

**CITY COUNCIL  
TEMPLE CITY, CALIFORNIA**

**REGULAR MEETING MINUTES  
DECEMBER 20, 2011**

**1. CALL TO ORDER**

Mayor Chavez called the City Council Regular Meeting to order at 7:31 p.m. in the Council Chambers located at 5938 Kauffman Avenue, Temple City.

**2. ROLL CALL**

PRESENT: Councilmember-Blum, Sternquist, Vizcarra, Yu, Chavez

ABSENT: Councilmember-None

ALSO PRESENT: City Manager Pulido, City Attorney Vail, Parks & Recreation Director Burroughs, City Clerk Flandrick, Associate Planner Gulick, Assistant to the City Manager Haworth, Associate Planner Liu, Community Development Director Masura

**3. INVOCATION**

Reverend David Palmer, First United Methodist Church, provided the Invocation.

**4. PLEDGE OF ALLEGIANCE**

Temple City resident Franklin Ruedel led those present in the Pledge of Allegiance to the Flag.

**5. CEREMONIAL MATTERS – PRESENTATIONS**

A. STATE OF THE STATE UPDATE BY SENATOR CAROL LIU

Senator Carol Liu provided an update on recent State legislation and the 2011-12 Fiscal Year Budget.

**6. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

Franklin Ruedel, Temple City resident, thanked the City and Edison for their efforts in restoring electricity, but cautioned that ratepayers will be paying more.

**7. CONSENT CALENDAR**

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

AYES: Councilmember-Blum, Sternquist, Vizcarra, Yu, Chavez

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 December 6, 2011; and

- 2) Minutes of the City Council Emergency Meetings of:
  - a) December 1, 2011;
  - b) December 2, 2011;
  - c) December 3, 2011;
  - d) December 5, 2011;
  - e) December 8, 2011.

B. APPROVAL OF PROGRESS PAYMENT NO. 10 (FINAL PAYMENT) TO HIRSCH & ASSOCIATES, INC. FOR WORK PERFORMED ON THE LIVE OAK PARK CIRCULAR PLANTER RENOVATION PROJECT

Approved progress payment No. 10 (final payment), in the amount of \$300, to Hirsch & Associates, Inc. for professional architectural services performed for the Live Oak Park Circular Planter Renovation Project (P10-03).

C. APPROVAL OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (MTA) LETTER OF AGREEMENT (LOA) FOR THE ROSEMEAD BOULEVARD BEAUTIFICATION PROJECT

- 1) Approved the Letter of Agreement with the Los Angeles County Metropolitan Transportation Authority (MTA) for the Rosemead Boulevard Beautification Project; and
- 2) Authorized the City Manager to finalize and execute the Letter of Agreement.

D. ADOPTION OF RESOLUTION NO. 11-4784 APPROVING AND ADOPTING THE CITY'S EMERGENCY OPERATIONS PLAN

Adopted Resolution No. 11-4784, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY APPROVING AND ADOPTING THE CITY OF TEMPLE CITY EMERGENCY OPERATIONS PLAN.

E. CONSULTANT SERVICES AGREEMENT WITH GRUEN ASSOCIATES – AMENDMENT NO. 6

- 1) Approved the Sixth Amendment to the consultant services agreement with Gruen Associates, in the amount of \$23,935, to provide the City with additional design and survey services associated with the Rosemead Boulevard Project; and
- 2) Authorized the City Manager to execute Amendment No. 6 to the consultant services agreement with Gruen Associates.

F. RESOLUTION NO. 11-4781 AND RESOLUTION NO. 11-4782 SUPERCEDING EMPLOYER PAID MEMBER CONTRIBUTIONS ADOPTED ON JULY 16, 2002 BY RESOLUTION NO. 02-4102

- 1) Adopted Resolution No. 11-4781, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY REDUCING THE AMOUNT OF EMPLOYER PAID MEMBER CONTRIBUTION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR FULL-TIME EMPLOYEES HIRED BEFORE JANUARY 1, 2012 BY ONE PERCENT (1%); and
- 2) Adopted Resolution No. 11-4782, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ELIMINATING PAYMENT OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES'

RETIREMENT SYSTEM FOR EMPLOYEES HIRED ON OR AFTER JANUARY  
1, 2012.

