

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA
REGULAR MEETING MINUTES
MARCH 2, 2010**

1. CALL TO ORDER

Mayor Vizcarra called the City Council Regular Meeting to order at 7:35 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: City Manager Pulido, City Attorney Vail, Parks and Recreation Director Burroughs, City Clerk Flandrick, Assistant to the City Manager Flod, Community Development Manager Lambert, Financial Services Manager Molina, Public Services Manager Tidwell, Public Safety Officer Ariizumi

3. PLEDGE OF ALLEGIANCE

Temple City businessman Jerry Jambazian led those present in the Pledge of Allegiance to the Flag.

4. CEREMONIAL MATTERS – PRESENTATIONS

A. SAFE COMMUNITIES MONTH PROCLAMATION

Deputy Rich Soto, Temple Station, accepted the Safe Communities Month Proclamation from Mayor Vizcarra, which urged all citizens to increase their participation in the community's crime prevention efforts. Deputy Soto reported that in addition to Neighborhood Watch Meetings, the Department would be conducting additional crime suppression operations this month.

B. ARBOR DAY PROCLAMATION

Mayor Vizcarra presented the Arbor Day Proclamation to Rob Cruse, Public Services Lead Tree Trimmer, which proclaimed March 15, 2010 as Arbor Day in the City of Temple City.

C. RECOGNITION OF ARBOR DAY POSTER CONTEST WINNERS

Public Services Manager Tidwell announced the Arbor Day Poster Contest winners and Mayor Vizcarra and the City Council presented each of the following with a gift card and Certificate of Recognition:

Emperor Elementary School: 1st Place – Nigel Ho, 2nd Place – Joshua Chao, 3rd Place – Claire Huang

Longden Elementary School: 1st Place – Stephanie Shih, 2nd Place – Michael Soto, 3rd Place – Celyna Su

St. Luke's Elementary School: 1st Place – Michelle Melara, 2nd Place – Charles Greaves, 3rd Place – Alyson Hartman

D. APPOINTMENT OF YOUTH COMMITTEE

Mayor Vizcarra and the City Council recognized the first ten members of the newly formed Youth Committee and presented each with a Certificate of Appointment: Carly Loveland, Chile Gomez, Briana Gomez, Taylor Evanko, Samuel Thorne, Danny Tsang, Heidi Chow, Audrey Lee, Harmony Miller, and Tianyi Cheng.

Councilmember Chavez moved to appoint the following as members of the newly created Youth Committee, seconded by Councilmember Wong and unanimously carried.

E. REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND MAYOR PRO TEM

Mayor Vizcarra stated he has been Mayor now for the past 6-7 months and found it to be challenging and enjoyable. This Council has worked well together and managed to get things done with a lot of irons in the fire. Council hired a manager for the City who is really helping in moving the City ahead with proactive ideas, and with the new City Attorney, it makes a great team. He thanked key staff for an excellent job and Director Burroughs for having held the manager position during the transition period.

Mayor Pro Tem Yu, on behalf of all the citizens and the Council, expressed appreciation to Mayor Vizcarra and presented to him a gavel plaque commemorating his dedication and service during his term as Mayor.

Mayor Vizcarra declared a vacancy in the offices of Mayor and Mayor Pro Tem.

City Clerk Flandrick called for nominations for the position of Mayor.

Councilmember Yu nominated Councilmember Vizcarra for the office of Mayor, seconded by Councilmember Sternquist. There were no other nominations.

Councilmember Vizcarra was appointed Mayor by the following roll call vote:

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

Mayor Vizcarra called for nominations for the office of Mayor Pro Tem.

Councilmember Sternquist nominated Councilmember Chavez.

Councilmember Wong nominated Councilmember Yu.

With two nominations on the floor, City Clerk Flandrick called for a roll call vote for the first nomination of Councilmember Chavez.

Mr. Chavez was appointed Mayor Pro Tem by the following roll call vote:

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

5. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Casey Lo, representing Senator Carol Liu's office, announced the Senator will be holding a town hall meeting regarding the census at the Chamber office on Saturday, March 13th from 6:30 p.m. to 8:00 p.m. The Senator wishes to reach out to the Chinese community and the meeting will be conducted in English, Cantonese and Mandarin.

Dina Piraino, Temple City resident, expressed her concerns on several issues and said she was happy that Mr. Vizcarra was appointed Mayor again and had confidence that the citizens would see an improvement in the City this year.

6. CONSENT CALENDAR

Mayor Vizcarra pulled Item B from the Consent Calendar for public comment.

