

SAN GABRIEL CITY COUNCIL AND REDEVELOPMENT AGENCY

MINUTES OF JUNE 1, 2010

The regular meetings of the San Gabriel City Council and the San Gabriel Redevelopment Agency convened on June 1, 2010 at 7:34 p.m. with Mayor/Chair Huang, Vice Mayor/Vice 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

ATTENDANCE

Attendance

RECESS AGENCY MEETING

Recess Agency Meeting

Agencymember Costanzo moved to recess; seconded by Vice Chair Gutierrez. 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 in the audience who wished to address the Council at this time.

A letter was submitted by Gary Grady, a resident of San Gabriel, that included a record of San Gabriel Vietnam Veteran names to be read into the record in honor of Memorial Day.

2LT Bruce Horace Eaton
HM Lee Thomas Hamman
PFC Allen Dale Jagielo
SGT John Robert Piner
SGT Mickey Eugene Griffith
CPL Rene Zaragoza Hernander
PFC Isidro Briceno Jimenez
CPL Henry Valen Zuela Jr.
SGT Gary Gorden Hahn
PFC Ralph Wommack Hunt
CWO William James Mitton

PUBLIC HEARING: PLANNING CASE NO. PL-09-131; APPEAL
MY FRIENDS OYSTER BAR, 523 SOUTH SAN GABRIEL BOULEVARD

Public Hearing: PL-09-131
Appeal My Friends Oyster Bar.
Appeal Denied.

On April 12, 2010, the Planning Commission approved a request to expand the existing liquor license with conditions of My Friends Oyster Bar to serve beer and wine on the outdoor patio. The applicant filed an appeal of the Planning Commission's decision seeking to have the conditions of approval overturned.

Recommended Action: That the City Council deny the appeal and approve the conditional use permit amendment for the sale of alcoholic beverages on the patio, subject to all staff recommended conditions of approval, upholding the decision of the Planning Commission.

City Planner Gallatin presented the staff report.

Mr. John Tran, representing Mr. Kim, spoke on Mr. Kim's behalf and listed the improvements to the restaurant and property:

The "C" rating for the restaurant has been brought up to an "A" rating.
They have hired cleaning crews.
Six cameras have been installed.
A security guard has been hired seven days a week.
Only three police calls/one incident have happened in the past two years.

The appellant requests to keep the existing 2:00 a.m. hour of operation on the restaurant and to add the patio to be the same as the restaurant. They further requested a trial period of a six month review to showcase the ability to provide good and controlled service.

Public Speakers in support of the Appellant:

William Solis, resident, frequents the restaurant and has seen the improvements in safety measures since Mr. Kim has taken ownership. He is in favor of extending the hours of operation.

Katie Din, customer and employee, has seen improvement in employee respecting resident parking spaces and contributing to the cleaning process outside.

Lien Vong, customer, frequents the restaurant and feels safe with the current owners' security and policies.

Public Speakers Against:

Kathleen Cardenas, property owner near the restaurant, is opposed to the liquor license and the restaurant hours of operation.

Gilbert Espinoza, resident near the restaurant, has not observed the clean up effort that the owner has claimed and has witnessed trash and debris in the residential area due to the restaurant.

Helen Olivas, resident, has complained of the trash, noise from the restaurant and the disruption of the neighborhood it causes. She has witnessed minors frequent the establishment.

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

Vice Mayor Gutierrez moved to deny the appeal and uphold the decision of the Planning Commission and direct staff to bring back a resolution to impose those conditions that were approved by the Planning Commission; seconded by Councilmember Costanzo and passed by a vote on the board of four yes and one no by Mayor Huang.

JOINT USE AGREEMENT WITH SAN GABRIEL UNIFIED SCHOOL DISTRICT TO USE ELEMENTARY SCHOOL SITES FOR SUMMER RECREATION PROGRAMS

Summer recreation programs run annually at various schools. This year Recreation Department staff requested the use of Washington and Roosevelt Elementary Schools for summer programs. The school district cannot provide staff support the requested programs. City staff worked with school district personnel to reach an agreement to allow city recreation staff to conduct outdoor programs at the two school sites and access the school restrooms.

Joint Use Agreement with SGUSD to use elementary school sites for summer recreation programs approved.

Recommended Action: That the City Council approve the agreement for use of Washington and Roosevelt Elementary Schools for summer recreation programs for the 2010 summer season.