G. VISA CARD REPORT

Received and filed the Visa Card Report.

H. ADOPTION OF RESOLUTION NO. 11-4786 – APPROVAL OF PAYMENT OF BILLS

Adopted Resolution No. 11-4786, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$328,875.44 DEMAND NO. 33367 THROUGH 33471.

ORDER OF AGENDA CHANGED

**10. COMMUNICATIONS**

A. CHAMBER OF COMMERCE MONTHLY REPORT

Peter Choi, newly appointed President of the Chamber, in addition to the submitted written report of Chamber events and activities, provided information on the Chamber's new focus and direction for the future.

**8. UNFINISHED BUSINESS – None**

**9. NEW BUSINESS**

A. PUBLIC HEARING: APPEAL OF A PLANNING COMMISSION DECISION APPROVING CONDITIONAL USE PERMIT 11-1795 – A REQUEST TO ESTABLISH A PRESCHOOL/KINDERGARTEN AT 5537 TEMPLE CITY BOULEVARD (Applicant binder available in the City Clerk's Office)

Community Development Director Masura provided an overview of the request, stating on October 25, the Planning Commission conducted a public hearing and adopted a Resolution approving Conditional Use Permit 11-1795 to allow the establishment of a preschool/kindergarten at 5537 Temple City Boulevard. The subject site is currently occupied by Grace Baptist Church and the request is to co-locate a preschool/kindergarten with the church. The proposed business will occupy three accessory buildings in the rear with a total floor area of 3,051 square feet. The Planning Commission approved the request in a 3-2 vote.

On November 7, 2011, the decision was requested to be reviewed by the City Council because of the neighbors' concern about noise, claiming that the existing use had generated serious noise impact on their properties. The noise issues were associated with evening congregation meetings conducted on the site.

At the October 25<sup>th</sup> Planning Commission meeting, staff had recommended approval of the project based on the land use pattern and the result of the traffic impact assessment. Co-locating a preschool/kindergarten with an existing religious establishment could be a compatible use in terms of parking and traffic concerns. Also, pursuant to the zoning regulation, the school daytime use is a compatible joint use with the church night time use. Staff recommended upholding the Planning Commission's decision, but has provided Council with other options including modifying the conditions or denying the request. Seventeen conditions were included as part of the Planning Commission Resolution, which were pointed out. The Planning Commission did not feel the issue brought up, particularly concerning noise were significant enough to change the

conditions. The City Council was requested to review the Planning Commission's decision and the resolution approving the Conditional Use Permit, and to make a final determination based on any information or public testimony provided.

With the aid of a power point presentation, Associate Planner Liu provided a site description, land use zoning, and location of the proposed classroom buildings.

Mayor Chavez opened the public hearing.

Eileen Li, applicant, referred to a petition of support signed by 230 residents, and described the preschool plan and curriculum using four classrooms for children ranging from 2½ to 6 years old. Ms. Li also previously submitted a packet of information on the proposed preschool to the City Council.

Ms. Li answered questions from Council throughout her presentation.

Councilmember Sternquist inquired about the Saturday program which she felt might change the scope of the proposed purpose of the application. As there is an excess of 20 schools in the City all competing for Chinese language schooling, she asked if Ms. Li would consider eliminating that Saturday program as it was not the foundation of her request and might have additional impacts.

Ms. Li explained that the Saturday program is an optional Chinese language program for children of the same age group. She felt there was a need for a Saturday class as there are currently only two open on Saturdays in residential areas.

The following persons spoke in favor of the request:

Jeff Leo, Attorney for the applicant; Steve Tyre, Temple City businessman; Harmony Plantenga, Temple City resident; Gloria Villicaña, Temple City resident; Jack Yiu, Temple City resident; Reverend Joseph Yang, St Luke Catholic Church; Jim Law, Temple City resident; Wallace Fu, El Monte resident; and Anita Lu, Temple City resident.

The following persons spoke in opposition of the request:

Bill Burrows, Temple City resident; Ted Maesaki, Temple City resident; Penny Sprinkel, Temple City resident; Phyllis Roehr, Temple City resident; Vivien Li, Temple City resident; Robert Uguiddi, Temple City resident.