Mayor Pro Tem Chavez moved to approve the Consent Calendar, seconded by Councilmember Yu and unanimously carried by the following roll call vote:

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

A. APPROVAL OF MINUTES

Approved as presented:

- 1) Minutes of the Special Meeting (Budget Study Session) of February 10, 2010;
- 2) Minutes of the Joint City Council/School District Board Meeting of February 11, 2010;
- 3) Minutes of the City Council Regular Meeting of February 16, 2010; and
- 4) Minutes of the City Council Special Meeting of February 24, 2010.

C. PARKS AND RECREATION COMMISSION ACTIONS – MEETING OF FEBRUARY 17, 2010

Received and filed the Parks and Recreation Commission actions of their meeting of February 17, 2010.

D. CONSIDERATION OF A REQUEST FOR PLACEMENT AND REMOVAL OF A STREET BANNER BY ST. LUKE CHURCH

Approved the request by St. Luke Church for City staff to place and remove a street banner publicizing their annual fiesta, subject to submission of proper insurance documentation.

E. APPROVAL OF PROGRESS PAYMENT NO. 20 (FINAL PAYMENT) TO MICHAEL MERINO ARCHITECTS FOR WORK PERFORMED ON THE LIVE OAK PARK MULTI-PURPOSE FACILITY PROJECT

Approved progress payment No. 20 (final payment), in the amount of \$1,900.00, to Michael Merino Architects for professional architectural services performed on the Live Oak Park Multi-Purpose Facility Project (P08-01).

F. RESOLUTION NO. 10-4654 ORDERING THE ENGINEER'S REPORT TO ESTABLISH LIGHTING AND MAINTENANCE DISTRICT ASSESSMENT RATES FOR FISCAL YEAR (FY) 2010-2011

Adopted Resolution No. 10-4654, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ORDERING THE ENGINEER'S REPORT REQUIRED TO LEVY THE LIGHTING AND MAINTENANCE DISTRICT ANNUAL ASSESSMENTS FOR FISCAL YEAR 2010-2011.

G. AWARD OF CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNALS MODIFICATION PROJECT ON LONGDEN AVENUE AND BROADWAY AT ROSEMEAD BOULEVARD

- 1) Accepted the bid proposal submitted by Christopher Morales, Inc. in the amount of \$112,885.00, plus a contingency of \$11,228.50 for a total of \$124,173.50, for the Traffic Signals Modification Project on Longden Avenue and Broadway at Rosemead Boulevard; and
- 2) Authorized the City Manager to sign the agreement.

H. PETTY CASH REPORT

Received and filed the Petty Cash Report with the current charges.

I. RELEASE OF ROAD SECURITY FOR 5720 PRIMROSE AVENUE, PARCEL MAP NO. 065011

Authorized release of a Certificate of Deposit in the amount of \$18,000 for road improvements completed at 5720 Primrose Avenue, Parcel Map No. 065011.

J. ADOPTION OF RESOLUTION NO. 10-4655 – APPROVAL OF PAYMENT OF BILLS

Adopted Resolution No. 10-4655, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$546,178.45 DEMAND NOS. 28774 THROUGH 28866.

B. PLANNING COMMISSION ACTIONS – MEETING OF FEBRUARY 9, 2010

The City Council was requested to review the Planning Commission actions of their meeting of February 9, 2010.

Jim Law, Temple City resident, referring to a recommendation of the Planning Commission to deny rezoning an R-2 property on Encinita Avenue to the M-1 Zone, stated he thought it was rather an abrupt approach of the Commission in stating they could not make the findings for rezoning by a 3-2 vote. He felt it deserved a closer look.

Mayor Vizcarra moved to receive and file the Planning commission actions of their meeting of February 9, 2010, seconded by Councilmember Yu and unanimously carried by the following roll call vote:

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

7. UNFINISHED BUSINESS

A. PUBLIC HEARING: INTRODUCTION OF ORDINANCE NO. 10-931: CONSIDERATION OF A ZONING CODE TEXT AMENDMENT RELATIVE TO PERMITTING OR

CONDITIONALLY PERMITTING THE STORAGE OF RECREATIONAL VEHICLES AND BOATS IN THE HEAVY COMMERCIAL (C-3) ZONE

Community Development Manager Lambert reviewed his staff report, stating on December 8, 2009, the Planning Commission adopted a resolution recommending the Council deny a Zoning Code Amendment to permit or conditionally permit the storage of recreational vehicles and boats in the C-3 (Heavy Commercial) Zone. At their meeting of January 19, 2010, the City Council held a public hearing regarding this request and directed staff to prepare an ordinance to conditionally permit the storage of recreational vehicles and boats in the C-3 Zone. At that time, staff had prepared a resolution for denial of the requested zone change, and this item was continued to a date uncertain to provide staff an opportunity to draft an ordinance for approval of the request.

