



Tuesday, May 14, 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:

Joseph Palombi, Parks & Recreation Commission

Esther Celiz, Planning Commission

INVOCATION: Esther Celiz, Planning Commissioner

PLEDGE OF ALLEGIANCE: Joseph Palombi, Parks & Recreation Commissioner

SPECIAL PRESENTATIONS:

- Employee Recognitions:
 - Cynthia Ayala, Parks & Recreation Department, 5 years
 - Francisco Perez, Public Works, 5 years
 - Raymond Chavez, Administration, 15 years
- National Public Works Week – Proclamation
- Certificate of Appreciation to California Manufacturing Technology Consulting (CMTc) for Offering Their Small Manufacturer’s Advantage Program - Presented to Fabio Gomez, Regional Manager

PUBLIC HEARING

1. **Public Hearing - Zone Reclassification No. 313 to Change the Zone Designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the Properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard, Pico Rivera.** (1300)

Mayor Camacho opened the public hearing and noted that there was no written communications to provide public testimony.

City Manager Bates stated that representatives of Norm's Restaurant were present in the audience and referred the item to Community and Economic Development Director Martinez.

Community and Economic Development Director Martinez introduced Phil Singerman, President and Jerry O'Connell, Vice President of Norm's Restaurant who provided a brief PowerPoint presentation. Director Martinez stated that the item is a rezone of the property that will allow the city to address the entire development as a whole which includes vehicle/pedestrian circulation, landscaping setbacks, architecture, view corridors, signage, etc.

Oral Communications:

Javier Pacheco:

- Addressed the City Council regarding proper notification of the public hearing to the public to give residents an opportunity to speak.

In response to the speaker's comments, Senior Planner Aguilar stated that the notification of the public hearing was published in the *Whittier Daily News*, mailed out to all property owners within 300 feet of the property, it was posted at the Post Office, City Hall Bulletin Board, City facilities, libraries, and in addition a notice was placed on the property itself.

City Attorney Alvarez-Glasman stated that the city was in full compliance with the law in regard to publication/posting/notification and further stated that the full agenda is on-line 72 hours prior to the meeting.

Mayor Camacho closed the public hearing.

Motion by Councilmember Archuleta, seconded by Councilmember Armenta to: 1) Adopt Resolution No. 6712 approving Zone Reclassification No. 313; and 2) held first reading and introduction of Ordinance No. 1074 amending Zoning Map of the City of Pico Rivera. Motion carries by the following roll call vote:

Resolution No. 6712 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING A ZONE RECLASSIFICATION TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AS SHOWN ON ATTACHMENT "A" AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313

Ordinance No. 1074 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313 (FIRST READING AND INTRODUCTION)

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY: None.

CONSENT CALENDAR:

2. Minutes:

- Approved City Council meeting of April 23, 2013

3. Approved 18th Warrant Register of the 2012-2013 Fiscal Year. (700)

Check Numbers: 256539-256873

Special Checks Numbers: None.

4. Landscaping and Lighting Assessment District No. 1 – Annual Renewal Consideration. (700)

1. Adopted Resolution No. 6713 initiating the Fiscal Year 2013-2014, Levy of Annual Assessment and ordering the preparing of the Engineer's Report for the Landscaping and Lighting Assessment District No. 1;
2. Adopted Resolution No. 6714 preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014, levy and collection of assessments within the Landscaping and Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972; and
3. Adopted Resolution No. 6715 declaring the City Council's intention to levy and collect the annual assessment within the Landscaping and Lighting Assessment District No. 1 for Fiscal Year 2013-2014, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 25, 2013 as the date for the public hearing on objections thereto.

Resolution No. 6713 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO PROVISIONS OF CALIFORNIA STREETS AND HIGHWAYS CODE DIVISION 15, PART 2

Resolution No. 6714 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014

Resolution No. 6715 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CONFIRMING THE ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2013-2014, PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1

5. **Paramount/Mines Landscape Maintenance Assessment District – Annual Renewal Consideration.** (700)

1. Adopted Resolution No. 6716 initiating the Fiscal Year 2013-2014 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Paramount/Mines Landscape Maintenance Assessment District; and
2. Adopted Resolution No. 6717 preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014 levy and collection of assessments within the Paramount/Mines Landscape Maintenance Assessment District pursuant to the Landscaping and Lighting Act of 1972; and
4. Adopted Resolution No. 6718 declaring the City Council's intention to levy and collect the annual assessment within the Paramount/Mines Landscape Maintenance Assessment District for Fiscal Year 2013-2014 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 25, 2013 as the date for the public hearing on objections thereto.

Resolution No. 6716 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, INITIATING THE FISCAL YEAR 2013-2014 LEVY OF ANNUAL ASSESSMENT AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

Resolution No. 6717 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014

Resolution No. 6718 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT WITHIN THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2013-2014 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND SETTING THE TIME AND PLACE OF THE HEARING ON OBJECTIONS THERETO

6. Summer Food Service Program Vendor Agreement. (500)

1. Subject to grant approval, approved the Summer Food Service Program vendor agreement to Food Service Outreach, Inc. D.B.A., Pacific Catering Company for provision of food services.

