

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA**

**REGULAR MEETING MINUTES
NOVEMBER 15, 2011**

1. CALL TO ORDER

Mayor Chavez 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-Blum, Sternquist, Vizcarra, Yu, Chavez

ABSENT: Councilmember-None

ALSO PRESENT: City Manager Pulido, City Attorney Vega, Parks & Recreation Director Burroughs, City Clerk Flandrick, Community Development Director Masura, Community Preservation Supervisor Sahagun

3. INVOCATION

Reverend Darrel Kelty, Pastor of Community of Christ Church, provided the Invocation.

4. PLEDGE OF ALLEGIANCE

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

5. CEREMONIAL MATTERS – PRESENTATIONS

A. PRESENTATION TO CITY COUNCIL FROM SOUTHERN CALIFORNIA EDISON

This item will be scheduled on a future agenda.

B. RECOGNITION OF TEMPLE CITY LIBRARY BOOKMARK CONTEST WINNERS

With the assistance of Joanna Ward, Children's Services Librarian, Mayor Chavez and the City Council presented Certificates of Recognition to the following Annual Bookmark Contest winners:

Kindergarten to 2nd Grade: 1st Place – Ashley Sierra McGinn, Grade 1, Longley Way; 2nd Place – Sarah Yang, Grade 2, Emperor; 3rd Place – Natalie Tam, Grade 2, Emperor

3rd to 5th Grade: 1st Place – Jessica Luo, Grade 4, Ynez; 2nd Place – Jocelyn Hu, Grade 5, Hugo Reid; 3rd Place – Amy Lau, Grade 3, Longden

6th to 8th Grade: 1st Place – Vanessa Huynh, Grade 6, Jefferson; 2nd Place – Melanie Zhang, Grade 6, Cloverly; 3rd Place – William Chen, Grade 6, Ynez

9th to 12th Grade: 1st Place – Samantha Lee, Grade 11, Temple City High School; 2nd Place – Chris Chow, Grade 11, Temple City High School; 3rd Place – Rena Chen, Grade 10, Arcadia High School

6. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Celena Harrington, Temple City Farmers Market, provided a status report on the Market, stating they have been working with the Chamber of Commerce on advertising the Market and a video for the cable commercial. As winter approaches, business is slowing down a little, but the market will be open on Christmas Day and New Year's Day. The high school's coffee and hot chocolate booth is doing well and the Market is hoping to expand soon.

Marlin Perry, Temple City property owner, expressed his concerns regarding a limit on resident permit parking for his tenants on Primrose Avenue, and how this situation might result in losing his tenants.

City Manager Pulido said he would look into the situation and advise Council on a future agenda.

Mayor Pro Tem Yu suggested Mr. Perry may also wish to attend the Downtown Parking Strategic Plan Workshop scheduled for November 17 to voice his concerns.

Frank Ruedel, Temple City resident, reported a postal box on the southwest corner of Rosemead Boulevard and Garibaldi Avenue was blocking traffic visibility when making a turn from Garibaldi.

Brandon Zhang suggested that the City Council consider an Ikea store and an In-N-Out Burger to improve the Rosemead Boulevard/Las Tunas Drive area, as both are very popular, would attract many people to the City and bring in more sales tax.

Alvina Zhang felt a fitness center or gym would benefit the City as exercise is fun, would help to keep people fit, lose weight, and prevent health problems.

Kaitlynn Ma suggested an aquarium would attract more people to the City and provide an educated place to go and learn. People would also spend money while in the City which would bring in more sales tax revenue.

Andrea Chen would like to have fair contests like the largest fruit or vegetable contest and other games to bring in more people to the Farmers Market to socialize and have fun.

7. **CONSENT CALENDAR**

Mayor Chavez pulled Item 7-D at the request of a member of the public.

Councilmember Blum moved to approve the remainder of the Consent Calendar, seconded by Mayor Pro Tem Yu 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 Special Meeting of October 26, 2011;
- 2) Minutes of the City Council Regular Meeting of November 1, 2011; and
- 3) Minutes of the City Council Special Meeting of November 2, 2011.

