



Tuesday, July 23, 2013

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

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

PRESENT: Archuleta, Armenta, Salcido, Tercero, Camacho

ABSENT: None

COMMISSIONERS PRESENT:

Ruben Garcia, Planning Commission

Paul Gomez, Parks & Recreation Commission

INVOCATION: Planning Commissioner Garcia

PLEDGE OF ALLEGIANCE: Parks & Recreation Commissioner Gomez

SPECIAL PRESENTATIONS:

- Introduction of new Gas Company District Representative Helen Romero Shaw by Julia Emerson
- Proclamation - 30th Anniversary of National Night Out

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)

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

City Manager Bates stated that at the direction of City Council this item was broken down into two separate sections on the agenda; Items No. 1 and 9. Item No. 1, he

stated, is to place into effect the moratorium with regard to drug paraphernalia that was discussed at the last City Council meeting.

Councilmember Salcido asked if the drug paraphernalia referenced in the ordinance is legal in the State of California. Community and Economic Development Deputy Director Gonzalez stated that drug paraphernalia is illegal. Councilmember Salcido asked why the need for the moratorium then. Deputy Director Gonzalez stated that the moratorium is to adopt a local code that strengthens the state law.

City Attorney Alvarez-Glasman added that this ordinance would put a moratorium on any new head shops from operating within the City while City staff reviews and analyzes the appropriate standards to impose upon operators. He stated that the ordinance provides the City the tool in the toolbox to enforce not only from a criminal enforcement standpoint but also from a code enforcement standpoint.

Mayor Camacho closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Ordinance No. 1078 extending Urgency Ordinance No. 1077 by an additional one year and eliminate electronic cigarettes from the moratorium. Motion carries by the following roll call vote:

Ordinance No. 1078 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

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:

Rudy Guevara, SEIU 721 representative:

- Addressed the City Council to thank them for their support and for the opportunity to speak and present their fiscal analysis, and to address employee issues.

James Rodriguez:

- Addressed the City Council to speak of employee issues with Administration and lack of employee support.

Desiree Saavedra:

- Addressed the City Council regarding her disappointment in the current Administration and lack of medical benefits for part-timers.

Edith Herrera:

- Addressed the City Council regarding hourly employees reduced hours and contract workers.

George Rivera:

- Addressed the City Council regarding fairness to employees.

CONSENT CALENDAR:

2. Minutes:

- Approved City Council meeting of July 9, 2013
- Received and filed Parks & Recreation meeting of June 13, 2013
- Received and filed Planning Commission meeting of July 1, 2013

3. Approved 2nd Warrant Register of the 2013-2014 Fiscal Year. (700)

Check Numbers: 257649-257787; 257790-257869

Special Checks Numbers: 257788-257789

4. Authorization of Submittal of Application for Used Oil Recycling Funds Under CalRecycle Used Oil Payment Program. (500)

1. Approved Resolution No. 6732 authorizing the submittal of an application to the CalRecycle for funding under the Used Oil Recycling Payment Program 4th Cycle.

Resolution No. 6732 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)

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

6. **Approval of City Purchase Orders Above \$30,000 for Fiscal Year 2013-2014.** (700)

1. Approved Purchase Orders above \$30,000 for Fiscal Year 2013-2014.

7. **Federal Equitable Sharing Agreement for Asset Forfeiture.** (500)

1. Approved 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 authorized the Mayor to execute the Agreement; and
2. Adopted Resolution No. 6734 approving participation in the Federal Equitable Sharing Agreement Program and authorized the execution of related documents.

Resolution No. 6734 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)

1. Received and filed the Edward Byrne Memorial Justice Assistance Grant Application.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Consent Calendar Items No. 2, 3, 4, 6, 7 and 8. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

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)

Councilmember Salcido asked for the legal interpretation of convey. City Attorney Alvarez-Glasman stated convey means to grant or release to authorize the transfer of property from one party to another. Councilmember Salcido asked if the City is selling the property to which City Manager Bates responded that the City is not getting compensation for the property. The property, he stated, is being conveyed for the benefit of economic development.

City Attorney Alvarez-Glasman stated that cities may make this type of transaction to enhance or to facilitate the project. He stated that the City takes a piece of property that is generating no revenue and builds upon a project that is going to build and generate property tax revenue and that this would not trigger a gift of public funds.

Councilmember Salcido inquired about how the safety report was generated in regard to the intersection of Beverly Boulevard and Lindell Avenue. Public Works Director Cervantes stated that the Public Works Department prepared a traffic study for that intersection pursuant to complaints about congestion. One of the discoveries of the report, he stated, is the high frequency of accidents.

Councilmember Archuleta asked if the proposal was brought to staff by Norm's or if staff was being proactive and business friendly. Deputy Director Gonzalez stated it was a mutual discussion between the developers and the City.

Motion by Councilmember Salcido, seconded by Councilmember Archuleta to adopt Resolution No. 6733 Resolution of Intent to Vacate a portion of the Beverly Boulevard Right-of-Way (ROW) setting a public hearing for August 27, 2013. Motion carries by the following roll call vote:

Resolution No. 6733 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

AYES: Archuleta, Armenta, Salcido, Tercero, Camacho

NOES: None

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)**

City Manager Bates stated this is the item that was separated out from the moratorium ordinance which addresses the e-cigarettes. He stated that the tobacco industry is backing the e-cigarette proposals and staff's concern is how the flavored nicotine may affect the youth.

