

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA**

**REGULAR MEETING MINUTES
FEBRUARY 7, 2012**

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 Vail, Community Preservation Officer Aceves, Parks & Recreation Director Burroughs, City Clerk Flandrick, Associate Planner Liu, Community Development Director Masura

3. INVOCATION

Temple City businessman Jerry Jambazian provided the Invocation.

4. PLEDGE OF ALLEGIANCE

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

5. CEREMONIAL MATTERS – PRESENTATIONS

A. INTRODUCTION OF CAMELLIA FESTIVAL ROYAL COURT

Trish O'Brien, General Chairman, and Nan Fish, Festival Director, presented the Camellia Festival Royal Court to the City Council:

King Lorenzo Blanco, Queen Layla Cattani, Princesses Madison Gillilan and Carter Grimaldi, Princes Noah Shifter and Tyler Williams, and Banner Carriers Emi Sakamoto, Madison Kidd, Aiden Chirivella and Maxson Sexton.

Mayor Chavez and the City Council presented Certificates of Recognition and City gift bags to each of the Royal Court members.

6. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Kathy Keelin, on behalf of the Public Art Advisory Group, invited the public to attend community meetings this Wednesday and next Wednesday at 6:30 p.m. in the Community Room to receive input regarding the public art elements to be incorporated into the Rosemead Boulevard Enhancement Project. Two design elements in particular will be discussed: banner designs along the Boulevard and inspirational or humorous quotes to be stamped into the sidewalks or planters.

Jerry Jambazian, Temple City businessman, provided a brief description of Temple City businessman Al Lehine's service to the community, and asked that the Council adjourn their meeting in his honor and memory.

Mary Kokayko, Temple City resident, said she received a call from the Star News asking her opinion of Chamber members traveling to China to promote the development of Randy Wang. She felt it was bribery for Mr. Wang to send the Chamber members to help him get money for his project. The Council did the smart thing in not sending the Mayor.

7. CONSENT CALENDAR

Councilmember Blum moved to approve 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 Regular Meeting of January 17, 2012;
- 2) Minutes of the City Council Special Meeting of January 19, 2012; and
- 3) Minutes of the City Council Special Meeting of January 25, 2012.

B. PLANNING COMMISSION ACTIONS – MEETING OF JANUARY 10, 2012

Received and filed the Planning Commission actions of their meeting of January 10, 2012.

C. PLANNING COMMISSION ACTIONS – MEETING OF JANUARY 24, 2012

Received and filed the Planning Commission actions of their meeting of January 24, 2012.

D. PARKS AND RECREATION COMMISSION ACTIONS – MEETING OF JANUARY 18, 2012

Received and filed the Parks and Recreation Commission actions of their meeting of January 18, 2012.

E. PUBLIC SAFETY COMMISSION ACTIONS – MEETING OF JANUARY 11, 2012

Received and filed the Public Safety Commission actions of their meeting of January 11, 2012.

F. PUBLIC SAFETY COMMISSION ACTIONS – MEETING OF JANUARY 25, 2012

Received and filed the Public Safety Commission actions of their meeting of January 25, 2012.

G. RELEASE OF SECURITIES FOR PARCEL MAP NO. 062650 FOR ROAD AND SEWER IMPROVEMENTS AT 9429 LONGDEN AVENUE

Authorized release of securities, in the amount of \$74,700, upon completion of road improvements (\$18,750) and sewer improvements (\$55,950) at 9429 Longden Avenue, Parcel Map No. 062650.

H. RELEASE OF SURETY BOND FOR TRACT NO. 068247 FOR ROAD AND SANITARY SEWER IMPROVEMENTS AT 5013 FARAGO AVENUE

Authorized release of a Surety Bond, in the amount of \$69,800, upon completion of road improvements (\$17,800) and sewer improvements (\$52,000) at 5013 Farago Avenue, Tract No. 068247.

I. PETTY CASH REPORT

Received and filed the Petty Cash Report.

