

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA
REGULAR MEETING MINUTES
OCTOBER 6, 2009**

1. CALL TO ORDER

Mayor Vizcarra called the City Council Regular Meeting to order at 7:34 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, Community Development Manager Lambert, Financial Services Manager Molina, Public Services Manager Tidwell, Public Safety Officer Ariizumi

Mayor Vizcarra announced that this evening's meeting is being televised live for the first time over the internet. There is a link on the City's website to the live streaming.

3. PLEDGE OF ALLEGIANCE

Councilmember Chavez led those present in the Pledge of Allegiance to the Flag.

ORDER OF AGENDA CHANGED

5. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Mary Burke, Temple City resident, expressed appreciation of the Council's recent informational meeting on the Brown Act. She found it very informative and suggested the information provided at the meeting be made available to interested residents.

6. CONSENT CALENDAR

Mayor Vizcarra pulled Item I; Councilmember Chavez pulled Item C and Mayor Pro Tem Yu pulled Items D, E and F from the Consent Calendar.

Councilmember Wong moved to approve the remainder of the Consent Calendar, 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

A. APPROVAL OF MINUTES

Approved as presented:

- 1) Minutes of the City Council Special Meeting of September 21, 2009;
- 2) Minutes of the City Council Special Joint Meeting of September 29, 2009; and
- 3) Minutes of the City Council Special Meeting of September 30, 2009.

B. PLANNING COMMISSION ACTIONS – MEETING OF SEPTEMBER 22, 2009

Received and filed the Planning Commission actions of their meeting of September 22, 2009.

- G. ACCEPT IMPROVEMENTS AND APPROVE RELEASE OF SECURITY FOR ROAD IMPROVEMENTS FOR TRACT NO. 062083 ON GLICKMAN AVENUE
Accepted the road improvements on Glickman Avenue, Tract No. 062083 and authorized release of securities in the amount of \$4,600.
- H. ACCEPT IMPROVEMENTS AND APPROVE RELEASE OF SECURITY FOR SANITARY SEWER IMPROVEMENTS AT TRACT NO. 061506
Accepted sanitary sewer improvements in Tract No. 061506 and authorized release of securities in the amount of \$47,000.
- J. ADOPTION OF RESOLUTION NO. 09-4634 – APPROVAL OF PAYMENT OF BILLS
Adopted Resolution No. 09-4634, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$567,959.01 DEMAND NOS. 27848 THROUGH 27958.
- C. PARKS AND RECREATION COMMISSION ACTIONS – MEETING OF SEPTEMBER 16, 2009
The City Council was requested to review the Parks and Recreation Commission actions of their meeting of September 16, 2009.

Councilmember Chavez referred to the Commission's actions regarding the City's 50th Anniversary celebration regarding the anniversary logo and pole banners.

Interim City Manager Burroughs stated that the Commission recommended approval of pole banners with the anniversary logo, but have not yet dealt with the issue of removing or relocating the Blue Star banners currently on poles throughout the City. The Commission recommended that a meeting take place with Blue Star Program representative Sharon Johnson to discuss this issue before moving forward with the banners. It was recommended that the two ad hoc committee members, Councilmembers Chavez and Sternquist, meet with one Parks and Recreation Commissioner and Sharon Johnson to review different options and to determine whether or not to move forward with the pole banners.

Councilmember Chavez moved to receive and file the Parks and Recreation Commission Actions of their meeting of September 22, 2009, with the direction as stated above, 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

4. CEREMONIAL MATTERS – PRESENTATIONS

Senator Carol Liu, of the 21st Senate District, presented Council with a legislative update on items of interest to the City and the status of issues currently before the Senate.

6. CONSENT CALENDAR (continued)

- D. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR NEW TRAFFIC SIGNALS ON TEMPLE CITY BOULEVARD AND ELLIS LANE PROJECT
The City Council was requested to approve the plans and specifications and authorize staff to solicit bids for the New Traffic Signals on Temple City Boulevard and Ellis Lane Project. This project will be funded 100% for construction activities and the City will only be investing in the administration, design and the inspection costs.

E. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR FREER STREET ASPHALT CONCRETE OVERLAY PROJECT

The City Council was requested to approve the plans and specifications and authorize staff to solicit bids for the Freer Street Asphalt Overlay Project. This project will be funded 100% for the construction activities and the City will only be investing in the administration, design and inspection costs.

F. APPROVE AGREEMENTS AND ADOPT RESOLUTION NO. 09-4633 AUTHORIZING CITY MANAGER TO SIGN MASTER AGREEMENT AND ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS; PROGRAM SUPPLEMENT NO. 002 (INSTALLATION OF TRAFFIC SIGNAL ON TEMPLE CITY BOULEVARD PROJECT) AND PROGRAM SUPPLEMENT NO. 003 (FREER STREET ASPHALT CONCRETE OVERLAY PROJECT)

American Recovery and Relief Act (ARRA) funds have been secured and the State of California is administering the program. The State has authorized the City to proceed with both Traffic Signal on Ellis Lane and Freer Street Projects. In order to request reimbursement from the State, the City Council is required to approve the Administering Agency-State Agreement for Federal-Aid Projects No. 07-5365R (Master Agreement); Program Supplement No. 002 (Installation of Traffic Signal on Temple City Boulevard Project); Program Supplement No. 003 (Freer Street Asphalt Concrete Overlay Project), and adopt Resolution No. 09-4633 authorizing the City Manager or Interim City Manager to sign agreements.

Mayor Pro Tem Yu commented on Items D, E and F, congratulating staff for securing the ARRA funds from the federal government for these projects: repaving of Freer Street and adding traffic lights at the Temple City Boulevard and Ellis Avenue intersection. He asked about the process to be used for the repaving project.

Natalie, representing RKA Consulting Group, stated the project consists of grinding down the street fourteen inches to repave with four inches over a ten inch base, which will be actual reconstruction of the street, with the profile to remain the same.

In response to Mayor Pro Tem Yu, Interim City Manager Burroughs confirmed that the City's Traffic Engineer prepared the plans for the traffic signal project.

Mayor Pro Tem Yu moved to approve the recommended actions for Items D, E and F as follows:

- 1) Approved the plans and specifications for the New Traffic Signals on Temple City Boulevard and Ellis Lane Project; and
- 2) Authorized staff to solicit bids for the construction of this project.
- 3) Approved the plans and specifications for the Freer Street Asphalt Overlay Project;
- 4) Authorized staff to solicit bids for the construction of this project; and
- 5) Approved budget reallocation of \$24,000 of General Funds for the project.
- 6) Approved the Administering Agency-State Agreement for Federal-Aid Projects No. 07-5365R (Master Agreement); Program Supplement No. 002 (Installation of Traffic Signal on Temple City Boulevard Project); Program Supplement No. 003 (Freer Street Asphalt Concrete Overlay Project) Agreements;
- 7) Adopted Resolution No. 09-4633; and
- 8) Authorized the Interim City Manager to execute the agreements on behalf of the City, 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

CLOSED SESSION

At 8:03 p.m. the City Council recessed to a closed session for the purpose stated below.

Purpose: Public Employee Appointment
Title: City Manager
Authority: Government Code Section 54957
Representatives: Interim City Attorney

RECONVENE

The City Council reconvened at 9:00 p.m. with all Councilmembers present.

CLOSED SESSION STATEMENT

Mayor Vizcarra stated that the closed session discussion has not concluded and will resume later in the meeting.

7. UNFINISHED BUSINESS – None

8. NEW BUSINESS

A. PUBLIC HEARING: ADOPTION OF RESOLUTION NO. 09-4632 – CONSIDERATION OF INCREASE FOR PARKING CITATION PENALTIES

Interim City Manager Burroughs stated the City Council will conduct a public hearing to receive input regarding a recommended increase for parking citation penalties. The City Council establishes parking violation penalties through adoption of a resolution. Resolution No. 09-4632 is recommended for adoption to establish a schedule of penalties for vehicle parking violations.

