



**MINUTES OF MAY 7, 2019  
REGULAR MEETING OF THE SAN GABRIEL CITY COUNCIL**

**CALL TO ORDER**

Mayor Pu called the regular meeting of the San Gabriel City Council to order at 6:38 p.m. on Tuesday, May 7, 2019, in the Council Chamber at City Hall, 425 South Mission Drive, San Gabriel, California, 91776.

**ROLL CALL**

**Council Members Present:** Juli Costanzo, Chin Ho Liao, Vice Mayor Denise Menchaca, and Mayor Jason Pu.

**Council Members Absent:** John Harrington

**Staff Members Present:** City Manager Mark Lazzaretto; Deputy City Attorney Steven O'Neill; Assistant City Manager/Community Development Director Arminé Chaparyan; Community Services/Interim Mission Playhouse Director Rebecca Perez, Police Chief Eugene Harris, Chief City Clerk Sharon Clark, Interim Fire Chief Steven Wallace, Public Works Director/City Engineer Greg de Vinck, Interim Finance Director Paula Chamberlain, Human Resources/Risk Management Director Edward Macias, Assistant City Clerk Marilyn Bonus, and Administrative Assistant II Adam Yang.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Menchaca.

A motion was made by Council Member Costanzo, seconded by Council Member Liao, to excuse Council Member Harrington's absence.

**1. APPROVAL OF AGENDA ORDER**

A motion was made by Vice Mayor Menchaca, seconded by Council Member Costanzo, to approve the agenda order as presented.

*Motion approved Agenda Order by a vote of 4-0-0-1 as follows:*

AYES: COSTANZO, LIAO, MENCHACA, PU  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: HARRINGTON

## **2. PRESENTATIONS**

### **A. INTRODUCTION OF POLICE OFFICER KYLE VAZQUEZ**

### **B. INTRODUCTION OF POLICE OFFICER RAMON "RAY" GUILLEN**

Presentation was made by Police Chief Harris and the Oath of Office was administered by Chief City Clerk Clark.

### **C. NATIONAL TRAVEL AND TOURISM WEEK 2019**

Presentation was made by Economic Development Manager Angelica Frausto-Lupo.

### **D. FUTURE OF ELECTIONS IN LOS ANGELES COUNTY**

Presentation was made by Los Angeles County Registrar-Recorder/County Clerk Dean Logan who also invited the community to participate in a community meeting about Los Angeles County's Vote Centers and the new voting experience to be held on May 29, 2019, from 6:00 – 8:00 p.m. in the San Gabriel Adult Recreation Center, Grapevine Room; and in a mock election which will be held on September 28 and 29, 2019.

## **3. PUBLIC COMMENT**

Veronica Franco, resident, requested an item be agendaized to amend the Municipal Code Section 92.02 regarding the three-pet limit to allow for more pets.

Ed Stewart and Huy Do, Sanitation District employees, announced that the sanitation workers have successfully negotiated a draft contract and asked that either Mayor Pu as delegate to the District, or Council Member Costanzo as the alternate, vote to approve the contract.

#### **4. CONSENT CALENDAR**

Council Member Costanzo pulled item F and Mayor Pu pulled items A, D, E and H for separate discussion.

A motion was made by Mayor Pu, seconded by Council Member Costanzo, to approve Consent Calendar Items A-D and F-H as presented.

*Motion approved Consent Calendar Items A-D and F-H by a vote of 4-0-0-1 as follows:*

AYES: COSTANZO, LIAO, MENCHACA, PU  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: HARRINGTON

#### **A. MATERIAL DEMANDS**

Mayor Pu requested more information about the payments to payee Alhambra Superior Court on page 1 of the April 12, 2019 voucher list, and to payee Alameda Corridor-East (A.C.E.) on page 5 of the April 22, 2019 voucher list.

In response, City Manager Lazzaretto responded that staff would research and report back to the Council on the payment to Alhambra Superior Court; and Principal Engineer Algis Marcuiska explained that the reimbursement payment to A.C.E. covered the City's portion of the haul-route paving and improvements to bridges, medians, and along San Gabriel Boulevard; that the expense was budgeted for the current fiscal year, and was part of the betterment agreement with A.C.E.

City Council approved the "Register of Demands and Warrants" for the payment of City expenditures.

#### **B. APPROVAL OF MINUTES**

City Council approved the following Minutes as presented:

1. Minutes of the City Council Special Meeting of April 9, 2019.
2. Minutes of the City Council Special Meeting of April 17, 2019.
3. Minutes of the City Council Special Meeting of April 30, 2019.

