CITY COUNCIL AGENDA

Tuesday, July 23, 2013
Regular Meeting 6:00 p.m.
Council Chamber
6615 Passons Blvd.
Next Resolution No. 6732
Next Ordinance No. 1078
Next Agreement No. 13-1400

ROLL CALL:

Gustavo V. Camacho, Mayor
Brent A. Tercero, Mayor Pro Tempore
Bob J. Archuleta, Councilmember
David W. Armenta, Councilmember
Gregory Salcido, Councilmember

COMMISSIONERS SCHEDULED TO BE PRESENT:

Ruben Garcia, Planning Commission
Paul Gomez, Parks & Recreation Commission

INVOCATION:

(In accordance with the Court's Decision in Rubin v. City of Burbank, only nonsectarian prayers/invocations are allowed during the invocation)

PLEDGE OF ALLEGIANCE:

SPECIAL PRESENTATIONS:

- 30th Anniversary of National Night Out

PLEASE TURN OFF ALL PAGERS AND/OR PHONES WHILE MEETING IS IN SESSION AND PLEASE REFRAIN FROM TEXTING DURING THE MEETING

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In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please call the City Clerk's office at (562) 801-4389, if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

PUBLIC HEARING:

1. **Continued Public Hearing – An Urgency Ordinance Extending the Terms and Provisions of Ordinance No. 1077 Declaring a Moratorium on the Acceptance, Processing or Issuance of any Zoning Permit, Use Permit, Building Permit, Occupancy Permit, or Other Entitlement for Drug Paraphernalia Retailers and Head Shops within City Limits** (1600)
   a. Open Public Hearing
   a. Memo from City Manager
   b. Written Communications
   c. Oral Communications
   d. Close Hearing
   e. **Recommendation:**
      1. Recommend City Council adoption of an ordinance extending Urgency Ordinance No. 1077 by an additional one year and eliminate electronic cigarettes from the moratorium.

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

1st PERIOD OF PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS, PLEASE FILL OUT A GREEN PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks. In accordance with Government Code Section 54954.2, members of the City Council may only: **1)** respond briefly to statements made or questions posed by the public; **2)** ask a question for clarification; **3)** provide a reference to staff or other resources for factual information; **4)** request staff to report to the City Council at a subsequent meeting concerning any matter raised by the public; and **5)** direct staff to place a matter of business on a future agenda. City Council members cannot comment on items that are not listed on a posted agenda.

CONSENT CALENDAR ITEMS:

All items listed on the Consent Calendar may be acted on by a single motion without separate discussion. Any motion relating to a Resolution or Ordinance shall also waive the reading of the titles in full and include its adoption as appropriate. If discussion or separate vote on any item is desired by a Councilmember or staff, that item may be pulled from the Consent Calendar for separate consideration.

2. **Minutes:**
   - City Council meeting of July 9, 2013

   Recommendation: Approve
   - Parks & Recreation meeting of June 13, 2013
   - Planning Commission meeting of July 1, 2013

   Recommendation: Receive and File.

3. **2nd Warrant Register of the 2013-2014 Fiscal Year.** (700)
   Check Numbers: 257649-257787; 257790-257869
   Special Checks Numbers: 257788-257789
   Recommendation: Approve

4. **Authorization of Submittal of Application for Used Oil Recycling Funds Under CalRecycle Used Oil Payment Program.** (500)
   Recommendation:
   1. Approve a resolution authorizing the submittal of an application to the CalRecycle for funding under the Used Oil Recycling Payment Program 4th Cycle.

      Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CITY STAFF TO SUBMIT APPLICATION FOR USED OIL RECYCLING FUNDS THROUGH THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND ITS NEWLY FORMED USED OIL PAYMENT PROGRAM

5. **Resolution of Intent for Proposed Vacation of a Portion of the Frontage Road Located North of 9036 Beverly Boulevard in the General Commercial (C-G) Zoned District.** (1200)
   Recommendation:
   1. Adopt Resolution of Intent to Vacate a portion of the Beverly Boulevard Right-of-Way (ROW) setting a public hearing for August 27, 2013.

Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF THE FRONTAGE ROAD LOCATED NORTH OF 9036 BEVERLY BOULEVARD, PICO RIVERA HEREIN REFERRED TO AS STREET VACATION NO. 13-1

6. **Approval of City Purchase Orders Above $30,000 for Fiscal Year 2013-2014.** (700)
Recommendation:
   1. Approve Purchase Orders above $30,000 for Fiscal Year 2013-2014.

7. **Federal Equitable Sharing Agreement for Asset Forfeiture.** (500)
Recommendation:
   1. Approve a Federal Equitable Sharing Agreement with the United States Department of Justice and the United States Department of Treasury for the disposition of funds forfeited in connection with a crime and authorize the Mayor to execute the Agreement; and
   2. Adopt a resolution approving participation in the Federal Equitable Sharing Agreement Program and authorize the execution of related documents.

   Resolution No. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING PARTICIPATION IN THE FEDERAL EQUITABLE SHARING AGREEMENT PROGRAM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS

8. **Edward Byrne Memorial Justice Assistance Grant Award – Fiscal Year 2013/2014.** (700)
Recommendation:
   1. Receive and file the Edward Byrne Memorial Justice Assistance Grant Application.

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

LEGISLATION:

9. **An Ordinance of the City of Pico Rivera Amending Chapter 8.48, *Smoking* of the City of Pico Rivera Municipal Code Prohibiting Tobacco and Electronic Cigarettes in Public Places.** (1300)
Recommendation:

1. Introduce the ordinance amending Chapter 8.48, *Smoking* of the Pico Rivera Municipal Code updating where tobacco products and electronic cigarettes may be utilized.

   Ordinance No. _____ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 8.48, *SMOKING*, PROHIBITING TOBACCO AND E-CIGARETTE SMOKING IN PUBLIC PLACES **(FIRST READING AND INTRODUCTION)**

10. Service Employees International Union (SEIU), Local 721 – Financial Analysis.
Recommendation: (200)

1. Hear presentation by SEIU regarding their financial analysis.

NEW BUSINESS:

OLD BUSINESS:

2ND PERIOD OF PUBLIC COMMENTS - THIS TIME IS RESERVED FOR COMMENTS THAT HAVE NOT BEEN ADDRESSED ALREADY OR THAT ARE NOT LISTED ON THE AGENDA. PLEASE FILL OUT A BLUE PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks.

CLOSED SESSION:

a. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
   Pursuant to Government Code Section 54956.9 subdivision (d)(4)
   One matter – Consideration of Initiating Litigation against the Los Angeles County

ADJOURNMENT:

AFFIDAVIT OF POSTING

I, Anna M. Jerome, Assistant City Clerk, for the City of Pico Rivera, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Pico Rivera City Hall bulletin board, Pico Rivera Post Office and Parks: Smith, Pico and Rivera and full agenda packets distributed to the Pico Park and Serapis Libraries, which are available for the public to view. Additionally, agenda was distributed to members of the media on this the 18th day of July 2013.

Dated this 18th, day of July 2013

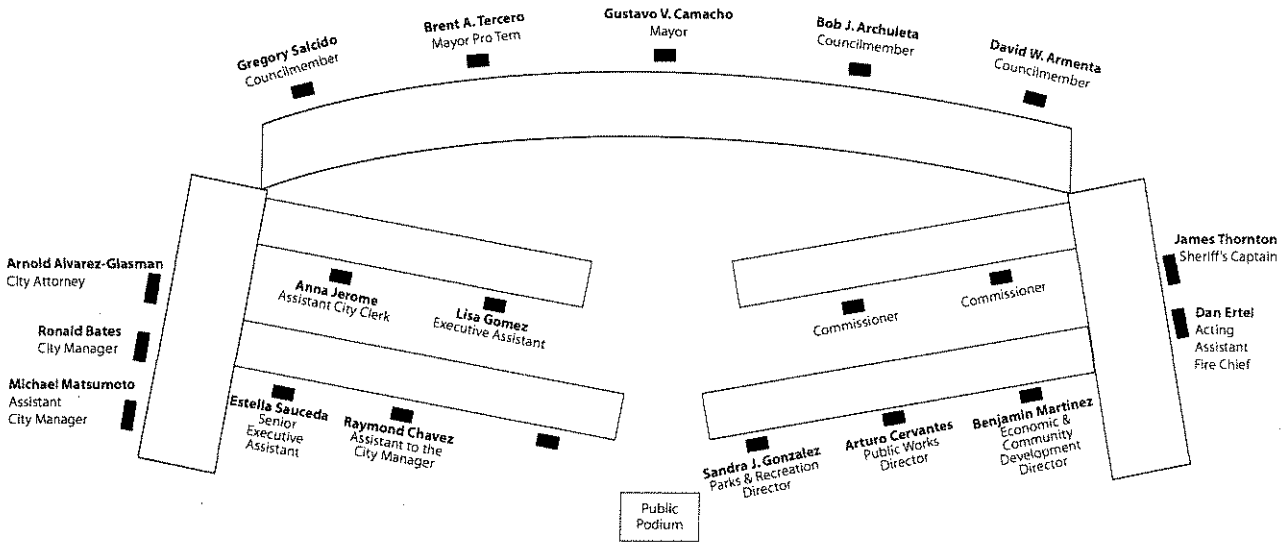
Anna M. Jerome

Anna M. Jerome, CMC
Assistant City Clerk

SB343 NOTICE

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the City Clerk to at least a majority of the City Council Members regarding any item on this regular meeting agenda will be available on the back table at the entrance of the Council Chamber at the time of the City Council meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.

Council Meeting Seating Chart



STATEMENT REGARDING DECORUM AT CITY COUNCIL MEETINGS

If you wish to speak at the time set aside for public comments, the City Council has established the following standards and Rules of Decorum as allowed by State law.

- Public comment is limited to those portions of the meeting referred to as Public Comments. These portions are intended for members of the public to address the City Council, Redevelopment Agency, Housing Assistance Agency or Water Authority on matters related to agendas or any other items under the subject matter jurisdiction of the City Council or Agencies.

- A yellow Public Hearing Comment Request card must be completed to speak during a Public Hearing.

- A green Public Comment Request – Agenda Items Only card is for those wishing to address the Council/Agency on agenda items only during the 1st Period of Public Comments.

- A blue Public Comment Request – All other City-Related Business card is for those wishing to address the Council/Agency on any other items under the subject matter jurisdiction of the Council/Agency during the 2nd Period of Public Comments.

- Citizens may address the Council, Redevelopment Agency or Housing Assistance Agency once for a **maximum of three minutes**. After each speaker returns to his/her seat, the Mayor shall determine the time and manner of response, but typically if answers are available, they will be given after all speakers have had an opportunity to address the City Council.

- Members of the audience are asked to refrain from clapping or otherwise speaking from their seats. Those not meeting the standards for decorum may be escorted from the meeting.

RULES OF DECORUM CAN BE FOUND IN THE PICO RIVERA MUNICIPAL CODE SECTION 2.08.050 AS ESTABLISHED BY ORDINANCE 783 ADOPTED ON AUGUST 20, 1990 AND AMENDED BY ORDINANCES 822 (SEPTEMBER 21, 1992) AND 1020 (MARCH 21, 2006).

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: CONTINUED PUBLIC HEARING - AN URGENCY ORDINANCE EXTENDING THE TERMS AND PROVISIONS OF ORDINANCE NO. 1077 DECLARING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR ISSUANCE OF ANY ZONING PERMIT, USE PERMIT, BUILDING PERMIT, OCCUPANCY PERMIT, OR OTHER ENTITLEMENT FOR DRUG PARAPHERNALIA RETAILERS AND HEAD SHOPS WITHIN CITY LIMITS

Recommendation:

Recommend City Council adoption of an ordinance extending Urgency Ordinance No. 1077 by an additional one year and eliminate electronic cigarettes from the moratorium.

Fiscal Impact: None.

Discussion:

On June 25, 2013, the City Council adopted Ordinance No. 1077, a 45-day Urgency Ordinance extending a temporary moratorium on the sale and the establishment of electronic cigarette (e-cigarette) retailers, drug paraphernalia retailers, head and smoke shops. The City Council directed staff to separate the drug paraphernalia item from the electronic cigarettes item and conduct additional research.

California Government Code Section 65858 authorizes a moratorium for an initial 45 days, a second extension for 10 months 15 days and a final extension for one year. In total a moratorium can be in effect for no more than a two year period. The Government Code Section 65858 is silent should the legislative body choose a lesser time period than that prescribed in the government code section. As such, staff is

requesting the final extension prescribed per state law of one year. However, staff does not anticipate that the update to the Municipal Code regarding drug paraphernalia will necessitate a full year.

TEN DAY REPORT PER GOVERNMENT CODE SECTION 65858(D)

MEASURES TAKEN AND TO BE TAKEN:

California Health and Safety Code Section 11014.5 prohibits the sale of drug paraphernalia and lists several types of items that may be utilized for drug purposes such as bongs and glass pipes sold in head and smoke shops. However, the law states that the items are considered drug paraphernalia if there is "intent" that the mechanisms will be used for illicit drug use. To strengthen state law and clarify the sale of such products, the moratorium clearly provides language that prohibits the sale of drug paraphernalia whether intended to be used or not for illicit drug use.

Staff is requesting additional time to prepare an update to the City's existing ordinance incorporating California Health and Safety Code Section 11014.5 and conduct further research on items not currently defined, inconsistent or not included in the state law and begin for the preparation of local legislation to include "intent" as part of the definition.

Conclusion:

Staff requests additional time to prepare an update to the municipal code in order to make the City's drug paraphernalia ordinance consistent with state law and to adequately establish and adopt local regulations. The moratorium and update to the municipal code will strengthen the City's position on prohibiting drug paraphernalia should the City be challenged. Staff recommends that the City Council approve the extension of Urgency Ordinance No. 1077 for one year.

Ronald Bates

RB:BM:JG:ll

Attachment: Ordinance

ORDINANCE NO. _____

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

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that on May 28, 2013, it adopted Ordinance No. 1075, an Ordinance of the City Council of the City of Pico Rivera declaring a moratorium on the acceptance, processing or issuance of any zoning permit, use permit, building permit, occupancy permit, or other entitlement for establishment and operation for electronic cigarettes retailers, drug paraphernalia retailers, head and smoke shops within city limits, and setting forth facts constituting the same as an urgency ordinance.

SECTION 2. On June 25, 2013, the City Council voted to extend the moratorium for 45 additional days adopting Ordinance No. 1077 and continued the public hearing.

SECTION 3. The City Council finds that it is imperative that the moratorium be separated between drug paraphernalia, head and smoke shops and electronic cigarettes and grant the extension of one year for Ordinance 1077.

SECTION 4. The City Council finds that in accordance with the terms and provision of Ordinance No. 1075 and Ordinance No. 1077, planning division staff commenced studies pertaining to the proper conditions and regulations for electronic cigarette retailers, drug paraphernalia retailers, smoke and head shops and a written report describing the measures taken and to be taken to alleviate the conditions that led to the adoption of Ordinance No. 1075 and subsequently Ordinance No. 1077 is set forth in the staff report accompanying the Ordinances, which are incorporated by reference. Said reports are approved and issued by the City Council pursuant Government Code Section 65858(d).

