



Tuesday, January 12, 2010

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

Mayor Salcido called the meeting to order at 6:04 p.m. on behalf of the City Council/Redevelopment Agency and the Housing Assistance Agency.

**PRESENT:** Armenta, Camacho, Archuleta, Salcido

**ABSENT:** None

**PLEDGE OF ALLEGIANCE:** Capt. Mike Rothans, Sheriff's Department

Mayor Salcido and Councilmembers acknowledged Capt. Rothans for a job well done in the City and congratulated him on his promotion to Commander. Commander Rothans introduced newly appointed Capt. James Thornton of the Pico Rivera Sheriff station.

**1<sup>st</sup> PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:**

Alexander Saulus, President of the Pico Rivera Chamber of Commerce:

- Addressed the City Council to ask for their continued support in terms of a new contract;
- Mentioned the addition of new technology in their offices and the success of their business roundtables;
- Introduced the Chamber's new Executive Director.

**1. Minutes:**

- City Council and Redevelopment Agency meeting of December 8, 2009
- Parks and Recreation Commission meeting of November 12, 2009
- Parks and Recreation Commission meeting of October 8, 2009
- Parks and Recreation Commission meeting of September 10, 2009
- Planning Commission meeting of November 2, 2009
- Sister City Commission meeting of November 18, 2009

**2. 10<sup>th</sup> Warrant Register of the Fiscal Year 2010-2011**

Check Numbers: 237157-237397, 237400-237479, 237488-237502, 237505-237669

Special Check Numbers: 237155-237156, 237398-237399, 237480-237487, 237503-237504

**3. Speed Limits Ordinance- Engineering and Traffic Survey of Major Streets. (1200/135)**

1. Adopted Ordinance No. 1059 repealing Chapter 10.28 of the Pico Rivera Municipal Code pertaining to speed limits.

Ordinance No. 1059- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, MODIFYING SUBSECTION 15 TO SECTION 10.28.010.B OF THE PICO RIVERA MUNICIPAL CODE PERTAINING TO THE SPEED LIMITS ON VARIOUS ROADWAYS.

**4. Chamber of Commerce- Approval of Agreement. (500/76)**

Item pulled from Consent Calendar for further clarification.

**5. Agreement Amendment for Transportation Needs Assessment- Phase II. (500/76)**

Item pulled from Consent Calendar for further clarification.

**6. Approval of amendment to agreement with Hirsch and Associates. (500/76)**

1. Approved amendment No. 1 to Agreement No. 09-1131

Resolution No. 6505 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING THE 2009-2010 ADOPTED BUDGET REALLOCATION FUNDS.

**7. Residential Resurfacing Program (RRP) – Phase “C”- Project No. 21225- Award of Construction Contract. (500/76)**

1. Awarded a construction contract for CIP No. 21225 in the amount of \$362,311.09 to Bond Blacktop, Inc., 2828 Faber Street, Union City, CA 94587.

2. Approved Change Order No. 1 in the amount of \$137,688.91 to expend the balance of the approved budget and to resurface additional streets.

3. Authorized staff to execute Change Order No. 1, CIP No. 21225.

**8. Civic Center Parking Lot Improvements Demolition Phase- Project No. 21192 – Notice of Completion.** (500/76)

1. Accepted work completed by American Wrecking Inc., 2459 Lee Avenue, South El Monte, CA 91733.

2. Directed the City Clerk to file Notice of Completion dated October 26, 2009.

**9. Request for Amendment to the Professional Services Agreement with Project Partners, Inc.** (500/76)

Item pulled from Consent Calendar for further clarification.

**10. Comprehensive Annual Financial Report (CAFR).** (700/57)

1. Receive and File.

**11. Amend Implementation Agreement with Gateway Cities Council of Governments (COG)** (500/76)

1. Approved amended implementation agreement with the Gateway Cities Council of Governments (COG) modifying changes in references.

Agreement No. 04-911-1

Motion by Mayor Pro Tem Archuleta, seconded by Councilmember Armenta to approve Consent Calendar Items No. 1, 2, 3, 6, 7, 8, 10 and 11. Motion carries by the following roll call vote:

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

**NOES:** None

**CONSENT CALENDAR ITEMS PULLED:**

**4. Chamber of Commerce- Approval of Agreement.**

(500/76)

Councilmember Armenta stated that the City provided the Chamber of Commerce with \$40,000 last year and that this year he would like to see that money utilized for various organizations within the community.

Mayor Pro Tem Archuleta expressed his gratitude for the presence of so many members from the Chamber of Commerce in the audience this evening and feels that the contribution that the City is making to the Chamber of Commerce is needed.

Councilmember Camacho congratulated the Chamber of Commerce on their progress and stated he understands the value and importance of promoting commerce in the City. He requested that some background information be provided to him regarding the prior \$40,000 that was allocated to the Chamber.