#### **C. APPOINTMENTS TO THE CITY'S COMMISSIONS**

City Council approved the appointments recommended by the Mayor as follows:

<b>Commission</b>	<b>Appointee</b>	<b>Term</b>
Civil Service	Alejandra Portillo	6/01/2019 – 5/30/2021
Civil Service	George Carney	6/01/2019 – 5/30/2021
Community Services	Bronwyn M. Velazquez	6/01/2019 – 5/30/2021
Community Services	Amy Cheung von Haam	6/01/2019 – 5/30/2021
Community Services	Tony Ding	6/01/2019 – 5/30/2021
Design Review	Marla Nadolney	6/01/2019 – 5/30/2020
Design Review	Nik Sae-Low	6/01/2019 – 5/30/2020
Design Review	Erlinda Romo	6/01/2019 – 5/30/2021
Design Review	Luoya Tu	6/01/2019 – 5/30/2021
Planning	Anagh Mamdapurkar	6/01/2019 – 5/30/2021
Planning	Jerry Schwartz	6/01/2019 – 5/30/2021

**D. 2018 ACCELERATED I-BANK STREET PAVING PROJECT (PROJECT NO. 122-800-58-97-108) PURCHASE ORDER CHANGE REQUEST (CONTRACT NO. 18-09) AND APPROVAL OF ADDITIONAL FUNDING FROM THE GREAT STREETS PROJECT (PROJECT NO. 122-800-41-97-704)**

In response to a question from Mayor Pu, Principal Engineer Marciuska confirmed that there will still be enough funds for the remainder of the Great Streets Phase I and II projects planned.

City Council:

1. Approved the use of \$41,384.17 of Great Streets Program project funding for the cost overrun of the Accelerated I-Bank Street Improvement Project; and
2. Authorized staff to approve a Purchase Change Order Request for Purchase Order No. 8013 in the amount of \$41,384.17.

**E. AWARD OF CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL INSTALLATION (CONTRACT NO. 19-01, CAPITAL IMPROVEMENT PROJECT NO. 2-14-01) TRAFFIC SIGNAL AT SAN GABRIEL BOULEVARD AND COMMERCIAL AVENUE**

Mayor Pu noted that the contract is not the City's standard contract and does not include independent contractor, indemnity or a robust insurance provision as the City normally requires, and inquired whether it could be approved subject to an acceptable alternate agreement with the contractor.

Deputy City Attorney O'Neill confirmed that the authority to sign an agreement as revised by the City Attorney could be delegated to the City Manager.

After receiving confirmation from Principal Engineer Marciuska that there would be no negative consequence to delaying approval of the contract, Mayor Pu, with the concurrence of Council, requested that the item be brought back with a revised contract for consideration at the next City Council meeting.

**F. PROFESSIONAL SERVICES AGREEMENT WITH JMDIAZ, INCORPORATED FOR DESIGN & ENGINEERING SERVICES FOR INTERSECTION SAFETY IMPROVEMENT PROJECT AT SAN GABRIEL BOULEVARD & ROSES ROAD [ACCOUNT NO. 122-800-57-97-105 – FEDERAL PROJECT NO. HSIPL-5217(026)]**

Council Member Costanzo indicated her desire to make sure the project is completed in a timely manner and that funds are available to complete it.

Public Works Director/City Engineer de Vinck responded that although the design could be ready in two to three months, the entire process could take up to two years; but funding would not be a big issue and construction is fairly simple.

Council Member Liao commented that the flashing overhead beacon design is outdated and suggested alternative designs.

Principal Engineer Marciuska responded that as a pedestrian warning signal, it will incorporate the best design and current technology; clarified that it is to warn drivers of pedestrians and is not a traffic signal; and explained that the design will take into account all the analysis of the particular location.

City Council approved a Professional Services Agreement with JMDiaz Incorporated in the amount not to exceed \$28,570.30 (including a 10% contingency in the amount of \$2,597.30) for professional design and engineering services for the traffic and pedestrian safety improvement project at the intersection of San Gabriel Boulevard and Roses Road.

**G. PROFESSIONAL SERVICES AGREEMENT WITH PROJECT PARTNERS FOR DEVELOPMENT ENGINEERING SUPPORT SERVICES**

City Council approved a Professional Services Agreement with Project Partners to provide continued Development Engineering Support Services.

**H. RESOLUTION NO. 19-17 APPROVAL OF BUDGET AMENDMENT FOR FY 2018-19 AND REVIEW OF PROPOSED CHANGES FOR THE FY 2019-20 BUDGET**

Mayor Pu requested clarification regarding Exhibit 1 as to whether it is a list of items that will no longer receive funding from the general fund because there are alternative funding sources available.