Deputy Director Gonzalez stated that staff has conducted additional research and found that there is inconclusive studies to support the electronic cigarettes are helpful with the deterrent of tobacco products. Staff conducted research with surrounding cities and found that many cities allowed electronic cigarettes by right and categorized them similar to tobacco products. However, she stated, this product is fairly new so many cities have not had a request for permits and have not had to deal with this issue. She further stated that the FDA has not approved e-cigarettes as a smoking cessation device, as such, if you see an e-cigarette it states that it is not meant for the purpose of cessation devices. The amendment to the ordinance, she stated, would not prohibit the sale of e-cigarettes. She stated that the amendment to the ordinance would categorize e-cigarettes as tobacco products and prohibit use wherever normal tobacco products are sold.

Council members discussed the legality of the e-cigarette, tobacco and nicotine, distance requirements, and lack of conclusive data.

City Attorney Alvarez-Glasman stated that if this ordinance is adopted it would not ban or prohibit the sale of e-cigarettes. He explained that what the ordinance would

accomplish is banning the use of an e-cigarette in the designated public places where smoking is prohibited.

Mayor Camacho spoke in favor of the ordinance prohibiting e-cigarettes in public places as a deterrent in attracting youth to the flavored nicotine.

Councilmember Salcido stated that he is not comfortable with labeling the e-cigarette as a tobacco product and could not approve the ordinance the way it is currently written.

Mayor Pro Tem Tercero stated that because the data is inconclusive he could not support the ordinance.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to introduce Ordinance No. 1079 amending Chapter 8.48, *Smoking* of the Pico Rivera Municipal Code updating where tobacco products and electronic cigarettes may be utilized. Motion carries by the following roll call vote:

Ordinance No. 1079 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**)

AYES: Archuleta, Armenta, Camacho

NOES: Salcido, Tercero

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

Service Employees International Union (SEIU) presented their financial analysis of the City's budget to the City Council.

After the presentation, dialogue ensued amongst Union Representative Ryan Hudson, City staff and City Council. All parties welcomed the open dialogue and look forward to continuing the open dialogue in future negotiation meetings.

Recessed to Water Authority at 7:55 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:56 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS:

In compliance with AB 1234 requirements, Mayor Camacho and Councilmember Armenta gave a report on their attendance at the Independent Cities conference.

Mayor Camacho acknowledged the presence of Assistant Fire Chief Scott Mahan in attendance at the regular City Council meeting. He also mentioned that through the hard work of the Parks & Recreation Department the City received grants that will be used at Pico Park to develop a rubberized walking track, shade shelter and four exercise stations around the parameter of the park. In addition, he stated that the City has seven (7) new monuments at the entrances of the City and stated that no general funds were used for these projects. At the request of Mayor Camacho, Director of Public Works Cervantes elaborated on the upcoming Phase E Cape and Slurry Seal Project that will resurface 84 residential streets.

Mayor Camacho invited residents to the visioning meeting on the former Pico Rivera Campground on July 30, 2013 at the Golf Course to receive feedback on what the community would envision for the use of the former campground. Tuesday, August 6, 2013, he stated, is National Night Out and invited the community to attend the event.

Councilmember Archuleta mentioned the concerts in the park and the success of the events. He asked that staff at future concert events increase the size of the dance floor.

OLD BUSINESS:

Councilmember Archuleta asked Assistant Fire Chief Mahan to elaborate on the response of fire trucks to house fires and how the trucks are equipped when there is no fire hydrant available. Assistant Fire Chief Mahan stated that the four fire truck engines each have 500 gallons of water and one engine is adequate for most house fires. He also stated that the fire truck engines are equipped with a fire hose in case a fire hydrant is needed.

Assistant to the City Manager Chavez added that staff has done an analysis that identifies locations in the City for residential areas that on a grid from one to five would require immediate identification for address signs. The City, he stated, will be working

with the School District to implement the project by applying addresses to the curbs of residential homes. The alleys, he stated, is a little more difficult to apply address numbers to because the construction material is in different forms and not identical like a curb.

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

Virginia Aguirre:

- Addressed the City Council to speak in support of City employees.

Diego Rubalcava-Alvarez:

- Addressed the City Council regarding quality of on-line agendas and minutes on the City's website; suggested searchable data and hyperlinks. Inquired about a previous speakers concern at the last City Council meeting in regard to fire hydrants.

Rita Murray, President of National Alliance on Mental Illness (NAMI):

- Addressed the City Council to speak about mental illness and the services they provide to residents of the Pico Rivera Gardens and encouraged members of the community to volunteer time with the residents of Pico Rivera Gardens and to educate the community on panhandling.

Zita Rodriguez:

- Addressed the City Council regarding City employees and encouraged the support of the City Council for employees.

Santos Dominguez, Administrator of the Pico Rivera Gardens:

- Addressed the City Council regarding mental illness, entitlements of these citizens, education of residents and the rules and regulations of the facility.

Recessed to Closed Session at 8:30 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 9:05 p.m.

ALL MEMBERS WERE PRESENT

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

City Attorney stated that direction was given to proceed to file a law suit against the Los Angeles County.

ADJOURNMENT:

Mayor Camacho adjourned the City Council meeting at 9:06 p.m. in memory of Albert Martinez. 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 23, 2013 and approved by the City Council on August 27, 2013.

Anna M. Jerome, Deputy City Clerk