

**CITY COUNCIL
TEMPLE CITY, CALIFORNIA
REGULAR MEETING MINUTES
JULY 20, 2010**

1. CALL TO ORDER

Mayor Vizcarra called the City Council Regular Meeting to order at 7:32 p.m. in the Council Chambers located at 5938 Kauffman Avenue, Temple City.

2. ROLL CALL

PRESENT: Councilmember-Blum, Sternquist, Yu, Chavez, Vizcarra
ABSENT: Councilmember-None

ALSO PRESENT: City Manager Pulido, City Attorney Vail, Parks and Recreation Director Burroughs, City Clerk Flandrick, Community Development Manager Lambert, Financial Services Manager Molina, Public Safety Officer Ariizumi

3. INVOCATION

The Invocation was provided by Councilmember Sternquist.

4. PLEDGE OF ALLEGIANCE

Resident Janice Helmer led those present in the Pledge of Allegiance to the Flag.

5. CEREMONIAL MATTERS – PRESENTATIONS

A. PROCLAMATION TO TEMPLE CITY VOICE NEWSLETTER

Mayor Vizcarra presented a proclamation to Matthew Wong, founder of the *Temple City Voice* and his staff in recognition of the newsletter's fourth anniversary in providing news to the Temple City community.

6. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Susan Schlaeger, Library Manager, provided information on upcoming programs at the Temple City Library.

Sharon and George Whipperman, Temple City residents, submitted a letter regarding video cameras at the In-N-Out Burger which they felt invaded their privacy as well as other upgrades the restaurant undertook without applying for permits. After asking and receiving no response to date from the City, they requested the City Council address this issue.

Mayor Vizcarra stated City Manager Pulido would follow up on this issue.

7. CONSENT CALENDAR

Councilmember Yu removed Item N, Councilmember Blum removed Item K, and Mayor Pro Tem Chavez removed Item F from the Consent Calendar.

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

AYES: Councilmember-Blum, Sternquist, 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 of June 22, 2010;
- 2) Minutes of the Special Meeting of June 29, 2010;
- 3) Minutes of the Special Meeting of June 30, 2010; and
- 4) Minutes of the Regular Meeting of July 6, 2010.

B. APPROVAL OF PROGRESS PAYMENT NO. 3 TO HIRSCH & ASSOCIATES, INC. FOR WORK PERFORMED ON THE LIVE OAK PARK CIRCULAR PLANTER RENOVATION PROJECT

Approved progress payment No. 3, in the amount of \$2,500.00, to Hirsch & Associates, Inc. for professional architectural services performed for the Live Oak Park Circular Planter Renovation Project (P10-03).

C. ACCEPTANCE OF BID AND AWARD OF CONTRACT FOR THE LIVE OAK PARK PLAYGROUND EQUIPMENT REPLACEMENT PROJECT

- 1) Accepted the bid submitted by Heisler Landscape General Engineering, Inc. in the amount of \$25,981.80, for the Live Oak Park Playground Equipment Replacement Project (P10-04);
- 2) Approved a 10% contingency (\$2,598.18);
- 3) Authorized the City Manager to sign the Agreement; and
- 4) Authorized \$27,000 to be carried over from FY 2009-10 to FY 2010-11.

D. APPROVAL OF THE FY 2010-11 GATEWAY PUBLIC EMPLOYMENT RELATIONS CONSORTIUM AGREEMENT AND INVOICE PAYMENT

Approved the FY 2010-11 Gateway Public Employment Relations Consortium Agreement and invoice for \$2,774.00, and authorized the City Manager to sign the agreement.

E. RELEASE OF A CERTIFICATE OF DEPOSIT FOR PARCEL MAP NO. 070014 FOR ROAD IMPROVEMENTS AT 6149 TEMPLE CITY BOULEVARD

Authorized release of a Certificate of Deposit, in the amount of \$22,350, upon completion of road improvements at 6149 Temple City Boulevard, Parcel Map No. 070014.

