



Tuesday, June 25, 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:**

Robert Martinez, Planning Commission

**INVOCATION:** Councilmember Archuleta

**PLEDGE OF ALLEGIANCE:** Planning Commissioner Martinez

**SPECIAL PRESENTATIONS:**

- Certificate of Recognition presented to Pico Rivera PeeWee Donnas for placing 1<sup>st</sup> at the 2013 JAMZ Cheerleading National Championship Competition in Las Vegas.

**PUBLIC HEARING:**

**1. Public Hearing – Landscape and Lighting Assessment District No 1. (700)**

City Manager Bates stated that this is an annual report provided to the City Council for their consideration.

Mayor Camacho opened the public hearing and noted that there were no written communications or public comment cards to provide public testimony.

Mayor Camacho closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to: 1) Approve Resolution No. 6727 approving the Engineer's Annual Levy Report for the

Pico Rivera Landscape and Lighting Assessment District No. 1 for Fiscal Year 2013/2014; and 2) Approve Resolution No. 6728 ordering the Collection of Assessments within the Pico Rivera Landscape and Lighting Assessment District No. 1 for Fiscal Year 2013/2014 pursuant to the Landscaping and Lighting Act of 1972. Motion carries by the following roll call vote:

Resolution No. 6727 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2013/2014 LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1, FISCAL YEAR 2013/2014

Resolution No. 6728 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ORDERING THE COLLECTION OF ASSESSMENTS WITHIN THE PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1, FISCAL YEAR 2013/2014

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**2. Public Hearing – Paramount/Mines Landscape Maintenance Assessment District. (700)**

City Manager Bates stated that this a routine assessment.

Mayor Camacho opened the public hearing and noted that there were no written communications or public comment cards to provide public testimony.

Mayor Camacho closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to: 1) Approve Resolution No. 6729 approving the Engineer's Annual Levy Report for the Paramount/Mines Landscape Maintenance Assessment District for Fiscal Year 2013/2014; and 2) Approve Resolution No. 6730 ordering the Collection of Assessments within the Paramount/Mines Landscape Maintenance Assessment District for Fiscal Year 2013/2014 pursuant to the Landscaping and Lighting Act of 1972. Motion carries by the following roll call vote:

Resolution No. 6729 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, 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

Resolution No. 6730 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT, AND LEVYING THE FISCAL YEAR 2013/2014 ASSESSMENT FOR THE PICO RIVERA PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**3. Public Hearing – Community Development Block Grant 2013-2014 Draft Action Plan. (1600)**

Mayor Camacho opened the public hearing and noted that there were no written communications or public comment cards to provide public testimony.

Mayor Camacho closed the public hearing.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to continue the item to the City Council meeting of July 9, 2013. Motion carries by the following roll call vote:

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**4. Public Hearing – An Urgency Ordinance Extending the Terms and Provisions of Ordinance No. 1075 Declaring a Moratorium on the Acceptance, Processing or Issuance of Any Zoning Permit, Use Permit, Building Permit, Occupancy Permit, or Other Entitlement for Electronic Cigarette Retailers, Drug Paraphernalia Retailers and Head Shops within City Limits. (1300)**

Mayor Camacho opened the public hearing.

Community and Economic Development Director Martinez stated that the City Council adopted a 45-day Urgency Ordinance on May 28, 2013 that placed a temporary moratorium on the sale and the establishment of electronic cigarette (e-cigarettes) retailers, drug paraphernalia retailers, and head and smoke shops. He stated that the California Government Code authorizes the extension of the urgency ordinance provided a public hearing is held and that a 10-day report is provided prior to the expiration of the interim ordinance. The recommendation, he stated, is for an extension of the moratorium of 10 months and 15 days to allow staff further study and evaluation.

Deputy Director Gonzales provided a brief PowerPoint presentation regarding the regulations of electronic cigarette and drug paraphernalia. She stated that the FDA does not regulate e-cigarettes and that SB 648 would ban the use of e-cigarettes in public places and is pending approval by the State Assembly. She further stated that this moratorium would apply only to applicants of new business licenses and is not retroactive.

Councilmember Armenta asked if surrounding cities are adopting the same type of moratorium. City Manager Bates stated that some cities are taking the same types of steps. Deputy Director Gonzalez stated that a local survey of cities has not been taken but there is a list of cities that have adopted ordinances that prohibit new sales.

