

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA**

**REGULAR MEETING MINUTES
AUGUST 4, 2009**

1. CALL TO ORDER

Mayor Vizcarra called the City Council Regular Meeting to order at 7:30 p.m. in the Council Chambers located at 5938 Kauffman Avenue, Temple City.

2. ROLL CALL

PRESENT: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
ABSENT: Councilmember-None

ALSO PRESENT: Interim City Manager/Parks and Recreation Director Burroughs, Interim City Attorney Vail, City Clerk Flandrick, Assistant to the City Manager Flod, Community Development Manager Lambert, Financial Services Manager Molina, Public Safety Officer Ariizumi

3. PLEDGE OF ALLEGIANCE

Parks and Recreation Commissioner Nanette Fish led those present in the Pledge of Allegiance to the Flag.

4. CEREMONIAL MATTERS – PRESENTATIONS

A. RECOGNITION OF TEMPLE CITY PONY BASEBALL LEAGUE

Mayor Vizcarra presented a Certificate of Recognition to the Temple City Pony 14 All-Star Team in honor of an undefeated win in their section division. Cathé Wilson, Manager Shawn Olson and Coach Mike Reed introduced the Temple City Pony Team Players and the City Council offered congratulations and presented City pins to all of the team.

5. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Jerry Jambazian, Temple City businessman, spoke of what he considered negative news stories recently and suggested Council consider a damage control plan by hiring a public relations firm to restore the City's image. The Chamber's *Temple City Life* promotes the best of the City with no negative news and as Council was elected to maintain or promote this City as a good place to live, it would be good to consider this, even if it meant paying for ads in a newspaper.

Mary Burke, Temple City resident, said she has in the past suggested a question and answer item added to the agenda. As she does not have access to the internet or have a computer, the only way she can keep up with what the City is doing is by coming to Council meetings. She would like to see all literature accessible to the public at the meetings. She knows she has access to it at City Hall, but now it's on Thursday which may not be convenient for her.

6. CONSENT CALENDAR

Mayor Vizcarra pulled Item 6B from the Consent Calendar at the request of Councilmember Sternquist and resident Mary Burke.

Councilmember Chavez moved to approve the Consent Calendar, seconded by Councilmember Wong and unanimously carried by the following roll call vote:

AYES: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
NOES: Councilmember-None
ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

- A. APPROVAL OF MINUTES
Approved as presented:
1) Minutes of the City Council Regular Meeting of July 21, 2009; and
2) Minutes of the City Council Special Meeting of July 29, 2009.
- C. PARKS AND RECREATION COMMISSION ACTIONS – MEETING OF JULY 15, 2009
Received and filed the Parks and Recreation Commission actions of their meeting of July 15, 2009.
- D. APPROVAL OF PROGRESS PAYMENT NO. 4 TO CHAP INC. FOR WORK PERFORMED ON THE LIVE OAK PARK MULTIPURPOSE FACILITY PROJECT
Approved progress payment No. 4, in the amount of \$146,070.00, to Chap Inc. for work performed on the Live Oak Park Multipurpose Facility Project (P08-01).
- E. FINAL MAP APPROVAL FOR PARCEL MAP NO. 62650 AT 9429 LONGDEN AVENUE
Approved Final Map No. 62650 at 9429 Longden Avenue by the following actions:
1) Made findings as follows:
a. That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act.
b. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code or any specific plan adopted, pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code.
c. That the development of the property in the manner set forth on the subject division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights-of-way and/or easements within the subject division of land, pursuant to Sections 66436(a) 3A (i-viii) of the Subdivision Map Act.
2) Approved the Parcel Map.
3) Accepted dedications as indicated on Parcel Map Number 62650.
4) Approved and accepted the work agreement and improvement securities as enumerated in the letter from the County of Los Angeles Department of Public Works.
5) Instructed the City Clerk to endorse on the face of Parcel Map Number 62650 the certificate that embodies the approval of said Map.
- F. RELEASE OF GRADING SECURITY FOR PARCEL MAP NO. 065011 AT 5720-5722 PRIMROSE AVENUE
Authorized release of security, in the amount of \$18,000.00, ensuring that grading improvements were completed on the private property at 5720-5722 Primrose Avenue, Parcel Map No. 065011.
- G. APPROVAL OF COUNTY-CITY SPECIAL INDEMNITY AGREEMENT FOR LAW ENFORCEMENT SERVICES
Approved the County-City Special Indemnity Agreement for Law Enforcement Services, and authorized the Mayor to sign.
- H. ADOPTION OF RESOLUTION NO. 09-4625 – MAYOR'S APPOINTMENTS TO CITY COUNCIL COMMITTEES AND DELEGATES/ALTERNATES TO OTHER AGENCIES OR ORGANIZATIONS
Adopted Resolution No. 09-4625, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY MAKING APPOINTMENTS TO VARIOUS CITY COUNCIL COMMITTEES.