J. ADOPTION OF RESOLUTION NO. 12-4792 – APPROVAL OF PAYMENT OF BILLS

Adopted Resolution No. 12-4792, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$511,776.04 DEMAND NOS. 33647 THROUGH 33763.

K. ADOPTION OF RESOLUTION NO. 12-4795 TERMINATING THE DECLARATION OF A LOCAL EMERGENCY

Adopted Resolution No. 12-4795, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY PROCLAIMING TERMINATION OF LOCAL EMERGENCY.

L. ADOPTION OF RESOLUTION APPROVING APPLICATION FOR SUSTAINABLE COMMUNITIES PLANNING GRANT

Adopted Resolution No. 12-4797, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY APPROVING THE FILING OF AN APPLICATION FOR FUNDING THROUGH THE STATE OF CALIFORNIA SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM TO BE USED FOR PARTIAL FUNDING OF A FOCUSED UPDATE OF THE CITY OF TEMPLE CITY GENERAL PLAN.

8. UNFINISHED BUSINESS

A. ADOPTION OF ORDINANCE NO. 12-952 REPEALING SECTION 5308 FROM THE TEMPLE CITY MUNICIPAL CODE RELATING TO THE UNIFORM LOCAL SALES AND USE TAX ORDINANCE TO TERMINATE THE EXISTING CREDIT FOR PAYMENT OF SALES AND USE TAXES PAID TO THE TEMPLE CITY COMMUNITY REDEVELOPMENT AGENCY

City Attorney Vail requested the City Council consider second reading and adoption of Ordinance No. 12-952 repealing Section 5308 from the City's Municipal Code relating to the Uniform Local Sales and Use Tax Ordinance to terminate the existing credit for payment of sales and use taxes paid to the Temple City Community Redevelopment Agency. Adoption of this ordinance would repeal the Agency's authority to charge a sales tax within the project area, which will now be handled by the City. There is no increase in sales tax related to approval of this item.

At the request of Council, City Clerk Flandrick read the title of Ordinance No. 12-952.

Councilmember Blum moved to:

waive further reading and adopt Ordinance No. 12-952, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY REPEALING SECTION 5308 FROM THE

TEMPLE CITY MUNICIPAL CODE RELATING TO THE UNIFORM LOCAL SALES AND USE TAX ORDINANCE TO TERMINATE THE EXISTING CREDIT FOR PAYMENT OF SALES AND USE TAXES PAID TO 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. PUBLIC HEARING: REVIEW OF PLANNING COMMISSION DECISION APPROVING CONDITIONAL USE PERMIT 11-1795, A REQUEST TO ESTABLISH A PRESCHOOL/KINDERGARTEN AT 5537 TEMPLE CITY BOULEVARD (CONTINUED FROM THE MEETING OF DECEMBER 20, 2012)

The City Council was requested to review the Planning Commission's decision of October 25, 2011 and Resolution No. 11-2334 PC approving Conditional Use Permit 11-1795, and consider any new information or public testimony provided.

On October 25, 2011, the Planning Commission conducted a public hearing and approved a Conditional Use Permit 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 by a 3/2 vote.

Community Development Director Masura provided an overview of this item, stating at the time of the Planning Commission's approval in October 2011, there were concerns voiced by neighbors regarding noise. On November 7, 2011, the City Council requested to review the Planning Commission's decision and at their December 20 meeting, the Council conducted a public hearing and heard testimony from the public including associated noise issues. At the conclusion of the hearing, the Council directed staff to re-notice a public hearing for this meeting to collect information about the existing noise level on the subject site and to retain the opinion of the City's traffic engineer on the potential impact of parking and traffic that would be generated by the project. Temple City Boulevard was well under traffic capacity, so no mitigation measures were required. Noise levels on site only slightly exceeded normal residential at times and other traffic noises did exceed noise levels, but not on site. As a result no significant impacts were shown from noise levels on site.

The applicant did submit a revised project proposal which included additional modifications to the original request, primarily related to hours of operation and noise barrier options. The originally proposed Saturday Chinese language classes were omitted from the revised proposal. Community Development Director Masura reviewed the revisions in detail.