SECTION 5. The City Council finds that in accordance with the terms and provisions of Section 65858 of the Government Code and following notice given in the time and manner required by law, it held a public hearing on the extension of Ordinance No. 1075 on June 25, 2013 and adopted Ordinance No. 1077 and requested to continue the public hearing. After hearing all applicable evidence, the City Council finds that the conditions and findings cited in Ordinance No. 1075 and Ordinance No. 1077 continue to exist and that further studies by staff are necessary to develop the proper land use regulations for the establishment and operation of drug paraphernalia retailers, head and smoke shops.

SECTION 6. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance, and extension of the moratorium hereby, may have a significant effect on the environment, because the moratorium will impose greater limitations on development in the City, and will thereby serve to reduce potential significant adverse

environmental impacts. It is therefore, exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b) (3) of the California Code of Regulations.

SECTION 7. Imposition of Moratorium.

1. In accordance with the authority granted the City under Government Code Section 65858, from and after the date of this ordinance, no use permit, variance, building permit, or any other applicable entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment or operation drug paraphernalia retailer, head shop and smoke shop for a period of one year.

2. For purposes of this ordinance "**drug paraphernalia retailer**" shall be consistent with the California Health and Safety Code Section 11014.5 and shall mean a business that makes available (wholesale or retail), trades, loans, or barters any of the following:

   a. Kits designed for use or marketed for use in planning, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
   b. Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
   c. Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.
   d. Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.
   e. Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.
   f. Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.
   g. Hypodermic syringes, needs and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
   h. Objects designed for use or marketed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.

3. For purposes of this ordinance "**Head Shop or Smoke Shop**" shall mean a business that sells (wholesale or retail), trades loans or barters drug-related paraphernalia or any item whether useful for non-drug related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing manufacturing, preserving, inhaling, injecting or ingesting of marijuana, hashish, cocaine, any controlled substance, new age herbs, or other recreational drugs.

4. This ordinance is an interim ordinance adopted as an urgency measure pursuant to the authority granted to the City of Pico Rivera under Government Code Section 65858 and is for immediate preservation of the public safety, health and welfare. The facts constituting the urgency are:

   a. The City of Pico Rivera currently does not have locally established laws, rules or regulations consistent with state law to control drug paraphernalia, head and smoke shops and the possible effects on the health of persons and the environment;

   b. The City of Pico Rivera is experiencing inquiries of drug paraphernalia, head and smoke shops which if approved would frustrate the purpose of further study;

   c. The City of Pico Rivera Municipal Code is not consistent with the California Health and Safety Code Section 11014.5 which prohibits drug paraphernalia and by including drug paraphernalia to the moratorium will further strengthen state law in the City;

   d. The City of Pico Rivera wishes to include head and smoke shops and other current mechanisms used for drugs; including paraphernalia that may not be intended for drug use but that can be used for such purposes.

5. Therefore the City Council hereby declares an extension to the existing moratorium and ordains the Ordinance No. 1077 be extended for a term of one year, terminating on August 26, 2014, subject to all of the terms and provision contained in Ordinance No. 1077.

SECTION 8. In order to protect the public health, safety and welfare, it is necessary to enact this Ordinance as an urgency measure to go into effect immediately upon its adoption, and to enact this Ordinance, after giving notice, holding public hearings and two readings thereof, and thereafter to wait thirty days for the Ordinance to become effective would be detrimental to the public health, safety and welfare, in that during the interim period further such inquiries may be received and without proper criteria and regulations to evaluate secondary impacts. It is therefore necessary that this Ordinance go into effect immediately upon its adoption by at least a four-fifths vote of the City Council.

SECTION 9. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this Ordinance are severable, and if, for any reason, any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 10. No person shall violate any provision, or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with

any provision of this ordinance shall be subject to any and all penalties as set forth under the Pico Rivera Municipal Code shall apply to violations of the provisions of this ordinance.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. This Ordinance shall take effect immediately upon expiration of the 45 day moratorium enacted under Ordinance No. 1077. This Ordinance and the provisions set forth herein shall be effective for a period of one year and shall expire on August 26, 2014.

APPROVED AND ADOPTED this _____ day of _____, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:

_____
Gustavo V. Camacho, Mayor

ATTEST:

_____
Anna M. Jerome, Assistant City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY COUNCIL **MINUTES**

Tuesday, July 9, 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:
Tommy Elisaldez, Planning Commission
John Garcia, Parks & Recreation Commission

INVOCATION: Councilmember Armenta

PLEDGE OF ALLEGIANCE: Planning Commissioner Garcia

SPECIAL PRESENTATIONS:

- Proclamation presented to Parks & Recreation in recognition of Parks & Recreation Month.

- Assemblymember Cristina Garcia introduced herself and spoke about her partnership with the city which includes securing adult education, early childhood education, encouraged City Council to budget talk with her by January and invited City Council to her monthly Community Walk and Talk on August 3, 2013 in Norwalk and to the Affordable Health Care Act workshop on August 23, 2013 at the Pico Rivera Senior Center.

PUBLIC HEARING:

1. **Continued 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 to provide public testimony.

City Manager Bates stated that this is the annual hearing for the Community Development Block Grant Action Plan.

Oral Communications:

Nancy Stowe, representative of SASSFA:

- Addressed the City Council regarding the services SASSFA provides to the community.

Dolores Salome, representative of Women & Children's Shelter:

- Addressed the City Council to speak about services provided to the community.

Mercedes Pena, representative of Legal Aid Services:

- Addressed the City Council regarding their need for funding and services provided to the community.

Charlene Dimas-Reinado, representative of Whole Child Transitional Housing Services:

- Addressed the City Council to speak about services provided to the community.

Mayor Camacho closed the public hearing and deferred taking action until item no. 6 was discussed. After City Council took action on item no. 6, the following motion was made.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to approve the Community Development Block Grant 2013-2014 draft Action Plan. Motion carries by the following roll call vote:

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 June 25, 2013

3. **Approved 1st Warrant Register of the 2013-2014 Fiscal Year.** (700)
Check Numbers: 257432-257648
Special Checks Numbers: None.

4. **Slauson Avenue Street Improvements, CIP No. 21269 – Award Construction Contract.** (500)

1. Awarded a construction contract in the amount of $49,645 to Excel Paving Company for the Slauson Avenue Improvements, CIP No. 21269, and authorized the Mayor to execute the contract in a form approved by the City Attorney; and
2. Appropriated $63,645 in Measure R funds to CIP No. 21269.

Agreement No. 13-1397

5. **Installation of Traffic Control Devices – Traffic Safety.** (1400)

1. Received and filed.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to approve Consent Calendar Items No. 2 through 5. 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:

6. **Weekend Graffiti Removal Services – Amendment No. 2 to Agreement 09-1095.** (500)

City Manager Bates stated the different options available to the City Council to fully fund Amendment No. 2.

City Council members discussed the alternatives provided to them from city staff with Councilmember Salcido expressing his appreciativeness for staff providing these options. The discussion included the length and terms of the agreement and concerns were voiced in regard to dipping into city reserves as well as cutting services to the

social service programs. Mayor Pro Tem Tercero in advocating for SASSFA noted for the record that he is an unpaid volunteer for the program.

Motion by Councilmember Salcido, seconded by Councilmember Archuleta to select Alternative "C".

Mayor Camacho suggested Alternative "A" option number one (1) which would be a 14% reduction ($32,376) to the tree maintenance services contract.

Councilmember Salcido withdrew original motion in selecting Alternative C, Councilmember Archuleta concurred with the withdrawal of the motion.

Motion by Councilmember Salcido, seconded by Councilmember Archuleta to: 1) Approve Amendment No. 2 to Agreement No. 09-1095 with Nationwide Environmental Services for weekend graffiti removal services for an amount not to exceed $194,256 for a three year period amending terms of the agreement with the option of extending the agreement for a period of up to two (2) years and authorize the Mayor to execute the agreement in a form approved by the City Attorney; and 2) Selected Alternative "A" option number one (1) which would be a 14% reduction ($32,376) to the tree maintenance services contract. Motion carries by the following roll call vote:

Agreement No. 09-1095-2

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho
NOES: None

Recessed to Housing Assistance Agency at 6:50 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 6:51 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS:

Councilmember Salcido asked staff to research the number of tattoo parlors in the city in comparison with other cities. Mr. Salcido also addressed his continued concern with panhandlers and vagrancy in and around the Pico Rivera Towne Center with Mayor

Camacho concurring with his concern. Captain Thornton stated that an Action Plan has been provided that addresses quality of life issues and that an After Action Review is being provided this evening. He stated that only four (4) out of the twenty-five (25) persons currently arrested were residents of the Pico Rivera Gardens Residential Care Facility and that the management of the care facility will be hiring a full-time security/staff person to help identify their residents in the community who maybe causing problems and/or involved in illegal activities. Captain Thornton also stated that there are two other facilities in the neighborhood, Angel's Motel and Colonial Gardens that may be of concern in contributing to the issue. He further stated that Part 1 crimes are down and that the City of Pico Rivera is the safest city in the county out of 23 patrol stations and 42 contracted cities that the Sheriff's polices.

City Manager Bates added that city staff will follow-up with Angel's Motel to ensure that there are no long term residents living at the motel. Councilmember Archuleta suggested that the residents of the Pico Rivera Gardens wear identification badges.

Mayor Camacho requested going forward that Captain Thornton provide an updated progress report at each City Council meeting.

Mayor Pro Tem Tercero asked if there is a transient tax for hotels with City Manager Bates responding in the affirmative. Mr. Tercero asked that staff look into a solution for next year regarding unauthorized street closures on the 4th of July.

Councilmember Salcido asked to address a personnel issue with City Attorney Alvarez-Glasman stating that he would speak with Mr. Salcido after the meeting regarding his concern.

OLD BUSINESS: None.

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

Martin Galindo, El Rancho Unified School District Superintendent:

- Addressed the City Council to introduce himself and to speak of his vision for the city.

Vivian Kelley:

- Addressed the City Council regarding a fire that took place at her home and lack of fire hydrants throughout the city.

Roberta Torres:

- Addressed the City Council regarding overnight parking at Wal-Mart and illegal fireworks.

ADJOURNMENT:

Mayor Camacho adjourned the City Council meeting at 7:27 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 July 9, 2013 and approved by the City Council on July 23, 2013.

Anna M. Jerome, Deputy City Clerk

PARKS & RECREATION COMMISSION — MINUTES

Thursday, June 13, 2013

A Regular Meeting was held in the Parks & Recreation Community Room, 6767 Passons Blvd., Pico Rivera, California. Chair Carlos Cruz called the meeting to order at 6:01 p.m.

PRESENT: Carlos Cruz, Paul Gomez, Joseph Palombi, Rod Torres

ABSENT: John Garcia

APPROVAL OF MINUTES: A motion was made by Commissioner Torres and seconded by Vice Chair Gomez and carried on roll call vote to approve the Minutes of May 9, 2013.

PUBLIC COMMENTS: No public comments.

AGENDA ITEMS:

1. **NEW BUSINESS:**
   a) Commissioners Biographies – Deputy Director Rico announced that the Marketing Division is looking into enhancing the look of the City's website. With that said, he asked the commission to submit an auto biography for the purpose of adding it to the Commissioner page on the City website.

   b) Athletic Facilities Resolution – Director González announced that she has drafted the Athletic Facilities Resolution, which is a policy that will formalize the athletic facilities such as the baseball fields, gymnasiums, concession stands, etc. This resolution will go before the City Council for approval on a date to be determined. Director González would like to host a study session during the month of July to review and discuss. Director González asked the commission to be present at the study session which is tentatively set for July 31, 2013 at 6:00 p.m. Confirmation will be sent via email.

   c) Parks and Recreation Month – Director González announced that July is Parks and Recreation month. Director González provided the commission with Parks and Recreation hats. Recreation Manager Manor announced the passport program, which residents will be able to receive six stamps at Parks and Recreation activities and events in July and enter to win cool prizes.

   d) Customer Experience Survey – Director González announced that the Customer Experience Survey program has begun. The survey will be available at all community centers, the Parks and Recreation Department office and will also be available online. Director González stated that the purpose of the program is to involve the residents and park participants in the evolution of the Parks and Recreation Department experience. Residents will have the opportunity to express their thoughts, concerns, or provide any feedback to the department. All the surveys submitted will be reviewed by management and will be provided responses.

2. OLD BUSINESS:

a) Parking at Streamland Park – City Engineer, Rene Guerrero, updated the Commission on the Streamland Park parking lot issue that was brought forth by Commissioner Palombi during the May 9 meeting. The issue in question was that there was not enough parking stalls at Streamland Park. Mr. Guerrero presented that there were 28 current parallel parking stalls along Durfee Ave. He looked into the possibility of having angled parking along Durfee Ave. At the end of his investigation, it was found that if he were to do the angled parking stalls it would result in the same amount of parking stalls; therefore, there being no benefit in doing the angled parking.

Commissioner Torres stated that the company located at 9415 Durfee Ave. will become vacant; therefore, there will be an empty parking lot which the City may possibly consider utilizing as temporary additional parking. Director González stated that Public Works and she will look into that possibility.

3. **ORGANIZATION RECOGNITION REVIEW**–Deputy Director Rico brought forth to the commission the following organizations for recognition:

- AYSO – The organization's season will commence in August and will be utilizing Smith Park as their home field. This organization is in compliance for recognition. This organization is estimating to service about 1,000 youth residents. A motion to approve this organization's probationary recognition was made by Vice Chair Gomez and was seconded by Commissioner Torres.
- Pico Fastpitch Association – This organization is a girl's softball league and utilizes Rio Vista Park as their home field. Their season runs from February through June, all-stars in July and a winter ball program. Commissioner Torres asked President Del Campo what he was going to do about the amount of parking stalls at Rio Vista Park not being able to accommodate the increase amount of participants. President Del Campo answered that unfortunately at this point he does not have a confirmed answer. Commissioner Torres also asked President Del Campo if he knew that one of the fields at Rio Vista Park was not going to have lights. President Del Campo stated that he was aware that the tiny field was not going to have lights. A motion to approve this organization's probationary recognition was made by Commissioner Torres and was seconded by Commissioner Palombi.
- Pico Rivera Baseball Academy – This organization is a traveling baseball league. They currently do not have home fields in Pico Rivera. This league services youth between 9 years of age to 18 years of age. Currently this organization is in non-compliance due to non-submittal of their registration applications. President Anthony Corona is requesting fields to host tournaments. Commissioner Torres asked President Corona if he has approached other leagues to host tournaments at their park facilities.

President Corona answered that no he has not reached out to the leagues as of yet. Vice Chair Gomez asked President Corona how they handle the marketing for their league. President Corona answered that they do a lot of social media advertising but it is mainly word of mouth. A motion to approve this organization's probationary recognition was made by Commissioner Palombi and was seconded by Vice Chair Gomez.