Interim Finance Director Chamberlain explained that the department directors had reviewed the list and determined that the appropriations could be released to the general fund - either the projects could be deferred to future years or would not be done at all. In addition, projects that are grant-funded will be moved out of the general fund to a grant fund.

City Manager Lazzaretto gave an additional example that some items, such as the development code update, could be funded from impact fees charged on building permits rather than from the general fund by setting aside a portion of those fees until time for the project.

In response to an inquiry from Council Member Liao, Interim Finance Director Chamberlain explained that employee separation payouts were traditionally absorbed in the department's budget, but going forward, money would be budgeted for separation payout. It would first be funded by salary savings, and then transferred from the new employee separation account with City Manager approval, and if over a certain amount, brought for City Council approval. The amount was reached by using an average amount for separation payouts over the last three to four years.

City Council approved the recommended changes, including the authorization of budget reallocation of 2018-19 revenue estimates and appropriations for comparative purposes, and adopted **Resolution No. 19-17** amending the 2018-19 Adopted Budget, including the cancellation of appropriations for certain capital projects and equipment/vehicle replacements.

## **RECESS AND RECONVENE**

Mayor Pu recessed the meeting at 8:01 p.m. and reconvened at 8:08 p.m. with all Council members present, except Council Member Harrington.

## **5. PUBLIC HEARING**

### **A. ZONE TEXT AMENDMENT TO ESTABLISH A ZONING CODE DEFINITION FOR FLOOR AREA RATIO (ZTA18-001)**

Presentation was made by Assistant Planner Anthony Alvarado.

Discussion included: the zone text amendment would codify existing policy; having the City's Design Review Commission review the ordinance for possible future amendments; how the ordinance compares to neighboring cities' and Seattle's corresponding codes; the definition is in line with other cities with the difference being how much development, or what ratios, you allow; this amendment will not change current Floor Area Ratios (FARs); and pending legislation that may necessitate future changes in density allowed in certain zoning districts.

Mayor Pu opened the Public Hearing. Hearing no requests to speak, Mayor Pu closed the Public Hearing.

In response to an inquiry from Mayor Pu about counting covered patios, decks and porches toward the FAR, Planning Manager Tracy Steinkruger explained that once patios and porches are covered, there is a tendency for them to become enclosed and used as habitable space in the home though not included in the initial FAR, and they may or may not be permitted.

Mayor Pu requested:

1. The definition be amended to add "permanently" in front of subsections F, G, H, I, and J where it references covered patios, covered balconies, covered decks, covered porches, and covered courtyards.
2. The word "permanently" be added in the Ordinance to Section 153.043 in last sentence where it references covered patios and balconies, and also to Section 153.044 where it references covered patios and balconies.

A motion was made by Mayor Pu, seconded by Vice Mayor Menchaca, to waive full reading and introduce **Ordinance No. 652-C.S.** as amended, by title only. Administrative Assistant II Yang read the title as follows: "An Ordinance of the City Council of the City of San Gabriel, California, Amending Chapter 153 (Zoning Code) of the San Gabriel Municipal Code to Add a Definition of Floor Area Ratio (FAR)."

*Motion approved item 5A by a vote of 4-0-0-1 as follows:*

AYES:	COSTANZO, LIAO, MENCHACA, PU
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HARRINGTON

## **6. NEW BUSINESS**

**A. NCE ENGINEERING CONSULTANTS – PAVEMENT MANAGEMENT PLAN**

Presentation was made by Public Works Director/City Engineer de Vinck and included the asset value of San Gabriel’s streets; current conditions and Pavement Index; costs associated with construction dependent upon the condition of the streets; a computer-generated pavement management program to maximize economic efficiency; various funding scenarios with their anticipated 10-year Pavement Index; the cumulative cost of differed maintenance; policy considerations and possible funding, including grants; and current methods being used for efficient, long-lasting and preventive maintenance results.

Discussion included a request for paper copies of the various funding scenarios pavement condition maps to be included in the City Council’s mail packets; cold in-place recycling and whether there are downsides to this more environmentally-friendly solution; and borrowing against future revenues to accelerate pavement projects.

**B. GENERAL PLAN HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR THE 2018 CALENDAR YEAR**

Presentation was made by Assistant Planner Monique Garibay.

Following discussion, a motion was made by Council Member Liao, seconded by Vice Mayor Menchaca, to receive and file the report and approved staff to send the document to the State Department of Housing and Community Development (HCD).

*Motion approved item 6B by a vote of 4-0-0-1 as follows:*

AYES:	COSTANZO, LIAO, MENCHACA, PU
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HARRINGTON

**C. RESOLUTION NO. 19-15 TO ADOPT A REVISED FUND BALANCE POLICY**

Presentation was made by Interim Finance Director Chamberlain.

