



Tuesday, August 27, 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

Joseph Palombi, Parks & Recreation Commission

**INVOCATION:** Parks & Recreation Commissioner Palombi

**PLEDGE OF ALLEGIANCE:** Planning Commissioner Garcia

**SPECIAL PRESENTATIONS:**

- Martin Galindo, El Rancho Unified School District Superintendent presented six points of interest for the vision of the El Rancho Unified School District.

**PUBLIC HEARING:**

1. **Public Hearing – Adoption of a Resolution Ordering the Vacation of a Portion of the Frontage Road Located North of 9036 Beverly Boulevard in the Commercial Planned Development (CPD) Zoned District.** (1600)

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

City Manager Bates stated that the vacation of the roadway will assist in the overall development of the property and stated that Norms Restaurant (Norms) has requested to amend the resolution.

City Attorney Nichols stated that staff was just presented with a substitute resolution, Section 4, sub-paragraph 2, in which the proposed language eliminates the binding contract and states that the development plan is to the satisfaction of the Director of Public Works and pursuant to the development plans for the Proposed Vacated Area. Mr. Nichols stated that in his analysis this is a substantial difference.

Community and Economic Development Senior Planner Aguilar stated that the request to change the language was received from Norms. She stated that the language staff put in was a place holder pertaining to what specific improvements would be required within the vacated area. There was one particular requirement, she stated, in regard to a block wall and the way that the original resolution was worded, it stated that the block wall would be required; however, staff has met with Norms and discussed the required improvements and there will not be a requirement for the block wall. In addition, she stated, since the city requires a street improvement plan, before Council adopts this vacation and takes it to the County Registrar Records office for recordation, the city requires the submittal and approval of that plan by the city so there is no need for a contract.

#### Oral Communications:

Jim Pugh, Attorney representing Norms Restaurant:

- Addressed the City Council regarding proposed revised language for resolution pertaining to a block wall and a binding contract.

Public Works Director Cervantes stated that the interest of the Public Works department is the appropriate vacation of the street. As part of the development, he stated, that roadway is going to be vacated and staff wants it to be fully improved as a development by removing all the public improvement and converting them to private improvements; however, at the same time staff wants to make certain that we have the correct interface between the portion of the roadway that is not going to be vacated and the private improvement, so the purpose of this condition is to make certain that the design and interface is appropriate. Staff, he stated, is looking for flexibility, preliminarily with the proposed language.

Mr. Bates stated that staff recommends the revised resolution.

Councilmember Salcido stated that he was not satisfied with the data presented regarding the vacation. He further stated that he was indifferent as to resolving the issue but received complaints from residents about the vacation. Councilmember

Salcido stated that because the vacation is such a small area that it may not be worth the inconvenience to change the traffic culture of the neighborhood while acknowledging that there could be some safety issues.

Mayor Pro Tem Tercero suggested postponing the adoption of the resolution to give City Council more time to review the proposed changes.

Councilmember Archuleta stated that staff has done its due diligence and because the changes to the resolution are not significant he would like to continue going forward with the project.

Councilmember Armenta stated that the residents will adapt to the modifications made by the vacation. Mayor Camacho concurred with Councilmember Armenta's comments. He further stated that the enhancement to the corner may be to make the development more economically viable and to attract a future quality tenant that would add value to the property.

Mayor Camacho closed the public hearing.

Motion by Councilmember Archuleta, seconded by Councilmember Armenta to adopt Resolution No. 6735 ordering the vacation of a portion of the frontage road at the intersection north of 9036 Beverly Boulevard. Motion carries by the following roll call vote:

Resolution No. 6735 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ORDERING 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, Camacho

**NOES:** Salcido

**ABSTAIN:** Tercero

**2. Public Hearing – 2013 Congestion Management Program. (1300)**

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

City Manger Bates stated that this is a standard program that comes before City Council every year and needs to be adopted to continue MTA funding.