- Pico Rivera Youth Soccer – This organization utilizes Rio Hondo Park as their home field. This organization is in compliance for recognition. This organization services youth from 5-17 years of age and play year round. Commissioner Palombi asked how many participants are currently in the program. President Quirino Moran answered that there was 88 current players. A motion to approve this organization's probationary recognition was made by Commissioner Torres and seconded by Commissioner Palombi.
- Rivera Baseball Association (RBA) – This organization services the youth from 4 to 14 years of age and has a current roster of 500 youth participants. This organization utilizes Rivera Park as their home field. Commissioner Torres asked President Mike Lay if they have had any issues with vandalism at the park. President Mike Lay answered that they have had an issue with vandals cutting the homerun nets and with car theft. Vice Chair Gomez asked President Lay if they've hosted any tournaments. President Lay answered that they will be hosting a Rec league tournament on July 4. A motion to approve this organization's probationary recognition was made by Vice Chair Gomez and seconded by Commissioner Torres.
- Twin Cities Wolverines – This organization was established about 4 years ago and currently utilizes Pico Park for cheerleading and will be utilizing Smith Park Stadium as their home field once it is open. This organization is currently in non-compliance due to their residency percentage. They are currently working on outreaching more to the community to raise their percentage. Commissioner Torres commented to the Vice President David Moriel to focus on getting more youth from the community. A motion to approve this organization's probationary recognition was made by Vice Chair Gomez and seconded by Commissioner Palombi.

4. DIRECTOR'S REPORT

a) Upcoming Events – Recreation Manager introduced the following upcoming events:

1. Go-Getters vs. City Council Softball game	June 21, 2013 @ Rio Hondo Park
2. Relay for Life	June 22-23, 2013 @ El Rancho High
3. PRYS Summer Opening Ceremony	June 29, 2013 @ Rivera Park
4. 4th of July Spectacular	July 4, 2013 @ El Rancho High
5. CYSO Quarterly President's meeting	July 10, 2013 @ Parks & Rec Building

b) Project Updates–Construction is moving along at Smith and Rio Vista Parks. For Smith Park:

- Additional lights will be installed on the Mustang field.
- Countertops have been installed in the Concession stands. Amenities will be installed in the upcoming weeks.
- Bleachers are almost complete.
- The playground is being built.
- Contractor encounter leaks with the main line and is working to identify solution.

For Rio Vista Park:

- Parking lot has been completed.
- Majority of the equipment has been installed in the concession stand.

Parks are estimated to be completed by early fall. Commissioner Torres asked if the department has met with the fall CYSO's to discuss the scheduling for the stadium. Deputy Director Rico stated that a meeting was held on May 2 with the Pico Rivera Dons, AYSO, and the Twin Cities Wolverines to begin discussion on the schedule for the stadium usage.

Commissioner Torres also asked if his safety concern for the center divider on Rosemead blvd has been brought up since there will be an increase number of park goers due to the new stadium and the additional leagues utilizing the park. Deputy Director Rico stated that the issue was discussed at a recent Ad-hoc meeting. Public Works will evaluate the parking issues and will provide the department with the different safety options.

Commissioner Palombi brought up a concern in regards to the new stadium lighting and the traffic on Rosemead Blvd. He asked if the lights would be a distraction for the northbound traffic on Rosemead Blvd. Deputy Director Rico stated that unfortunately this issues has not been brought up to Public Works. He continued to state that he will advise Public Works of his concern.

c) Department Information – Recreation management explained the following:

1. Parks and Recreation Month – Director González reminded the commission that July 9 is the City Council meeting in which the department will be receive the proclamation. She requested the Commission to be present at the meeting.
2. Adult Basketball Program Update – Deputy Director Rico announced that the adult basketball program is off to a great start with currently eight teams.
3. NRPA Certification – Director Gonzalez announced that Department staff will be taking the National Recreation Parks Association (NRPA) exam to

become certified Parks and Recreation professionals. Director Gonzalez's goal is for all full-time department staff take the exam and become professionals in the field. Vice Chair Gomez asked what does the certification do for the department? Director Gonzalez answered that it will bring national recognition to the Department and the City.

4. Summer Programs – Director González presented the Summer Recreation Guide to the commission and gave a brief overview of the activities and upcoming events.

6. **COMMISSIONER'S REPORTS**

Gomez - Nothing to report

Garcia: - Absent

Palombi: - Commented that Council Member Archuleta introduced a motion to add lights at Streamland Park, which he was excited to see that this issue is moving forward.

Torres: - Spoke to the football coach at El Rancho High School who stated that no City staff has asked him to fundraise at the 4th of July Spectacular event. Recreation Manager Manor stated that she has been in contact with the principal of El Rancho High School for opportunities. She continued to state that she will contact the Football Coach this week to offer him fundraising opportunities.

Cruz: - Congratulated Director González on the NRPA certification program. Stated that this will provide the Parks and Recreation Department more grant opportunities.

ANNOUNCEMENTS – Recreation Manager Manor gave a post report on the Tip-a-cop event that was held on May 15. An estimated $5,000 was raised that will go towards the Special Olympics Program. Commissioner Palombi stated that he was in attendance and commented that it was an amazing event.

ADJOURNMENT:

The Parks & Recreation Commission meeting was adjourned at 8:22 p.m. There being no objection it was so ordered.

FOR CARLOS CRUZ

Carlos Cruz, Chair
Parks & Recreation Commission

Sandra J. González, Secretary
Director of Parks & Recreation

Approved as amended
July 15, 2013

PLANNING COMMISSION **MINUTES**

Monday, July 1, 2013

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Ben Martinez, Director
Julia Gonzalez, Deputy Director
Christina Gallagher, Assistant Planner

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Zermeno

APPROVAL OF MINUTES:

June 17, 2013

It was moved and seconded to approve the minutes of June 17, 2013. Motion carried by the following roll call vote:

AYES:	Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARING:

CONDITIONAL USE PERMIT NO. 713 – AN APPLICATION BY THOMAS UTMAN, REPRESENTING FAST5XPRESS CAR WASH, TO CONSTRUCT AND OPERATE A FULLY AUTOMATED CONVEYOR-TYPE EXPRESS SERVICE CAR WASH TO BE LOCATED AT 8629 & 8639 WHITTIER BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Assistant Planner Christina Gallagher presented the public hearing. The project will be

located at the northwest corner of Whittier Boulevard and Lexington Road. The existing structures at the site which will be demolished are one non-conforming single-family residence, a closed food service establishment, a tv sales and repair shop, and a liquor store. The property consists of two parcels to be merged prior to issuance of building permits.

The lot size is 40,530 sq. ft. The facility will be approximately 3,900 sq. ft. and will have a canopy approximately 3,800 sq. ft. The site requires 16 parking stalls, but has 19 proposed, of which 14 will be equipped with vacuum units, and 5 employee stalls. The site will include new landscaping, irrigation, lighting and grading, with six foot and eight foot high walls. The operation hours will be from 7 am to 8 pm and a minimum of 3 employees to be on site during hours of operation. The development will provide local employment opportunities of up to 15 new employees. The development is consistent with the General Plan's policy of developing underutilized lands along heavily traveled roadways for commercial uses.

The 3,900 sq. ft. car wash consists of a 2,600 sq. ft. wash tunnel with the remaining 1,300 sq. ft. consisting of an electrical room, equipment room, restroom, office and sales kiosk.

The development will consist of white smooth stucco, dark orange awnings, indigo trimming and doors, gray steel columns, a standing seam metal roof and a glass store front facing Whittier Boulevard, with the entrance on the east and exit on the west.

A consultant was hired to conduct a traffic impact analysis which concluded no impacts. The traffic study was reviewed by the City's traffic engineer who concurred with its findings.

The car wash will generate approximately 611 vehicles per day, with a morning peak of 24 and an evening peak of 55. Seventeen vehicles are able to be stacked on-site with the capability of processing 120 car washes within 1 hour. Initial demand within the first weeks of opening will see increased levels of vehicle visits.

A consultant was hired to conduct a noise study, which concluded that with the inclusion of conditions regarding construction and design, the development will be in compliance with the City's noise standards. The applicant has also included a self imposed design modification of reducing the height and width of the car wash exit to reduce noise. No business activities shall be permitted to commence until a licensed engineer verifies the developments compliance with City noise standards.

Sheriff's staff has reviewed and have no concerns regarding the development. After the grading is completed and construction materials are stored on-site, a security guard will

be hired to patrol the property. Gates will be installed at both entrances and exits to prevent vehicle access when business is closed. The applicant will install a surveillance system throughout the property consisting of 24 cameras, with 11 of them infrared with live feed capabilities.

Staff is recommending the adoption of the resolution approving CUP 713, subject to conditions of approval.

Tom Utman, owner of Fast5Xpress Car Wash, spoke in regards to the car wash. He explained the idea of the car wash. They are fairly popular in the east coast. These types of car washes are different than the others, whereas the customer does not need to exit the vehicle, and is able to leave valuables in the car. They are a professional type of car wash.. The wash is usually about three to four minutes long. They have a Fast5 Express business in Irvine, Norwalk, Monrovia, and Murrieta. They are opening locations in South Gate, Temecula, and Escondido.

Chairperson Elisaldez asked to be walked through the process.

Mr. Utman explained that they have a greeter who will hand the customer a towel to wipe their dashboard, as well as a trash bag to clean out the trash in the vehicle. If they are not too busy, they will offer coffee. If there are children in the vehicle, they will give them stickers. If there is a dog in the car, they will give the dog a biscuit. The pricing is six, nine, and twelve dollars. Once the customer selects the level of service to purchase, a gate will open and a loader (employee) will assist in loading the vehicle. The wash takes between three and a half minutes. After the wash, the customer can pull up to the vacuums and vacuum their vehicle free of charge.

Chairperson Elisaldez asked if there were any sales from the kiosk.

Assistant Planner Gallagher responded that there is no interior customer area at the car wash.

Mr. Utman stated that the car wash water does not runoff into the storm drains.

Chairperson Elisaldez asked about the two businesses, the liquor store and a television repair business. He asked if they would be relocating or closing.

Assistant Planner Gallagher answered that they would be closing. Mr. Utman stated that the owner of the liquor store will be retiring.

Commissioner Zermeno asked if there would be an entrance to the car wash from

Lexington Road.

Mr. Utman replied that there would be an entrance off of Lexington Road.

Commissioner Zermeno asked if anyone would be monitoring to see if people will be coming in just to use the vacuums.

Mr. Utman replied that unless they were extremely busy and someone was not monitoring this area, someone could come in just to use the vacuums, but they have not seen this happen at other locations.

Commissioner Zermeno also asked if someone could get in through the Whittier Boulevard entrance just to use the vacuums.

Mr. Utman replied that yes they could get in through this entrance as well. He stated that the width of the entrances was large enough so the Fire Department could have clearance if they needed to gain access.

Commissioner Garcia asked about solar use.

Mr. Utman replied that this location will not use solar, but has the ability to add solar use in the future, if necessary.

Commissioner Celiz asked if they could build a ten foot wall to the apartments instead of an eight foot wall.

Assistant Planner Gallagher responded that staff would have concerns with aesthetics with a ten foot wall near the Whittier/Paramount Boulevard area but would be open to designs of a ten foot wall in that area.

Deputy Director Gonzalez asked if the reason for the ten foot wall would be to block noise or if it was for safety reasons.

Mr. Utman replied that they would be adding tall Cypress trees along that area to shield the apartments.

Commissioner Zermeno asked if they would consider putting Queen Palms to add value to the area because Italian Cypress harvest mice.

Director Martinez stated that the Palms also harvest rodents. They may still have the infestation problem.

Commissioner Zermeno asked how far the trees would be from the apartments.

Mr. Utman responded that the landscaped area would be about forty to fifty feet away.

Director Martinez asked if the Commission wanted staff to look into any different types of shrubbery.

Commissioner Martinez welcomed Mr. Utman to the City. He mentioned also a pvc synthetic type of vine that could be anchored to the wall. Commissioner Martinez asked why the wall on the northern end is proposed at six feet and on the westerly end the wall is eight feet.

Assistant Planner Gallagher replied that the noise study recommended the north wall to be six feet.

Commissioner Martinez asked about the noise for the apartments behind the northern end.

Assistant Planner Gallagher responded that the height of the wall was proposed not for the type of business, but for the location of the exit of the car wash tunnel.

Chairperson Elisaldez asked to give staff direction to look into the graffiti vine.

City Attorney John Lam stated that staff could separate the landscaping into two conditions in order to work with the developer on each section.

Commissioner Garcia asked Mr. Utman if he had read through and agreed with staff's conditions.

Mr. Utman responded that he read and agrees with all of staff's conditions.

There being no further discussion, it was motioned to approve the resolution with amendments by Commissioner Martinez, seconded by Commissioner Zermeno.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC COMMENTS: None.

NEW BUSINESS:

CONTINUED/OLD BUSINESS: None.

PLANNING COMMISSION REPORTS:

a) CITY COUNCIL MEETING OF June 25, 2013 – Commissioner Martinez attended the meeting and reported on several issues. Landscape and Lighting Assessment districts were approved, as well as the Paramount and Mines landscape assessment district. Community Development Block Grant draft was continued. The moratorium on the e-cigarette was extended for 45 days and continued for staff to conduct further research. The Smith Park Renovation Project was approved. The 2013-2014 budget was approved.

Commissioner Celiz commented that the new 7-11 has already been targeted with graffiti.

Deputy Director Gonzalez replied that Public Works was notified and staff is working to clean up the graffiti. They are waiting for a key to obtain access to the fenced area.

Commissioner Celiz also commented that on the side fence at Rivera Middle School has graffiti as well.

Deputy Director Gonzalez will look into who is responsible for that area and report back.

Commissioner Zermeno asked if an area is to be cleaned by Caltrans, what the timeframe for this would be.

Deputy Director Gonzalez responded that staff emailed the requests to Caltrans, and they do not give a timeframe.

Commissioner Zermeno asked who maintains the medians on Beverly Boulevard and San Gabriel River Parkway.

Director Martinez responded that the medians are maintained by Public Works.

Commissioner Zermeno replied that these are not being maintained.

Director Martinez replied that we will check with Public Works and report back.

b) PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, July 9, 2013.

Chairperson Elisaldez to attend.

Chairperson Elisaldez thanked staff for their hard work.

There being no further business the Planning Commission meeting was adjourned at 6:50 p.m.

Tommy Elisaldez, Chairperson

ATTEST:

Julie Gonzalez for Ben Martinez

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: AUTHORIZATION OF SUBMITTAL OF APPLICATION FOR USED OIL RECYCLING FUNDS UNDER CALRECYCLE USED OIL PAYMENT PROGRAM

Recommendation:

Approve a resolution authorizing the submittal of an application to the CalRecycle for funding under the Used Oil Recycling Payment Program 4th Cycle.

Fiscal Impact: None

Discussion:

The California Oil Recycling Enhancement Act of 1991 authorizes the CalRecycle to award grants to enhance the collection and recycling of used lubricating oil. Pico Rivera is eligible to apply for funds under the newly formed Used Oil Payment Program.

For this grant cycle, it is anticipated that grant funds will be utilized for the continued promotion of our State-certified collection centers, development of additional education awareness materials, and assistance in the recruitment of additional collection facilities.

An application for these grant funds requires among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

Ronald Bates

RB:RC:sp

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CITY STAFF TO SUBMIT APPLICATION FOR USED OIL RECYCLING FUNDS THROUGH THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND ITS NEWLY FORMED USED OIL PAYMENT PROGRAM.

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the City of Pico Rivera authorizes the submittal of a Used Oil Payment Program application to CalRecycle; and that the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Pico Rivera all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program; and that this authorization is effective for five (5) years from the date of adoption of this resolution

SECTION 2. The City Clerk shall certify to the adoption of this Resolution and hereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this _____ day of_____, 2013.