Agreement No. 13-1389

7. City Hall Emergency Back-up Generator Project, CIP 21243 – Award Construction Contract. (500)

1. Awarded a construction contract in the amount of \$318,425 to TSR Construction & Inspection for the City Hall Emergency Back-up Generator Project, CIP No. 21243, and authorized the Mayor to execute the contract in a form approved by the City Attorney; and
2. Appropriated \$98,325 in Water Funds to the City Hall Emergency Back-up Generator Project, CIP No. 21243.

Agreement No. 13-1391

8. Installation of Traffic Controls Devices - Traffic Safety. (1400)

1. Received and filed.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to approve Consent Calendar Items 2 through 8. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION: None.

LEGISLATION:

9. Metropolitan Transportation Authority Congestion Mitigation Fee Program. (1400)

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to receive and file a report on the Los Angeles County Metropolitan Transportation Authority's

(Metro) proposed Congestion Mitigation Fee Program. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

Recessed to Housing Assistance Agency at 6:40 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 6:41 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS:

Councilmember Armenta requested that a written report on the outcome of an incident that took place on opening day for Rivera Baseball Association (RBA) be provided to City Council.

Councilmember Archuleta asked if any staff members would be attending the business conference in Las Vegas, with City Manager Bates responding that Council members Camacho and Armenta would be attending as well as City Attorney Alvarez-Glasman. He stated that the Community and Economic Development Department have provided to the mayor, council member and city attorney a list of potential businesses that staff would like to attract to the city along with scheduled meetings.

Mayor Camacho mentioned the luncheon fundraiser to be held by the Sheriff's Department on Wednesday, May 15, 2013 to raise funds for high school scholarships and the Tip-A-Cop fundraiser at Chili's to support Special Olympics.

OLD BUSINESS:

Councilmember Salcido presented a list of concerns regarding reduction in employee hours to less than 30 hours in order not to have to provide health insurance and asked if there is any penalty for doing this, suggested Council reconsider lighting issues at Rio Vista Park (T-ball fields) and Streamland Park, recommended re-addressing the windows for concession stands at Rivera Park and Smith Park, inquired about the

recent city water outage, and requested a closed session item regarding personnel related issues for the meeting of May 28, 2013 under the title of City Manager.

Motion by Councilmember Tercero, seconded by Councilmember Archuleta to reconsider the lighting issues at both Rio Vista and Streamland Parks at the next Council meeting on May 28, 2013. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

In regard to Councilmember Salcido's question regarding penalties for not providing health insurance, City Manager Bates stated that there is no penalty and that staff will provide available information to those employees who are affected by the reduction in hours and who may apply for health care under Obama Care as individuals.

Pertaining to the water outage, Public Works Director Cervantes stated that the water service interruption was caused by a power failure in the motor control center that operates the well. The power, he stated, came back on about fifteen minutes later; however, it took some time for the pressure to normalize so the water was not restored immediately. He stated that due to the lack of modernized technology, staff was not able to easily identify the problem. The other issue, he stated, is that the city is lacking a working emergency back-up generator. He further stated that staff was unable to identify the cause of the specific problem that triggered the power outage and stated that it was not due to human error since the wells are not manually operated.

With regard to closed session, City Attorney Alvarez-Glasman reminded City Council of his concern with having a conversation about the specific discipline for an employee that is not within the jurisdiction of the City Council. He stated that employees have privacy rights and that includes their right to confidentiality of their discipline.

Council members engaged in further discussion regarding policy and procedure and the proper title for closed session. City Attorney Alvarez-Glasman stated that he would research the Brown Act to see whether this item could be discussed in closed session based on providing City Council with information only and not discussion on the personnel matter. Councilmember Archuleta suggested that the Human Resources Department provide information on policy and procedure. Mayor Camacho asked City Attorney Alvarez-Glasman to proceed with his research on this subject and to report back to City Council with his findings.

Councilmember Armenta asked if the issues of the dam with the Army Corp of Engineer's will affect the installation of lighting. City Manager Bates stated that staff will investigate the issue and report the findings to City Council.

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

Andrew Gomez and Paloma Martinez, representatives of the Teen Court:

- Addressed the City Council to provide a progress report and to thank City Council for allowing them to occupy the cities facilities and for their support. The students presented a Certificate of Appreciation to the City of Pico Rivera.

Councilmember Salcido mentioned that El Rancho High School student, Cristian Roldan, was named the Gatorade California State Player of the year in soccer and is up for the national award.

Recessed to Closed Session at 7:32 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 7:45 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

Service Employees International Union, Local 721 – Director's Bargaining Unit

City Attorney Alvarez-Glasman stated that there was no final action taken and nothing further to report. He further stated that the item will be brought back before City Council once the MOUs have been signed.

ADJOURNMENT:

Mayor Camacho adjourned the City Council meeting in memory of Pastor Richard Ochoa at 7:46 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 May 14, 2013 and approved by the City Council on May 28, 2013.

Anna M. Jerome, Deputy City Clerk