- I. PETTY CASH REPORT
Received and filed the Petty Cash Report with the current charges.
- J. ADOPTION OF RESOLUTION NO. 09-4624 – APPROVAL OF PAYMENT OF BILLS
Adopted Resolution No. 09-4624, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$872,913.08 DEMAND NOS. 27389-27391, 27399, 27404, 27405-27460 (\$493,338.73 – FY 2008-2009) AND DEMAND NOS. 27386-27388, 27392-27398, 27400-27401, 27403, 26461-27521, 27402 (\$379,574.35 – FY 2009-2010).
- B. PLANNING COMMISSION ACTIONS – MEETING OF JULY 28, 2009
The City Council was requested to review the Planning Commission actions of their meeting of July 28, 2009.

Mary Burke, Temple City resident, said she attended the Planning Commission meeting at which two new restaurants were approved and they are in the same block with the same types of food. One has 70 seats and one has 40 seats. Parking space is a problem, and if there is going to be a saturation of restaurants, she would like a variety. We are having vacancies and people want to go to different types of restaurants so we have to be more conscious of what types of businesses we want.

Councilmember Sternquist inquired of the closing hours of both restaurants as part of the conditions of approval, and why there was a difference in the hours.

Community Development Manager Lambert responded one restaurant is a food court where you can sit down to eat, but 80% of their business is quick service. The second restaurant is proposing to serve beer and wine, so the Planning Commission felt the earlier closing hour would be appropriate, which was also based on public comments. Nearby residents did express concern about this second restaurant. In either case, the Planning Commission did place conditions requiring a review after 6-9 months of operation for evaluation of hours of operation and parking and to see if other conditions of approval need to be imposed.

Councilmember Sternquist indicated her concern was of the closing hour of 12:30 p.m. and asked if the same hours were imposed for nearby restaurants.

Mayor Vizcarra asked for Council to receive colored renderings prior to approval mainly because of the City's focus on that general area with our development consultant.

Community Development Manager Lambert stated Council could ask for a review of this approval as that is the only way the conditions could be changed at this point. He described the improvements for the back area.

Councilmember Wong, referring to the first restaurant, indicated she has been to the same restaurant in Alhambra and asked if there were other locations of the second restaurant.

Community Development Manager Lambert indicated he was not aware of any others.

Council continued to discuss the restaurants' closing hours and Sergeant Osterman of Temple Station stated there have been problems with some restaurants which serve alcohol and have late closing hours. In those cases, the hours were cut back.

Councilmember Sternquist stated she would like to appeal the approval of the first restaurant noted under Planning Commission actions – approval of Conditional Use Permit 09-1738 to establish a restaurant at 9616-9618 Las Tunas Drive.

Interim City Attorney Vail stated the Council could still receive and file the Planning Commission actions on this agenda as it has no impact on review rights. Councilmember Sternquist asked for a Request for Review and this matter will come back to Council for subsequent review.

Linda Payne, Chamber President and CEO, asked to allow this use for review in 6 months to see if there are any problems, as there are not many places open to eat after 11:00 p.m. Also, these places are paying rent while they have to wait for a review.

Councilmember Sternquist stated the City is at a critical place with redeveloping our downtown area and we need to be careful about what is going in. When someone is purchasing or renting a building, it is hopeful they would want to stay and be part of the community. We don't have any assurance of that and are in a critical phase now, so we would like to be careful.

Councilmember Wong moved to receive and file the Planning Commission actions of their meeting of July 28, 2009, seconded by Councilmember Chavez and unanimously carried.

7. UNFINISHED BUSINESS

A. BUDGET AMENDMENT AND REPORT TO CITY COUNCIL ABOUT DISTRIBUTION OF INFORMATION REGARDING INCREASED PROACTIVE CODE ENFORCEMENT ACTIVITY

Interim City Manager Burroughs stated, at the last City Council meeting, the Council approved staff's recommendation to go forward with more proactive code enforcement and asked staff to bring back information as to how to educate and inform business owners and residents of the new policy. Procedures were outlined in the staff report regarding the outreach program and a budget amendment of \$3,000 was requested for the cost of printing flyers and brochures. An insert will be included in the City's next newsletter mailed to all residents which will help to save on the publishing costs.

In response to Mayor Vizcarra, Interim City Manager Burroughs stated that the information could also go out via the City's CTY notification service.

