



Tuesday, April 23, 2013

A Regular Meeting of the City Council was held in the Council Chamber, Pico Rivera City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Mayor Camacho called the meeting to order at 6:00 p.m. on behalf of the City Council.

PRESENT: Archuleta, Armenta, Salcido, Tercero, Camacho

ABSENT: None

COMMISSIONERS PRESENT:

Paul Gomez, Parks & Recreation Commission

INVOCATION: Victor Gonzalez

PLEDGE OF ALLEGIANCE: Parks & Recreation Commissioner, Paul Gomez

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:

Daniel Bustamante, representative of Sequel Contractors, Inc.:

- Addressed the City Council regarding Item No. 10 and an assessment of liquidated damages. He spoke in objection to the assessment charges and the date referred to in the Notice of Completion as being incorrect.

John Garcia:

- Addressed the City Council in support of Item No. 7 award of the adult basketball league contract.

CONSENT CALENDAR:

1. Minutes:

- Approved City Council meeting of April 9, 2013.
- Received and filed Parks & Recreation Commission meeting of March 14, 2013;
- Received and filed Planning Commission meeting of March 18, 2013; and
- Received and filed Planning Commission meeting of April 1, 2013.

2. **Approved 17th Warrant Register of the 2012-2013 Fiscal Year.** (700)
Check Numbers: 256360-256538
Special Checks Numbers: None.

3. **Selection of Consultant for Design Services for the Pico Rivera Sports Arena Campground Park.** (500)

This item was pulled from the Consent Calendar for further discussion and clarification.

4. **Extended Leave of Absence without Pay for Account Clerk II.** (200)
1. Approved an extended leave of absence without pay.

5. **Treasurer's Report – December 31, 2012.** (700)
1. Received and filed Quarterly Treasurer's Report for the quarter ending December 31, 2012.

6. **Summer Food Service Program.** (700)
1. Approved Resolution No. 6711 for the submittal of the Summer Food Service Program grant application.

Resolution No. 6711 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ACCEPTING THE CALIFORNIA STATE DEPARTMENT OF EDUCATION GRANT FOR THE SUMMER FOOD SERVICE PROGRAM

7. **Award Adult Basketball League – Award Contract.** (500)

This item was pulled from the Consent Calendar for further discussion and clarification.

8. **Proposed Walking Crew Program Elimination.** (800)

This item was pulled from the Consent Calendar for further discussion and clarification.

9. **Passons Boulevard Underpass – Federal Project No. HPLUL-5351 (018), CIP No. 20053 - Notice of Completion.** (500)

1. Accepted as complete, effective April 1, 2013, work performed by Brutoco Engineering & Construction, Inc. on the Passons Boulevard Underpass Project and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
2. Authorized the City Manager to approve Change Order Nos. 16 through 33 in the total amount of \$511,470 for additional project improvements; and
3. Authorized the City Manager to approve Change Order No. 34 in the total amount of \$522,697; a balancing change order needed to adjust the contract bid quantities.

10. Passons Boulevard Underpass, Phase III, CIP No. 20053 - Notice of Completion. (500)

This item was pulled from the Consent Calendar for further discussion and clarification.

11. Concrete Improvements in Community Development Block Grant (CDBG) Areas, CIP No. 21244 – Notice of Completion. (500)

1. Accepted as complete, effective April 10, 2013, work performed by Martinez Concrete, Inc. on the Concrete Improvements in the CDBG Areas Project and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
2. Authorized the City Manager to approve two (2) Change Orders for additional work in the amount of \$32,559.

12. Oversized Vehicle Parking on City Streets – Status Update. (1400)

This item was pulled from the Consent Calendar for further discussion and clarification.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to approve Consent Calendar Items 1, 2, 4, 5, 6, 9, and 11. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

3. Selection of Consultant for Design Services for the Pico Rivera Sports Arena Campground Park. (500)

Councilmember Salcido asked that the Ad Hoc Committee provide reasons for their recommendation.