Associate Planner Liu provided a power point presentation of the site plan.

Council discussed the options proposed and staff responded to questions as needed.

Mayor Chavez opened the public hearing.

Michael Warner, Temple City resident and project manager for the school, stated the six foot acoustical fence and tree planting would greatly reduce the sound level and keep the noise within limits.

Sarah Brow, Temple City resident and marketing manager for the school, stated changes were made since the last meeting to accommodate the needs of the community by installing an acoustical fence and reducing the outside play time.

Stephen Morelli, Pastor of Grace Baptist Church, stated over the past two months he and his staff have worked very hard to quiet things down with the other church uses. All vans were removed from the property and a new patio roof was installed. All of the services were moved to the main building except for Friday night, but there will be no instruments, so everything possible has been done.

Community Preservation Officer Aceves responded to questions regarding noise levels, referring to his report of noise levels on and around the site taken on January 10, 12, 13, 15 and 19, 2012.

Gholam Deghatian, Temple City resident, stated it is important to him that his daughter attends this pre-school and he hoped that everyone would support the school.

Phyllis Roehr, Temple City resident, reiterated her concerns expressed at the last meeting, particularly regarding noise, and stated since that meeting the traffic and noise issues have been addressed. Temple City Boulevard is heavily trafficked and ingress and egress might be a problem. Also, she understood that there are many pre-schools in our community that are not filled and she questioned the address given for the operating license.

Robert Urquidi, Temple City resident, stated he lives close to the site and could hear noise disturbance and traffic noise. He can hear noise, especially on Sunday mornings, from the site and it appeared that the church doors were open. He also questioned the address on the application.

As requested by Council, Associate Planner Liu responded that the address on the application is the applicant's mailing address, not the site address.

Eileen Li, applicant, said she wished to receive approval of the CUP from the Council. She previously submitted a petition of approximately 230 signatures of residents in favor of the project within a 500 foot radius. The church has removed all of the vans from the property and changed church use time to minimize the noise. Pre-school needs have not been met in the community as the area pre-schools are all full, so a pre-school/kindergarten is really needed in the community.

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

Councilmember Blum stated at the last meeting Council heard strong support for this pre-school, but also concerns of noise and traffic in the area. The reports showed that neither should create a problem. The Pastor spoke of addressing noise issues and there are proposed mitigation measures to eliminate noise. He appreciated the Pastor addressing the issues brought up by neighbors and he believed these concerns have been addressed.

Councilmember Vizcarra echoed Councilmember Blum's comments, adding that much of the discussion centered on the noise factor from the church rather than the pre-school. It seems like the church has mitigated the problem. He spoke strongly last time because action had not been taken when it should have been. This community does need pre-schools and, as long as mitigation measures are complied with or a solution instituted, he was okay with the request.

Councilmember Sternquist said initially she was concerned with the added impact that a pre-school might bring to the neighborhood and also with the addition of a Chinese school on Saturdays. She realized that the Saturday class has been eliminated. From the beginning it seemed like the noise issue at the church was separate from the application for a pre-school, and was not sure why it took the application from the pre-school to bring forward the complaints of noise from the church. She felt the church has done what it needed to do to mitigate the needs and concerns of the neighbors. The applicant has gone above and beyond to address concerns by putting up sound barrier walls and to make sure they look attractive. She believed the pre-school with 60 children on a daily basis will not make a huge impact on the neighbors. If the noise level grows, the CUP could be taken away, so because of the pre-school, the neighborhood will be a more pleasant place to live. She was in favor of the pre-school which is very much needed.

Mayor Pro Tem Yu echoed his fellow Councilmembers, stating the traffic issues can be set aside. The noise from the school is not a major factor and he would leave the choice of wall and tree options up to staff for the best solution. Some kind of mitigation will help. He appreciated the Pastor working with the congregation to come up with an acceptable level of noise. To deny this CUP because of church noise is not fair and he hoped the Pastor will be the gatekeeper as the neighbors need a quiet environment.