Steve Morelli, Pastor of Grace Baptist Church, responded to issues of noise levels, repair of patio roof, removal of vehicles from the property, and outdoor speakers, brought up by previous speakers.

Michelle Chung, Temple City resident, spoke in favor of the request.

Kenny Rogers, Church Board Chairman, said he intended to address all issues brought up if the request is approved.

Charles Kraut, Temple City resident, spoke in opposition to the request.

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

RECESS/RECONVENE

The City Council meeting was recessed at 9:42 p.m. and reconvened at 9:49 p.m. with all Councilmembers present.

Council deliberation took place and staff responded to Council's questions. In response to complaints of excessive noise, City Attorney Vail stated one of the findings to be made in approving the application is that it would have no adverse effect on neighboring properties and for purposes of this application it refers to this specific use. But that use is fitting into the existing context at the site and Council will need to make that decision if the existing noise would be compounded by this use and be considered an adverse impact.

Council discussion continued, including issues regarding the Church's present contract users, the possible negative impacts they create on the neighborhood, and mitigation measures that might be employed. Other issues involved site ingress and egress, increased traffic, and property maintenance.

After further discussion, Council concurred that additional information was needed to make a decision on this matter.

Councilmember Blum moved to direct staff to re-notice this item as a public hearing to be scheduled for the City Council meeting of February 7, 2012, based on the testimony received and to provide time to gather additional information, seconded by Councilmember Vizcarra and unanimously carried by the following roll call vote:

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

B. PUBLIC HEARING: INTRODUCTION OF ORDINANCE NO. 11-951 – DOWNTOWN SPECIFIC PLAN AMENDMENT CONDITIONALLY PERMITTING DANCE AND EXERCISE SCHOOLS/STUDIOS IN THE EAST COMMERCIAL (EC) DISTRICT OF THE DOWNTOWN SPECIFIC PLAN

Associate Planner Gulick presented background information on this item, stating the Downtown Specific Plan was originally approved in 1993 with only three land use districts. At that time the East Commercial (EC) District consisted primarily of medical offices as the Downtown Specific Plan was developed to encourage medical offices in this district. In 2002, the Plan was significantly revised, with the creation of three new districts. Although the EC District's boundaries were not modified, the EC District received a new focus – *“the development of medical and professional offices and related services, including eateries such as fast-food establishments.”*

In 2009, the Plan was again amended to permit and conditionally permit several uses in the EC District due to the large number of vacancies in the area. On December 13, 2011, the Planning Commission approved (by a 3 to 1 vote) a draft resolution recommending that the City Council adopt an ordinance that would amend the Downtown Specific Plan Land Use Matrix to conditionally permit Dance and Exercise Schools/Studios in the EC District.

In reviewing the Downtown Specific Plan Land Use Matrix, staff noted that the Dance and Exercise Schools/Studios use is conditionally permitted in the four other commercial districts. This use would have no conflicts with the medical and dental professional offices that account for the majority of the uses in the EC District, as Dance and Exercise Schools/Studios typically operate in the evening and weekends, opposite from the operating hours of the professional offices. Also, with only three existing Dance and Exercise Schools/Studios in the City, it would also not create an influx of new dance and exercise businesses. It was recommended that the Council conduct the public hearing, adopt the Negative Declaration and introduce Ordinance No. 11-951 on first reading.

Mayor Chavez opened the public hearing.

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

At the request of Council, City Clerk Flandrick read the title of Ordinance No. 11-951.

Councilmember Blum moved to:

- 1) Adopt a motion waiving further reading of proposed Ordinance No. 11-951; and
- 2) Adopt a motion introducing on first reading, by title only, proposed Ordinance No. 11-951, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY AMENDING THE DOWNTOWN SPECIFIC PLAN LAND USE MATRIX CONDITIONALLY PERMITTING DANCE AND EXERCISE SCHOOLS/STUDIOS IN THE EAST COMMERCIAL (EC) DISTRICT OF THE DOWNTOWN SPECIFIC PLAN,

seconded by Councilmember Sternquist and unanimously carried by the following roll call vote:

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

**11. RECESS TO COMMUNITY REDEVELOPMENT AGENCY MEETING**

At 10:33 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 10:35 p.m. with all Councilmembers present.