_____
Gustavo V. Camacho, Mayor

ATTEST:

_____
Anna M. Jerome, Deputy City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: RESOLUTION OF INTENT FOR PROPOSED VACATION OF A PORTION OF THE FRONTAGE ROAD LOCATED NORTH OF 9036 BEVERLY BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Recommendation:

Adopt Resolution of Intent to Vacate a portion of the Beverly Boulevard Right-of-Way (ROW) setting a public hearing for August 27, 2013.

Fiscal Impact:

Once the 5,200 square foot segment of the frontage road is vacated it becomes taxable square footage resulting in additional property tax revenues to the City. The estimated value of the property as an individual parcel is below $62,000. The limited size and shape of the property would render it undevelopable.

Discussion:

The City is considering a partial street vacation of an approximately 146′ long by 40′ wide segment of the frontage road on the south side of Beverly Boulevard, east of the intersection of Beverly Boulevard and Lindell Avenue. The proposed right-of-way vacation is located directly north of the parcel at 9036 Beverly Boulevard, which has been vacant for several years. The vacation is currently being reviewed by pertinent departments and utilities to assess the need for the reservation of utility easement(s) and improvements within the subject right-of-way.

Once vacated, the subject land would be conveyed to the adjacent property at 9036 Beverly Boulevard. Norms Restaurant, the current property owner, is seeking the annexation as part of development plans for the site. Current land values for developable vacant commercial property range from approximately $28 to $34 per square foot, for a total possible value of up to $176,800; however, if the lot were not

conveyed to Norms Restaurant, its value would be significantly reduced due to the limited size, dimensions and lot shape. For comparison purposes, a restricted property in the City of Whittier, which is much larger but oddly shaped, is currently on the market for $11.99 per square foot. This square footage rate would reduce the value of the subject property to approximately $62,000.

The conveyance of the property to Norms Restaurants is an economic development strategy which will result in additional property tax generation, the creation of a more attractive site for future development and also increase the potential for retail sales tax generation. The street vacation is further justified via a 2010 traffic analysis finding that this intersection at Beverly Boulevard and Lindell Avenue is both unsafe and underutilized. The negligible inconvenience to nearby residents who utilize the frontage road to access their residential neighborhoods is negated due to these traffic safety concerns since safer route alternatives are available within close proximity. As a condition of the conveyance of the property, Norms Restaurants will be responsible for all necessary improvements and easements related to this vacation.

Upon approval of the attached Resolution and the receipt of all comments from pertinent departments and utilities, the item will be scheduled for a public hearing before the City Council for the meeting of August 27, 2013. A public hearing notification will be sent to all residents within 300' of the subject intersection as well as posted at the subject right-of-way property. Further, this proposed street vacation was found to be in conformance with the City's General Plan by the Planning Commission via the attached Resolution adopted on July 15, 2013.

Conclusion:

Staff recommends that the City Council adopt the attached Resolution of Intent to vacate a portion of Beverly Boulevard at Lindell Avenue and setting a public hearing for August 27, 2013 to consider this item and solicit public input.

Ronald Bates

RB:BM:GA:ll

Attachments: 1.) Resolution of Intent to Vacate
2.) Draft Minutes of the July 15, 2013 Planning Commission meeting
3.) Resolution No. 1207

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF THE FRONTAGE ROAD LOCATED NORTH OF 9036 BEVERLY BOULEVARD, PICO RIVERA HEREIN REFERRED TO AS STREET VACATION NO. 13-1

THE CITY COUNCIL OF THE CITY OF PICO RIVERA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Pico Rivera is considering to vacate an approximate 146' wide by 40' deep segment of the frontage road located south of the intersection of Beverly Boulevard and Lindell Avenue, north of the parcel at 9036 Beverly Boulevard, as shown in Exhibit "A" attached hereto; and,

WHEREAS, the vacation proceeding for said proposed vacation is and will be conducted pursuant to the requirements of the Streets and Highways Code Sections 8320, et seq.; and

NOW, THEREFORE, be it resolved by the City Council of the City of Pico Rivera that:

SECTION 1. The City Council of the City of Pico Rivera does hereby declare its intention to vacate an approximate 146' by 40' segment of the frontage road located north of 9036 Beverly Boulevard, as shown in Exhibit "A" attached hereto.

SECTION 2. A public hearing is hereby set for 6:00 p.m. on Tuesday, August 27, 2013 in the Council Chambers at the City of Pico Rivera located at 6615 Passons Boulevard, Pico Rivera to consider the proposed street vacation. All persons interested in the vacation are invited to attend and give testimony if desired.

SECTION 3. The City Clerk of the City of Pico Rivera is hereby directed to cause notices of said proposed vacation to be conspicuously posted along said strip of land for at least two (2) weeks before the date of said hearing. Said notices shall be posted not more than 300 feet apart, but in no event shall there be fewer than three (3) notices posted. Said notice of public hearing shall be published in a newspaper of general circulation at least two (2) weeks prior to the date of said hearing.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and it shall become effective

immediately upon its approval:

APPROVED AND ADOPTED this ____ day of _____, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:

_____
Gustavo V. Camacho, Mayor

ATTEST:

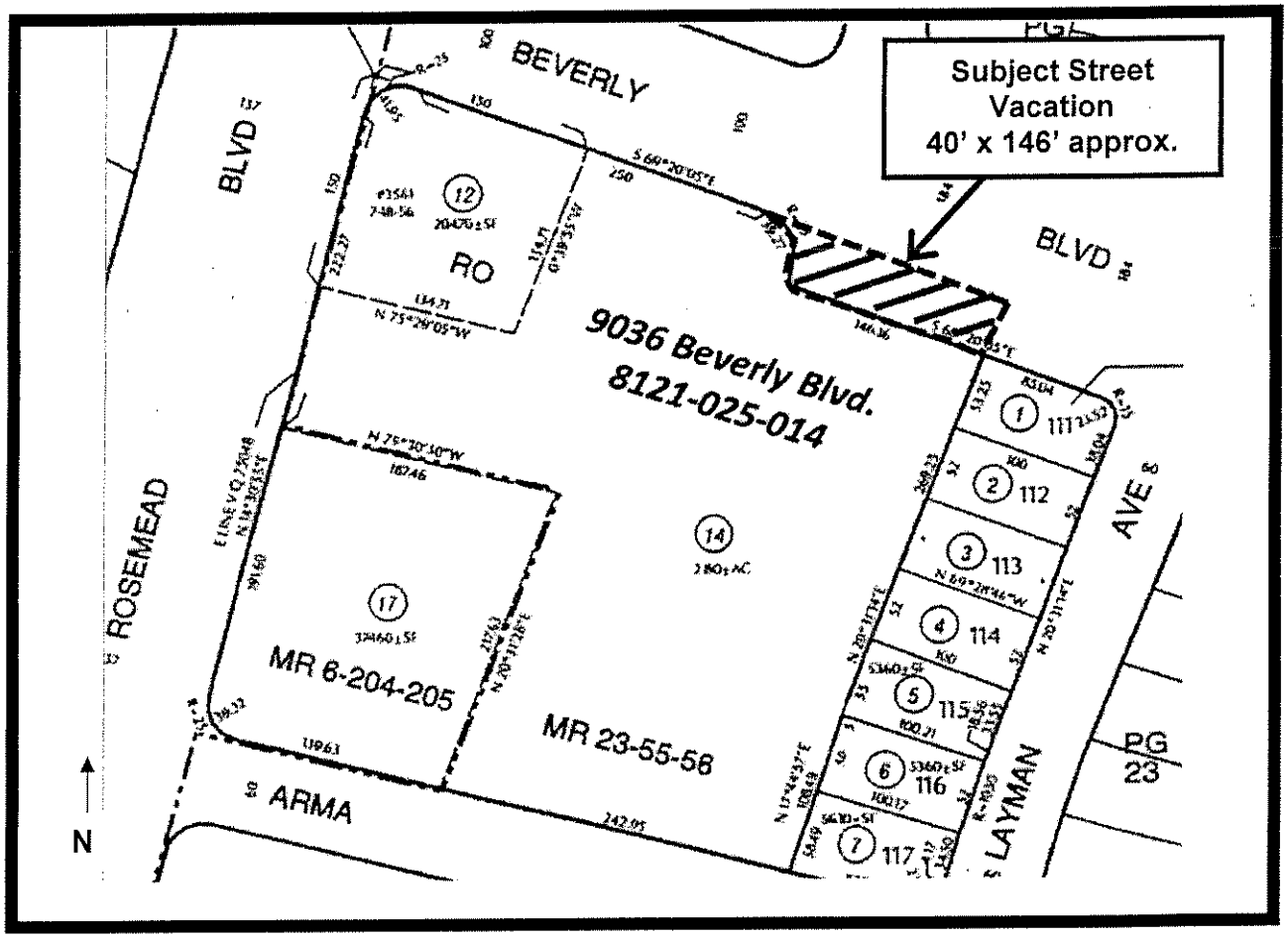
_____
Anna M. Jerome, Assistant City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

EXHIBIT "A"



No Scale

PLANNING COMMISSION **MINUTES**

Monday, July 15, 2013

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Julia Gonzalez, Deputy Director
Guille Aguilar, Senior Planner

ROLL CALL:

PRESENT: Commissioners Elisaldez, Garcia, Martinez, Zermeno

ABSENT: Celiz

FLAG SALUTE: Led by Commissioner Martinez

APPROVAL OF MINUTES:

July 1, 2013

Chairperson Elizaldez called for a correction on the bottom of page 5 where the words "approve the hearing" is replaced with "approve the resolution".

Motion to approve with amendments was made by Commissioner Martinez and seconded by Commissioner Garcia:

AYES: Elisaldez, Garcia, Martinez, Zermeno
NOES: None
ABSTAIN: None
ABSENT: Celiz

PUBLIC HEARING:

GENERAL PLAN CONFORMANCE RESOLUTION FOR PROPOSED VACATION OF A PORTION OF THE FRONTAGE ROAD ON BEVERLY BOULEVARD ADJACENT TO 9036 BEVERLY BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONED DISTRICT

Senior Planner Guille Aguilar presented the report. The City is considering a partial street vacation of an approximately 146′ long by 40′ wide segment of the frontage on the south side of Beverly Boulevard, east of the intersection of Beverly Boulevard and Lindell Avenue. The proposed right-of-way vacation is located directly north of the parcel at 9036 Beverly Boulevard, which has been vacant and undeveloped for several years.

Commissioner Celiz arrived to the meeting and was acknowledged by the commissioners.

Senior Planner Aguilar explained the street vacation process, which is mandated by the California Streets and Highways Code and the California Government Code, consists of multiple steps with today's meeting being the first step in the street vacation approval process. Senior Planner Aguilar explained utility companies and other departments have been informed of the proposal and staff is awaiting their input for potential utility easements within the property.

Staff will present a Resolution of Intent at the July 23, 2013 City Council meeting at which point the City Council will make the decision as to set a date and time for the public hearing. Upon approval of that resolution, notices will be mailed to the residents who live within 300′ feet of the subject property. The notice will invite the residents to the public hearing and solicit their input. Upon City Council approval of the subject street vacation, the subject land will be conveyed to the adjacent property owner of 9036 Beverly Boulevard, currently Norms Restaurants. Norms Restaurants will be responsible for all necessary improvements and easements related to this vacation.

Senior Planner explained that the proposed street vacation is consistent with Policies A.1.2 and A.1.4 of the Municipal Facilities element of the General Plan which call for improvements to a roadway where such improvements are sensitive to adjacent neighborhoods, reflect resident concerns for safety and protect local neighborhoods by discouraging non-local through traffic. Vacation of this frontage road will result in a more defined buffer between the commercial property and the residential neighborhood.

Senior Planner Aguilar indicated that this segment of the frontage street has also been found to be underutilized via a 2010 traffic analysis. The traffic analysis also identifies a high rate of traffic collision incidents at this intersection.

The proposed street vacation is also consistent with the Municipal Facilities and

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Services Element of the Pico Rivera General Plan which designates Beverly Boulevard as a 'Major Highway' having a right-of-way width of 100'. The current right-of-way width is 184'. This proposed vacation will result in an ultimate right-of-way width of 144', which is 44' in excess of the required 100' width.

Chairperson Elisaldez motioned to open public hearing. There being no one in the audience, a motion was made by Commissioner Zermeno seconded by Commissioner Garcia to close the public hearing.

Chairperson Elisaldez asked if the street vacation would potentially delay the construction of Norms.

Senior Planner Aguilar responded that this could cause delay for Norms because the proposal currently under review with the City indicates construction within the frontage road area.

Chairperson Zermeno asked when Norms would begin construction.

Senior Planner Aguilar responded that Norms is pursuing an ambitious schedule and plans to begin construction as early as next month.

Commissioner Celiz asked if the frontage road is currently closed.

Senior Planner Aguilar responded that the frontage road is currently open and accessible. Once it is closed, residents will need to drive three blocks to the east to enter their neighborhoods, but the 2010 traffic study indicated that the minor inconvenience to the residents is outweighed because safer alternatives are available.

Commissioner Celiz inquired if Norms asked for the street vacation.

Senior Planner Aguilar responded that the idea for the street vacation evolved from conversation that staff had with Norms about increasing the potential attractiveness of the site in order to bring in a good tenant and how to create an appropriate buffer between the residential neighborhood and the new commercial development.

Commissioner Garcia asked if the remaining portion of the frontage street would become a cul-de-sac.

Senior Planner Aguilar indicated that this is yet to be determined because staff is still waiting on review from other departments. The final decision will be presented to the

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City Council.

Commissioner Martinez asked who initiated the street vacation.

Senior Planner Aguilar indicated that the City initiated the street vacation.

Commissioner Martinez asked for clarification.

Deputy Director Julia Gonzalez indicated that City staff initiated the street vacation and explained that now that Redevelopment is no longer in existence, the City is limited as to how the City can attract good businesses such as Norms. Staff sees this as a mutual benefit because the traffic study from 2010 justified the closure due to underutilization and traffic safety concerns.

Commissioner Martinez indicated that although he is in support for the street vacation and for Norms, he believes that the real benefit of this street vacation goes to Norms. He suggests to have an appraisal for the property and to present this information to the City Council. He also suggested that our report should include a dollar value of the property.

Commissioner Martinez asked if Norms would be paying for the property and if not, why not.

Deputy Director Gonzalez indicated that Norms would not be paying for the property.

Commissioner Martinez indicated that Norms should be responsible for paying for the street vacation because it takes money for staff to prepare the report, to post public notices, to pay for the Planning Commissioners' attendance, etc. Commissioner Martinez asked who made the decision to waive the fees.

Deputy Director Gonzalez indicated that the decision to have the City initiate and process the street vacation was made by staff as an economic development strategy. Since Redevelopment no longer exists, we do not have any actual monies to attract desirable businesses to the City, such as Norms.

Chairperson Elizaldez asked that the Planning Commissioners receive copies of the appraisal or value analysis of the subject property when it is prepared for the City Council.

There being no further discussion, it was motioned to approve the resolution by

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Commissioner Celiz, seconded by Commissioner Garcia.

Motioned carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC COMMENTS: Javier Pacheco, resident, suggested that the City should consider posting more public notices or larger public notices so that they are more clearly visible.

NEW BUSINESS: None.

CONTINUED/OLD BUSINESS: None.

PLANNING COMMISSION REPORTS:

a) CITY COUNCIL MEETING OF July 9, 2013 – Chairperson Elizaldez attended the meeting and reported the graffiti removal contract was approved. The issue of pan handlers was also discussed at the meeting and Sherriff's staff indicated they have stepped in with 3 people from the Pico Gardens facility being vacated. The facility is also considering hiring additional security. It was also announced that the City was awarded the designation of Playful City USA.