G. PROJECT ACCEPTANCE FOR THE NEW TRAFFIC SIGNALS ON TEMPLE CITY BOULEVARD AND ELLIS LANE; APPROVAL OF PROGRESS PAYMENT NO. 2 AND RELEASE OF FINAL RETENTION PAYMENT

- 1) Approved progress payment No. 2 in the amount of \$60,486.48 to Freeway Electric;

- 2) Accepted the New Traffic Signals on Temple City Boulevard and Ellis Lane Project as complete;
 - 3) Authorized the City Clerk to file a Notice of Completion; and
 - 4) Authorized release of the final retention payment, in the amount of \$11,201.20, thirty-five days after filing the Notice of Completion.
- H. AWARD OF A CONSTRUCTION CONTRACT FOR THE TRAFFIC SIGNAL UPGRADES ON TEMPLE CITY BOULEVARD AT LAS TUNAS DRIVE AND BALDWIN AVENUE AT OLIVE STREET – CIP P09-01 AND P09-02
- 1) Accepted the bid proposal submitted by Christopher Morales, Inc., in the amount of \$119,849.00, plus a 10% contingency (\$11,984.90) for a total of \$131,833.90 for the Traffic Signal Upgrades on Temple City Boulevard at Las Tunas Drive and Baldwin Avenue at Olive Street (CIP P09-01, P09-02); and
 - 2) Authorized the City Manager to execute the agreement on behalf of the City.
- I. PROJECT ACCEPTANCE FOR WORK PERFORMED ON THE FREER STREET ASPHALT OVERLAY PROJECT (P09-09) AND APPROVAL OF PROGRESS PAYMENT NO. 3 TO ELITE BOBCAT SERVICE, INC.
- 1) Approved progress payment No. 3, in the amount of \$148,434.88, to Elite Bobcat Service (EBS) Inc.;
 - 2) Accepted the Freer Street Asphalt Overlay Project (P09-09) as complete;
 - 3) Authorized the City Clerk to file a Notice of Completion; and
 - 4) Authorized the release of the security deposit, in the amount of \$73,911.83, held in escrow by Commerce West Bank, thirty-five days after filing the Notice of Completion.
- J. ADMINISTRATIVE POLICY NO. 3.02 – REIMBURSEMENT OF TRAVEL AND EXPENSES FOR ELECTED AND APPOINTED OFFICIALS
- Approved Administrative Policy No. 3.02 – Reimbursement of Travel and Expenses for Elected and Appointed Officials.
- L. VISA CARD REPORT
- Received and filed the Visa Card Report with the current charges.
- M. ADOPTION OF RESOLUTION NO. 10-4684 – APPROVAL OF PAYMENT OF BILLS
- Adopted Resolution No. 10-4684, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY ALLOWING CLAIMS AND DEMANDS IN THE SUM OF \$586,056.47 DEMAND NOS. 29730-29732, 29738-29744, 29747-29820 (\$174,012.09 – FY 2009-2010) AND DEMAND NOS. 29733-29737, 29745-29746, 29821-29844 (\$412,044.38 – FY 2010-2011).

F. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE VOLUNTEER CENTER OF SAN GABRIEL VALLEY

The City Council was requested to authorize the City Manager to enter into an agreement in the form of a Memorandum of Understanding (MOU) with the Volunteer Center of San Gabriel Valley (VCSGV) for use of Court

Referred Community Service (CRCS) Program volunteers.

Mayor Pro Tem Chavez inquired what types of offenses would the City choose or not choose as far as participants in the program, and who would make the choice.

Public Safety Officer Ariizumi stated the choice would be made by staff and could be as limited or as broad as desired.

Judith Angelo, President and CEO of the Program, stated the applicants are screened very carefully for eligibility to participate in the program, and would be placed with the City based on the City's direction as to which offenses would be allowed. The majority of cities allow only traffic type offenses and stay away from violent offenses.

Councilmember Yu suggested the City's policy to be to only accept participants with traffic related misdemeanor offenses.

Mayor Pro Tem Chavez moved to authorize the City Manager to enter into an agreement in the form of a Memorandum of Understanding (MOU) with the Volunteer Center of San Gabriel Valley (VCSGV) for use of Court Referred Community Service (CRCS) Program volunteers, seconded by Councilmember Blum and unanimously carried by the following roll call vote:

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

K. FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

The City Council was requested to consider approval of the First Amendment to the City Manager's Employment Agreement to reflect a couple of changes stemming from the City Council's Fiscal Year (FY) 2010-11 City Budget adoption.