B. PLANNING COMMISSION ACTIONS – MEETING OF OCTOBER 25, 2011

Received and filed the Planning Commission actions of their meeting of October 25, 2011.

- C. ACCEPTANCE OF WORK AND APPROVAL OF FINAL PAYMENT (PAYMENT NO. 2) TO ARAMEXX CONSTRUCTION FOR WORK PERFORMED ON THE LIVE OAK PARK AND TEMPLE CITY PARK PLANTER RENOVATION AND MONUMENT SIGN PROJECT
- 1) Accepted the work performed by Aramexx Construction on the Live Oak Park and Temple City Park Planter Renovation and Monument Sign Project (P10-03);
 - 2) Approved final payment (payment No. 2) in the amount of \$22,452.75 to Aramexx Construction;
 - 3) Authorized the City Clerk to file the Notice of Completion; and
 - 4) Authorized the City Manager to release the 10% retention in the amount of \$5,769.93 at the end of the 35-day lien period.
- E. FINAL MAP APPROVAL FOR PARCEL MAP NO. 68199 AT 6308-6314 OAK AVENUE
- Approved Parcel Map No. 68199 at 6308-6314 Oak Avenue by the following actions:
- 1) Made findings as enumerated in the October 19, 2011 letter from the Los Angeles County Public Works Department:
 - 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 Parcel Map No. 68199;
 - 3) Accepted dedications as indicted on Parcel Map 68199;
 - 4) Approved and accepted the work agreements and improvement securities as enumerated in the October 19, 2011 letter from the Los Angeles County Public Works Department:
 - a. An Agreement to construct road, street tree, and sanitary sewer improvements. Improvement security of \$117,600 was deposited with the County of Los Angeles Department of Public Works for the City on July 7, 2011; and
 - 5) Instructed the City Clerk to endorse on the face of Parcel Map Number 68199 the certificate that embodies the approval of said Map.
- F. PETTY CASH AND VISA CARD REPORTS

Received and filed the Petty Cash and Visa Card Reports.

G. ADOPTION OF RESOLUTION NO. 11-4780 – APPROVAL OF PAYMENT OF BILLS

Adopted Resolution No. 11-4780, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$208,767.57 DEMAND NOS. 33128 THROUGH 33224.

D. REQUEST FROM THE AMERICAN CANCER SOCIETY FOR THE CITY OF TEMPLE CITY TO CO-SPONSOR THE RELAY FOR LIFE OF THE CHINESE COMMUNITY SOUTH AT LIVE OAK PARK ON APRIL 14-15, 2012

The American Cancer Society requested the City consider co-sponsoring the Relay for Life of the Chinese Community South at Live Oak Park on April 14-15, 2012. Council approval is required to waive any and all fees and deposits for use of the facilities at Live Oak Park, extension of park hours past 10:00 p.m., and for assistance in publicizing the event.

Jerry Jambazian, Temple City businessman, complimented last year's Relay for Life event as being well attended, and suggested an American Relay for Life instead of Chinese Relay for Life scheduled this year, which some might feel is exclusive. He said he would continue to support the Chinese Relay for Life, but would like to see it all brought together. He also noted that the proposal includes a fee waiver for banner installation and wondered if the City would do the same for other non-profit organizations.

Representatives from the American Cancer Society and the Chinese Relay for Life responded the Chinese Relay for Life was brought to Temple City two years ago as a good place to initiate this relay to cross barriers. The event is extended to all in the community and the American Cancer Society was very appreciative of the City to co-sponsor the event.

The Council discussed this issue and Mayor Chavez suggested a more extensive publicity campaign to let everyone know this is not just for the Chinese community as the name might imply. The City would like the Relay for Life promoted within the entire community to encourage everyone to participate.