Mayor Camacho closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Resolution No. 6736 affirming city conformance with the Congestion Management Plan. Motion carries by the following roll call vote:

Resolution No. 6736 A RESOLUTION OF THE CITY OF PICO RIVERA, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

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

**NOES:** None

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

**CONSENT CALENDAR:**

**3. Minutes:**

- Approved City Council meeting of July 23, 2013;
- Received and filed Planning Commission meeting of June 17, 2013;
- Received and filed Planning Commission meeting of July 15, 2013; and
- Received and filed Parks & Recreation Commission meeting of July 11, 2013

**4. Approved 3<sup>rd</sup> Warrant Register of the 2013-2014 Fiscal Year. (700)**

Check Numbers: 257870-258262; 258265-258507

Special Checks Numbers: 257870-258262

**5. Designation of Voting Delegate. (100)**

1. Appointed Brent A. Tercero as voting delegate and Bob J. Archuleta as alternate for the 2013 Annual League of California Cities Conference.

6. **Second Reading - 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)

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

7. **Residential Resurfacing Program (PRP) Phase "E", Slurry Seal, CIP No. 21245 - Award Construction Contract.** (500)

1. Awarded a construction contract in the amount of \$316,498 to American Asphalt South Inc. for the Residential Resurfacing Program (RRP) Phase "E", Slurry Seal, CIP No. 21245, and authorized the Mayor to execute the contract in a form approved by the City Attorney.

Agreement No. 13-1406

8. **Amendment No. 11-1244-2 to Agreement No. 11-1244 with El Rancho Unified School District – School Resource Deputy.** (500)

1. Approved Amendment No. 11-1244-2 to Agreement No. 11-1244 with El Rancho Unified School District (ERUSD) under which the City will be reimbursed for 50% of the cost of providing a School Resource Deputy from September 2013 through June 2014, and authorized the Mayor to execute the Amendment in a form approved by the City Attorney.

Agreement No. 11-1244-2

9. **Slauson Avenue Street Improvements, CIP No. 21269 – Notice of Completion.** (500)

1. Accepted as complete, effective August 9, 2013, work performed by Excel Paving Company on the Slauson Avenue Street Improvements, CIP No. 21269, and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Consent Calendar Items No. 3, 4, 5, 7, 8 and 9. Motion carries by the following roll call vote:

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

**NOES:** None

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:**

- 6. Second Reading - 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)**

Councilmember Salcido for clarification purposes asked if the Ordinance prohibits the use of e-cigarettes in public places as you would prohibit smoking of cigarettes and cigars in public places. City Manager Bates responded in the affirmative.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Ordinance No. 1079, an ordinance of the City Council amending Chapter 8.48, *Smoking* of the Pico Rivera Municipal Code updating where tobacco products and electronic cigarettes are prohibited.

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 (SECOND READING AND ADOPTION)

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

**NOES:** None

**LEGISLATION:**

- 10. Pico Rivera Campground/Park Rehabilitation Project. (500)**

Assistant to the City Manager Chavez introduced Steve Lang and Oscar Johnson of MIG Landscape to provide a PowerPoint presentation on the Concept Design of the Pico Rivera Sports Arena and Campground. The presentation included group camping, equestrian amenities and nature based activities for children.

City Manager Bates stated that by the city having a Master Plan in place it could allow the city to take advantage of funding that may become available through various grants including grants from the county.

Councilmember Archuleta stated that he attended the community meetings regarding the development of this site and the issues covered by the presenters are the issues brought forth from the community and stated he supports the Master Plan. Councilmember Armenta concurred with the comments made by Councilmember Archuleta and stated that he would like action taken now in regard to the cleanup of the campground.

Mayor Camacho stated that there is no timeline on this project, but that the idea is to be shovel ready in order to solicit grant funding. He cautioned against spending any money on this project at this time.