Councilmember Wong moved to approve a budget amendment, in the amount of \$3,000, for the production of the Code Enforcement Residential and Business Brochures, seconded by Councilmember Chavez.

Dennis Chiappetta, Athens Services, suggested that information could also go out as an insert with Athens' quarterly billing at no cost, as long as it would not increase postage costs.

Gino Brunengo, property owner, asked how violations that are observed will be handled.

Mayor Vizcarra responded that up until now, the City has not had the ability to enforce the ordinances unless a complaint was lodged, and now it has been changed for code enforcement to follow up on observed violations.

The motion was unanimously carried by the following roll call vote:

AYES: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
NOES: Councilmember-None

ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

8. NEW BUSINESS

A. PUBLIC HEARING: ADOPTION OF RESOLUTION NO. 09-4627 – COMPLIANCE WITH THE CONGESTION MANAGEMENT PROGRAM

Interim City Manager Burroughs stated this is the City's annual self-certification with the Congestion Management Program (CMP) for fiscal year 2008-2009.

Community Development Manager Lambert provided further description, stating the Council annually adopts a resolution certifying compliance with the CMP as required by the Metropolitan Transportation Authority (MTA). Conformance with the CMP assures that local agencies are providing transportation improvements to offset the traffic congestion resulting from new development. If a city does not conform to the CMP, that city's share of the gas tax increase provided by Proposition 111 may be withheld and allocated to the County to use on regional transportation projects.

The CMP requires that certain provisions be placed within the City's zoning code to address traffic congestion, which may be associated with new development. Annual monitoring of pre-designated traffic corridors are also required.

In response to Mayor Pro Tem Yu, Community Development Manager Lambert stated in years past, cities were required to report any improvement to arterials in their community. For Temple City, the only CMP designated route is Rosemead Boulevard.

Mayor Vizcarra opened the public hearing.

Hearing no requests to speak either for or against this item, the public hearing was closed.

Mayor Pro Tem Yu moved to adopt Resolution No. 09-4627, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089, seconded by Councilmember Sternquist and unanimously carried by the following roll call vote:

AYES: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
NOES: Councilmember-None
ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

B. PUBLIC HEARING: ADOPTION OF RESOLUTION NO. 09-4626 – INCREASE OF PLANNING FEES

The fee for filing environmental documents with the County Recorder has increased from \$50 to \$75. When a Planning application is received, the City currently charges \$50 to cover the current filing fee imposed by the County. Interim City Manager Burroughs stated staff recommended an increase in fees to compensate for the County's fee increase and to recoup the cost paid by the City. The City's current environmental document filing fee was last updated in January 2007. This adjustment will keep the fees consistent without overcharging applicants.

Mayor Vizcarra opened the public hearing.

Hearing no requests to speak, either for or against this item, the public hearing was closed.

Councilmember Chavez moved to adopt Resolution No. 09-4626, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ESTABLISHING PLANNING, ZONING AND SUBDIVISION FEES, AND ESTABLISHING AN INCREASE IN FEES TO COMPENSATE FOR THE COUNTY CLERK POSTING FEE FOR THE COMMUNITY DEVELOPMENT DEPARTMENT, seconded by Councilmember Wong and unanimously carried by the following roll call vote:

AYES: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
NOES: Councilmember-None
ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

C. RECOMMENDATION FROM THE PARKS & RECREATION COMMISSION REGARDING THE CITY'S 50TH ANNIVERSARY CELEBRATION

At the last Parks and Recreation Commission meeting, the Commission considered an item brought up at the request of Chairman Nan Fish to discuss the City's upcoming 50th anniversary celebration. Interim City Manager Burroughs stated funds have been budgeted for the event to be held in May 2010 and the Commission has asked for authorization to work with staff in planning and promoting the anniversary celebration. This would allow a public forum for that discussion.

Councilmembers Sternquist and Chavez agreed to participate on behalf of the City Council.

Oscar Buustamante, Temple City businessman, proposed to have Shin Dance Academy perform at the event.

Councilmember Wong moved to approve the recommendation from the Parks and Recreation Commission authorizing the Commission to work with staff in planning and promoting the City's 50th anniversary celebration, seconded by Councilmember Chavez and unanimously carried.