Mayor Pro Tem Yu moved to:

- 1) Approve the request from the American Cancer Society for the City to co-sponsor the Relay for Life of the Chinese Community South at Live Oak Park on April 14-15, 2012;
- 2) Approve extension of park hours at Live Oak Park from 10:00 p.m. on April 14 through 6:00 a.m. on April 15, 2012; and
- 3) Waive all fees and deposits for use of the facilities at Live Oak Park,

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

8. UNFINISHED BUSINESS

- A. ADOPTION OF ORDINANCE NO. 11-947 COMPLYING WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM TO CONTINUE EXISTENCE AND OPERATION OF THE TEMPLE CITY COMMUNITY REDEVELOPMENT AGENCY

City Attorney Vega stated the City Council was requested to consider for second reading and adoption an Ordinance to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.0 of Division 24 of the California Health and Safety Code to permit the continued existence and operation of the Temple City Community Redevelopment Agency. This ordinance is recommended for adoption because of recent redevelopment Bills, AB X126 which eliminated redevelopment agencies, and AB X127 which allowed the agencies to continue by adoption of this ordinance and payment to the State. The City's initial payment is approximately \$200,000 and it is anticipated this amount would be reduced in subsequent years, pending this matter being settled in Court.

At the request of the Council, City Clerk Flandrick read the title of Ordinance No. 11-947.

Councilmember Blum moved to waive further reading and adopt Ordinance No. 11-947, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY, CALIFORNIA, DETERMINING TO COMPLY WITH THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE TEMPLE CITY COMMUNITY REDEVELOPMENT AGENCY, 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

9. NEW BUSINESS

- A. FIRST READING AND INTRODUCTION OF ORDINANCE NO. 11-948 – ADDITION OF CHAPTER 11 TO TITLE 4 OF THE TEMPLE CITY MUNICIPAL CODE (SHOPPING AND LAUNDRY CART CONTAINMENT, RETRIEVAL, AND ABATEMENT)

Community Preservation Supervisor Sahagun provided an overview of Items A through C, ordinances for consideration by the Council as identified in the Council's goals. These represent the first code modifications brought forward as a result of the City Codes Review Ad Hoc Committee's review of the City's codes initiated about 10½ months ago to change the codes to be more proactive and resident friendly. In future meetings, new codes will be brought forward as a culmination of the process to include provisions that are enforceable. The Ad Hoc Committee Members, Mayor Chavez and Councilmember Sternquist, were presented with the current code deficiencies and provided direction for code changes more beneficial to the City. The sole purpose of community preservation is to increase and maintain quality of life, and the proposed codes also provide the process for civil prosecution proceedings.

This first ordinance regarding shopping carts was drafted in response to complaints of abandoned carts throughout the City, delay in removal of the carts, and staff's inability to cite compliance with a code that was outdated and contradictory. The proposed code amendment is the result of a collaborative effort of the Ad Hoc Committee, staff and the City Prosecutor and would establish consistent standards for prohibiting the removal of

shopping carts from business locations that offer shopping carts to customers and timeliness of their removal from public property when the carts have been removed.

City Prosecutor James Eckert stated the first two ordinances were meant to fill the void in the public nuisance ordinance to enhance and provide greater clarity and rights available to the public.

Over the past several years, cities have seen the rapid growth of carts deposited where they create sidewalk hazards, impediments and blight upon the community. Mr. Eckert summarized details of the proposed shopping cart ordinance, the purpose of which is to provide the City with primary responsibility for managing cart service with the owners of the carts, as provided by State law. It also sets requirements for the prompt retrieval of carts taken off-site. The Ordinance provides owners with discretion in determining their preferred method of prevention; however, it also provides for the escalation of sanctions applied in those cases where the owner's plan is ineffective. In this way, the City will establish a foundation with the retail industry to ensure that the program is responsive to the needs of the community for a clean and safe environment.

Details of the proposal were reviewed including the Abandoned Cart Prevention Plan, implementation, cart sweeps, community outreach, and citation procedures for non-compliance. Staff addressed Council's questions throughout the presentation.

At the request of Council, City Clerk Flandrick read the title of Ordinance No. 11-948.