Commissioner Garcia inquired on the former Weinerschnitzel building and its status.

Deputy Director Gonzalez replied that the building is being restored by Weinerschnitzel and that it is expected to open sometime in August.

b) PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, July 23, 2013.

Chairperson Garcia to attend.

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There being no further business the Planning Commission meeting was adjourned at 6:40 p.m.

Tommy Elisaldez, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development

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RESOLUTION NO._____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, FINDING THAT THE VACATION OF A PORTION OF THE FRONTAGE STREET ON BEVERLY BOULEVARD, NORTH OF THE PROPERTY AT 9036 BEVERLY BOULEVARD, IS IN CONFORMANCE WITH THE CITY OF PICO RIVERA GENERAL PLAN HEREIN REFERRED TO AS STREET VACATION NO. 13-1

WHEREAS, the City of Pico Rivera General Plan was adopted on August 16, 1993; and,

WHEREAS, the California Government Code 65402, requires the City of Pico Rivera shall not acquire, use or dispose of any real property or vacate any street until the disposition of the property has been found in conformance with the City's General Plan; and,

WHEREAS, the proposed vacation of a 146' long segment of the frontage street, based on existing land use and street configuration, it is no longer required for public street and highway purposes; and,

WHEREAS, the subject segment of the frontage street adjacent to 9036 Beverly Boulevard, having Assessor's Parcel Number 8121-025-014, is shown in Exhibit A; and,

WHEREAS, the Planning Commission of the City of Pico Rivera reviewed the proposed street vacation at its regularly scheduled meeting on July 15, 2013; and

NOW THEREFORE, the Planning Commission of the City of Pico Rivera does hereby resolve as follows:

SECTION 1. The Planning Commission of the City of Pico Rivera hereby finds the above recitals true and correct and incorporates them herein by this reference.

SECTION 2. The Planning Commission of the City of Pico Rivera hereby finds and determines that the proposed vacation of a portion of the frontage street is in conformance with the City of Pico Rivera General Plan pursuant to Government Code Section 65402.

SECTION 3. That, upon City Council approval, the proposed vacation of the subject segment of the frontage street along Beverly Boulevard shall be conveyed to the abutting property owner of 9036 Beverly Boulevard, Pico Rivera.

SECTION 4. That the Planning Commission finds that Street Vacation No. 13-1 is consistent with the General Plan based on the following reasons and findings:

a) The proposed street vacation is consistent with Policies A.1.2 and A.1.4 of the Municipal Facilities element of the General Plan which call for improvements to a roadway where such improvements are sensitive to adjacent neighborhoods, reflect

resident concerns for safety and protect local neighborhoods by discouraging non-local through traffic. Vacation of this segment of the Beverly Boulevard frontage road will eliminate access onto the property at 9036 Beverly Boulevard via the residential neighborhood along Lindell Avenue thus resulting in a more defined buffer between the commercial property and the residential neighborhood.

b) The Municipal Facilities and Services Element of the Pico Rivera General Plan designates Beverly Boulevard as a 'Major Highway' having a right-of-way width of 100'. This segment of Beverly Boulevard, where the frontage street exists, has a right-of-way width of 184'. This proposed vacation will result in an ultimate right-of-way width of 144', which is 44' in excess of the required 100' width.

c) The subject segment of the frontage street which is proposed to be vacated has been found to be underutilized. A 2010 traffic analysis for Beverly Boulevard identifies that this segment of the frontage road is extremely underutilized, having 23 peak hour inbound trips into the frontage road in the a.m. hours and 24 peak hour inbound trips into the frontage road in the p.m. hours. The study showed no outbound vehicle trips coming from the frontage road during a.m. or p.m. hours.

d) The subject segment of the frontage street which is proposed to be vacated has been found to have a high rate of traffic collisions. The 2010 traffic analysis for Beverly Boulevard identifies that this segment of the frontage road, located at the intersection of Lindell Avenue and Beverly Boulevard, as having a high rate of traffic collision incidents. Vacation of this segment of the frontage street is expected to result in a reduction of traffic collision incidents.

SECTION 5. The Planning Commission Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and it shall become effective immediately upon its approval.

[Signatures on following page]

APPROVED AND ADOPTED this 15th day of July, 2013 by members of the Planning Commission of the City of Pico Rivera, voting as follows:

Tommy Elizaldez, Chairperson

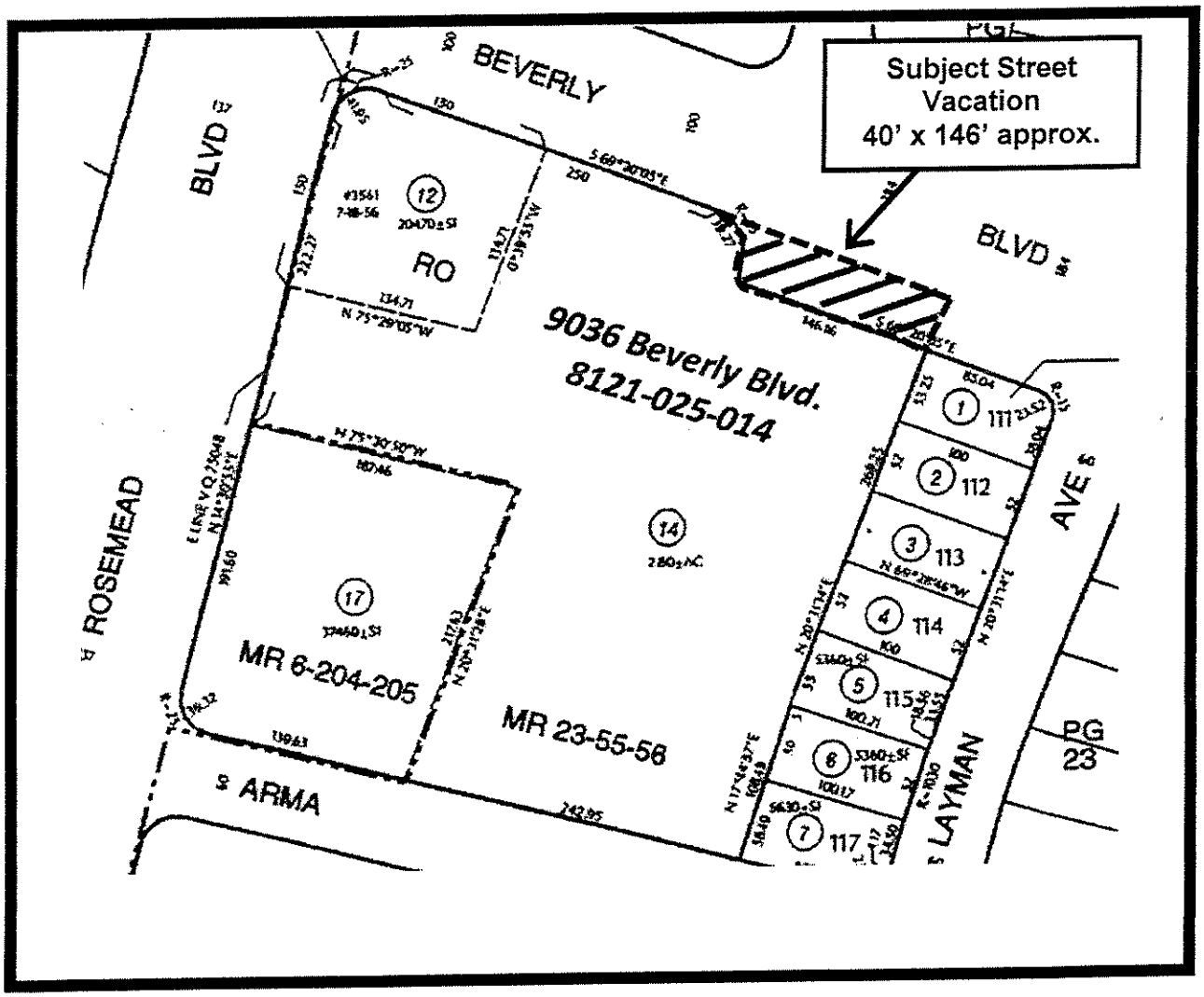
ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic Development Director

APPROVED AS TO FORM:

John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno
NOES:
ABSENT:
ABSTAIN:



ATTACHMENT "A"

No Scale N

STREET VACATION NO. 13-1
SEGMENT OF FRONTAGE STREET
NORTH OF 9036 BEVERLY BOULEVARD
PICO RIVERA, CA

PLANNING COMMISSION ACTION:

RESOLUTION NO. 1207

Signed _____
Benjamin A. Martinez, Secretary
Planning Commission
Community and Economic
Development Director

ADOPTED July 15, 2013
(Date)

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: Finance

Meeting Date: July 23, 2013

Subject: APPROVAL OF CITY PURCHASE ORDERS ABOVE $30,000 FOR FISCAL YEAR 2013-2014

Recommendation:

Approve Purchase Orders above $30,000 for Fiscal Year 2013-2014.

Fiscal Impact:

Purchase Order amounts are within budget line items in the Fiscal Year 2013-14 Proposed Budget.

Discussion:

To best serve the City and residents, every year the City's various departments open purchase orders with a variety of vendors with whom Council has previously awarded a contact. Most individual purchases are small, but the total purchases accumulate over the course of the year. Using purchase orders facilitates the acquisition of materials and services in an efficient, cost-effective, and timely manner.

Purchases vary from office and maintenance supplies, fuel and vehicle maintenance, community services, communications, and other professional services. All vendors have been continually used over the past few years and have provided quality services and competitive pricing to the City. In the case of Home Depot, we are utilizing the U.S. Communities contract which gives the City a 1% rebate at the end of each calendar year for all recorded purchases. Further, as markets change and/or the needs of the City change, contracts are rebid to maintain the best services at the most competitive price.

Attachment 1 is a listing of vendors with purchase orders exceeding $30,000 for Fiscal Year 2013-14.

Ronald Bates

RB:MM:CO

Attachment 1 - Schedule of Vendors with Purchase Orders Exceeding $30,000 for Fiscal Year 2013-14

ATTACHMENT 1

Schedule of Vendors with Purchase Orders Exceeding $30,000 for Fiscal Year 2013-14:

Vendor	Amount	Description of Service
1. ABM Building Solutions	$62,840	HVAC Services
2. Ace Commercial	$55,000	Printing & Mailing of Profile Newsletter
3. All Care Industries	$30,000	Janitorial Services
4. Alvarez-Glasman & Colvin	$500,000	Legal Services
5. City of Santa Fe Springs	$145,000	Traffic Maintenance
6. Cosby Oil Company	$180,000	City Fleet Fuel
7. Dell Marketing	$100,000	Computer Hardware
8. Fiesta Cooperative	$200,000	Transit Services
9. Golflinks Consulting	$660,000	Total Golf Course Operations & Fee
10. Harris Computer System	$64,000	Financial System Maintenance
11. Hinderliter, DeLlamas, & Associates	$35,000	Sales & Property Tax Consulting
12. Home Depot	$60,000	Supplies and Equipment
13. Jas Pacific	$50,000	Building Services
14. LA County Sheriff's Department	$10,312,400	Law Enforcement Services
15. Mike Nguyen	$93,600	Engineering Services
16. Nationwide Environmental	$612,000	Street Sweeping/Graffiti Abatement
17. Nextel Communications	$50,000	Mobile Communications
19. Office Depot	$100,000	Office Supplies
20. Procurement and Business Management Svcs	$60,000	Procurement Services
21. Project Partners	$243,000	Water Administrative Services
22. Southland Transit, Inc.	$337,500	Transportation Services
23. Verizon	$30,000	Mobile Communications
24. Waxie Sanitary Supplies	$55,000	Cleaning Supplies
25. West Coast Arborist	$203,000	Tree Maintenance
26. White, Nelson, Diehl, Evans	$53,800	Audit Services
27. Willdan & Associates	$100,000	Engineering Services
28. Yolanda Karraa	$98,000	Accounting Services

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: FEDERAL EQUITABLE SHARING AGREEMENT FOR ASSET FORFEITURE

Recommendation:

1) Approve a Federal Equitable Sharing Agreement with the United States Department of Justice and the United States Department of Treasury for the disposition of funds forfeited in connection with a crime and authorize the Mayor to execute the Agreement; and

2) Adopt a Resolution approving participation in the Federal Equitable Sharing Agreement Program and authorize the execution of related documents.

Fiscal Impact: Variable deposits to Asset Forfeiture Fund

Discussion:

Approval of the Equitable Sharing Agreement and submission to the United States Department of Justice and the United States Department of Treasury will allow the City of Pico Rivera to share Asset Forfeiture Funds with the Sheriff's Department. This agreement must be on file with the U. S. Department of Justice to participate in the program and renewed annually. Any assets obtained through this program must be utilized for law enforcement purposes. Over the past year, the City received $66,994 in Federal Sharing Funds creating a balance of $73,342. $71,783 was expended to improve Sheriff's office workstations at the Pico Rivera Sheriff's Station.

The accompanying resolution will approve the City's participation in the Federal Equitable Sharing Agreement Program for the Fiscal Year 2013/2014. This program provides local law enforcement agencies with funds derived from forfeited assets (cash and property) used in connection with a crime. The Los Angeles County Sheriff's Department uses these funds to pay for specialized weapons, protective gear, surveillance equipment and other items directly related to law enforcement. Approving this resolution assures the City's participation in this program.

Asset forfeiture is an effective law enforcement tool the United States uses to deprive criminals of ill-gotten gains by seizing the proceeds of criminal activity and property used to facilitate crime. Seized property is shared with State and local law enforcement agencies which make substantial contributions to underlying criminal investigations; thereby, not only depriving criminals of ill-gotten gains, but returning the proceeds to law enforcement to use to fight crime at the front-line level.

Effective July 25, 2008, the Federal Equitable Sharing Agreement must be submitted annually, within 60 days of the end of the fiscal year. The attached resolution will provide for a new agreement to be entered into through June 30, 2014. The agreement must be signed by the Mayor and Pico Rivera Sheriff's Station Captain. By signing the agreement, the signatories agree to be bound by the statutes and guidelines that regulate the program.

Examples of how the Sheriff's Department has used this funding source include weapons, ammunition, ballistic vests, protective gear, batons, pepper spray, vehicles, and surveillance gear.

Ronald Bates

RRB:AC:SG:lg

Enc.

1) Resolution
2) Agreement

RESOLUTION NO: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING PARTICIPATION IN THE FEDERAL EQUITABLE SHARING AGREEMENT PROGRAM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS

WHEREAS, the United States Department of Justice ("DOJ") and the United States Department of Treasury ("DOT") administer the Federal Equitable Sharing Program (the "Program") which provides for the use of federally forfeited cash, property, proceeds and any interest earned thereon; and

WHEREAS, the Los Angeles County Sheriff's Department is a participating law enforcement agency in the Program and desires to renew the Federal Equitable Sharing Agreement to continue its participation; and

WHEREAS, the procedures established by the DOJ and DOT require participants to certify by resolution approval of participation in the Program; and

WHEREAS, the City will enter into an agreement with, and provide certifications to, the DOJ and DOT in pursuit of the Program.

THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Approve City's participation in the Program consistent with all Constitutional and local law requirements.