Written Communications:

Written communications opposing the Urgency Ordinance for extending the terms and provisions of Ordinance No. 1075 were received from the following:

- Maureen
- Kimberlee Metz
- Brian Robles
- Ann Woodbridge
- Kathryn Lafferty
- John Nahas
- Tom Robbio
- Latif Issa
- Joginder Multani
- Kenny Lim
- Hector Trujillo
- Osman Elbiali
- Adam Hoyle

- Frieda Norris
- Gregory Conley
- Thomas A. Briant, NATO Executive Director and Legal Counsel

Oral Communications:

The following speakers provided public comment in opposition to the Urgency Ordinance for extending the terms and provisions of Ordinance No. 1075:

- Jeff Pulice
- Nirmal Singh
- Al Abufarie
- Fr. Jack Kearney
- Tom Winn

The following speakers spoke in support of the Urgency Ordinance for extending the terms and provision of Ordinance No. 1075:

- Emily Peyton
- Joe Price

Discussion ensued amongst the City Council and staff regarding the length of the moratorium and how much time is needed for staff to research the subject. Further discussion included concerns with the possibility of businesses losing money and a sunset clause for making the ordinance retroactive. Community and Economic Development Deputy Director Gonzalez stated that additional time is needed because the city is waiting for the states ruling on the subject matter.

Councilmember Archuleta asked Captain Thornton if the Sheriff's Department has had any arrest pertaining to the e-cigarette and drug paraphernalia. Captain Thornton said he checked with the headquarters narcotic division regarding e-cigarettes and that he is unaware of any specific incidents.

Councilmember Salcido suggested a 45-day moratorium for further intense research and study in lieu of the additional 10 months and 15 days and to separate the two issues between drug paraphernalia and electronic cigarettes when the ordinance is brought back to City Council for approval.

City Attorney Nichols stated in regard to reducing the time from 10 months and 15 days to 45-days that the law is not clear on how many extensions to the moratorium can be given within a two year period.

Mayor Camacho closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Ordinance No. 1077 extending Urgency Ordinance No. 1075 by an additional 45-days for further research. Motion carries by the following roll call vote:

Ordinance No. 1077 AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, EXTENDING THE TERMS AND PROVISIONS OF ORDINANCE NO. 1075 DECLARING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR ISSUANCE OF ANY ZONING PERMIT, USE PERMIT, BUILDING PERMIT, OCCUPANCY PERMIT, OR OTHER ENTITLEMENT FOR ELECTRONIC CIGARETTE RETAILERS, DRUG PARAPHERNALIA RETAILERS AND HEAD SHOPS WITHIN CITY LIMITS FOR A PERIOD OF 45 DAYS

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**1<sup>st</sup> PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:** None.

**CONSENT CALENDAR:**

**5. Minutes:**

- Approved City Council meeting of June 11, 2013
- Received and filed Parks & Recreation meeting of May 9, 2013
- Received and filed Planning Commission meeting of June 3, 2013

**6. Approved 21<sup>st</sup> Warrant Register of the 2012-2013 Fiscal Year. (700)**

Check Numbers: 257228-257431

Special Checks Numbers: None.

**7. Second Reading – Film Permit Amendment, General Clean Up of Outdated and Unclear Code Language, Elimination of Parks and Recreation Admin Fee and Adoption of Resolution Maintaining the Current Fee Structure for Fiscal Year 2013-14. (700)**

1. Adopted Ordinance No. 1076, an ordinance of the City Council amending Chapters 5.61, *Motion Picture, Television, Still Photography Filming and Production*, of Title 5, *Business License and Regulations*; 2.04, *City Manager*, and 2.08, *City Council*, of Title 2, *Administration and Personnel*; 3.20, *Purchasing*, of Title 3, *Revenue and Finance*; and 13.08, *Administration-Rules and Regulations*, of Title 13, *Water and Sewers*, pertaining to the clean-up of outdated and unclear code language, of the Pico Rivera Municipal Code.

Ordinance No. 1076 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTERS 5.61 (MOTION PICTURE, TELEVISION, STILL PHOTOGRAPHY FILMING AND PRODUCTION), 2.04 (CITY MANAGER), 2.08 (CITY COUNCIL), 3.20 (PURCHASING) AND 13.08 (ADMINISTRATION-RULES AND REGULATIONS), PERTAINING TO CLEAN UP OF OUTDATED AND UNCLEAR CODE LANGUAGE, OF THE PICO RIVERA MUNICIPAL CODE (SECOND READING AND ADOPTION)

**8. Side Letter Agreements with Pico Rivera Mid-Managers Association and Pico Rivera Professionals and Confidential Association. (500)**

1. Approved Side Letter with Pico Rivera Mid-Managers Association Bargaining Unit; and
2. Approved Side Letter with Pico Rivera Professionals and Confidential Association Bargaining Unit.