Councilmember Blum moved to waive further reading and introduce Ordinance No. 11-948, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ADDING CHAPTER 11 ("SHOPPING AND LAUNDRY CART CONTAINMENT, RETRIEVAL, AND ABATEMENT") OF TITLE 4 ("LAW ENFORCEMENT") OF THE TEMPLE CITY MUNICIPAL CODE, 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. FIRST READING AND INTRODUCTION OF ORDINANCE NO. 11-949 – ADDITION OF ARTICLE 1 TO CHAPTER 2 OF TITLE 4 OF THE TEMPLE CITY MUNICIPAL CODE (ABANDONED AND VACANT PROPERTY REGISTRATION, MAINTENANCE, AND SECURITY REQUIREMENTS)

Adoption of the proposed ordinance would establish a program requiring banks that commence a foreclosure process to accept responsibility for the maintenance and security of those properties that are or that become vacant and/or abandoned. It would also provide the City with a manner of ensuring that vacant and abandoned properties subject to the ordinance do not become public nuisances resulting in blight and increased criminal activity. It would further authorize the City to impose daily fines and/or to initiate criminal proceedings against responsible entities that fail to comply with the provisions of the ordinance.

Since February 2011, Community Preservation staff have been identifying and monitoring vacant and abandoned residential properties throughout the City. These properties are typically identified by an accumulation of overgrown vegetation and weeds, trash, discarded household furnishings, and other substandard conditions due to deferred maintenance. Information on these properties was provided to the City Codes Review Ad Hoc Committee which directed staff to move forward with the proposed ordinance.

City Prosecutor Eckert summarized the provisions of the Ordinance including registration of defaulted properties by the beneficiary or trustee, property maintenance and security requirements, requirement of certificate of code compliance prior to re-occupancy, and penalties. Council discussed this item and questions were responded to by staff.

At the request of Council, City Clerk Flandrick read the title of Ordinance No. 11-949.

Councilmember Blum moved to waive further reading and introduce Ordinance No. 11-949, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ADDING ARTICLE 1 ("ABANDONED AND VACANT PROPERTY REGISTRATION, MAINTENANCE, AND SECURITY REQUIREMENTS") TO CHAPTER 2 ("NUISANCES") OF TITLE 4 ("LAW ENFORCEMENT") OF THE TEMPLE CITY MUNICIPAL CODE, seconded by Mayor Pro Tem Yu 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

C. FIRST READING AND INTRODUCTION OF ORDINANCE NO. 11-950 – MODIFICATION AND ENHANCEMENT OF CHAPTER 2 TO TITLE 4 OF THE TEMPLE CITY MUNICIPAL CODE (PUBLIC NUISANCE REGULATIONS)

As with all aspects of local government, Cities must routinely review their laws and regulations and ensure that they meet the modern realities of a mature city. In an environment that is increasingly aware of the impact that substandard, hazardous, and other nuisance conditions have upon the health, safety, welfare, and property of the general public it is incumbent upon City staff to continually strive to maintain and increase the community's standards through education, streamlining and expediting the City's ability to abate public nuisances, and by allowing the City to recover all of its costs when it is necessary for the City to take affirmative action to protect the general public.

City Prosecutor Eckert provided an overview of the proposed ordinance which would address ambiguous language and restrictive provisions currently in the Code and more clearly provide for enforcement of property maintenance violations, habitability and attempts to maintain or increase the quality of life for residents. In response to several meetings between the City Codes Review Ad Hoc Committee, Community Preservation staff and the City Prosecutor, the Committee provided direction to staff to proceed with enhancing and modifying the public nuisance regulations of the City Code. The proposed Ordinance included procedures for abatement, recordation of substandard property, and cost recovery.

Frank Ruedel, Temple City resident, shared his concern that "hoarders" would be treated with consideration, as that particular group seems to have increased, especially among the elderly.

Councilmember Blum recommended a minor adjustment to prevent any inconsistency with current City standards to preserve green space. He suggested that Item 23 on page 16 of the Ordinance be amended to read: "Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked or stored on any unpaved surface, or on any paved surface within a property front yard setback."