SECTION 2. Certifies that, to the extent consistent with all Constitutional and local law requirements and this Resolution, the City has or will have sufficient funds to operate and maintain the Program.

SECTION 3. Certifies that the City has reviewed, understands, and to the extent consistent with all Constitutional and local law requirements and this Resolution, agrees to the provisions contained in the Program guidelines.

SECTION 4. Appoints the City Manager and designee(s) thereof, as agents of the City of Pico Rivera, to conduct all negotiations, execute and submit documents including, but not limited to, applications, agreements, memoranda of understanding, payment requests, certifications and assurances and so on, which may be necessary for the completion of the Program, subject to prior approval as to form by the City Attorney's Office.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and hereafter the same shall be in full force and effect.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2013.

_____
Gustavo Camacho, Mayor

ATTEST:

_____
Anna M. Jerome, Assistant City Clerk

APPROVED AS TO FORM:

_____
Arnold Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

OMB Number 1123-0011
Expires 9-30-2014

Equitable Sharing Agreement and Certification

◯ Police Department ◯ Sheriff's Office ◯ Task Force (Complete Table A)
◯ Prosecutor's Office ◯ National Guard Counterdrug Unit ◉ Other

** Please fill each required field. Hover mouse over any fillable field for pop-up instructions. **

Agency Name: City of Pico Rivera/Contract LASD

NCIC/ORI/Tracking Number: C A 0 1 9 0 0 1 5

Mailing Address: 6615 Passons Blvd

City: Pico Rivera **State:** CA **Zip:** 90660

Finance Contact: First: Yolanda Last: Karraa

Phone: 562 801-4402 E-mail: ykarraa@pico-rivera.org

Preparer: First: Steven Last: Gutierrez

☐ Same as Finance Contact Phone: 562 801-4413 E-mail: sgutierrez@pico-rivera.org

Independent Public Accountant: E-mail: lertel@wndcpa.com

Last FY End Date: 06/30/2013 **Agency Current FY Budget:** $35,805,000.00

◯ **New Participant:** Read the Equitable Sharing Agreement and sign the Affidavit.

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

Annual Certification Report

	Summary of Equitable Sharing Activity	Justice Funds[1]	Treasury Funds[2]
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$6,348.29	
2	Federal Sharing Funds Received	$66,994.44	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		
4	Other Income		
5	Interest Income Accrued — Non-Interest Bearing ◉ Interest Bearing ◯		
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$73,342.73	$0.00
7	Federal Sharing Funds Spent (total of lines a - m below)	$71,783.57	$0.00
8	Ending Balance (difference between line 7 and line 6)	$1,559.16	$0.00

[1] Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

[2] Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions		
b	Total spent on overtime		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements		
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	$71,783.57	
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)		
l	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	**Total**	$71,783.57	$0.00
o	Did your agency receive non-cash assets? ◯ Yes ◉ No If yes, complete Table H.		

Please fill out the following tables, if applicable.

Table A: Members of Task Force

Agency Name	NCIC/ORI/Tracking Number

Table B: Equitable Sharing Funds Received from other Agencies

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
Sheriff's office workstation Furniture	$71,783.57	

Table E: Expenditures in Support of Community-Based Programs

Recipient	Justice Funds	

Table F: Windfall Transfers

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice ◯	
Treasury ◯	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
	☐ Race	☐ Color	☐ National Origin	☐ Gender
	☐ Disability	☐ Age	☐ Other _____	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies.
By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.

2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.

4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.

5. **Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? ○ Yes ◉ No

If you answered yes to the above question, complete Table I

Agency Head		**Governing Body Head**	
Signature:	James Thornton	Signature:	
Name:	James Thornton	Name:	Gustavo Camacho
Title:	Captain	Title:	Mayor
Date:	7/2/13	Date:	
E-mail:	jcthornt@lasd.org	E-mail:	spena@pico-rivera.org

Subscribe to Equitable Sharing Wire:
The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

Final Instructions:

Step 1: Click to save for your records
Step 2: Click to save in XML format
Step 3: E-mail the XML file to aca.submit@usdoj.gov
Step 4: Fax THIS *SIGNED* PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY
Entered by _____
Entered on _____

○ FY End: 06/30/2013
◉ NCIC: CA0190015
○ State: CA

Date Printed: July 02, 2013 14:26

Agency: City of Pico Rivera/Contract LASD
Phone: 562 801-4402
Finance Contact: Yolanda Karraa
E-mail: ykarraa@pico-rivera.org

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD – FISCAL YEAR 2013/2014

Recommendation:

Receive and File the Edward Byrne Memorial Justice Assistance Grant Application.

Fiscal Impact:

If awarded, the City will receive $17,890 from the Edward Byrne Memorial Justice Assistance Grant Program.

Discussion:

The City of Pico Rivera has received notification from the U.S. Department of Justice that $17,890 in grant funds has been allocated to Pico Rivera from the 2013 Edward Byrne Memorial Justice Assistance Grant Program (formerly known as the Local Law Enforcement Block Grant). These funds may be used to support law enforcement programs, enhance security in and around schools, and promote crime prevention and control.

During the past 6 years, the grant was used to contract with the Los Angeles County Sheriff's Department to partially fund one specially trained deputy of the Safety Through Our Perseverance (S.T.O.P.) Program and staff recommends continuing the program. The cost of the S.T.O.P. Deputy is $173,499 and $17,890 will be offset by the grant. The City is responsible for the balance of $155,609 which is budgeted in the Sheriffs budget.

Staff has submitted an application. The U.S. Department of Justice requires applications be available to the local governing body for their review. A copy of the application is currently on file with the City Clerk to provide an opportunity for citizens and community or neighborhood groups to review and comment.

It is staff's recommendation to continue the S.T.O.P. Program. This program provides immediate family crisis intervention, resource referral services, victim assistance, threat assessment, and safety planning for families in crisis.

As an example of the benefits, in 2012, the S.T.O.P. deputy assisted in 414 domestic cases involving spousal assault, spousal battery, violation of court order, vandalism, etc. 191 arrests were made. In addition, threat assessments were made to measure the potential for future violence.

Ronald Bates

RRB:AC:SG:lg

Enc.

1) Grant Application

ENCLOSURE 1

APPLICATION FOR FEDERAL ASSISTANCE	2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5.APPLICANT INFORMATION	
Legal Name City of Pico Rivera	Organizational Unit Administration Department
Address P.O. Box 1016 6615 Passons Boulevard Pico Rivera, California 90660-1016	Name and telephone number of the person to be contacted on matters involving this application Gutierrez, Steve (562) 801-4413
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 95-6006039	7. TYPE OF APPLICANT Municipal
8. TYPE OF APPLICATION New	9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA TITLE: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Safety Through Our Perseverance (S.T.O.P.)
12. AREAS AFFECTED BY PROJECT City of Pico Rivera	
13. PROPOSED PROJECT Start Date: July 01, 2013 End Date: June 30, 2015	14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project CA38

15. ESTIMATED FUNDING	
Federal	$17,890
Applicant	$155,609
State	$0
Local	$0

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

Program is not covered by E.O. 12372

Other	$0	
Program Income	$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	$173,499	N
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Close Window

Edward Byrne Memorial
Justice Assistance Grant Award – FY 2013

ABSTRACT

Name: City of Pico Rivera

Title of Project: Safety Through Our Perseverance (S.T.O.P.)

Goals: Reduce the amount of domestic violence in the City. It seeks to do this through family crisis intervention, providing resource referral services, victim assistance, and safety planning for families in crisis. Additionally a threat assessment for future violence will be made.

Project Identifiers: 1-Conflict Resolution, 2-Counseling, 3-Screening and Assessment, 4-Violence-Against Women, 5-Violence-Domestic Violence.

Edward Byrne Memorial
Justice Assistance Grant Award – FY 2013

Program Narrative

Program Name: Safety Through Our Perseverance (S.T.O.P.)

OVERVIEW

The City of Pico Rivera will use funds awarded from the 2013 Edward Byrne Memorial Justice Assistance Grant Award to continue its contract with the Los Angeles County Sheriff's Department to fund one specially-trained deputy of the Safety Through Our Perseverance (S.T.O.P.) Program. The funds will assist in off-setting the cost of the S.T.O.P. deputy. The balance of the cost for this deputy is scheduled to be absorbed by the City's General Fund.

The S.T.O.P. Program was developed to provide immediate family crisis intervention, resource referral services, victim assistance, threat assessment, and safety planning for families in crisis.

The program is comprised of a specially-trained Sheriff's Deputy who has received extensive training in family crisis intervention. This deputy operates as a second responder to family violence calls. The S.T.O.P. deputy is able to: interview the victims and all parities involved including the children, videotape and photograph victims, document injuries and crime scenes, collect evidence, issue Emergency Protective Orders, assess the victim's risk of future domestic violence incidents, and provide shelter service assistance, intervention strategies, and training for law enforcement personnel and the community in domestic violence prevention.

The S.T.O.P. deputy works closely with family service providers and family violence shelters to ensure that victims and their families receive counseling, support services, financial aid, shelter, and court accompaniment. The deputy also provides information and assistance concerning temporary restraining orders.

When incidents of domestic violence occur, the S.T.O.P. deputy will usually conduct an in-depth investigation of the incident and provide counseling, assistance in obtaining medical treatment, emergency shelter, temporary restraining orders, and other referral services needed.

The S.T.O.P. Program has been very successful. Since its inception, the number of shelter referrals has tripled; 50 percent more emergency protective orders have been issued; domestic violence recidivism involving the same families has been measurably

reduced, and; domestic violence convictions/felony filings have increased by 60 percent.

GOALS AND OBJECTIVES

The primary goal of the S.T.O.P. Program is to reduce the amount of domestic violence in the City. It seeks to do this through family crisis intervention, resource referral services, victim assistance, threat assessment, and safety planning for families in crisis.

MEASURABLE RESULTS

- Number of domestic violence cases handled by S.T.O.P. Deputy.
- Number of arrests involving domestic violence.
- Number of threat assessments made.
- Number of emergency protective orders issued.
- Number of referrals made to shelters/social services, etc..

ORGANIZATION CAPABILITIES

The City of Pico Rivera currently administers numerous grants it has been awarded. As with other grants, the City's Finance Department will establish and maintain separate revenue and expenditure accounts for funds obtained under the Edward Byrne Memorial Justice Assistance Grant Program 2013.

The Los Angeles Sheriff's Department is the contracted law enforcement agency for the City of Pico Rivera. They provide law enforcement services to the City as well as 50 other local jurisdictions. The City has contracted out for a S.T.O.P. Deputy for the last several years.

TIMELINE

The S.T.O.P. Program is ongoing and continuous throughout the year.

JAG 2013 Budget Narrative

A. Personnel Services

Safety Through Our Perseverance (S.T.O.P.) Budget		
Project	**Description**	**Budget**
S.T.O.P. Deputy	Contract Cost for One Year	$173,499.4
	Includes 4% Liability Insurance Cost	
Total S.T.O.P. Budget		$ 173,499.04
Less JAG Award		**($ 17,890)**
City of Pico Rivera's General Fund Support		$ 155,609.04

Approximately 90% of S.T.O.P. Deputy's time will be spent on domestic violence issues

B. Fringe Benefits –
Included in annual salary rate

C. Travel –
None

D. Equipment –.
None

E. Supplies –
None

F. Consultants/Contracts:
None

G. Other Costs:
None

H. Indirect Costs:.
None

CITY COUNCIL | AGENDA REPORT

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: AN ORDINANCE OF THE CITY OF PICO RIVERA AMENDING CHAPTER 8.48, *SMOKING* OF THE CITY OF PICO RIVERA MUNICIPAL CODE PROHIBITING TOBACCO AND ELECTRONIC CIGARETTES IN PUBLIC PLACES

Recommendation:

Introduce the Ordinance amending Chapter 8.48, *Smoking* of the Pico Rivera Municipal Code updating where tobacco products and electronic cigarettes may be utilized.

Fiscal Impact: None.

Discussion:

On May 28, 2013, the City Council adopted Ordinance No. 1075, a 45-day Urgency Ordinance placing a temporary moratorium on the sale and the establishment of electronic cigarette (e-cigarette) retailers, drug paraphernalia retailers, head and smoke shops. On June 25, 2013, the City Council adopted Ordinance No. 1077 extending the 45-day Urgency Ordinance to August 26, 2013. The City Council directed staff to separate the drug paraphernalia item from the electronic cigarette item and conduct further research.

Background:

Electronic cigarettes were introduced to the United States between 2003-2007. In 2008 the U.S. Food and Drug Administration (FDA) moved to ban electronic cigarette shipments into the United States. Under the Food, Drug and Cosmetic Act, the FDA has authority to regulate "drugs", "devices", or drug/device combinations. An electronic cigarette manufacturer sued the FDA in federal court, and in 2010 the court

ruled that the FDA could not regulate electronic cigarettes as drugs or drug delivery devices if they are not marketed as tobacco cessation devices such as nicotine gum or patches. The FDA did not appeal the decision to the U.S. Supreme Court; however, it announced that it will regulate electronic cigarettes as a tobacco product under the Tobacco Control Act. This regulation is still forthcoming and there is no specific date as to when the FDA will take action.

On May 28, 2013, the state Senate voted to pass SB 648, a bill that would ban the use of vapor products wherever regular tobacco smoking is banned, such as workplaces, hospitals, within 20 feet of any public building, in a vehicle owned by the state, railroads and air carriers. SB 648 is pending approval by the state Assembly.

Electronic cigarettes are sold wherever general tobacco products are sold. This includes liquor stores, convenience stores, supermarkets, and big box stores such as Wal-Mart. Staff received several inquiries for the establishment of electronic cigarette stores selling 100% electronic cigarette merchandise. This began staff's research on the product. Because this product is fairly new, it is not categorized under the Zoning Ordinance's land uses.

The electronic cigarette industry is doubling every year. Marlboro-maker Altria and R.J. Reynolds, maker of Camel have both manufactured their own line of product. It is expected that in a decade, electronic cigarettes will overtake the $80 billion regular cigarette market.

Research:

Staff has conducted additional research and surveyed surrounding cities to determine their policies regarding electronic cigarette. Most cities responded that they had not received any inquiries for 100% electronic cigarette stores and have not had to deal with this issue. A few cities stated that electronic cigarettes were categorized as general tobacco products and are concerned with on-site consumption within the electronic cigarette stores. See Exhibit A for list of cities.

Staff also looked at additional studies regarding electronic cigarettes. However, there are several reports either supporting or warning about the potential dangers of electronic cigarettes. Exhibit B summarizes studies found regarding electronic cigarettes. In summary, many regulatory agencies and health experts are unsure about

the safety of the product, and there have not been any long term health studies to make a conclusive determination.

There are also concerns that electronic cigarettes may be appealing to children. Although the state of California bans the sale of electronic cigarettes to minors and manufacturers do not directly market the product towards minors, the nicotine cartridges come in flavors such as strawberry, chocolate and caramel which appeal to children.

Conclusion:

There are several reports in support and against electronic cigarettes. However, the FDA has warned and continues to warn against the unknown dangers of electronic cigarettes. Both the FDA and the State of California are moving towards classifying electronic cigarettes as regular tobacco products. As such, staff is recommending that Chapter 8.48, *Smoking*, of the Pico Rivera Municipal Code be amended to prohibit both tobacco products and electronic cigarettes in public places such as child day care facilities, public parks and schools. Approval of this ordinance would mean that the use of electronic cigarettes would be prohibited in public places, however it would not prohibit the sales of electronic cigarettes.

