. Inc. in the amount of \$2,144,000 in accordance with its bid;
4. Approve the revised Use Agreement with LA County Flood Control District;
5. Authorize staff to move forward with proposed options to complete project funding, including – direct purchase of lighting fixtures, proposal to RMC to apply preliminarily approved funds to Phase I and/or intra-fund borrowing to be repaid as park impact funds are acquired; and,
6. Authorize the execution of the contract documents.

Parks and Recreation Director Perez presented the staff report.

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

CITY MANAGER ITEMS

City Manager Items

City Manager Preston proposed a Spring Study Session Calendar.

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.

RECONVENE AGENCY MEETING (JOINT CITY COUNCIL & REDEVELOPMENT AGENCY MEETING)

Reconvene Agency Meeting (Joint City Council & Redevelopment Agency Meeting)

Council/Agencymember Costanzo moved to reconvene as stated above; seconded by Vice Mayor/Vice Chair Sawkins. There being no objections, it was so ordered.

A. CITY COUNCIL RESOLUTION NO. 10-25;
SAN GABRIEL REDEVELOPMENT AGENCY RESOLUTION NO. 10-03;
CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES

City Council Resolution No. 10-25; San Gabriel Redevelopment Agency Resolution No. 10-03 Conflict of Interest Code for designated employees approved.

Every two years, the City Council and Redevelopment Agency are required to review their Conflict of Interest Code to determine if any changes are necessary. Any necessary amendments to the list of designated filers and to the disclosure categories are identified and modified.

The City will continue to utilize the Standard Conflict of Interest and Disclosure Code promulgated by the Fair Political Practices Commission (FPPC). All employees, from whom disclosure is required, will continue to use the standardized forms and instructions provided annually by the FPPC.

Recommendation:

1. That the City Council adopt Resolution No. 10-25; and
2. That the Redevelopment Agency adopt Resolution No. SGRA No. 10-03.

Council/Agencymember Costanzo moved to approve the recommended action; seconded by Council/Agencymember and passed by a vote on the board of four yes.

ADJOURN COUNCIL MEETING

Adjourn Council Meeting

Council/Agencymember Costanzo moved to adjourn and reconvene as indicated above; seconded by Council/Agencymember De La Torre. There being no objections, it was so ordered.

REDEVELOPMENT AGENCY MEETING:

Agency Meeting

A. APPROVAL OF MINUTES OF NOVEMBER 2, 2010

Minutes approved.

Council/Agencymember Costanzo moved to approve the subject minutes; seconded by Council/Agencymember De La Torre. The motion passed by a vote on the board of four yes.

B. 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

Public Comment

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

C. ADJOURN AGENCY MEETING

Adjourn Agency meeting

At 9:25 p.m., Agencymember De La Torre moved to adjourn; seconded by Agencymember Costanzo. 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

David R. Gutierrez, Chair

David R. Gutierrez, Mayor