On January 1, 2009, Senate Bill 1407 became effective and amended Government Code 70372(b) to increase the parking penalty from \$1.50 to \$4.50 for every parking offense. In addition to the \$3.00 increase, staff is recommending an additional \$2.00 per violation to cover an increase in the operating expenses of the Parking Administration budget of approximately 4%. The vehicle operations and uniform accounts have increased due to the addition of two parking enforcement officers this fiscal year. Based on this information, staff is proposing to increase the parking citation penalties by \$5.00 per violation to offset the increase of fees that the City submits to the County and State.

Staff is also proposing to increase the same administrative fee of \$5 for failure to display a disabled placard, which would increase the fee from \$15 to \$20, as allowed per the California Vehicle Code.

Mayor Vizcarra opened the public hearing.

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

In response to Councilmember Chavez, Interim City Manager Burroughs stated, when the two parking officers were hired, it was anticipated that their salary cost would be recovered through parking fees, but not vehicle operations and uniforms and other incidental expenses.

Councilmember Chavez moved to:

- 1) determine that the new fees to not exceed cost of such services, and are not impacted by Proposition 218 in that any excess is justified on the proposed planning

and financing of additional services, personnel and responsibilities for the Public Safety Department; and

- 2) adopt Resolution No. 09-4632, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ESTABLISHING A SCHEDULE OF PENALTIES FOR VEHICLE PARKING VIOLATIONS,

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

B. FIRST READING OF PROPOSED ORDINANCE NO. 09-929 CORRECTING REFERENCES IN PART 4 OF ARTICLE 3, CHAPTER 3 OF THE TEMPLE CITY MUNICIPAL CODE

The City Council was requested to consider proposed Ordinance No. 09-929 correcting references in Part 4 of Article 3, Chapter 3 of the Temple City Municipal Code. Interim City Manager Burroughs stated staff inadvertently discovered that Ordinance No. 06-910, establishing parking restrictions for oversized vehicles, was codified using different section numbers. The ordinance has one numbering system and the City's Code has a different numbering system for this section. In order to correct the previous ordinance and correct the numbering system, it was recommended to introduce for first reading Ordinance No. 09-929.

At the request of the City Council, City Clerk Flandrick read the title of Ordinance No. 09-929.

Councilmember Wong moved to waive further reading and introduce, on first reading, Ordinance No. 09-929, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY CORRECTING SECTION REFERENCES IN PART 4 OF TITLE 3 OF THE TEMPLE CITY MUNICIPAL CODE, 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 9:09 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 9:10 p.m. with all Councilmembers present.

CLOSED SESSION (continued)

At 9:10 p.m. the City Council recessed to continue the closed session for the purpose stated below.

Purpose: Public Employee Appointment
Title: City Manager
Authority: Government Code Section 54957
Representatives: Interim City Attorney

RECONVENE

The City Council reconvened at 9:15 p.m. with all Councilmembers present.

CLOSED SESSION STATEMENT

Mayor Vizcarra stated that the closed session discussion was concluded and announced that the City Council approved appointment of a new City Manager – Jose Pulido.

Mr. Pulido thanked Council for bestowing him this responsibility and felt it a privilege to be here. He saw the City as having a lot of potential and opportunity and was prepared to begin as City Manager on October 26th.

Interim City Attorney Vail recommended the City Council approve Consent Calendar Item I approving the Employment Agreement for the City Manager. He noted the following administrative errors in the agreement to be changed: the start date is October 26, 2009; Section 1.5 referring to a 4/10 schedule will instead provide for consideration of adjustment of work hours in the second year of employment; and the vacation leave is 4 weeks. He recommended Council approve the agreement subject to the above changes.

6. CONSENT CALENDAR

I. EMPLOYMENT AGREEMENT FOR POSITION OF CITY MANAGER

Councilmember Wong moved to approve the Employment Agreement for the position of City Manager, subject to the changes noted by Interim City Attorney Vail, 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

11. ACTION ON REQUEST BY CRA – None

12. UPDATE FROM CITY MANAGER – None

13. MATTERS FROM CITY OFFICIALS

A. DISCUSSION REGARDING THE REPORTING OF POTENTIAL BUSINESS AND DEVELOPMENT ACTIVITY ON LAS TUNAS DRIVE

Since mid-August, Staff has been informing the City Council about potential development and businesses in the downtown area. The Council has received weekly confidential memos if there has been any significant activity. At the September 1st City Council meeting, Councilmember Chavez asked that staff place this item on the City Council agenda for discussion.