Acting Parks and Recreation Director Hogan presented 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.

LETTER AGREEMENT WITH SAN GABRIEL HISTORICAL ASSOCIATION FOR CONDUCT OF CENTENNIAL ACTIVITIES

Letter agreement with SG Historical Association for conduct of centennial activities approved.

In February 2010 the City Council met in study session with the San Gabriel Historical Association to discuss proposed arrangements for celebration of the City's centennial in 2013. Staff is reporting on developments so as to bring the Council up to speed since they last met to discuss the effort.

Recommended Action: That the City Council:

1. Add the Centennial Celebration to the City Council Strategic Priorities Matrix (work program) with a target date of April, 2012
2. Approve the draft letter agreement with the San Gabriel Historical Association and authorize the Mayor, following approval and execution by the San Gabriel Historical Association's Board of Trustees, to execute it on the Council's behalf.

Councilmember Sawkins presented the staff report.

Vice Mayor Gutierrez moved to approve the recommended action; seconded by Councilmember 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

[Consent Calendar Item #E was pulled for separate discussion]

- A. MINUTES OF REGULAR COUNCIL MEETING OF MAY 18, 2010

Minutes approved

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

Recommended Action: Approval

- B. MATERIAL DEMANDS 83323 – 83451 INCLUSIVE \$1,408,976.40

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 April 2010

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

D. RENEWAL OF YORK INSURANCE SERVICES (FORMERLY SOUTHERN CALIFORNIA RISK MANAGEMENT) CONTRACT FOR 2010-11 FISCAL YEAR

Renewal of York Insurance services contract for 2010-11 Fiscal Year Approved.

The City had been self-insured for Workers' Compensation for many years. Effective July 1, 2007, the City joined the CJPIA to secure loss coverage for the City's Workers' Compensation claims. Claims with an injury date of July 1, 2007 and after are processed by the CJPIA. However, claims with a June 30, 2007 and prior date (referred to as tail claims) are not administered by the CJPIA. As a result, the City contracted with Third Party Administrators (TPA's) to provide claim handling services. York has been the City's TPA for the past 18 years.

Recommended Action: That the City Council approve renewal of the City's contract with York Insurance Services for administration of run-off claims effective July 1, 2010.

[E. **CONTRACT WITH RETIRED DEPUTY FIRE MARSHAL DON BERRY]**

Contract with retired Deputy Fire Marshall Don Berry approved.

Deputy Fire Marshal Don Berry retired from the City last month after holding the position for the past several years. With no suitable successor, the Fire Department is interested in retaining his services to allow them time to train a suitable replacement.

Recommended Action: That the City Council approve Resolution No. 10-17, authorizing that upon receipt of approval from CalPERS, the City Manager execute an agreement between the City and Don Berry providing for temporary, part time employment as a Deputy Fire Marshal.

Councilmember Costanzo moved to amend the recommended action to include a two-week notice of termination or resignation by the employee in the agreement; seconded by Councilmember De La Torre and passed by a vote on the board of five yes.

F. SHOPPING CART CONTAINMENT: ORDINANCE 584-CS

Ordinance 584-C.S. Shopping Cart Containment approved.

At the May 18, 2010 meeting, the subject ordinance was introduced and placed on first reading. Ordinance 584-C.S. is being presented for adoption on second reading.

Recommended Action: That the City Council adopt Ordinance 584-C.S. on second reading.

Councilmember Costanzo moved to approve the items A,B,C,D & F of the consent calendar; seconded by Vice Mayor Gutierrez and passed by a vote on the board of five yes.

CITY MANAGER ITEMS

City Manager Items

There were no items to report at this time.

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 AS FOLLOWS AND RECONVENE AGENCY MEETING

Adjourn Council meeting as follows and reconvene agency meeting

Adjourn to Tuesday, June 8, 2010 at 5:00 p.m. at City Hall Conference Room A for a Budget Study Session and, if needed, Closed Session for Labor Negotiations.

Councilmember De La Torre 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 JUNE 1, 2010

Minutes Approved

Agencymember Costanzo 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.

C. ADJOURN AGENCY MEETING

Adjourn agency meeting

At 9:21 p.m., Agencymember Sawkins moved to adjourn; seconded by Vice Chair Gutierrez. 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

Albert Y. M. Huang, Chair

Albert Y.M. Huang, Mayor