A motion was made by Council Member Liao, seconded by Vice Mayor Menchaca, to adopt **Resolution No. 19-15** which approves the revised Fund Balance Policy in Accordance with Governmental Accounting Standards Board



Statement Number 54 and the City's Proposed Fiscal Sustainability Policy, and releasing the commitment of fund balance as proposed herein.

*Motion approved item 6C by a vote of 4-0-0-1 as follows:*

AYES: COSTANZO, LIAO, MENCHACA, PU  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: HARRINGTON

#### **D. RESOLUTION NO. 19-16 TO ADOPT THE CITY'S FISCAL SUSTAINABILITY POLICY**

Presentation was made by Interim Finance Director Chamberlain.

A motion was made by Council Member Liao, seconded by Council Member Costanzo, to adopt **Resolution No. 19-16** adopting the Fiscal Sustainability Policy.

*Motion approved item 6D by a vote of 4-0-0-1 as follows:*

AYES: COSTANZO, LIAO, MENCHACA, PU  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: HARRINGTON

**7. PUBLIC COMMENT** – None.

#### **8. CITY MANAGER'S REPORT**

##### **A. FORMATION OF WASTE COLLECTION CONTRACT AD-HOC COMMITTEE**

City Manager Lazzaretto explained that pursuant to City Council direction to pursue revenue-enhancement opportunities and the need to bring the City into compliance with future State regulations regarding organics, he is requesting the inclusion of two council members on an ad-hoc committee, which would include the Finance and Public Works Directors along with himself, in order to expedite the negotiation process with Athens Services regarding the waste collection contract.

Council Members Costanzo and Liao and Vice Mayor Menchaca spoke about their interest in serving on the committee. Mayor Pu noted that Council Member Harrington has also indicated that he would like to serve on the committee.

Mayor Pu proposed, with the consensus of the Council, that appointments be differed to a later date with direction to the City Manager's Office to follow-up with interested council members.

## **9. COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS**

Council Member Costanzo commented on a great Cinco de Mayo event and is looking forward to Fire Service Day on Saturday, May 11, 2019.

Council Member Liao reported on his attendance at Legislative Action Day in Sacramento and the Southern California Association of Governments (SCAG) conference.

Vice Mayor Menchaca recognized the City for receiving the Asian Youth Center Community Partnership Award; congratulated the newly-appointed City Commissioners and commented on the possibility of adding an additional commission in the future; and thanked Community Services/Interim Mission Playhouse Director Perez and staff for the Cinco de Mayo event.

Mayor Pu thanked staff and Vice Mayor Menchaca for the Cinco de Mayo event; requested that staff provide the Council with the schedule of events for Fire Service Day; reported on his attendance at the SCAG conference; and expressed concern about the distribution of Measure R 710 Freeway Funds to the City, and asked that staff and the Council stay involved in the process to help ensure the City receives a fair allocation and prevent any negative impacts to the City.

Vice Mayor Menchaca and Council Member Liao also commented on the Measure R 710 Freeway Funds issue.

## **RECESS AND RECONVENE**

Mayor Pu announced that the meeting would be adjourned in memory of Elva Tamayo Zatarain, Steve Holland, and Steven Jones. Mayor Pu and Vice Mayor Menchaca gave brief biographical information about Elva Tamayo Zatarain; and Council Member Costanzo gave brief biographical information about Steve Holland and Steven Jones.

Mayor Pu recessed the meeting at 10:00 p.m. and reconvened into closed session at 10:05 p.m. with all council members present except Council Member Harrington.

## **10. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (§ 54956.9(d)(4)) CASE NAME UNSPECIFIED: (DISCLOSURE WOULD JEOPARDIZE SERVICE OF PROCESS)**

Deputy City Attorney O'Neill announced that instruction was given to staff; no reportable action was taken.

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (Gov. Code § 54956.8)**

**PROPERTY:** Parcel 2 of Parcel Map No. 24106 (P.M.B. 266-3-4)

**CITY NEGOTIATOR:** Mark Lazzaretto, City Manager

**NEGOTIATING PARTY:** YZL Investment, LLC

**UNDER NEGOTIATION:** Price and terms of lease agreement

Deputy City Attorney O'Neill announced that instruction was given to staff; no reportable action was taken.

**11. ADJOURNMENT**

Mayor Pu adjourned the meeting in memory of Elva Tamayo Zatarain, Steve Holland, and Steven Jones at 11:07 p.m.

Respectfully submitted:

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JULIE NGUYEN, City Clerk

Approved this 4<sup>th</sup> day of June, 2019:

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JASON PU, Mayor