Interim City Manager Burroughs stated this item was carried over from the last Council meeting. As requested by Council, reports from staff on potential new businesses have been sent to Council for informational purposes only. The intention was not for Council to take any action on those items.

Councilmember Chavez asked what happens when the City gets applications from businesses that may or may not fit within the larger view the Council desires for the City.

Community Development Manager Lambert responded that the report is reserved for potential significant development activity. When an application comes in, they have the right to submit an application or Conditional Use Permit application that would go to the Planning Commission for approval. The Council could request a review of that

application, or if they feel a dire need to stop the particular use from coming into the City, they could consider adoption of an urgency ordinance.

In further response to Councilmember Chavez, Community Development Manager Lambert stated the Downtown Specific Plan is a zoning document for long range planning. Temple City's Downtown Specific Plan covers most property on Las Tunas Drive and sets forth very specific permitted uses. If a use is permitted in a given district, Planning staff would initiate a business license procedure. In the last few months, any potential development on Las Tunas in the study area has been brought to Council's attention prior to accepting a Conditional Use Permit application.

Interim City Manager Burroughs stated that if a use is permitted per the Zoning Code, there is no review process unless there is a Conditional Use Permit request, so even though Council is provided with the information, they would not have any recourse to discuss it.

Interim City Attorney Vail added the report Council receives is not a door to take action on a business license or to interject on a process inconsistent with zoning. There may be uses in an existing zone that Council wishes to review, in which case a comprehensive review of allowed uses in each zone may be appropriate.

Councilmember Chavez stated his recommendation was to continue with the weekly confidential reports for the present. Council concurred.

14. COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS

Councilmember Chavez reported on the ad hoc City/School District meeting he and Mayor Vizcarra attended a week ago. It was suggested that the City may wish to recognize the Teachers of the Year and the ad hoc committee recommended that they participate in our Camellia Festival parade. It was hopeful that the next Joint Meeting of the City Council and District Board meet again in November, after the District elections. Staff was directed to set a date with the District. The District expressed interest in participating in a Farmer's Market with the Chamber and also discussed future joint projects such as a new floor at the Oak Avenue gymnasium. The City will work in conjunction with the District to get as many children as they can inoculated with the swine flu vaccine.

Mayor Vizcarra reported on the ad hoc meeting with Avant Garde that he and Councilmember Chavez attended. They reemphasized the Council's desire to get some kind of settlement on the Alpha Beta property. The Farmer's Market was discussed with the Chamber taking the lead, assisted by Avant Garde. The initial concept included closing a portion of Las Tunas Drive. He suggested staff do the necessary research to implement this and lay the groundwork, and asked that this item be placed on the next agenda for Council direction. Regarding the advance team created by Avant Garde and chaired by Mayor Pro Tem Yu, he and Councilmember Chavez came up with a list of potential committee members to fit Avant Garde's nine categories of individuals. Mayor Vizcarra stated he would meet with Mayor Pro Tem Yu regarding the advanced team.

Robert Paz, Avant Garde, stated they will compile a summary of comments received at the Town Hall meetings and submit a report to Community Development Manager Lambert by Monday morning, so Council may have a matrix of all ideas submitted for the October 20th Council meeting.

Mayor Pro Tem Yu recommended putting this report online as well.

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

A. COUNCILMEMBER CHAVEZ

1) Parking in the Downtown Area

Councilmember Chavez stated he requested this item be placed on the agenda in response to immediate concerns expressed by citizens and business owners regarding parking in the downtown area and code enforcement efforts affecting the parking situation.

Public Safety Officer Ariizumi presented overheads of maps of the city and district parking lots in the downtown area, pointing out those areas of 2-hour parking and no back-in parking.

Councilmember Chavez suggested posting these parking maps online.

Robert Paz offered for Avant Garde to conduct a survey of businesses in the commercial district to submit to staff for Council's information.

Public Safety Officer Ariizumi stated staff continues to get feedback of complaints and commendations for the parking enforcement downtown. Once people realize the enforcement is now consistent, there are fewer violations.

