



Tuesday, October 26, 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 6:05 p.m. on behalf of the City Council/Redevelopment Agency and Water Authority.

PRESENT: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

ABSENT: None.

COMMISSIONERS PRESENT:

Jeremiah Rodriguez, Planning Commissioner

Raymond Loza, Sister City Commissioner

INVOCATION: Councilmember Armenta

PLEDGE OF ALLEGIANCE: Councilmember Archuleta

SPECIAL PRESENTATION(S):

Employee Recognitions:

- William Mojica, Public Works, 5 years
- George Rivera, Public Works, 10 years
- Cathy Melendez, Housing, 20 years
- Debbie Lopez, Administration, 20 years
- Frank Dean, Public Works, 25 years

Rivera Middle School Cross Country Track Teams:

- Boys Cross-country, 1st Place, Hawaii
- Girls Cross-country, 1st Place, Hawaii and Mt. SAC

1st PERIOD OF PUBLIC COMMENTS - AGENDA ITEMS ONLY: None.

1. Minutes:

- City Council and Redevelopment Agency meeting of October 12, 2010
- Sister City Commission meeting of September 20, 2010

2. 7th Warrant Register of the 2010-2011 Fiscal Year. (700/78)

Check Numbers: 242439-242666

Special Checks Numbers: None.

3. Adoption of Building Codes. (1300)

1. Introduced Ordinance No. 1065 amending Title 15 of the Pico Rivera Municipal Code by adopting by reference Parts 1 through 6, 8, 10 through 12 of Title 24 of the California Code of Regulations;
2. Set a public hearing for November 23, 2010 for adoption by reference of the codes incorporating the California Building Code, California Residential Code, California Housing Code, California Abatement of Dangerous Building Code, California Sign Code, California Electrical Code, California Historical Code, California Plumbing Code, California Energy Code, California Existing Building Code, California Mechanical Code, California Green Building Standards Code, California Fire Code and the California Referenced Standards Code; and
3. Adopted Resolution No. 6571 which includes the findings necessary for the local amendments made to the model codes.

Ordinance No. 1065 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA , AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE PICO RIVERA MUNICIPAL CODE ADOPTING BY REFERENCE PARTS 1 THROUGH 6, 8 AND 10 THROUGH 12 OF TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS

Resolution No. 6571 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2010 CALIFORNIA CODES RELATIVE TO LOCAL CLIMATIC, TOPOGRAPHIC AND GEOLOGIC CONDITIONS

4. Caltrans – Authority to Execute Right-of-Way Certification for Federally Funded Projects. (1400)

1. Adopted Resolution No. 6572 to execute right-of-way certifications for federally funded projects with the California Department of Transportation (Caltrans).

Resolution No. 6572 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AUTHORIZING THE CITY MANAGER AND THE ASSISTANT CITY MANAGER TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR FEDERALLY FUNDED PROJECTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Mayor Salcido inquired about the City's contract with Crane Lobbyist with Assistant City Manager Lopez stating that the City currently does not have a standing contract and that staff anticipates preparing a proposal for Council to evaluate to see if a federal lobbyist is needed. Mr. Salcido also noted charges in the Warrant Register for City Council business cards upwards of \$200 and suggested keeping these cost to a bare minimum.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to approve Consent Calendar Items 1 through 4. Motion carries by the following roll call vote:

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

CONSENT CALENDAR ITEMS PULLED:

5. Passons Boulevard Underpass Project – Federal Project No. HPLUL-5351 (018), CIP No. 20053 – Award Construction Contract. (500)

Assistant City Manager Prang stated that this project has been underway for several years, that an RFP was issued, and that Brutoco Engineering is being recommended for the award of the contract. He also stated that the construction project should begin in November and that there are two supplemental projects that are being packaged with this low bid; 1) relocation of Pico Water District water line and 2) soil excavation storage and export.

Director of Public Works Cablay explained the processing of sealed bids as it pertains to the requirements for federal and state funding. He stated that the City got the best price for the best project.

Mayor Pro Tem Archuleta asked how Brutoco came in at such a low bid with Deputy Director Cervantes explaining that it is not that uncommon on these types of projects and that it was within the average range of the bids provided.

Councilmember Camacho reiterated for the sake of clarification that the low bidder is chosen from a sealed bid process with Director Cablay responding in the affirmative.