In response to Councilmember Camacho's request, Assistant City Manager Lopez stated that the Chamber had a location in a City facility, then relocated, and are now back in a City facility. She added that there has always been a partnership between the Chamber and the City and stated that the agreement was amended for the Chamber to be responsible for the Candidate's Forum as well as the State of the City, and that the Chamber would no longer be responsible for the Miss Pico Rivera Pageant. She also stated that the Chamber would still be responsible for the roundtable outreach to the community and shop Pico Rivera marketing effort, and that at the end of the quarter if everything has been accomplished the Chamber receives the \$10,000 allocation for that quarter.

Councilmember Gustavo stated that the Chamber has done a great job in organizing itself and in effectively communicating the message of investing in the community and promoting shop in Pico Rivera, and that it is important to keep in mind the value of commerce in the community. He added that the Chamber is already making charitable contributions to the community and that perhaps more money should be allocated to the Chamber so that they can continue to effectively communicate the message of shopping in Pico Rivera and in bringing in new commerce to the community.

Councilmember Armenta asked if the City in prior years has provided the Chamber with \$40,000 and if the Chamber could be provided with a time slot on Channel 3 with Assistant City Manager Lopez stating that the money provided to the Chamber has fluctuated over the years and that a Public Service Announcement (PSA) is being provided for new businesses on CTV3.

City Manager Fuentes added that in the prior contract with the Chamber approximately \$35,000 was allocated and that the Chamber fulfilled their contractual obligations such as producing a map and various other things enumerated in the contract.

Mayor Salcido stated that his interaction with the Chamber has always been positive and that he sees the contract with the Chamber as investing in ourselves.

Motion by Mayor Pro Tem Archuleta, seconded by Councilmember Armenta to approve agreement between the City and the Pico Rivera Chamber of Commerce for Chamber of Commerce services.

Agreement No. 10-1146

**AYES:** Camacho, Archuleta, Salcido

**NOES:** Armenta

**5. Agreement Amendment for Transportation Needs Assessment- Phase II. (500/76)**

Councilmember Armenta asked why the need for a study, if this study could be done in-house and how much money is the City spending.

Administrative Analyst Chavez stated that the City conducted a needs assessment of the transportation services within the City. He added that the City has a general transportation program that includes Dial-A-Ride and some extended service with Montebello Bus Line and that it has been concluded through community surveys and meetings that an enhanced transportation service would benefit the City. Funding of approximately \$587,159, he said, is available through Measure R transportation funding and would be utilized to supplement 24-hour Dial-A-Ride service that can be provided by adding a taxi service and a fixed route shuttle servicing parks, senior center, shopping centers, schools, etc. Further, because the City does not have the necessary in-house personnel expertise to implement the proposed augmentation, staff recommends extending the service agreement with Transtech.

City Manager Fuentes reiterated that with the current staffing level the City would not be able to do this job and that these consultants who do this type of development plan are familiar with the necessary federal and state regulations. He added that the cost for the consultant is \$25,000 and that federal money is being utilized to fund this project.

Mayor Pro Tem Archuleta asked when the \$587,159 through Measure R would become available with Administrative Analyst Chavez saying that the money is available now.

Councilmember Camacho stated that this is an opportunity for the City to enhance transportation services to local students and for senior citizens.

Motion by Mayor Pro Tem Archuleta, seconded by Councilmember Armenta to approve proposed agreement between the City of Pico Rivera and Transtech Consulting for a Community Transportation Needs Assessment – Phase II.

Agreement No. 10-1147

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

**NOES:** None

**9. Request for Amendment to the Professional Services Agreement with Project Partners, Inc. (500/76)**

Director of Public Works Cablay stated that Project Partners is an engineering temporary service that the City has utilized in the past and that their services are required to fill a few vacancies that the City has not been able to fill.

Councilmember Armenta asked if any other engineering firm was consulted with City Manager Fuentes saying that on a short term basis this was the most economical way to go.

Motion by Mayor Pro Tem Archuleta, seconded by Councilmember Armenta to: 1) Authorize the City Manager to expend additional budgeted monies for engineering services by Project Partners, Inc. for the engineering staff augmentation; and 2) Approve amendment No. 1 to Agreement No. 09-1105

**AYES:** Camacho, Archuleta, Salcido

**NOES:** Armenta

**CITY COUNCIL LEGISLATION:**

**12. Adopt proposed ordinance amending Chapter 3.52 of the Pico Rivera Municipal Code to decrease the Utility Users Tax rate applicable to Gas and Electric Service Users. (700/85)**

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to adopt Ordinance No. 1060 amending Chapter 3.52 of the Pico Rivera Municipal Code to decrease the Utility Users Tax rate applicable to gas and electric from five percent (5%) to four and one half percent (4.5%).