Councilmember Armenta stated that the recommendation is not only from the Ad Hoc Committee but also from city staff. He stated that MIG seem to be the most professional company to provide the services that are needed. Mayor Camacho stated that MIG is the better suited company to deal with the issues at the campground. Parks & Recreation Director Gonzalez added that MIG not only provided a very robust fiscal analysis but a final master plan that could be used to solicit future grants.

Councilmember Archuleta asked why the discrepancies in the amounts bid. Councilmember Armenta stated that one of the companies did not understand the scope of work that the project entailed.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Tercero to authorize the City Manager to negotiate a Professional Services Agreement with MIG not to exceed \$70,245 for professional design services for the Sports Arena Campground Park Design and Development Project. Motion carries by the following roll call vote:

Agreement No. 13-1383

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

7. Award Adult Basketball League – Award Contract. (500)

Councilmember Salcido stated that the notes of the Ad Hoc Committee did not reflect the focus of the meeting from his perspective. He stated that all leagues need to follow under similar guidelines and is not in favor of awarding contracts to any particular league. He stated a league should not be for profit and recommended that in the future incorporating this league into the Parks & Recreation program. Mr. Salcido further stated that he prefers to see the notes from the Ad Hoc Committee in minute form rather than an editorial.

Motion by Councilmember Archuleta, seconded by Councilmember Salcido to award contract with ELI Basketball League to operate an Adult Basketball League in the city. Motion carries by the following roll call vote:

Agreement No. 13-1384

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

8. Proposed Walking Crew Program Elimination. (800)

Councilmember Salcido stated that with the elimination of the walking crew program that the walking crew staff would be absorbed into the REACH program and asked for how long. Parks & Recreation Manager Manor stated that with the reduction in part-time staff hours city-wide, there will be a need for additional staff to be implemented into other areas of the Parks & Recreation services.

Councilmember Archuleta asked if eliminating the walking crew is the best way for the city to go. Parks & Recreation Director Gonzalez stated that the REACH Program is fully self-subsidized through a state grant, the walking crew program cost \$110,000 plus a year, which part of that is paid for by the parents and \$85,000 is subsidized by the city. Recreation Coordinator West provided a brief PowerPoint presentation on the REACH Program. She stated that the REACH Program is from K-5th grade and that the El Rancho Unified School District offers a program for 6th to 8th grade called "Think Together" that is a free.

Councilmember Salcido expressed his concern with the elimination of the walking crew program and the effect it will have on the relationship with current employees.

Mayor Pro Tem Tercero asked questions regarding the cost per student and the maximum of students at all sites. Manager Manor stated that the cost per student is \$7.50, the program is for a 36 week period, and the maximum of students for all sites is 980.

Mayor Camacho reiterated his understanding with the City Manager is that all jobs from the walking crew program would be placed elsewhere within the Parks & Recreation Department and that no jobs would be eliminated. City Manager Bates responded to Mayor Camacho's comments in the affirmative.

Councilmember Salcido reiterated his concerns for staff of the walking crew program to have jobs beyond six (6) months.

Motion by Councilmember Armenta, seconded by Mayor Camacho to approve the elimination of the Walking Crew Program for Fiscal Year 2013-2014. Motion carries by the following roll call vote:

AYES: Armenta, Tercero, Camacho

NOES: Archuleta, Salcido

10. Passons Boulevard Underpass, Phase III, CIP No. 20053 - Notice of Completion. (500)

In reference to the speaker's comments in regard to Item No. 10, Councilmember Salcido asked City Manager Bates for an explanation.

City Manager Bates recommended that Council move forward with the item to finish the Notice of Completion and to allow staff to complete the funding on the project. He stated that staff is aware of the concern with the contractor and will work with the contractor to resolve the issue. He added that there was a typo in the staff report in regard to the Notice of Completion date.

Public Works Director Cervantes further stated that the city is using grant funds for this project that are more than 10 years old. He stated the city has a deadline of June 30, 2013 to fully expend the money. This deadline, he stated, includes a submittal to CalTrans and a reimbursement that may take some time. He further stated that City Council is not taking a vote this evening on whether or not to assess liquidated damages. The liquidated damages, he stated, are handled administratively and generally resolved administratively through a technical forum.