Councilmember Blum stated, at the City Manager's request, this amendment to his agreement would implement the same changes the Council approved for staff, that is: a 1% employee contribution to the Public Employees Retirement System (PERS), and the same medical reimbursement reduction. He also clarified that since the Council is considered to also be employees, they were included in this budget action also.

Councilmember Blum moved to approve the First Amendment to the City Manager's Employment Agreement to reflect a couple of changes stemming from the City Council's Fiscal Year (FY) 2010-11 City Budget adoption, seconded by Mayor Pro Tem Chavez and unanimously carried by the following roll call vote:

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

- N. RESOLUTION NO. 10-4685 OF THE CITY OF TEMPLE CITY AMENDING THE PERSONNEL RULES AND REGULATIONS, AND APPROVING THE CLASSIFICATIONS AND SALARY RANGES FOR THE COMMUNITY DEVELOPMENT DIRECTOR, ECONOMIC DEVELOPMENT MANAGER/ASSISTANT TO THE CITY MANAGER, AND CODE ENFORCEMENT SUPERVISOR POSITIONS

The City Council was requested to review and approve Resolution No. 10-4685 amending the Personnel Rules and Regulations, and approving the classifications and salary ranges for the Community Development Director, Economic Development Manager/Assistant to the City Manager, and Code Enforcement Supervisor positions.

Councilmember Yu indicated he had some questions and comments regarding the classification descriptions. He wished to know why the Code Enforcement Supervisor was not an "at will" position.

City Attorney Vail responded that literally all department heads and managers are "at will", but supervisors do not fall into that category.

Councilmember Yu suggested, regarding the Community Development Director, that plan check and permitting be included under duties and landscape architect be included under degrees.

City Manager Pulido indicated that information could be added to the classification.

Councilmember Yu wished to approve the job descriptions and salary ranges for the new positions tonight, but would like Council to consider the tiered benefit system. It could be included when these positions are advertised.

City Attorney Vail stated the City can have the authority to create a separate or tiered benefit system to be imposed on new hires after the policy is adopted. The City should not interview or hire or advertise until this is done. The three positions could be filled under the current benefit program and the policy could be changed at a later date.

Councilmember Yu suggested a temporary employment contract for three months or more until the policy is complete.

City Manager Pulido thought it might be tough to recruit under those circumstances. Throughout the budget process he understood Council wished to fill these positions as quickly as possible to proceed with the fast track program.

Mayor Vizcarra recommended Council move forward with the plan and see what can be adjusted at a later date.

Councilmember Blum moved to adopt Resolution No. 10-4685, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY AMENDING THE PERSONNEL RULES AND REGULATIONS, AND APPROVING THE CLASSIFICATIONS AND SALARY RANGES FOR THE COMMUNITY DEVELOPMENT DIRECTOR, ECONOMIC DEVELOPMENT MANAGER/ASSISTANT TO THE CITY MANAGER, AND CODE ENFORCEMENT SUPERVISOR POSITIONS, and amending the class specifications as recommended by Councilmember Yu, seconded by Mayor Pro Tem Chavez and carried by the following roll call vote:

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

ABSTAIN: Councilmember-None

8. UNFINISHED BUSINESS

A. REVIEW OF OPTIONS FOR PERMANENT PLACEMENT OF BRONZE BUST OF WALTER P. TEMPLE

Parks and Recreation Director Burroughs reviewed recent Council discussions regarding the placement of the Walter P. Temple bust. Based on Council's direction, staff requested Hirsch and Associates, Inc. to incorporate placement of the bust and design of the pedestal into the Temple City Park Monument Sign Project. On May 20, staff provided copies of the architect's design concepts to the Council for review and input, and also to Robert Hepler, a local resident who assisted with the coordination of the bust project. The bust has been on display in City Hall since it was unveiled and dedicated during the 50th anniversary celebration. On several occasions, Josette Temple, the granddaughter of Walter P. Temple, has expressed to staff her desire for the bust to remain in City Hall, as she was concerned that the bust would be vandalized at the proposed location in the park.

Mr. Hepler provided four additional designs which staff forwarded to the architect. At this time staff requested direction from the Council to either keep the bust in its present location at City Hall or to permanently install the bust at the southeast corner of Temple City Park in coordination with the new monument sign. If so, Council is asked to review the designs submitted by the architect and Mr. Hepler and select one option.