D. RECOMMENDATION TO APPROVE A MEMORANDUM OF AGREEMENT FOR THE ADMINISTRATION AND COST SHARING OF THE DEVELOPMENT OF THE COORDINATED IMPLEMENTATION PLAN FOR REACH 2 OF THE LOS ANGELES RIVER AND TRIBUTARIES METALS TOTAL MAXIMUM DAILY LOADS, AND APPROVAL OF PARTIAL PAYMENT INVOICE TO THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS FOR PLAN ADMINISTRATION

Interim City Manager Burroughs stated the Los Angeles River and Tributaries Metals Total Maximum Daily Load (TMDL) adopted by the Los Angeles Regional Water Quality Control Board on September 6, 2007, requires Los Angeles River watershed cities, including Temple City, and agencies to develop a coordinated implementation plan to reduce the amount of metal pollutants in the Los Angeles River and its tributaries. This report outlines the need for these efforts, their foreseeable costs and proposed plan preparation through a cost-sharing agreement and fiscal management through the San Gabriel Valley Council of Governments (SGVCOG).

The City Council was requested to approve the Memorandum of Agreement (MOA) with the SGVCOG regarding the administration and cost sharing of the development of the Coordinated Implementation Plan (CIP) for the Los Angeles River Metals TMDL, and approve a partial invoice to the SGVCOG to administer the CIP. The City's total allocation is \$5,700.00 due upon approval of the MOA.

Councilmember Sternquist moved to:

- 1) Approve a Memorandum of Agreement for the administration and cost sharing of the development of the coordinated implementation plan for Reach 2 of the Los Angeles River and Tributaries Metals Daily Loads; and
 - 2) Approve a partial (one-half) payment invoice in the amount of \$2,896.00 to the SGVCOG for plan administration,
- seconded by Councilmember Chavez and unanimously carried by the following roll call vote:

AYES: Councilmember-Chavez, Sternquist, Wong, Yu, Vizcarra
NOES: Councilmember-None
ABSENT: Councilmember-None
ABSTAIN: Councilmember-None

9. COMMUNICATIONS – None

10. RECESS TO COMMUNITY REDEVELOPMENT AGENCY MEETING

At 8:32 p.m., the City Council recessed to the Community Redevelopment Agency Meeting. Minutes of the Agency Meeting are set forth in full in the Agency's records.

RECONVENE AS CITY COUNCIL

The City Council meeting was reconvened at 8:33 p.m. with all Councilmembers present.

11. ACTION ON REQUEST BY CRA – None

12. UPDATE FROM CITY MANAGER – None

13. MATTERS FROM CITY OFFICIALS – None

14. COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS

Councilmember Chavez reported on the recent meetings he and Mayor Vizcarra attended along with staff to discuss with Robert Paz and Ben Martinez of Avant Garde the direction the firm is taking with regard to their study. As a result of the meetings, Avant Garde agreed to meet with staff to make sure what they are doing is clear and they are moving in the right direction. A status report will be presented to Council in 45 days.

Councilmember Yu said he also met with Avant Garde and covered a lot of the items discussed at the last council meeting. It was emphasized that staff needs to be involved in the decision making process. Avant Garde stated they will come back to Council with an itemized action plan and timetable. They will also be scheduling some town hall meetings.

15. COUNCIL ITEMS SEPARATE FROM THE CITY MANAGER'S REGULAR AGENDA

A. COUNCILMEMBER CHAVEZ

Councilmember Chavez, referring to comments made earlier by Mr. Jambazian, stated he shared the same view and was tired of publications taking pot shots of Temple City and focusing on the negative. There are a lot of positive things to report on in the City. He urged Council to look at this issue and if agreeable, direct staff to see what can be done regarding public relations or to look into hiring someone to put our best foot forward.

B. COUNCILMEMBER STERNQUIST

1) City – Chamber Relationship

Interim City Manager Burroughs stated Councilmember Sternquist asked for this item to be put on the agenda as there has been some discussion between staff and the Chamber regarding some of the items on the Chamber website. The issue has been resolved but it may be beneficial to have a general discussion of the relationship between the Chamber and the City.

Councilmember Sternquist stated there was a concern about how this issue got resolved and she asked Mr. Jambazian of his position of providing city news through a link on the Chamber's website.

Jerry Jambazian, Temple City businessman, stated the Chamber had a special board meeting and agreed two items should not have been put on the website. He said he would acquiesce to Council and would not put anything on the chamber website if the City did not wish it, as his job as a volunteer is to help Council fulfill its goals.

Councilmember Sternquist noted that Temple City High School alumni page also has a direct link to the same articles .

Councilmember Yu said he was glad this issue was brought up and trusted that staff and the Chamber management could work things out. The Chamber does have a contract with the City which spells out the responsibilities of each entity. The contract talks about the Chamber's promotional activities and he would expect the Chamber to support the City's activities.

Councilmember Chavez stated he was a firm believer of first amendment rights, but that right is not absolute. As the Chamber Liaison, he assured everyone that when this issue first came up, the Chamber was very accommodating and wanted to resolve it before it became an issue. There may have been a miscommunication, but he believed the Chamber to be firmly behind the City and each side respects the other's position.