The proposed ordinance states that commercial storage of recreational vehicles and boats would be subject to the approval of a Conditional Use Permit (CUP) provided the following standards are met:

- A) That the total land area of the subject site shall be a minimum of 20,000 square feet and a maximum of 50,000 square feet. The commercial storage of recreational vehicles and boats shall only be permitted as an ancillary use to an already existing permitted or conditionally permitted commercial use;
- B) That if the subject site which is contemplated for the commercial storage of recreational vehicles and boats is located within the Rosemead Boulevard Project Area of the Community Redevelopment Agency (CRA), then said use shall only be conditionally permitted in "Block E" of the Rosemead Boulevard Project Area, and shall be prohibited in all other blocks of the Rosemead Boulevard Project Area;
- C) The area of the subject site designated for storage shall be screened from view of the public right of way by a six-foot high solid wall;
- D) Access to the storage area on the site shall be controlled through a locking gate and access to the storage area shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m.;
- E) The area of the subject site designated for storage shall be paved with asphalt, concrete, or equivalent non-permeable surface;
- F) No onsite washing or repairs of the recreational vehicles and/or boats stored on a subject site shall occur; and
- G) The vehicles and/or trailers stored at an approved storage site shall be limited to the following: recreational vehicles (as defined in section 3339.2) boats, or jet skis.

The City Council discussed the standards relating to the wall, onsite washing and hours of access.

Mayor Vizcarra opened the public hearing.

Jeff Lynn, applicant, stated he was in agreement regarding no onsite washing and suggested 5:00 a.m. to 10:00 p.m. would be more suitable. He indicated he had received no complaints regarding the vehicles moving out onto Rosemead Boulevard.

Mary Burke, Temple City resident, asked and received clarification of the location of the storage area.

Mike Cathey stated his friend has a 42 foot trailer in that lot and felt that later evening hours would be easier to deal with traffic. A 5:00 a.m. to 7:00 a.m. access time would block the whole boulevard.

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

After further discussion, Council concurred with the following changes to the standards:

Item C: change to view obscuring fence or wall;

Item D: change hours to 7:00 a.m. to 10:00 p.m. with ingress and egress not to occur during peak traffic hours.

Councilmember Wong moved to adopt the Negative Declaration and ask the City Clerk to read the title of Ordinance No. 10-931, seconded by Councilmember Yu and unanimously carried.

City Clerk Flandrick read the title of Ordinance No. 10-931.

Councilmember Wong moved to:

- 1) Waive further reading of Ordinance No. 10-931; and
- 2) Introduce Ordinance No. 10-931, as amended above, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY AMENDING THE TEMPLE CITY ZONING CODE TO ALLOW THE COMMERCIAL STORAGE OF RECREATIONAL VEHICLES AND BOATS IN THE HEAVY COMMERCIAL 9C-3) ZONE WITH THE APPROVAL OF A CONDITIONAL USE PERMIT; TITLE 9, CHAPTER 1, ARTICLE F, PART 2, 9202: CONDITIONAL USE PERMITS, WHEN REQUIRED; AND TITLE 9, CHAPTER 1, ARTICLE N, PART 4, 9390.A: PERMITTED USES IN THE HEAVY COMMERCIAL (C-3) ZONE,

seconded by Mayor Pro Tem Chavez and unanimously carried by the following roll call vote:

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

8. NEW BUSINESS – None

9. COMMUNICATIONS – None

10. RECESS TO COMMUNITY REDEVELOPMENT AGENCY MEETING

At 8:54 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 8:55 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 – None

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

A. COUNCILMEMBER STERNQUIST

Councilmember Sternquist noticed that the agenda item regarding Habitat’s Brush with Kindness program keeps getting moved from one agenda to another and asked that it be placed on the next Council agenda.

Councilmember Sternquist, referring to Mayor Vizcarra’s item of a bronze sculpture of Walter Temple, asked if some of the 50th anniversary celebration funds could be used for this purpose.

Parks and Recreation Director Burroughs responded that to date approximately \$8,000 of the anniversary funds have been expended, but the majority of the remaining funds are committed. The committee is looking to solicit sponsorships and donations and an option for additional funding would be to solicit vendors.

B. COUNCILMEMBER WONG

Councilmember Wong apologized for not being able to attend the Camellia Festival.

C. COUNCILMEMBER YU

Councilmember Yu congratulated everyone who was involved or participated in the Camellia Festival. Everyone showed great community spirit and quite a few dignitaries participated also.

Councilmember Yu reported that the Census Bureau Chief, Robert Groves, held a press conference here last Sunday. Temple City was one of only two cities he visited, the other being Los Angeles.