Mayor Chavez said his colleagues did a great job in summarizing. He appreciated all of the comments expressed for and against. It seems as though the concerns expressed by the neighbors were addressed after the last meeting. The church has seen what is needed to move in the right direction and has taken good measures that indicate it will continue.

Council discussed the acoustic wall, fence and plant screening options, and considered the suggestion to leave that decision up to the Director. City Attorney Vail asked the Council for direction on how to amend conditions No. 5 and No. 7 to address the concerns stated.

Based on Council's comments, City Attorney Vail recommended wording for condition No. 5 to indicate that "the applicant shall install sound barrier fences, or hedges and/or acoustic structures along the western and northern perimeter walls adjacent to the preschool/kindergarten site to the satisfaction of the Community Development Department Director or his designee." Regarding condition No. 7, he suggested limiting the hours and days of operation to Monday through Friday, 7:00 a.m. to 6:00 p.m. and no Saturday operation.

Regarding the attempt to try to regulate noise generated from the buildings the school will use, the only options to solve that problem are: to only allow school use, with the remedy for noise concerns being to revoke the CUP for the school; or don't regulate the use of those buildings, with the controlling factor being the church controlling the noise and the City enforcing the noise ordinance regarding noise concerns. Council concurred with the latter option.

The recommended action would then be recommendation No. 2 as stated on the agenda with modifications made to condition No. 5 and No. 7 as noted.

Councilmember Blum moved to uphold the Planning Commission's decision and adopt Resolution No. 11-4785 approving Conditional Use Permit 11-1795 with modifications made to condition No. 5 and No. 7, 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: APPROPRIATION OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) FUNDS FOR THE CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM

The City received notification that it will receive \$100,000 from the Supplemental Law Enforcement Services Account (SLESA) for the Citizens' Option for Public Safety (COPS) program. Otherwise known as the COPS grant, the monies provide cities with annual funding to supplement their front line law enforcement services.

City Manager Pulido recommended the City Council continue this public hearing to the next Council meeting in order to obtain additional information from the Sheriff's Department.

City Attorney Vail suggested, as this item was advertised and noticed as a public hearing, to provide anyone present an opportunity to speak if they would not be able to attend on February 21.

No one requested to speak.

Mayor Chavez opened the public hearing.

Councilmember Blum moved to continue the public hearing to the City Council meeting of February 21, 2012, 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

10. COMMUNICATIONS – None

11. ACTIONS TAKEN BY CITY AS SUCCESSOR AGENCY TO THE TEMPLE CITY COMMUNITY REDEVELOPMENT AGENCY

City Attorney Vail stated that the following three agenda items are additional cleanup items that needed to be taken care of this evening in relation to actions authorized to be taken by the City as successor agency to the Community Redevelopment Agency. The proposed resolutions will authorize initiation of a checking account and setting up a savings account with the State of California Local Agency Investment Fund (LAIF) for surplus funds. In addition, approval of minutes and warrants are requested. He noted that the wording in Item B referring to a retirement fund simply means retiring the debt or obligation. It was suggested Council approve items 11A-C in one motion.

Councilmember Blum moved to approve Items 11A-C as recommended, 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 COMMUNITY REDEVELOPMENT AGENCY MINUTES OF JANUARY 17, 2012

Approved the Minutes of the Community Redevelopment Agency Regular Meeting of January 17, 2012, as presented.

B. RESOLUTIONS CREATING A REDEVELOPMENT OBLIGATION RETIREMENT FUND AND AUTHORIZING INVESTMENT IN THE STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND

- 1) Adopted Resolution No. 12-4794-SA establishing a Redevelopment Obligation Retirement Fund pursuant to Health and Safety Code Section 34170.5; and
- 2) Adopted Resolution No. 12-4793-SA authorizing investment in the State of California Local Agency Investment Fund (LAIF) pursuant to State Government Code Section 16429.1.

C. RESOLUTION NO. 12-4796-SA – APPROVAL OF WARRANTS

Adopted Resolution No. 12-4796-SA authorizing payment of bills.