Mr. Paz stated he would take the suggestion of Councilmember Chavez to work with Code Enforcement staff to compare notes of parking issues and to include in the parking survey business owners, patrons, residents and property owners by group. This is in the scope of work per their agreement, as they had mentioned a recommendation for creation of a parking district as a way of financing future parking needs.

Councilmember Chavez moved to direct Avant Garde to begin the survey, working with staff to note any recommended actions in a report to be brought back to Council in thirty days, 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

Councilmember Chavez requested that the City's current policy of Council reimbursement for seminars and conferences be included on a future agenda.

B. COUNCILMEMBER STERNQUIST

Councilmember Sternquist asked if the City is implementing Avant Garde's suggestions for signage for new businesses.

Community Development Manager Lambert responded that Council has not yet adopted a policy regarding Avant Garde's recommended signage, but noted that the City's Downtown Specific Plan guidelines are more restrictive.

Councilmember Sternquist also inquired about the status of the City Attorney interviews.

Mayor Pro Tem Yu stated he was going to ask that that issue be placed on the next agenda under closed session as there are some specific items he wished to discuss with Council.

- C. COUNCILMEMBER WONG
 - 1) Habitat for Humanity Site
Councilmember Wong requested staff suggest potential sites in the City for a Habitat for Humanity project to be brought back on the next Housing Authority agenda.
- D. MAYOR PRO TEM YU – None
- E. MAYOR VIZCARRA
Mayor Vizcarra suggested inviting the new Fire Chief for introduction at a future Council meeting.

Mayor Vizcarra asked for additional information on the Asian Citrus Psyllid infestation and what part of Temple City may be infected.

Interim City Manager Burroughs stated the City did receive information from the State Department of Agriculture indicating the pest has been found in El Monte and a selected quarantined part of Temple City. That information will be made available.

- 1) Remodel of City Council Chambers
Mayor Vizcarra stated that Council has been talking about a remodel of the Chambers for some time, including the speaker system, replacement of chairs, carpets and dais and directed staff to suggest several options with different costs, starting with the simplest with the sound system first. And also considering paneling, ceilings and lighting.

Mayor Pro Tem Yu said he didn't think anything was wrong with the sound system, but agreed with the décor and felt all of City Hall needs some updating.

Councilmember Sternquist agreed and suggested at least considering replacement of the chairs.

Councilmember Wong agreed especially looking at different plans for better equipment.

Councilmember Chavez thought this was an excellent idea to look at different options and costs.

Patrick Horton suggested the City Council consider flat screen TVs for presenting information and felt it was often good to take a comprehensive look for related items that would provide flexibility in the future.

- 2) Chamber Report – SGV Economic Partnership Meetings
Mayor Vizcarra stated this item would be carried over to the next meeting.

16. REIMBURSEMENTS OF EXPENSES PAID TO OFFICIALS FOR CONDUCT OF CITY BUSINESS

- A. COUNCILMEMBER CHAVEZ - \$584.92 (Fares & Subsistence – California Contract Cities Association Fall Seminar)
- B. COUNCILMEMBER STERNQUIST - \$506.69 (Fares & Subsistence – California Contract Cities Association Fall Seminar)
- C. COUNCILMEMBER WONG - \$476.46 (Fares & Subsistence – California Contract Cities Association Fall Seminar)

- D. MAYOR PRO TEM YU - \$584.92 (Fares & Subsistence – California Contract Cities Association Fall Seminar)
- E. MAYOR VIZCARRA - \$359.89 (Fares & Subsistence – California Contract Cities Association Fall Seminar)

17. ADDITIONAL PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Mary Burke, Temple City resident, appreciated that the Chambers would be updated, especially with acoustics and seating, and felt that more people would come in and admire what the City has done with their Council meetings. She also felt that the traffic signals needed to be synchronized as the timing is bad and motorists have to wait quite a while for the light to change.

Patrick Horton, Temple City resident, congratulated Council in arriving at a decision for City Manager and also commended Interim City Manager Burroughs for stepping up and wearing two hats.

18. CLOSED SESSION – None

19. ADJOURNMENT

The City Council Regular Meeting was adjourned at 10:14 p.m.

Mayor

ATTEST:

City Clerk