Council discussed the various designs and amount of donated funds for this purpose. Director Burroughs stated estimates for incorporating the bust into the monument sign range from \$10,000 - \$12,000 for very simple designs to upwards of \$20,000 - \$25,000 for a plaza entryway design, similar to the entrance to the Chamber of Commerce. The City Council viewed the designs and discussed the design features, with preference for option B from the architect at the southeast corner of Temple City Park. The City Council requested staff solicit different background options from the architect for this design choice, and return to Council.

9. NEW BUSINESS

A. PUBLIC HEARING: INTRODUCTION OF ORDINANCE NO. 10-936 – CONSIDERATION OF CHANGES TO THE ZONING CODE TO ALLOW HEDGE HEIGHTS OVER SIX FEET TALL OUTSIDE OF THE FRONT YARD SETBACK AREA IN RESIDENTIAL ZONES, AND TO SPECIFICALLY DEFINE HEDGES

Community Development Manager Lambert reviewed his staff report, stating on February 23, 2010, staff requested an interpretation from the Planning Commission regarding hedge heights in residential zones. The Commission directed staff to survey hedge definitions and hedge height requirements of nearby cities. This information was presented to the Planning Commission who adopted a resolution recommending that the City Council adopt an ordinance that would define hedges and eliminate the hedge height requirement in the rear yard area of residential properties.

The proposed ordinance would make two changes to the zoning code. First, it would strike out "hedge" in section 9316: "A wall, fence ~~or hedge~~ or security gate not more than six feet in height may be located and maintained on any part of an R zoned lot except those areas comprising the front yard". Secondly it would add the definition of "hedge" in section 9101 to state: "Hedge: vegetation, shrubs and/or trees planted to create a physical and/or visual barrier".

Councilmember Yu stated, as the city is becoming denser with a lot of 2-story development, many people would desire to protect their privacy with taller hedges. By amending the code, homeowners would have the ability to have taller trees and vegetation, and it was preferable to look out at vegetation than any kind of wall. He was in favor of the amendment because it makes it clear what people can do.

Mayor Vizcarra felt there needs to be some reasonable limit imposed.

Mayor Pro Tem Chavez agreed with the concept but was not convinced that the City would still have to impose some type of maximum height.

Councilmembers Sternquist and Yu felt it would be difficult to regulate and enforce the height of plans and vegetation.

Community Development Manager Lambert noted that if the vegetation is deemed to be unkempt, then the property owner could be cited.

Mayor Vizcarra opened the public hearing.

Frank Ruedel, Temple City resident, asked how this would affect people with flag lots.

Community Development Manager Lambert responded that the code has a provision for staff to make a front yard determination as some flag lot or tiered lot properties have no street frontage so staff makes a determination that would apply to these lots.

Mary Burke, Temple City resident, asked if mature trees in her front yard would be subject to this ordinance.

Mayor Pro Tem Chavez stated that this ordinance is not changing front yard regulations.

Hearing no further 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. 10-936.

Councilmember Blum moved to adopt the Negative Declaration, waive further reading and introduce Ordinance No. 10-936, an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE CITY AMENDING THE TEMPLE CITY ZONING CODE TO ALLOW HEDGE HEIGHTS OVER SIX FEET TALL OUTSIDE OF THE FRONT YARD SETBACK AREA IN RESIDENTIAL ZONES, AND TO SPECIFICALLY DEFINE HEDGES; TITLE 9, CHAPTER 1, ARTICLE A, SECTION 9109: DEFINITIONS; AND TITLE 9, CHAPTER 1, ARTICLE K, SECTION 9316, seconded by Mayor Pro Tem Chavez and unanimously carried by the following roll call vote:

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

10. COMMUNICATIONS – None

11. RECESS TO COMMUNITY REDEVELOPMENT AGENCY MEETING

At 9:03 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.

RECESS TO FINANCING AUTHORITY MEETING

At 9:04 p.m., the City Council recessed to the Financing Authority Meeting. Minutes of the Authority Meeting are set forth in full in the Authority's records.