Ronald Bates

RB:BM:JG:ll

Attachment:
Exhibit A
Exhibit B
Ordinance

EXHIBIT A

Gateway Cities Query

City	E-Cigarette Policy
Artesia	No regulations specific to e-cigs, allowed by right as retail
Bell	Nothing planned as of now, permitted
Bell Gardens	Not mentioned in code, no requests yet
Bellflower	Allows e-cig stores by right and classifies them as tobacco retailers; hasn't decided on on-site consumption yet
Cerritos	Not mentioned in code, no requests yet
Commerce	Allowed one smoke shop to be converted to e-cig retailer, is not mentioned in Code
Compton	E-cigs are not explicitly mentioned in ordinance, but vapors/smoke is prohibited in certain areas (along with all other tobacco products)
Cudahy	Classified as tobacco product per policy, allowed by right as retail
Downey	Sales allowed as retail tobacco, on-site consumption requires a CUP (similar to a hookah lounge)
Hawaiian Gardens	No regulations or requests (yet)
La Habra Heights	No policy (not applicable- city restricts all smoking and has very little commercial space)
Long Beach	Retail use is permitted, on-site seating requires higher parking requirements (functions as a 'soft' prohibition for lounges)
Montebello	Retail, no tobacco can be sold with them. Smoking ordinance prohibits consumption in line with tobacco products.
Norwalk	Retail permitted by right, consumption allowed anywhere... but No lounges/on-site consumption
Paramount	Non-permitted use, but allowed within existing tobacco shops
Signal Hill	Has been allowing strictly retail
South Gate	Allowed as strictly retail sales
Whittier	Treated the same as tobacco sales, no policy yet on smoking/lounges

Exhibit esearch

Article Title	Author/Source	Research Objective	Results	Takeaway
Does e-cigarette consumption cause passive vaping?	T. Schripp et al. Wilhelm-Klauditz-Institut (WKI)	Do e-cigarettes impact indoor air quality (secondhand 'vaping')?	The amount and type of particles released into the air depends on the product and cartridges, but is significant enough to warrant concern/further study.	Secondhand smoke from e-cigarettes may or may not have adverse health effects; quality control is an issue.
Short-term Pulmonary Effects of Using an Electronic Cigarette	Vardavas CI et al. Harvard Center For Global Tobacco Control	What are the immediate effects of smoking e-cigarettes?	There is a statistically significant negative effect from just 5 minutes of smoking, but the effects are not overly negative (shortness of breath).	The test results only looked at very short usage, and no data exists on the continuous long-term effects.
Electronic nicotine delivery systems: is there a need for regulation?	Anna Trtchounian, Prue Talbot. UC Riverside Neuroscience Dept	Is there a need for quality control of e-cigarettes and nicotine cartridges?	All the companies and products surveyed had at least some errors (most often labeling), and often there were medical assertions made without proof.	There is no real regulation of product quality, though this may have changed (the article is from 2010)
Variability Among Electronic Cigarettes in the Pressure Drop, Airflow Rate, and Aerosol Production	Prue Talbot, Monique Williams. UC Riverside, Nicotine & Tobacco Research	How does performance vary between different electronic cigarette brands and models?	There's significant variability between and within brands in the airflow rate and aerosol production of e-cigarettes, especially upon repeated use.	Differences in performance found within/between brands means accurate nicotine absorption rates can't be guaranteed
Adolescent Males' Awareness of and Willingness to Try Electronic Cigarettes	Pepper, Jessica et al. UNC Chapel Hill (and others), Journal of Adolescent Health	How aware and/or willing are teenagers to try new e-cigarette products	The authors state there's a danger of e-cigs acting as a gateway to conventional tobacco products, results show 13% nonsmokers were willing to try e-cigs.	While there is some evidence, the results weren't very strong and the sample size was <250
Levels of selected carcinogens and toxicants in vapour from electronic cigarettes	Maciej Lukasz Goniewicz et al. Roswell Park Cancer Institute, Tobacco Control	Are electronic cigarettes toxic? What, if any, carcinogens do they contain?	While e-cigarettes were found to contain some toxic substances (and thus are not completely 'safe'), these were on average 9 to 450 times less prevalent than in conventional cigarettes (depending on the substance).	The toxicity of e-cigs makes them a possible harm reduction tool. However, smoking machines don't mirror human use, so the real risk might be higher
Use of E-Cigarettes Among State Tobacco Cessation Quitline Callers	Katrina A. Vickerman et al. Alere, Nicotine & Tobacco Research	How many tobacco users looking to quit use e-cigs? What is their success rate?	Over 30% of subjects tried e-cigs at some point, though most of them did so for <1 month. The success rate was lower than that of people who never tried e-cigs (20%)	The study showcases how e-cigs are used to quit regular smoking, as well as how effective they are (or not).
Effect of an electronic nicotine delivery device on desire to smoke and withdrawal, user prefernces and nicotine delivery: randomised cross over trial	C Bullen, H McRobbie, S Thornley, et al.	Measure of short term effects of an electronic nicotine delivery device on desire to smoke, withdrawal symptoms	Participants using 16 mg ENDD recorded 0.82 less desire to smoke than the placebo.	The 16 mg Ruyan V8 alleviated the desire to smoke after overnight abstinence, was well tolerated and had a pharmacokinetic profile more like the Nicorette inhaltor than a tobacco cigrarette

Smoking Cessation with E-Cigarettes in Smokers with a Documented History of Depression and Recurring Relapses	Caponnetto P, Polosa R, Auditore R, Russo C, Campagna D.	Measures of smoking cessation in two heavy smokers suffering from depression, who experiment with e-cigarettes	Individuals were able to quit and to remain abstinent for at least 6 months after taking up an e-cigarette	Individuals were able to quit and to remain abstinent for at least 6 months after taking up an e-cigarette
Impact of an electronic cigarette on smoking reduction and cessation in schizophrenic smokers: a prospective 12-month pilot study	Caponnetto P, Auditore R, Russo C, Cappello GC, Polosa R	Monitored possible modifications in smoking habits of 14 smokers with schizophrenia experimenting with e-cigarettes	Sustained a 50% reduction in the number of cigarettes per day at week 52 in 9 out of 14 participants. Naseua observed in 2 out of 14 participants, throat irritation in 2 out of 14 participants	E-cigarettes reduced consumption without causing significant side effects in chronic schizophernia patients who smoke not intending to quit
Evaluation of e-cigarettes	FDA, B.J. Westenberger, Deputy Director	Evaluation of two brands of electronic cigarettes for nicotine content and other impurities	The product listed as having no nicotine in some cases had very low amounts of nicotine present. Tobacco specific nitrosamines and tobacco specific impuriteis were detected in both products. Diethylene glycol was found in one item.	Nicotine was found in an e-cigarette product listed as having no nicotine. Diethylene glycol was found in one item.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 8.48, *SMOKING*, PROHIBITNG TOBACCO AND E-CIGARETTE SMOKING IN PUBLIC PLACES

THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to the State of California Public Resource Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b) (3) of the CEQA Guidelines that states, a project are exempt from CEQA here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 2. The City Council finds that the proposed amendment is consistent with the spirit and integrity of Chapter 8.48, *Smoking*, of Title 8 of the Pico Rivera Municipal Code as the purpose of the code is to protect the public health, safety and welfare.

SECTION 3. Electronic smoking devices, commonly known as e-cigarettes, e-cigars, e-cigarillos, e-pipes, e-hookahs etc, are battery operated devices designed to look like and to be used in the same manner as conventional tobacco products and some cartridges used by electronic smoking devices can be re-filled with liquid nicotine, creating the potential for exposure to dangerous concentrations of nicotine.

SECTION 4. Chapter 8.48, *Smoking*, was last updated in 1995 and the purpose of the amendment aims to update the section to prohibit smoking in public places and include electronic cigarettes to protect the public health, safety and welfare of the public.

SECTION 5. Title 8, Chapter 8.48, *Smoking*, Section 8.48.010, N*o Smoking in Designated Areas* of the Pico Rivera Municipal Code is hereby amended as follows:

8.48.010 Definitions.

The following definitions shall apply to this Chapter.

A. "Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

B. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, electronic cigarette vapors, marijuana smoke, and crack cocaine smoke.

C. "Smoking" means engaging in an act that generates Smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, an operating electronic cigarette or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.

D. "Electronic Smoking Device" means an electronic and/or battery –operated device, the use of which may resemble smoking, that can be used to deliver an inhale dose of nicotine or other substances. "Electronic Smoking Device" includes any such devices whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and electronic hookah, or any other product name or descriptor.

SECTION 6. Title 8, Chapter 8.48, *Smoking*, of the Pico Rivera Municipal Code is amended to include Section 8.48.015, *Other Applicable Laws*, to read as follows:

8.48.015. Other Applicable Laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

SECTION 7. Title 8, Chapter 8.48, *Smoking* Section 8.48.020, *Smoking in polling places prohibited*, of the Pico Rivera Municipal code shall be amended to read as follows:

8.48.020. Smoking Prohibited in Specified Locations

Smoking shall be prohibited in the following public places:

A. School Campuses by pupils of the school while the pupils are on school campus, or while attending school-sponsored activities or while under the supervision and control of school district employees

B. Public buildings owned by a public agency

C. Child day care facilities as defined in the California Health and Safety Code

D. Public parks operated by a public agency

E. Polling places during an election or during the counting of votes

F. Retail establishments selling electronic cigarettes

SECTION 8. No person shall violate any provision, or fail to comply with any of the requirements of this ordinance, and any person violating any provision, or failing to comply with any provision of this ordinance shall be subject to any and all penalties as set forth under the Pico Rivera Municipal Code shall apply to violations of the provisions of this ordinance.

SECTION 9. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted as prescribed by law. The City Council herby finds that there are no newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the Pico Rivera Municipal Code within 15 days of its final passage and this Ordinance shall take effect 30 days following its final passage.

APPROVED AND ADOPTED this _____day of _____, 2013.

_____
Gustavo V. Camacho, Mayor

ATTEST:

_____
Anna M. Jerome, Assistant City Clerk

APPROVED AS TO FORM:

_____
Arnold M. Alvarez-Glasman, City Attorney

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY COUNCIL **AGENDA REPORT**

To: Mayor and City Council

From: City Manager

Meeting Date: July 23, 2013

Subject: SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 721 – FINANCIAL ANALYSIS

Recommendation:

Hear presentation by SEIU regarding their financial analysis.

Fiscal Impact:

There is no fiscal impact.

Discussion:

SEIU sent a letter requesting to be placed on the Council Agenda, so they could present their financial analysis. On June 13, 2013, SEIU said their presentation was not yet ready, and they requested the presentation be postponed to July 23, 2013.

nn Ronald Bates

RB:MM

Attachment 1 - Letter from SEIU dated June 3, 2013
Attachment 2 - Slides for presentation

LOCAL 721
SEIU
SERVICE EMPLOYEES
INTERNATIONAL UNION, CTW, CLC

OFFICERS
Bob Schoonover
PRESIDENT
Linda Dent
VICE PRESIDENT
David Green
SECRETARY
Tony Bravo
TREASURER

DIRECTORS
LA COUNTY
Marlene Allen
VICE-PRESIDENT
Blanca Gomez
VICE-PRESIDENT
Lila Johnson-Crenshaw
Rodolfo "Rudy" Gaona
Lucy Guerrero
Fred Huicochea
Linda Mascorro
Tony Mendoza
Omar Perez
José Sanchez
Amelia Sims
Cindy Singer
Harold Sterker

LA/OC CITIES
Joaquin Avalos
VICE-PRESIDENT
Linda Stone
VICE-PRESIDENT
Edwina Chism
Cheryl Elam-Collins
Cecilia Flores
Brian Hollenbaugh
Nady Maechling
Charley Mims
Andy Morales
Simboa Wright

TRI-COUNTIES
Angela Portillo
VICE-PRESIDENT
Grace Sepúlveda
VICE-PRESIDENT
Shannon Abramovitch
Tom Johnston
Perry Morefield
Ted Perez

INLAND AREA
Barbara Cayon
VICE-PRESIDENT
Wendy Thomas
VICE-PRESIDENT
Tim Burke
Kevin Luke
Bill Notte
Jennie Paull
Glenn Sanders
Ed Toole

http://www.seiu721.org

June 3, 2013

RE: AGENDIZE SEIU 721 BUDGET PRESENTATION

Dear Mayor Pro Tem Tercero:

For the past two years, the City of Los Angeles has embraced the Coalition of Unions (which includes SEIU 721) to participate and provide budget presentations during the Los Angeles Budget Hearings. The process has continued because the City Council has found it helpful and informative to hear the Locals perspective on the budget and new financial efficiency ideas.

Service Employees International Union, Local 721, would like to request placement on the council agenda to present our findings on the city's financial state and future financial projection.

Mr. Ryan Hudson, SEIU 721 Research Representative, will be hosting this presentation and will be available to answer any questions from the Council.

We hope the City of Pico Rivera will embrace this opportunity to allow SEIU 721 the time to offer our resources and knowledge in helping strengthen the city's workforce and services.

We would like to be placed on the council agenda for Tuesday, June 25, 2013, or in July 2013.

I look forward to hearing from you and can be contacted at 818-455-2477; or by email at rudy.guevara@seiu721.org.

Thank you in advance for your time.

