

SAN GABRIEL CITY COUNCIL AND REDEVELOPMENT AGENCY

MINUTES OF MARCH 4, 2008

The regular meetings of the San Gabriel City Council and the San Gabriel Redevelopment Agency convened on March 4, 2008 at 7:36 p.m. with Vice Mayor/Vice Chair Baldwin, Council/Agencymember Costanzo, Council/Agencymember Gutierrez, Council/Agencymember Huang, Mayor/Chair Sawkins, City Attorney/General Counsel Kress, City Manager/Executive Director Paules and Deputy City Clerk Aguilar present.

Pledge of Allegiance

RECESS AGENCY MEETING

Recess Agency Meeting

At 7:37 p.m., Agencymember Gutierrez moved to recess; seconded by Agencymember Costanzo. 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

Rosa De La Rosa, requested barbed wire removed along wall between her property and Hawaii Supermarket parking lot.

PUBLIC HEARING: CONTINUANCE FROM COUNCIL MEETING FEBRUARY 19, 2008 OF APPEAL OF PLANNING COMMISSION DECISION – PLANNING CASE NO. PL-07-113 (CONDITIONAL USE PERMIT) 201-202 E. BENCAMP STREET APPLICANT: GERARD NGO (HAWAII SUPERMARKET)

Hearing: Continuance from Council meeting February 19, 2008 of Appeal of Planning Commission Decision – PL-07-113 (CUP) 201-202 E. Bencamp Street. Denied

This is an appeal of the Planning Commission's decision to deny an application for a conditional use permit request to create a 43-space surface parking lot for use by Hawaii Supermarket's employees. The applicant proposes to demolish two single-family homes and vacate a portion of Bencamp Street located in the R-1 (Single-Family Residential) zone.

On December 10, 2007 the Planning Commission held a public hearing and voted 4-0 to deny the application, based on the inability to make the required findings for approval.

Recommended Action: That the City Council:

ALTERNATIVE A – UPHOLD PLANNING COMMISSION ACTION (Denying the Appeal)

- A. Determine that the findings for a Conditional Use Permit, contained in Section 153.246 of the San Gabriel Municipal Code cannot be made;
- B. Deny the appeal and uphold the decision of the Planning Commission to deny Planning Case No. PL-07-113 (Conditional Use Permit); and
- C. Direct staff to prepare a Resolution for denial to be presented at the next regular City Council meeting;

ALTERNATIVE B – GRANT THE APPEAL

If the City Council wishes to reverse the decision of the Planning Commission, and approve the appeal of Planning Case No. PL-07-113 (Conditional Use Permit):

- A. Affirm the environmental determination prepared by staff;
- B. Direct staff to prepare a resolution for approval stating the facts and findings for a Conditional Use Permit, and granting the appeal, to be placed on calendar for action at the next regular City Council meeting.

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

Deputy City Manager Steve Preston presented Council with the following introduction:

“Tonight the City Council is being asked to hear the appeal of a Planning Commission decision. The original request was filed by Hawaii Market, which proposes to construct an employee parking lot on two residential properties it owns at the terminus of Bencamp Street, in the R-1 residential zone.

In a moment, I will be introducing Associate Planner Grace Song, who has shepherded this application through its hearing. Before I do that, I have been asked to make a few comments:

- Unlike certain other matters in which the Planning Commission advances a recommendation to the Council, this is an application in which the Planning Commission’s decision is final unless appealed to the Council. Therefore, the report presented by staff tonight will describe the history of the project and the rationale that brought the Planning Commission to deny the application. While the initial staff report recommended favorable consideration, once the Planning Commission renders its verdict it is final, and the staff report reflects the position of the Commission. The burden of proof will be on the applicant to demonstrate why the Commission’s decision was in error. If new facts or changes in plans are presented tonight that materially change the nature of this application, I recommend that you turn to the city attorney for counsel.
- We have received requests from parties associated with this item to provide handouts, fact sheets, or other information. We have advised all parties that they are welcome to present the Council with any information bearing on the findings necessary to approve or reject this application, but the only material representing the position of the Community Development Department staff is the report in tonight’s agenda.
- Third, we noted that some copies of the Council agenda inadvertently appear to have a second copy of the Council staff report inserted where the Planning Commission’s report should be. If you by any chance received a version like that, simply look behind the Council staff report and you will find the original Planning Commission staff report there. The agenda also includes the Planning Commission Minutes, which are further back in your packet.
- Finally, we are pleased to have Planning Commission [Chairman Garden] in the audience, along with [Commission Members Commissioner Porter and Kimbrough.] They have asked me to let you know that they are available should you have specific questions you would like to ask of the Commission.

As I introduce Associate Planner Song, I am pleased to note that Ms. Song has worked diligently to provide the Council with a complete and balanced staff report documenting the issues. I have received several positive comments from folks on both sides of this item, and wanted to thank Ms. Song for her work on the project. I will now turn the microphone over to Ms. Song to present the facts of the case and the Planning Commission action.”

Associate Planner Grace Song presented Council with the staff report.

David Lang, representing Hawaii Supermarket, spoke of commitment to required conditions for the property and asked for approval of appeal.

Cindy Lau representing Hawaii Supermarket spoke on behalf of owner, Mr. Yang as he was overseas and could not attend hearing.

Mayor Sawkins explained to audience about public hearing procedures. Attorney Bob Kress reiterated keeping calm and no outbursts such as clapping or booing from the audience.

Public Speakers: FOR

George Minter, for appeal

Peter Lo, for appeal

Robert Bodkin, for appeal

Yu Chang, for appeal

Jim Moyer, for appeal

Simon Lee, for appeal

Public Speakers: AGAINST

Montree Chaisorn, against appeal

Margaret Sosa, against appeal, submitted letter

John Kloss, against appeal

Mayor Sawkins called for a recess at 8:58 p.m.
Meeting resumed at 9:05 p.m.

Recess

Continued Public Speakers: AGAINST

Sien Pang, against appeal, submitted letter and petitions, pictures

Rosa De La Rosa, against appeal

Evelyn Chau, against appeal

Alan Clayton, against appeal

George Lee, against appeal, submitted pictures

Felix Flores, against appeal

Irene Chang, against appeal, sons Vernon and Tai Chau spoke against appeal

Jing-Chi Wang, against appeal, submitted picture

Robert Mendoza, against appeal

Ray Lowe, against appeal

Julie Chang, against appeal

Charles Sances, against appeal

Ana Battaglia, against appeal

Last call was made by Mayor Sawkins inviting anyone else to speak on behalf of this issue at 10:23 p.m.

Councilmember Costanzo moved to close public hearing; seconded by Councilmember Huang. There being no objections, it was so ordered at 10:24 p.m.

Council discussed item and spoke individually of their concerns and observations of project.

Councilmember Costanzo moved to approve Alternate A -Uphold Planning Commission Action (Denying the Appeal) recommendation; the motion was seconded by Councilmember Gutierrez and passed by a vote on the board of four yes and one no by Councilmember Huang.

Mayor Sawkins called for a recess at 11:15 p.m.
Meeting resumed at 11:21 p.m.

Recess

PUBLIC HEARING WITH REGARD TO ANNUAL WEED ABATEMENT PROGRAM

Hearing: Annual Weed
Abatement Program Approved

Each year, the City's goal is to establish a fire-safe community through voluntary compliance of informed property owners and residents. The City contracts with Los Angeles County to perform annual weed abatement services. At the February 19, 2008 meeting, the City Council adopted Resolution 08-05 that set a public hearing, for the hearing of any protests, for March 4, 2008.

NIS Manager Estrada has prepared a report along with photos listed as an attachment. This year the annual assessment cost for inspection service is \$44.86. NIS Manager Estrada and a County representative were present to respond to any protests or questions.