RECONVENE AS CITY COUNCIL

The City Council Meeting was reconvened at 9:05 p.m. with all Councilmembers present.

12. **ACTION ON REQUEST BY CRA** – None
13. **UPDATE FROM CITY MANAGER** – None
14. **MATTERS FROM CITY OFFICIALS** – None
15. **COUNCIL REPORTS REGARDING AD HOC OR COMMISSION MEETINGS**

Councilmember Yu reported on the Ad Hoc Committee meeting regarding the Buxton study. He and Councilmember Sternquist met last week to begin to compile the top twenty choices from each Councilmember. There will be more to report after their next meeting.

Mayor Pro Tem Chavez reported that the Youth Committee Liaison, comprised of himself, Planning Commissioner Horton and Parks and Recreation Commissioner Arrighi, conducted interviews of ten out of the thirteen applicants for the Youth Committee. Their recommendation to the Council is to reduce the number of committee members as they found that eleven members makes it difficult as far as focusing and completing projects. Unless there were any objections, it was recommended to reduce the Youth Committee to seven members, whom they have selected to be introduced at a future Council meeting.

Mayor Pro Tem Chavez also reported on the third meeting of the Protocol Ad Hoc Committee, in which he and Councilmember Blum have reached the position where City Attorney Vail will make the latest changes and distribute to Council next week. The goal is to have everyone review the document and provide comments, and by the second meeting in August will discuss it at an open hearing and adopt the set of protocols. Drafts will be distributed to Commissioners and to the public to solicit opinions. Mayor Pro Tem Chavez thought it important to let the public know the committee's process in going over goals and objectives. They felt the citizens were entitled to have a fair, open, transparent, accountable local government. They set out to create a set of protocols to set a higher standard and to go further in creating an open atmosphere. The protocols include how to keep openness and fairness in public meetings, ethical decision making, efficiency and accountability, and interaction with staff and each other. The protocols also set out enforcement guidelines and the tools to take action.

Councilmember Blum asked the other Councilmembers when they review this document, to see if anything has been missed.

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

A. COUNCILMEMBER BLUM

1) Eaton Wash Corridor Planning Process

Councilmember Blum stated about three years ago the City formed a number of Task Committees, including one addressing park issues. The Council recently received notification about community planning workshops regarding the Eaton Wash Corridor and the possibility of funding opportunities for the City to acquire parkland. The Eaton Wash covers over two miles in our city on the west side of town. There are

two workshops scheduled before the end of September and he requested the Parks and Recreation Department by itself or with its Commission to get actively involved in this process and report back to the Council what opportunities to pursue.

B. COUNCILMEMBER STERNQUIST

Councilmember Sternquist reported on several events. She attended the Chamber Mixer last evening and met a lot of wonderful people and business owners who wished to hear what the public would like to see in their businesses.

Councilmember Sternquist and Mayor Pro Tem Chavez attended the Sister City kickoff for the students leaving for Australia and wished them well on behalf of the City.

Council was also invited to a luncheon with Sheriff Baca which was very enjoyable for newly elected and appointed Councilmembers. They enjoyed meeting with Councilmembers from other cities and were very appreciative of the opportunity to attend.

C. COUNCILMEMBER YU

Councilmember Yu informed the members of the public that supporting documents for agenda items are available online. By clicking on any particular agenda item, the supporting documents will come up so you can preview any backup information related to each item. There are also copies of the entire agenda packet in the back of the Chambers as well.

D. MAYOR PRO TEM CHAVEZ

Mayor Pro Tem Chavez shared details of his recent experience on a research vessel maintained by the Sanitation District. The Council was invited by the District to get an overview of what happens with waste water. He found it very interesting and will leave information on the Sanitation District and how they operate at City Hall.

Mayor Pro Tem Chavez suggested, as brought up previously by Councilmembers Yu and Sternquist, a public calendaring system that may be put on the website at some point, to show the Council's calendar and the public events and meeting they attend.

E. MAYOR VIZCARRA

Mayor Vizcarra reminded everyone of the "Elvis" Concert in the Park tomorrow.

17. **REIMBURSEMENTS OF EXPENSES PAID TO OFFICIALS FOR CONDUCT OF CITY BUSINESS** – None
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 9:24 p.m.

Mayor

ATTEST:

City Clerk