Motion by Councilmember Archuleta, seconded by Councilmember Armenta to consider the Campground/Park Master conceptual design program elements. Motion carries by the following roll call vote:

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

**NOES:** None

**11. Agreement Extension with LEBA Inc. – Concessionaire for the Pico Rivera Sports Arena. (500)**

City Manager Bates stated that this project has been under discussion for a number of years and that the city has received very good performance from the current operators at the Sports Arena. He stated the current operators are requesting to extend their agreement in order to invest in some capitol at the Sports Arena. He added that a meeting of the Council Committee was held and general direction was provided to staff at that meeting. He stated that negotiations took place and that the agreement presented before City Council benefits the city and at the same time provides significant improvements for the public which will make the Sports Arena more usable and more attractive for patrons and the community.

Assistant to the City Manager Chavez provided a brief PowerPoint presentation which highlighted the following improvements: a LED standing billboard display, infrastructure improvements, extra seating and a free standing cover over the arena. He added that the agreement extension would be for 20 years which is necessary to amortize the investment for the entire project. He further stated the Army Corps of Engineers has approved the agreement.

Council members discussed and asked questions regarding the term of the agreement, the placement of the billboard display, submission of plans between the city and the Army Corps of Engineers, development of the land and the covering over the arena.

Councilmember Armenta requested that staff look at the Retaining Basin to see if that property could be incorporated into the LEBA Inc. property so that it could be renovated and asked staff to report back to City Council in 45 to 90-days regarding their findings.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to approve the attached Agreement with LEBA Inc. for operations of the Pico Rivera Sports Arena. Motion carries by the following roll call vote:

Agreement No. 13-1407

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

**NOES:** None

Recessed to Housing Assistance Agency at 7:12 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 7:13 p.m.

ALL MEMBERS WERE PRESENT

Recessed to Water Authority at 7:13 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:30 p.m.

ALL MEMBERS WERE PRESENT

**NEW BUSINESS:**

Councilmember Archuleta inquired about the library open house on September 21, 2013. City Manager Bates stated that staff is working with Supervisor Molina's office to make it a public opening and a number of people will be invited. Assistant to the City

Manager Chavez added that the construction is nearly complete and the public is invited to the opening.

Mayor Pro Tem Tercero asked staff to investigate if there is a cap on how many smog check businesses there could be in the city and to report back to him on their findings.

**OLD BUSINESS:**

Councilmember Archuleta asked for an update on the Hide It, Lock It or Lose It program. Lieutenant Sanchez stated that the program has been received well from the Neighborhood Watch groups and at the Towne Center.

Councilmember Salcido suggested that a Blue Ribbon Committee be formed to address the problem of vagrancy. Discussion ensued on homeless issues, programs to help with these issues and constraints on state run facilities. In regard to constraints on state run facilities, City Attorney Nichols stated that care facilities could be regulated. Lieutenant Sanchez added that the Sheriff's Department is working with the care facility to have problem individuals evicted from their facility.

Mayor Camacho mentioned the opening of new businesses in the city such as Panera Bread, 7-Eleven on Passons Boulevard and Telegraph Road and Papa John's.

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

Roberta Torres:

- Addressed the City Council regarding a resident at Pico Rivera Gardens, criminal history of the individual and an incident that took place at McDonalds regarding hot coffee.

Andrew Gomez:

- Addressed the City Council regarding a Teen Court Summit workshop and to thank City Council and City Manager Bates for their support. He also thanked the businesses that have supported them.

Emily Payton:

- Addressed the City Council regarding a TRL tobacco ordinance.

April Vela:

- Addressed the City Council regarding a monthly poetry night at either the library or Towne Center.

Estella Hernandez:

- Addressed the City Council regarding parking of mobile homes, water bill and a senior citizen rate.

Steven Bluford:

- Addressed the City Council regarding traffic safety issues at the entrance of Tradition homes.

**ADJOURNMENT:**

Mayor Camacho adjourned the City Council meeting at 8:12 p.m. There being no objection it was so ordered.

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

**NOES:** None

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Gustavo V. Camacho, Mayor

**ATTEST:**

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Anna M. Jerome, Deputy City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council regular meeting dated August 27, 2013 and approved by the City Council on September 10, 2013.

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Anna M. Jerome, Deputy City Clerk