As mentioned in the City Manager’s Report, Councilmember Yu reported on the Baldwin Avenue grade separation project which will be occurring later this year. The project will cause the closure of Baldwin Avenue to allow the Alameda corridor East Construction Authority (ACE) to construct a grade separation which will result in Baldwin Avenue being routed under the Union Pacific Railroad track. He expressed the City’s concern regarding the potential traffic impacts in Temple City especially if the Rosemead Boulevard Improvement Project is underway at the same time. Staff will look at mitigating the impact of these two projects prior to finalizing the schedule of the Rosemead Boulevard project.

D. MAYOR PRO TEM CHAVEZ

Mayor Pro Tem Chavez echoed congratulations to staff and the Camellia Festival committee who did a great job this past weekend under difficult circumstances.

E. MAYOR VIZCARRA

- 1) Consideration of Placement of Bronze Sculpture of Walter Temple in Civic Center Complex and Possible Budget Amendment

Mayor Vizcarra stated this area has a tremendous amount of history and Temple City is the brainchild of one person, Walter Temple, working with others. He asked Council to consider commissioning a bronze sculpture of Walter P. Temple to be placed in the Civic Center Complex. This would coordinate with the 50th anniversary celebration and he wished to gain Council and public support for this project. Mr. Robert Hepler, a Temple City resident, has done a lot of research on this issue and was present to provide more information.

The Council expressed their support of this project.

The following members of the public voiced support of this project: Mary Burke, Peggy Miller, Manuel A. Valenzuela III, Carl Blum, Josette Workman, Dan Arrighi, and Jeff Briggs.

Robert Hepler briefly reviewed the process involved in creating a bronze bust or sculpture and named Vic Riesau, an outstanding sculptor in the field who would be willing to take such a commission.

Mayor Vizcarra moved to approve the commission and placement of a bronze bust of Walter P. Temple in the Civic Center Complex and requested the City Manager carefully review the City's Fiscal Year (FY) 2009-2010 budget to find the necessary funding, seconded by Councilmember Sternquist and unanimously carried by the following roll call vote:

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

The City Council further directed staff to contact vendors for contributions.

Mayor Vizcarra also thanked the Camellia Festival Committee for doing such a great job.

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

17. ADDITIONAL PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA – None

The following item was added to the March 2, 2010 as a supplemental agenda item.

18. CLOSED SESSION

Councilmember Wong recused herself from the Closed Session.

At 9:33 p.m. the City Council recessed to a closed session for the purpose stated below.

PUBLIC REPORT BY LEGAL COUNSEL – EXISTING LITIGATION
City of Temple City et al. v. TCD Enterprise, LLC et al.
Case No. BC 389 055

RECONVENE

The City Council meeting was reconvened at 9:52 p.m. with all Councilmember present.

CLOSED SESSION STATEMENT

City Attorney Vail stated the City Council met in closed session and received a report from its legal counsel with regard to the *City of Temple City et al. v. TCD Enterprise, LLC et al.* and related cases involving East West Bank and *TCD Enterprise, LLC et al. vs City of Temple City et al.* On February 24, 2010, his firm, Burke, Williams & Sorensen, on behalf of the City and the Community Redevelopment Agency, filed a number of documents with the court, one of which was a proposed judgment in the case. The court entered the judgment that day and that judgment fully resolves the case. The resolution of the case is that the development agreement and owner participation agreement that the City entered into with TCD Enterprises is now void. In layman's terms, it means that TCD Enterprises, as developer of the Piazza project, does not have any land use approvals and vested right to develop that project in the City. They had previously filed an application for an amended project that is working its way through the City's regular land use process and that project will come back eventually if they pursue it to the Planning Commission and City Council for a public hearing and public input.

Councilmember Wong announced that she was resigning her position on the City Council. She stated that she diligently served the City for seven years and was proud of her record of accomplishment and felt immense gratitude for the honor the people of the City gave her.

She stated that she was currently charged with violating her oath of office. From day one she has maintained her innocence and looked forward to being able to answer to the charges in court. As the court case has progressed, it has become increasingly difficult for her to juggle her responsibilities as Councilmember and assist in the preparation of her trial defense. In recent months her legal situation has spilled over into Council business. She stated that City business is too important to allow her pending legal matter to interrupt Council proceedings. The people of Temple City deserve a city government filled with officials focused on the business of the City and not preoccupied with other serious matters. The preparation of her trial defense now requires her full attention, and as such, she tendered her resignation, effective immediately.

She provided the City Manager with her written resignation.

19. ADJOURNMENT

The City Council Regular Meeting of March 2, 2010 was adjourned at 9:58 p.m.

Mayor

ATTEST:

City Clerk