Ordinance No. 1060 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING SECTIONS OF CHAPTER 3.52 OF THE PICO RIVERA MUNICIPAL CODE TO DECREASE THE UTILITY USERS TAX AS APPLIED TO GAS AND ELECTRICITY.

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

**NOES:** None

**13. Appointments to the Parks and Recreation Commission. (300/59)**

Mayor Pro Tem Archuleta recommended Joseph Anthony Palombi for appointment to the Parks & Recreation Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6506, appointing Joseph Anthony Palombi to the Parks and Recreation Commission.

Resolution No. 6506, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING JOSEPH ANTHONY PALOMBI, ELECTOR OF SAID CITY TO THE PARKS AND RECREATION COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

Councilmember David Armenta recommended Pete Ramirez for appointment to the Parks & Recreation Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6507, appointing Pete Ramirez to the Parks and Recreation Commission.

Resolution No. 6507, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING PETE RAMIREZ, ELECTOR OF SAID CITY TO THE PARKS AND RECREATION COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

Councilmember Camacho recommended Lorraine De La O for appointment to the Parks & Recreation Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6508, appointing Lorraine De La O to the Parks and Recreation Commission.

Resolution No. 6508, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING LORRAINE DE LA O, ELECTOR OF SAID CITY TO THE PARKS AND RECREATION COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

Mayor Salcido recommended Rod Torres for appointment to the Parks & Recreation Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6509, appointing Rod Torres to the Parks and Recreation Commission.

Resolution No. 6509, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING ROD TORRES, ELECTOR OF SAID CITY TO THE SISTER CITY COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

**14. Appointments to the Planning Commission.**

(300/59)

Mayor Pro Tem Archuleta recommended Esther Celiz for appointment to the Planning Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6510, appointing Esther Celiz to the Planning Commission.

Resolution No. 6510, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING ESTHER CELIZ, ELECTOR OF SAID CITY TO THE PLANNING COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2011.

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

**NOES:** None

Councilmember Armenta recommended Ruben Garcia for appointment to the Planning Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6511, appointing Ruben Garcia to the Planning Commission.

Resolution No. 6511, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING RUBEN GARCIA, ELECTOR OF SAID CITY TO THE PLANNING COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2011.

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

**NOES:** None

Mayor Salcido recommended Tommy Elisaldez for appointment to the Planning Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6512, appointing Tommy Elisaldez to the Planning Commission.

Resolution No. 6512, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING TOMMY ELISALDEZ, ELECTOR OF SAID CITY TO THE PLANNING COMMISSION FOR A TWO YEAR TERM SAID TO EXPIRE DECEMBER 2011.

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

**NOES:** None

**15. Appointments to the Sister City Commission. (300/59)**

Mayor Pro Tem Archuleta recommended Bob Solis for appointment to the Sister City Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6513, appointing Bob Solis to the Sister City Commission.

Resolution No. 6513, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING BOB SOLIS, ELECTOR OF SAID CITY TO THE SISTER CITY COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

Councilmember Armenta recommended Ana Ascencio for appointment to the Sister City Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6514, appointing Ana Ascencio to the Sister City Commission.

Resolution No. 6514, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING ANA ASCENCIO, ELECTOR OF SAID CITY TO THE SISTER CITY COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

Mayor Salcido recommended David Angelo for appointment to the Sister City Commission.

Motion by Councilmember Armenta, seconded by Mayor Salcido to adopt Resolution No. 6515, appointing David Angelo to the Sister City Commission.

Resolution No. 6515, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, APPOINTING DAVID ANGELO, ELECTOR OF SAID CITY TO THE SISTER CITY COMMISSION FOR A ONE YEAR TERM SAID TO EXPIRE DECEMBER 2010

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

**NOES:** None

**16. Mayoral Appointments.** (100/59)

Item continued to meeting of January 26, 2010.

**REDEVELOPMENT AGENCY CONSENT CALENDAR:**

**17. Amendment to Owner Participation Agreement (OPA) - 8315 Whittier Boulevard.**  
(500/900.159)

1. Approved amendment to Owner Participation Agreement (OPA) for 8315 Whittier Boulevard and authorize the Executive Director to execute.

Agreement No. R99-316-3.

**18. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending June 30, 2009 and Independent Auditor's Report.** (700/57)

1. Received and File the audit reports for fiscal year ending June 30, 2009.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to approve Consent Calendar Items No. 17 and 18. Motion carries by the following roll call vote:

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

**NOES:** None

**NEW BUSINESS:**

Councilmember Armenta suggested moving the Sister City Commission back to a Committee and requested that all property that belongs to the City be returned by a former councilmember. Mayor Salcido requested that a standardized checklist be put in place whereby all City property is accounted for prior to employees/council members leaving office.

Mayor Pro Tem Archuleta requested that God and Country continue to be honored at the beginning of all Council meetings with Mayor Salcido agreeing to the will of the Council.