C. COUNCILMEMBER WONG

Councilmember Wong mentioned that since Avant Garde presented their report to Council, she had a chance to visit the City of Claremont's downtown area. They have angled parking, as was mentioned by Avant Garde, and there were lots of people out walking and shopping. Although that City is not the same as Temple City, she could see the effect of this.

D. MAYOR PRO TEM YU

1) Inquiry on Change of Trash Collection Service from Twice Per Week Pick-up to Once per Week Pick-up

Mayor Pro Tem Yu stated at the June 2nd meeting, Council approved Athens' proposal to reduce their rate. At that time, he suggested staff look at the possibility of reducing or cutting back on trash collections to reduce fees, namely to look at the possibility of reducing trash pickup from twice a week to once a week. There are advantages and concerns with either schedule, but in this economic downturn, it might provide a chance of reducing everyone's expenses.

Interim City Manager Burroughs presented a brief staff report and letter from Athens indicating issues and concerns connected with a reduction of service for a savings of two-three dollars per month. It was suggested to schedule a study session or establish a Council sub-committee to study this issue.

Dennis Chiappetta, Executive Vice President, Athens Services, provided information on the current trash pick-up service and issues related to the landfill closure and the City's trash diversion rate. He suggested surveying residents as to their preference for services and to also to either hold a study session or establish a Council sub-committee to meet with Athens and report back to the full Council with their recommendations.

In response to Councilmember Yu, Mr. Chiappetta explained briefly about the evergreen contract and stated that currently only the city of South El Monte has a similar evergreen contract.

Linda Payne, Chamber President and CEO, requested that trash service not be reduced to one time per week, as many businesses require twice a week pickup. She previously lived in a City that had automated service and the trash containers were very large and heavy to get out to the curb. She appreciated Athens trash service.

Mary Burke, Temple City resident, stated every year around June Athens has been granted an increase. They did just give us a 38 cent decrease this year. A previous Council approved a 30year contract which she thinks is wrong. Athens does not give good service as far as cleaning streets. As a resident she pays \$55.44 per month which is almost \$5.55 a can. She pays her bill but demands good service.

Temple City resident felt once a week would be adequate for residents, but businesses should be separate as they may need more pickups. As far as street sweeping, there is no set date and sometimes they don't come, so a big improvement is needed on that.

Gino Brunengo, Temple City resident, stated the codes say the cans have to be behind the front of the residence and it may be hard to get the larger cans back. He wished to go back to the twice a week pickup for green waste.

Mayor Vizcarra pointed out there is a diversity of viewpoints and everyone has different living situations. He suggested a sub-committee be formed to review this issue.

Mary Burke, Temple City resident, said the second delivery was brought up when Council voted for the 30 year contract. That was no favor to us, but a negotiation to get the 30-year contract.

Councilmember Yu noted that it was a second pickup of green waste, not twice a week pickup.

Councilmember Chavez stated, given the nature and number of ideas expressed, he agreed setting up a sub committee to study this issue further was probably called for. When he moved here he could not believe that Athens would take anything and everything. The system is not broke, but maybe needs tweaked a bit and Athens seems amenable to discussions. He would be in favor of appointing two Councilmembers to a sub-committee to study this issue.

Councilmember Wong concurred, saying she enjoyed the twice a week pickup for anything and everything. Faster pickup of trash is a benefit and she agreed with setting up a subcommittee.

Councilmember Sternquist agreed and recommended that Councilmember Yu and Councilmember Chavez be on that sub- committee.

Mayor Vizcarra felt that was a good idea and the meetings could be coordinated with staff.

Councilmembers Yu and Chavez agreed to sit on the sub-committee.

Interim City Attorney Vail noted that an ad hoc committee set up for a limited duration with one subject/issue and comprised of two Councilmembers is not subject to the Brown Act, unless such time it comes back for additional scope or to form a standing committee.

E. MAYOR VIZCARRA – None

16. **REIMBURSEMENTS OF EXPENSES PAID TO OFFICIALS FOR CONDUCT OF CITY BUSINESS** – None

17. **ADDITIONAL PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**
Temple City resident commented on the poor condition of the alleyway behind the two new restaurants the Planning Commission approved. She also felt more trash bins were needed behind the 99 cent store and noted what she felt might be graffiti embedded in the sidewalk from Las Tunas to Camellia and Woodruff.

18. **CLOSED SESSION** – None

19. **ADJOURNMENT**
The City Council Regular meeting was adjourned at 9:30 p.m.

Mayor

ATTEST:

City Clerk