Councilmember Armenta reiterated that he would like to be briefed on these types of issues prior to the City Council meeting. Councilmember Archuleta concurred with Councilmember Armenta's comments.

Mayor Pro Tem Tercero inquired about the Notice of Completion date as stated in the staff report and the change orders listed in the report. He stated that the typo of the date on the Notice of Completion is significant and that Council should have been made aware of this prior to the City Council meeting.

City Attorney Alvarez-Glasman reiterated that the approval of the Notice of Completion and authorization of additional change order work is without prejudice to the city's legal position on any front.

Motion by Councilmember Archuleta, seconded by Mayor Camacho to: 1) Accept as complete, effective April 16, 2013, work performed by Sequel Contractors, Inc. on the Passons Boulevard Underpass, Phase III, CIP No. 20053, and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and 2) Authorize the City Manager to approve four (4) Change Orders for additional work in the amount of \$71,857. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho

NOES: Salcido, Tercero

12. Oversized Vehicle Parking on City Streets – Status Update. (1400)

Councilmember Salcido addressed his concerns with Recreational Vehicles (RV's) parked on residential streets for safety reasons. He suggested that the city be more proactive in monitoring these vehicles.

Mayor Pro Tem Tercero provided an explanation to the Ad Hoc Committee's recommendation. Mayor Camacho added that staff will continue to monitor the situation to develop a policy.

Councilmember Armenta suggested that a policy needs to be put in place for those residents who don't have storage places for their RV's. He concurred with Councilmember Salcido's comments to be more proactive.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to reject current recommendation and refer the item back to the Ad Hoc Committee for further evaluation. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

LEGISLATION: None.

Councilmember Salcido requested that staff provide at a future meeting an explanation on the water outage that took place a couple weeks ago.

Recessed to Water Authority at 7:03 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:04 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS:

Councilmember Salcido requested a closed session dealing with employment related issues in regard to a possibility of fraud related to federal documents.

Councilmember Archuleta asked staff to work with the railroad on a graffiti removal policy.

OLD BUSINESS:

Councilmember Salcido requested that the Sheriff Department and Public Works apply pressure on persons soliciting money in the Towne Center and Market Place. Councilmember Archuleta requested the enforcement include street medians as well.

Mayor Camacho requested that staff provide a Public Safety report and requested that the Sheriff and city staff develop a plan on how to address the issue of panhandlers.

Councilmember Archuleta asked for an update on the Telegraph Road development. Public Works Director Cervantes stated that the Telegraph Road median enhancement project includes various street improvements between Passons Boulevard and Rosemead Boulevard along Telegraph Road. The main improvement, he stated, is the installation of the raised medians which will go down the center of the road and eliminate the old two-way left turn lane. He stated that the project is proceeding on schedule.

2ND PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY-RELATED BUSINESS:

Maribel Alvarez, representative of Rivera Library:

- Addressed the City Council to invite residents to participate in the Children's story time, April 30, 2013.

Recessed to Closed Session at 7:11 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 7:43 p.m.

ALL MEMBERS WERE PRESENT

CLOSED SESSION(S):

a. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

City Manager Ron Bates

Assistant City Manager Mike Matsumoto

Employee organization(s):

Service Employees International Union, Local 721 - Full-Time Bargaining Unit

Pico Rivera Mid-Managers and Professional and Confidential Association

Bargaining Unit

City Attorney Alvarez-Glasman stated that there was no final action taken and nothing further to report.

ADJOURNMENT:

Mayor Camacho adjourned the City Council meeting at 7:44 p.m. There being no objection it was so ordered.

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

Gustavo V. Camacho, Mayor

ATTEST:

Anna M. Jerome, Deputy City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council regular meeting dated April 23, 2013 and approved by the City Council on May 14, 2013.

Anna M. Jerome, Deputy City Clerk