**OLD BUSINESS:** None.

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

John Albitre:

- Addressed the City Council to congratulate newly elected council members and Capt. Rothans on his promotion;
- Commented on council members not attending the meetings regarding City Manager Fuentes' evaluation;

Ruben Olague:

- Addressed the City Council to congratulate newly elected council members and Mayor Salcido;
- Speed limits on 5100 Lindsey Avenue and implementation of speed bumps;
- Vehicles run stop sign on north Lindsey 5100 block and Verner;
- Lindsey street needs to be resurfaced.

Bobby Arredondo:

- Addressed the City Council regarding opening a medical marijuana dispensary.

Ruben Mendez:

- Addressed the City Council to thank Capt. Rothans for doing a good job;
- Asked why council members Archuleta and Camacho did not attend meetings regarding evaluation for City Manager Fuentes.

Cecelia Pincetl:

- Addressed the City Council regarding chemical fumes in the neighborhood on Farmland Avenue.

Zita Rodriguez:

- Addressed the City Council to congratulate Mayor Salcido;
- Commented on City Manager's evaluation;
- Displeased that council members Archuleta and Camacho did not attend the two evaluation meetings for City Manager Fuentes.

Virginia Aguirre:

- Addressed the City Council to express her disappointment that council members Archuleta and Camacho did not attend the evaluation meetings for City Manager Fuentes.

Alex Rodriguez:

- Addressed the City Council to congratulate Mayor Salcido and thanked Capt. Rothans for a good job;
- Concerned as to why council members Archuleta and Camacho did not attend evaluation meetings for City Manager Fuentes.

Joe Bueno:

- Addressed the City Council to congratulate the newly elected;
- Requested unity amongst the Council;
- Time allotted for Public Comment;
- Wished everyone a Happy New Year.

#### **COUNCIL MEMBERS COMMENTS:**

In response to speakers' concerns Mayor Salcido stated that in regard to medical marijuana dispensaries the City reserves the right as to where they can legally exist in the City and that the City is currently researching the zoning codes.

Recessed to Housing Assistance Agency at 7:21 p.m.

ALL MEMBERS WERE PRESENT

Reconvened to City Council at 7:21 p.m.

ALL MEMBERS WERE PRESENT

Mayor Salcido said that Council will be going into Closed Session to evaluate the City Manager but to more importantly provide future direction as discussed between City Manager Fuentes and himself.

Mayor Pro Tem Archuleta informed the Council, City Manager and City Attorney that he would not be attending the Closed Session because he believes that there should be five members on the Council to provide the evaluation and that an evaluation right now is politically motivated.

Councilmember Camacho stated that the reasons he choose not to attend the evaluation meetings is due to a lack of a defined evaluation process in the City and that he thought the first Closed Session was to define the process. Based on a newspaper article that provided comments from each of his colleagues prior to the evaluation and a rush to provide paperwork for review, he said he was not satisfied with the approach and choose not to attend the meetings. He requested that the Closed Session meeting be postponed to define a criteria and parameters as to how to properly evaluate the City Manager.

Councilmember Armenta disagreed with the comment that five members are necessary to vote on the City Manager's evaluation because a "special meeting" was called for during a time when he could not be reached to vote on the 1% sales tax increase. He also stated the reasons to attend the Closed Session is to hear the concerns, opinions, likes, dislikes from his fellow council members and added that a council member could always abstain.

Mayor Salcido stated he wants to find a way to make things work with the Council and mentioned that City Manager Fuentes has not been evaluated in a year and a half. He expressed that he had concerns with the City Manager's past evaluations and said although he did not agree with the process then, as an elected official, he attended the meetings and voiced his opinions and voted appropriately. As the Mayor, he understands that everyone's approaches are different and said that he will work to unite the Council because it is important that the Council provide clear direction to the City Manager at a time when there are more projects than the City has ever had.

Mayor Salcido called for an Ad Hoc Committee consisting of himself, Councilmember Camacho and the City Attorney to define a proper evaluation process with all Council

members being in agreement. Based upon the findings of the Ad Hoc Committee, he said, the Closed Session will be postponed until further notice.

Council did not go into Closed Session.

**CLOSED SESSION**

**A. PUBLIC EMPLOYEE EVALUATION**

Pursuant to Government Code Section §54957

Title of Position: City Manager

City Council to review and evaluate past performance and provide direction on future performance expectations.

**ADJOURNMENT:**

The City Council meeting was adjourned at 7:45 p.m. There being no objection it was so ordered.

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

**NOES:** None

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Gregory Salcido, Mayor

**ATTEST:**

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Daryl A. Betancur, City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council and Redevelopment Agency Regular meeting dated January 12, 2010, and approved by the City Council on January 26, 2010.

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Daryl A. Betancur, City Clerk