Council discussed this revision and Councilmember Blum moved to amend the ordinance as stated above, seconded by Mayor Pro Tem Yu and carried by the following roll call vote:

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

RECESS/RECONVENE

The City Council meeting was recessed at 10:13 p.m. and reconvened at 10:18 p.m. with all Councilmembers present.

At the request of Council, City Clerk Flandrick read the title of Ordinance No. 11-950.

Councilmember Blum moved to waive further reading and introduce Ordinance No. 11-950, as amended, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY MODIFYING AND ENHANCING REGULATIONS RELATING TO THE ABATEMENT OF PUBLIC NUISANCE CONDITIONS, 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

10. COMMUNICATIONS

A. TEMPLE CITY CHAMBER OF COMMERCE MONTHLY EXECUTIVE DIRECTOR REPORT FOR OCTOBER 2011

Nick Pon, Temple City Chamber Board Chairman, presented the Temple City Chamber of Commerce Monthly Executive Director Report for October 2011. Mr. Pon also introduced Peter Choi, the newly appointed President/Chief Executive Officer of the Chamber.

11. RECESS TO COMMUNITY REDEVELOPMENT AGENCY MEETING

At 10:27 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 10:29 p.m. with all Councilmembers present.

12. ACTION ON REQUEST BY CRA – None

13. UPDATE FROM CITY MANAGER

City Manager Pulido provided information on the upcoming Downtown Parking Strategic Plan Workshop scheduled for Thursday, November 17, from 6:00 p.m. to 8:00 p.m. at the Historical Society. There is also a City/Sheriff Business Watch Meeting on November 29 from 6:00 p.m. to 8:00 p.m. in the Council Chambers.

14. MATTERS FROM CITY OFFICIALS – None

15. COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS

Mayor Chavez reported on a recent meeting of the Historical Society Building Joint Use Ad Hoc Committee with Councilmember Sternquist to discuss joint ventures with Historical Society representatives. A couple of meetings have been held so far and there is agreement for joint use in the future.

Councilmember Vizcarra stated the Public Art Advisory Group Ad Hoc Committee continues to meet on a weekly basis. The current issues center on design of monuments, bus stops and logo and will be discussed at the meeting next Tuesday. A site walk was conducted to see how the pavers will look and to consider the locations for placement of art.

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

A. COUNCILMEMBER BLUM – None

B. COUNCILMEMBER STERNQUIST

Councilmember Sternquist shared pictures of a ribbon cutting ceremony of the City of Maywood's first pocket park which she attended. The City of Maywood is similar in size to Temple City and it was successful in attaining full funding for this project through the Trust for Public Land partnered with Kaiser, Met Life, and the Rivers and Mountains Conservancy. As a result of her visit, she suggested the Mayor appoint an ad hoc committee to look into establishing communication with the Trust for Public Land to explore a similar possibility for the City. After some discussion, the Council concurred to request the Parks and Recreation Commission to form an ad hoc committee to pursue this possibility.

C. COUNCILMEMBER VIZCARRA

Councilmember Vizcarra said he attended the Citywide Traffic Calming Workshop on November 10 which he found to be very informative.

D. MAYOR PRO TEM YU

Mayor Pro Tem Yu congratulated Ken Knollenberg on his election to the School Board and also thanked Code Review Ad Hoc Committee Members, Mayor Chavez and Councilmember Sternquist, for their work on the three ordinances introduced this evening.

E. MAYOR CHAVEZ

Mayor Chavez also congratulated Mr. Knollenberg on his election to the School Board, as well as Kien Tiet and Robert Ridley.

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

A. COUNCILMEMBER BLUM – None

B. COUNCILMEMBER STERNQUIST - \$64.00 (Shuttle expense – League of California Cities Conference)

C. COUNCILMEMBER VIZCARRA - \$32.00 (Shuttle expense – League of California Cities Conference)

D. MAYOR PRO TEM YU - None

E. MAYOR CHAVEZ - \$64.00 (shuttle expense – League of California Cities Conference)

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

19. CLOSED SESSION – None

20. ADJOURNMENT

The City Council Regular Meeting was adjourned at 10:52 p.m.

ATTEST:

Mayor

City Clerk