Agreement No. 12-1302-1

**9. Weekend Graffiti Removal Services – Second Amendment to Agreement No. 09-1095. (500)**

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

- 10. Smith Park and Rio Vista Park Renovation Projects – Amendment No. 5 to Professional Services Agreement No. 10-1180 with URS Corporation, Inc. – Construction Management Services. (500)**

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

Motion by Councilmember Armenta, seconded by Councilmember Salcido to approve Consent Calendar items 5 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:**

- 9. Weekend Graffiti Removal Services – Second Amendment to Agreement No. 09-1095. (500)**

After a brief discussion amongst City Council and staff regarding the service hours and length of the contract, City Council unanimously concurred to continue the item to the meeting of July 9, 2013. Mayor Pro Tem Tercero stated that the city needs to be cognizant of money being used in regard to graffiti removal.

- 10. Smith Park and Rio Vista Park Renovation Projects – Amendment No. 5 to Professional Services Agreement No. 10-1180 with URS Corporation, Inc. – Construction Management Services. (500)**

Director of Public Works Cervantes stated that the city is continuing construction on Rio Vista and Smith Park renovation projects. He stated that currently the city is using professional services for construction management services that are being provided by URS.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Amendment No. 5 to Professional Services Agreement No. 10-1180 with URS Corporation, Inc. (URS) for additional construction management services for an amount not to exceed \$85,950 and authorized the Mayor to execute Amendment No. 5 in a form approved by the City Attorney.

Agreement No. 10-1180-5

**LEGISLATION:**

**11. Fiscal Year 2013-14 Budget Adoption.**

(700)

City Manager Bates and Finance Director Matsumoto presented the budget to City Council utilizing a PowerPoint presentation. Highlights of the presentation included budget summary revenues, expenditures, general fund expenditure, general fund sources and uses, budget assumptions, long-term challenges, prior general fund budget changes and recommendations.

Councilmember Archuleta spoke about the city's reserves, improvements to the city, increases in sales and property tax, new businesses, city employees, and adoption of a balanced budget.

City Manager Bates mentioned upcoming National Pollution Discharge Elimination System (NPDES) requirements that may have a fiscal impact on the city.

Councilmember Armenta spoke of continued furlough days and the anticipation of hiring new staff. City Manager Bates stated that property tax and sales tax should do well in the next couple years and if the economy continues to stabilize the city should do well.

Mayor Pro Tem Tercero asked City Manager Bates to explain why the increase of employees in Finance. Mr. Bates stated that the city was relying on contract employees and based on City Council's direction in regard to replacing contract employees, the city will be hiring full time employees.

Mayor Pro Tem Tercero and Councilmember Salcido expressed their concern for the maintenance of the new parks with under staffed public works personnel and requested that the upkeep of the parks be a top priority with all City Council members concurring.

City Manager Bates stated that there are no plans for lay-offs and that the challenge that lies ahead is to continue to balance the budget.

Mayor Camacho expressed his desire to continue with Public Safety as to draw in new businesses and feels optimistic about the future due to the increase of sales and property tax.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to: 1) Adopt Resolution No. 6731 approving and adopting the Annual Appropriations Limit for the Fiscal Year 2013-2014 (Attachment 1); and 2) Approve the Fiscal Year 2013-2014 Budget (Attachment 2).

Resolution No. 6731 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2013-2014

**AYES:** Archuleta, Armenta, Tercero, Camacho

**NOES:** Salcido

Recessed to Water Authority at 7:43 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:44 p.m.

ALL MEMBERS WERE PRESENT

**NEW BUSINESS:**

Councilmember Armenta asked for an updated report on Rivera Park issues at the next City Council meeting of July 9, 2013 and on the Rivera Baseball Association (RBA).

**OLD BUSINESS:**

Councilmember Archuleta inquired about addresses in the alley ways. City Manager Bates and Assistant to the City Manager Chavez stated that a pilot program is currently being drafted to address the issue.

Mayor Camacho congratulated Mr. Joe Price and committee on the success of the Relay for Life event that took place over the weekend at El Rancho High School field stadium.

**2<sup>ND</sup> PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY-RELATED BUSINESS:**

Zita Rodriguez:

- Addressed the City Council to thank Director of Public Works Cervantes for his help in fixing a problem; suggested adding two typewriters to the new library for senior citizens who are not computer savvy; inquired about a walkway at Smith Park; spoke in regard to city employees and the budget.

Nora Chen, Rivera Librarian:

- Addressed the City Council regarding summer reading program; t-shirt program; and signed artwork by Raymond Ramirez of Whittier Boulevard.

**ADJOURNMENT:**

Mayor Camacho adjourned the City Council meeting at 7:55 p.m. There being no objection it was so ordered.

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

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Gustavo V. Camacho, Mayor

**ATTEST:**

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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 June 25, 2013 and approved by the City Council on July 9, 2013.

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Anna M. Jerome, Deputy City Clerk