12. UPDATE FROM CITY MANAGER

City Manager Pulido reported the Public Arts Community Meeting is scheduled for Wednesday evening at 6:30 p.m. for public input and another meeting is scheduled for the following Wednesday at the same time. Nominations for Older American of the Year are due by Friday. The Rosemead Boulevard Project California Environmental Quality Act (CEQA) document is ready for review and will be coming back to Council through several public hearings. The entire document is on the City's website. The Citizens' Academy application will be on the website by February 19th for kickoff on April 12th.

At the request of City Manager Pulido, Parks and Recreation Director Burroughs provided a status report on the windstorm cleanup process, in particular stump removal and tree replacement.

Councilmember Blum reminded staff to consider the Safe Routes to Schools program before replanting trees in areas that provide opportunities for this program.

City Manager Pulido stated the City will be submitting the Safe Routes to Schools program application next month.

13. MATTERS FROM CITY OFFICIALS – None

14. COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS

Councilmembers reported on recent meetings of the League of California Cities, City – School District Standing Committee, Rosemead Boulevard Enhancement Project Standing Committee, and County Sanitation District.

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

- A. COUNCILMEMBER BLUM – None
- B. COUNCILMEMBER STERNQUIST

Councilmember Sternquist requested Council consider placing on the agenda a clarification of the Council's Protocols, especially the process for Council to place items on the agenda. She said she had spoken to the City Attorney and one of his recommendations was to place an item under closed session for the evaluation of the City Manager and/or City Attorney to discuss this matter.

City Attorney Vail stated that Council can discuss in open session any protocol or procedural resolution; however, if there is a problem with how the City Manager or City Attorney have interpreted those processes, it could be the subject of a closed session as part of their evaluation.

Councilmember Sternquist said she felt the protocols had been changed since she has been on Council as this was not the procedure followed previously and she had a concern of Councilmember not being able to place an item on an agenda without having to go through this procedure. She said she spoke to both the City Manager and City Attorney about this and felt that the protocols are a living documents and only as good as the implementation of them. And to implement well, there needs to be clarification.

City Attorney Vail stated over the past year he has had questions with several Councilmembers regarding one or more protocol procedures, including: Council placement of items on the agenda; the City Charter provision about non-interference with management and staff; extent to which Councilmembers can work with or give directions to a staff member who is a liaison for a committee the Councilmember is going to work with; and talking to members of the community or applicants of development projects. He suggested that he and the City Manager would prepare an agenda report for Council's consideration of just those items initially.

- C. COUNCILMEMBER VIZCARRA

Councilmember Vizcarra provided information of a water tour he went on last week provided by the Upper San Gabriel Water District.

- D. MAYOR PRO TEM YU – None
- E. MAYOR CHAVEZ

Mayor Chavez said he attended Lunar New Year celebrations sponsored by the City and by the Chinese American Association.

Mayor Chavez said he placed information on the Sanitation District's Clear Water Program in the Council's Office for their reference.

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

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

Jerry Jambazian, Temple City businessman, and speaking as a Chamber Board Member, supported the Chamber's decision to send representatives to China on behalf of the Gateway

Project. One of the main responsibilities of the Chamber is to promote commerce. Funding is not available to finish this project so the owner/developer needs to fund this development another way – through the EB-5 Program. The Chamber will work with any owner or developer to promote commerce in the City and the main purpose of this visit is to meet with investors to develop this vacant piece of property that is in a prime spot of the City.

Mary Kokayko, Temple City resident, said she was upset about the Chamber visit because she did not know about it. It should have been in the Manager's Report. She did not think the City should go begging for Mr. Wang. If he can't get money, that is his problem. The Chamber is not going for business, they are going for money for him.

18. CLOSED SESSION – None

19. ADJOURNMENT

The Temple City Council Regular Meeting was adjourned at 10:14 p.m. in honor and in memory of Mr. Al Lehine.

Mayor

ATTEST:

City Clerk