Recommended Action: After holding the public hearing and considering all testimony, that the City Council adopt Abatement Order 08-01 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.

Neighborhood Improvement Services Manager Rita Estrada presented Council with the staff report.

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

There was no one in the audience who wished to protest the hearing.

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

Vice Mayor Baldwin moved to approve the recommendation; the motion was seconded by Councilmember Costanzo and passed by a vote on the board of five yes.

APPROVE SELECTED CIP FOR 2007-08 & 2008-09 PROJECTS
APPROVE PROJECT APPROPRIATIONS
AUTHORIZE STAFF TO OBTAIN CONSULTANT SERVICES

Approve Selected CIP for
2007-08 & 2008-09 Projects
Approve Project
Appropriations
Authorize staff to obtain
Consultant Services
Approved

There are five major projects in the proposed Capital Improvement Program that ultimately involve approvals, funding agreements and authorization to advertise from Caltrans and the Federal Highway Administration (FHWA). The five projects are being partially funded using State (STP-L) funds and Federal (SAFETEA-LU) funds. Those projects are:

1. San Gabriel Blvd. Rehabilitation Project from Mission Rd. to Las Tunas Dr.
2. Roses Road Rehabilitation Project from Mission Drive to Del Mar Ave
3. San Gabriel Blvd. at Las Tunas and at Broadway Intersection Improvements
4. San Gabriel Blvd. at Mission Road Intersection Improvements
5. Broadway at Walnut Grove Ave. Intersection Improvements

In order to meet the time frames for Caltrans and FHWA reviews, approvals, funding agreement and authorizations for construction, the above projects should be approved in the 2007-08 & 2008-09 Fiscal Year CIP project along with the funding appropriations. Also, staff is requesting authorization to obtain consultant engineering services to facilitate timely completion of the projects.

Recommended Action: That the City Council:

1. Approve the selected projects listed above for the 2007-08 & 2008-09 Fiscal year CIP program.
2. Approve the appropriations for selected projects as shown on the attached for Capital Improvement Project & Project Data forms;
3. Authorize staff to obtain the consultant engineering services needed to facilitate processing the 2007-08 & 2008-09 CIP Program.

City Engineer Bruce Mattern presented Council with the staff report.

Councilmember Costanzo moved to approve the recommendation; the motion was seconded by Councilmember Huang and passed by a vote on the board of five yes.

RECOMMENDATION TO HOLD COMBINED SAN GABRIEL FOURTH OF JULY
PARADE AND KID'S DAY EVENT

Recommendation to Hold
Combined San Gabriel Fourth
of July Parade and Kid's Day
Event Approved

Last year, the San Gabriel 4th of July Parade Committee held the first annual 4th of July Parade and Picnic. On August 5, 2007, the City held the 7th Annual Kid's Day event. Both events were funded, in part, by donations from local businesses and organizations. Staff discussed combining the two events to be held on the 4th of July.

Staff took the idea of the combined event to the Parks and Recreation Commission. The Commission discussed the idea of a combined event to be held on July 4, 2008.

Recommended Action: That the Council approve the combined 4th of July Parade and Kid's Day to be held on July 4, 2008 and direct staff to begin working with the volunteer committee to plan the 2008 event.

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

Vice Mayor Baldwin moved to approve the recommendation; the motion was seconded by Councilmember Huang and passed by a vote on the board of three yes and two no by Councilmembers Costanzo and Gutierrez.