Sincerely,

Rudy Guevara, SEIU 721

CC
David Sanders, Cities Regional Director

☐ 1545 Wilshire Blvd Ste 100 • Los Angeles CA 90017-4510 • Tel (213) 368-8660 • Fax (213) 380-8040
☐ 6177 River Crest Dr Ste B • Riverside CA 92507-0786 • Tel (951) 571-7700 • Fax (951) 905-5691
☐ 74-399 Highway 111 Ste G • Palm Desert CA 92260-4128 • Tel (760) 346-5506 • Fax (760) 342-8160
☐ 2472 Eastman Ave Ste 30 • Ventura CA 93003-5774 • Tel (805) 644-4420 • Fax (805) 644-7843
☐ 933 Castillo St • Santa Barbara CA 93101 • Tel (805) 963-4411 • Fax (805) 962-9643
☐ 1651 E 4th St Ste 120 • Santa Ana CA 92701-5141 • Tel (714) 338-5201 • Fax (714) 543-2871
☐ 42231 6th St W Ste 201 • Lancaster CA 93534-7153 • Tel (661) 802-0977 • Fax (661) 974-7914

Ryan Hudson

Policy Analyst

Rudy Guevara

Worksite Organizer

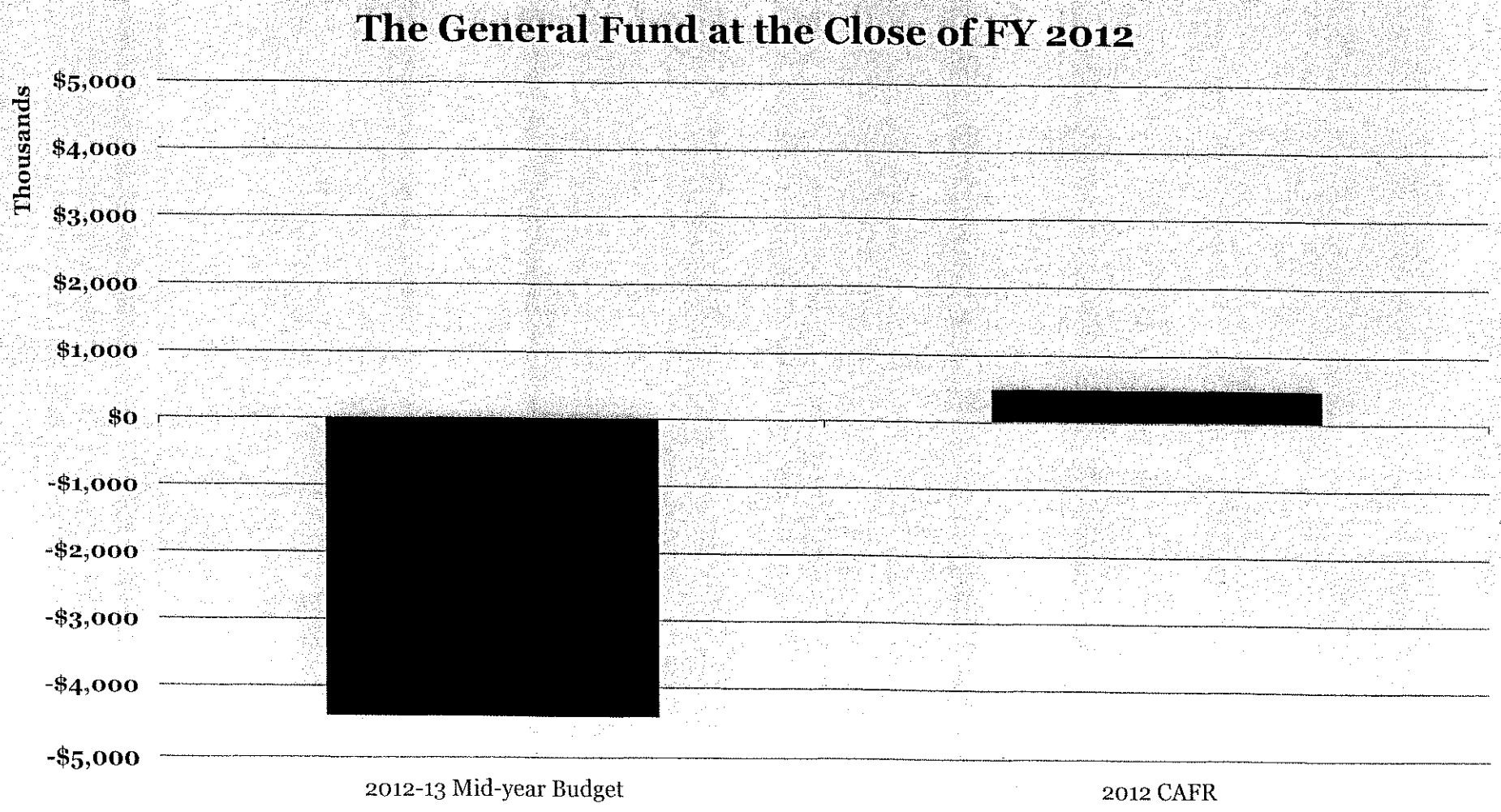
SEIU Local 721

- SEIU is eager to partner with the City to address major challenges
- The Union is grateful for the opportunity to address Council and the community

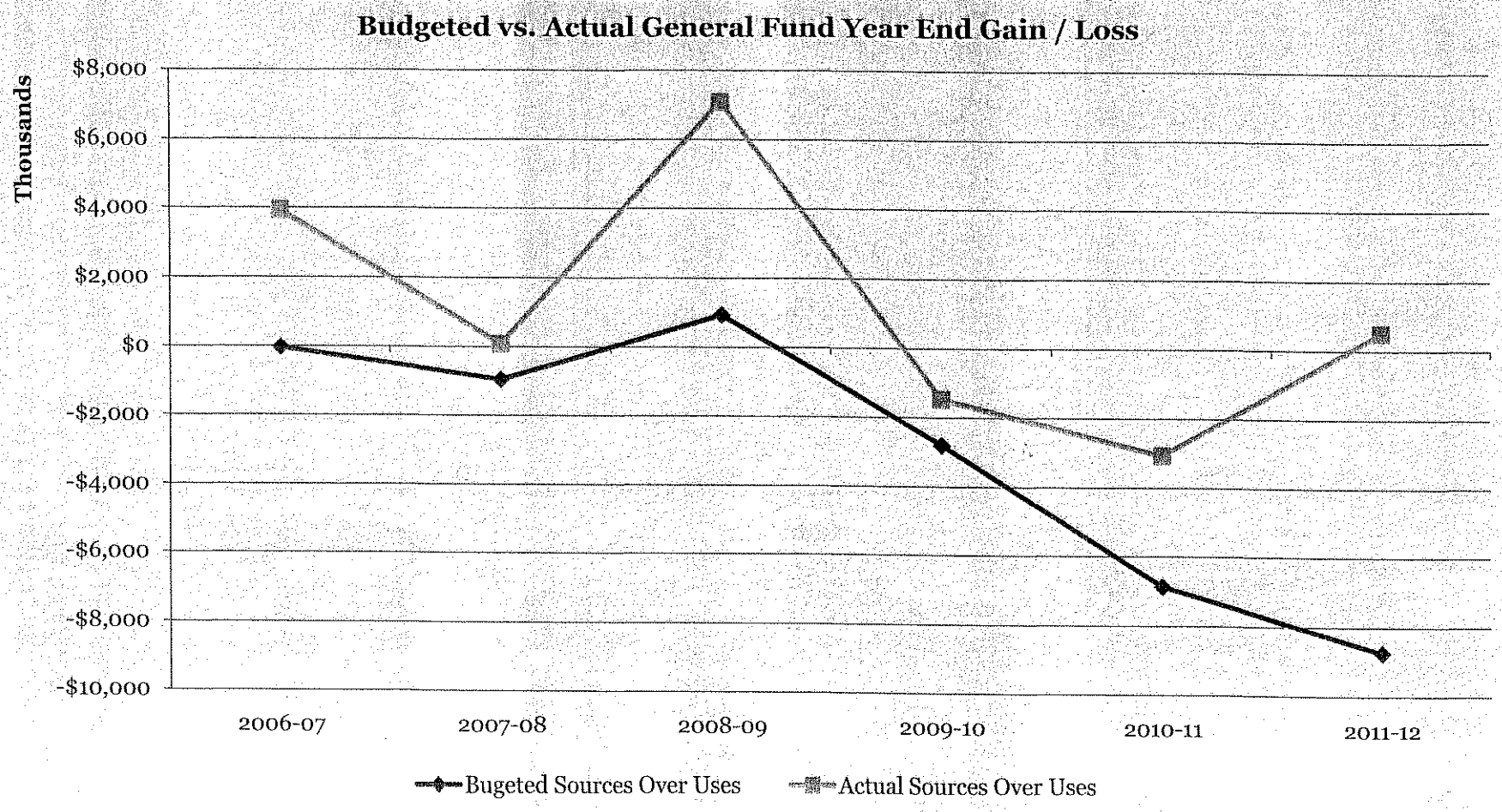
The Budget

- Meyers-Milias-Brown Act
  - "Meet and confer in good faith" means that a public agency...and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation **prior to the adoption by the public agency of its final budget for the ensuing year.**"

The Budget


The General Fund at the Close of FY 2012
Thousands
$5,000
$4,000
$3,000
$2,000
$1,000
$0
-$1,000
-$2,000
-$3,000
-$4,000
-$5,000
2012-13 Mid-year Budget
2012 CAFR

The Budget


Budgeted vs. Actual General Fund Year End Gain / Loss
Thousands
$8,000
$6,000
$4,000
$2,000
$0
-$2,000
-$4,000
-$6,000
-$8,000
-$10,000
2006-07
2007-08
2008-09
2009-10
2010-11
2011-12
Bugeted Sources Over Uses
Actual Sources Over Uses

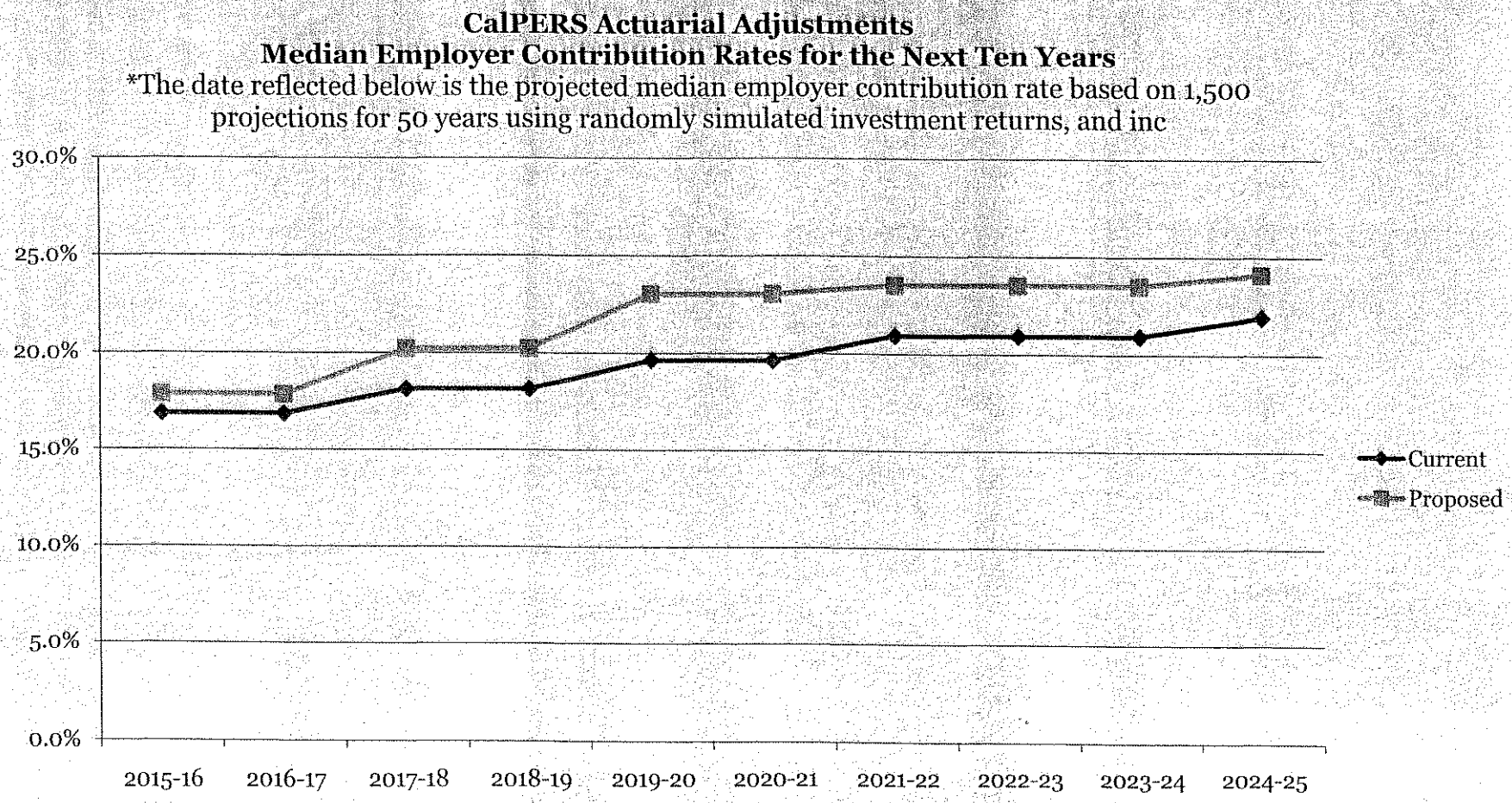
General Fund Transfers

- The Union would like to remind the City that all enterprise funds and special districts should fully recover operational expenses, and should not rely on General Fund subsidies
- Fees should be assessed in enterprise funds that are not fully recovering operational expenses

CalPERS Smoothing Changes

- Ronald Bates claimed in bargaining and in the budget that the recently adopted smoothing changes in CalPERS will double the City's actuarially determined rate in 5 years
- CalPERS has been very transparent on how the smoothing changes will affect actuarially determined rates for Public Agencies
- The Local would like to remind the City that it is bad-faith bargaining to mislead the Union or its representatives in bargaining

CalPERS Smoothing Changes



CalPERS Smoothing Changes

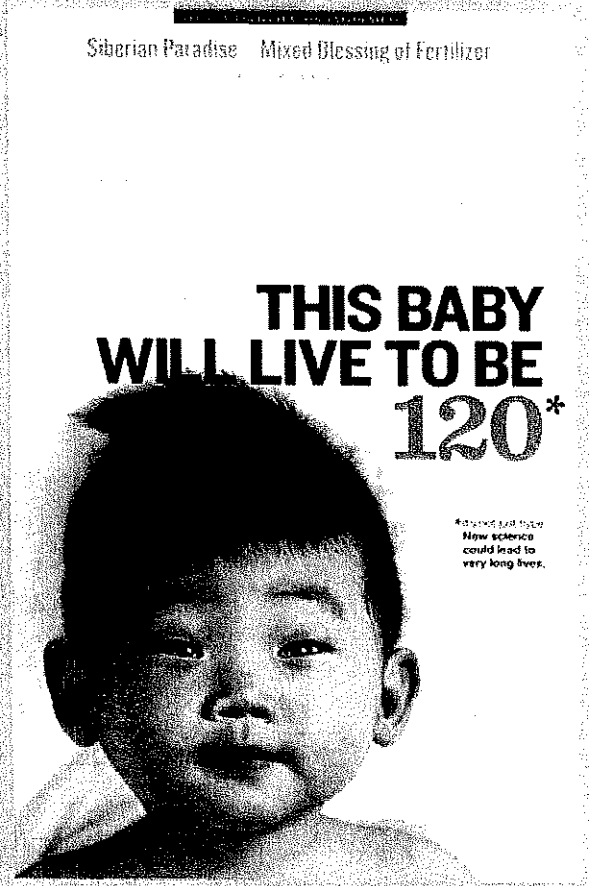
- The CalPERS changes are not scheduled to take effect until fiscal year 2015-16
- The smoothing adjustments will be implemented through 2024-25 (over 10 years)
- The smoothing adjustments will fully fund the system in 30-years
- CalPERS recently reported a 12.5% return in investments
- Pico Rivera will very likely see growth in major revenue sources, such as sales and property taxes, that will offset these increases in coming years

Sales and Use Taxes

- Ronald Bates claimed in bargaining that the City expects sale and use tax revenues to dramatically decrease
- All major indicators suggest sales tax revenue will continue to grow as the economy recovers
- Consumer spending is up
- All cities in the region are projecting increases in sale and use tax revenues year over year
- The County and State are projecting year over year sales and use tax growth
- The Union does not believe this claim has merit and encourages the City to revisit the data, but acknowledges sales taxes are cyclical and tied to the health of the economy

Bargaining

- The Union would prefer to rely on hard data in bargaining
- When addressing very real challenges in retirement and city finance, it is vital to rely on policy analysis
- Approaching bargaining from an ideological perspective without data and analysis is disruptive to the process



Moving Forward

- The Union is eager to continue our partnership with management and move forward to strengthen the City
- The community relies on the services our members provide
- As the City moves past the recession and recovery, it is vital to restore city services to a normal state, which includes ending employee furloughs and hiring regular employees over contractors to ensure quality service delivery