**12. ACTION ON REQUEST BY CRA – None**

**13. UPDATE FROM CITY MANAGER**

City Manager Pulido provided an update on the City's recovery process in clearing debris, removing flags and banners determined to be safety hazards and identifying sidewalks and signs to be repaired. Council may be asked to consider establishing a Tree Commission to professionally deal with the replacement of trees lost in the storm. In the meantime staff is moving forward with final cost documentation to request reimbursement from the State, pending approval by the Governor.

**14. MATTERS FROM CITY OFFICIALS – None**

**15. COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS**

Mayor Chavez reported on attending a preliminary meeting today with staff toward initiating a Citizen Academy. Details were finalized with next February targeted to begin the application process, and classes set to start in April of 2012.

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

A. COUNCILMEMBER BLUM

Councilmember Blum, referring to the update from the City Manager, added that the replacement of trees may open opportunities for the Safe Routes to Schools Program.

B. COUNCILMEMBER STERNQUIST

Councilmember Sternquist provided an update on resident Mary Burke's recovery and wished her the best.

C. COUNCILMEMBER VIZCARRA

Councilmember Vizcarra wished everyone a good healthy holiday.

D. MAYOR PRO TEM YU

Mayor Pro Tem Yu suggested an ad hoc or task committee be appointed to study the emergency response within the City.

Mayor Chavez suggested an open forum or study session including all of the responders and in which to provide public participation.

Mayor Pro Tem Yu wished everyone happy holidays.

E. MAYOR CHAVEZ

Mayor Chavez thanked Parks & Recreation Director Burroughs and her staff for the Lights on Temple City event.

He also reported on the Youth Committee which hosted a cleanup on Las Tunas Drive this past Saturday. The Committee Members, volunteers and City staff walked down Las Tunas Drive to Rosemead Boulevard and back and picked up trash. They did a great job and overall it was a good project. Next week they will tour Athens facilities.

At the request of Councilmember Sternquist, Parks & Recreation Director Burroughs provided details of the upcoming Senior Lunch Program Christmas Party which the seniors planned for Saturday at noon. All seniors are invited to come and enjoy this special holiday luncheon.

**17. REIMBURSEMENTS OF EXPENSES PAID TO OFFICIALS FOR CONDUCT OF CITY BUSINESS**

A. COUNCILMEMBER BLUM - None

B. COUNCILMEMBER STERNQUIST - \$438.02 (hotel accommodations) and \$63.00 (reimbursement of expenses) – Joint Powers Insurance Authority Conference

C. COUNCILMEMBER VIZCARRA - \$468.02 (Hotel accommodations) and \$190.42 (reimbursement of expenses) – Joint Powers Insurance Authority Conference

D. MAYOR PRO TEM YU - \$458.02 (hotel accommodations) and \$190.42 (reimbursement of expenses) – Joint Powers Insurance Authority Conference

- E. MAYOR CHAVEZ - \$458.02 (hotel accommodations) and \$190.42 (reimbursement of expenses) – Joint Powers Insurance Authority Conference

**18. ADDITIONAL PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

Franklin Ruedel, Temple City resident, asked if the damaged Blue Star flags would be replaced.

Mayor Chavez responded that the City is in the process of evaluating that situation.

Mr. Ruedel also asked that the Council adjourn in memory of Bill Perini and Steve Entzle at the close of the meeting, and provided information on these two long-term residents of Temple City and their contributions to the community.

Jerry Jambazian, Temple City businessman, thanked Bill Hackett for his service to the City, Chamber and School District as Assemblyman Portantino's aide, upon his leaving that office.

He also asked that the Council remember Mr. Perini and Mr. Entzle when adjourning the meeting.

**19. CLOSED SESSION – None**

**20. ADJOURNMENT**

The City Council Regular Meeting was adjourned at 11:06 p.m. in honor and in memory of Steve Entzle and Bill Perini.

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Mayor

ATTEST:

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City Clerk