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. MINUTES OF REGULAR COUNCIL MEETING OF FEBRUARY 19, 2008
Minutes Approved
- The minutes are a record of the official actions taken at the last Council meeting.
- Recommended Action: Approval
- B. MATERIAL DEMANDS: 73147 – 73367 INCLUSIVE \$2,020,564.90
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 BY BETTY MUI ON BEHALF OF HERALD CANCER FOR PERMISSION TO PLACE BANNER
Banner Approved
- The Herald Cancer Association and the Chinese Cancer Memorial Foundation are hosting a fundraising event, Tsai Chin Charity Concert 2008 on April 19, 2008 at the Pasadena Civic Auditorium. Betty Mui, Chairperson for the Tsai Chin Charity Concert 2008 Planning Committee requests a banner to be displayed from March 19 to April 19 and to ask Council to waive banner fees.
- Recommended Action: That the Council approve banner request at:
1. Both locations of San Gabriel Blvd/Broadway and San Gabriel Blvd. /Las Tunas Blvd.;
 2. Or one location, first choice San Gabriel/Broadway, second choice San Gabriel Blvd. /Las Tunas Blvd.;
 3. And waive banner fees, if any.
- D. REQUEST SUBMITTED ON BEHALF OF MARIACHI HERITAGE SOCIETY FOR PERMISSION TO SERVE ALCOHOL AT SAN GABRIEL MISSION PLAYHOUSE DURING INTERMISSION OF THEIR EVENT ON APRIL 20, 2008
Mariachi Heritage Society Alcohol Request 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. REQUEST SUBMITTED ON BEHALF OF SAN GABRIEL EDUCATION FOUNDATION FOR PERMISSION TO SERVE ALCOHOL AT A FUNDRAISER BEING HELD AT SAN GABRIEL GRAPEVINE PARK AND ADULT CENTER ON JUNE 7, 2008
San Gabriel Education Foundation Alcohol Request 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.

- F. REQUEST SUBMITTED ON BEHALF OF SHAKESPEARE LEAGUE OF PASADENA FOR PERMISSION TO SERVE ALCOHOL AT SAN GABRIEL MISSION PLAYHOUSE DURING INTERMISSION OF THEIR EVENTS ON APRIL 4-6, 2008.

Shakespeare League of Pasadena Alcohol Request 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.

- G. 2008 INTERNATIONAL COUNCIL OF SHOPPING CENTERS – MAY 18-20, 2008 LAS VEGAS, NEVADA

2008 International Council of Shopping Centers Conference Approved

In accordance with Resolution 06-04 adopted on January 17, 2006, City Council approval is required for reimbursement of travel and other expenses by City Council.

In the FY 2007-2008 budget, each Councilmember was provided a \$1,000 miscellaneous conference budget. As total expenses for each Councilmember attending this conference will exceed the miscellaneous budget of \$1,000, it is necessary to fund an additional \$1,630 to the Allowances Account 701-00-54-000 in order to cover additional anticipated expenses relating to this conference.

Recommended Action: That the Council approve the Councilmember's request to attend and fund an additional \$1,630 to Allowances Account 701-00-54-000, to cover the additional anticipated expenses for the 2008 International Council of Shopping Center conference.

Vice Mayor Baldwin moved to approve the consent calendar as presented; the motion was seconded by Councilmember 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

At 11:46 p.m., Councilmember Huang moved to adjourn and reconvene as indicated above; seconded by Councilmember Costanzo. There being no objections, it was so ordered.

REDEVELOPMENT AGENCY MEETING:

Agency Meeting

- A. APPROVAL OF MINUTES OF FEBRUARY 19, 2008

Minutes Approved

Agencymember Costanzo moved to approve the subject minutes; seconded by Agencymember Gutierrez. The motion passed by a vote on the board five yes.

B. PUBLIC COMMENT

Public Comment

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

C. ADJOURN AGENCY MEETING

Adjourn Agency Meeting

At 11:47 p.m. Vice Chair Baldwin moved to adjourn; seconded by Agency member Gutierrez. There being no objections, it was so ordered.

SAN GABRIEL REDEVELOPMENT AGENCY

SAN GABRIEL CITY COUNCIL

Diana Aguilar, Secretary

Diana Aguilar, Deputy City Clerk

Kevin B. Sawkins, Chair

Kevin B. Sawkins, Mayor