Motion by Councilmember Armenta, seconded by Councilmember Camacho to 1) Award a construction contract to Brutoco Engineering & Construction, Inc. for the Passons Boulevard Underpass Project in the amount of \$10,862,826.80 which includes the cost of Base Bid "A", Base Bid "B", Alternative Bid Items, and excludes the cost of Bid Item No. 23; and 2) Approve Resolution No. 6573 transferring \$532,000 from Proposition 42 Fund Balance Account to CIP No. 20053. Motion carries by the following roll call vote:

Resolution No. 6573 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING FY 2010-2011 BUDGET AND APPROPRIATING \$532,000 FROM PROPOSITION 42 FUND BALANCE TO THE CAPITAL IMPROVEMENT PROJECT (CIP) NO. 20053

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

6. Passons Boulevard Grade Separation Project (CIP No. 20053) – Third Amendment to Professional Service Agreement. (500)

Deputy Director Cervantes stated that HDR Engineering is a designer that was hired through BNSF to take care of the project and that some design changes have taken place since he has been on board with the City. The item before Council this evening, he stated, is a change order to replenish the funding that HDR needs to provide construction support through construction of the project.

Motion by Councilmember Armenta, seconded by Councilmember Contreras Rapisarda to approve a contract amendment to the professional services agreement with HDR

Engineering,, Inc. (HDR), for additional design services in accordance with the scope of work and fee proposal dated September 29, 2010. Motion carries by the following roll call vote:

Agreement No. 09-1102-3

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

7. Passons Boulevard Underpass Project (CIP No. 20053) – Amendment No. 1 to Professional Service Agreement. (500)

Deputy Director Cervantes stated that this change order is intended to revisit the construction management strategy, re-evaluate some of the services and based on today's current design, include a construction management program that is more adequate for the needs of where the City is at today. He also stated that the change order would reduce the scope of work and provide a reduction in fee of \$1 million dollars.

Mayor Pro Tem Archuleta asked with a savings of \$1 million dollars what other service is staff thinking of providing.

Deputy Director of Cervantes stated that the money could provide some upgrades to a wider connector road, upgrades to the bridge and on the management side it presents an opportunity for a more extensive public outreach program or to help mitigate impacts.

Councilmember Armenta asked if URS Corporation bid on this project with Director Cablay stating that they did not submit a bid on this project.

Motion by Councilmember Armenta, seconded by Councilmember Camacho to approve Amendment No. 1 to the Professional Services Agreement No. 08-1063 with Harris and Associates, Inc. to revise the scope of services and fees in accordance with the proposed scope of work and fee proposal dated July 2, 2010. Motion carries by the following roll call vote:

Agreement No. 08-1063-1

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

CITY COUNCIL LEGISLATION:

8. Policies and Procedures for Residential Parking Permits Districts. (1400)

Assistant City Manager Prang stated that in creating policies and procedures staff is standardizing and putting in writing practices that apply to all parking permit districts.

Councilmember Contreras Rapisarda inquired as to where the residential parking permit districts are located with Assistant City Manager Prang referring Ms. Contreras Rapisarda to the maps provided to City Council.

Public Safety Manager Gutierrez stated that the most common concern is that home dwellers are concerned with residents from the apartments taking up parking in front of their homes which impacts street parking. He added that a cost break for the permits is given to seniors and persons with handicap placards.

Councilmember Armenta asked if the City has investigated Burke Street for a permit district with Manager Gutierrez responding that the City is not proactive but reactive. He stated that the City investigates only if the residents request a permit district. Assistant City Manager Prang added that the process consist of residents petitioning for a permit district, two-thirds of the households must agree to it, and the City Council ratifies or rejects the request based on the evidence provided. The policy before the City Council, he stated, does not create a City Council initiated permit district, it is a resident initiated process.

In response to a question asked by Mayor Pro Tem Archuleta regarding consistency in the policy, Assistant City Manager Prang stated that the policy formalizes past practice.

Councilmember Camacho asked if there are any new pending requests with Manager Gutierrez responding that there are two requests and staff would like to formalize the policy and procedures for the sake of uniformity.

Assistant City Manager Prang stated that staff will reissue permits on an annual basis to make sure that cars that have permits are entitled to park on the streets and that the City's permit database is current.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to adopt Resolution No. 6574 approving Policies and Procedures for restricted residential parking permit program.

Resolution No. 6574 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING POLICIES AND PROCEDURES FOR ESTABLISHMENT, MODIFICATION OR ELIMINATION OF RESIDENTIAL PARKING PERMIT DISTRICTS WITHIN THE CITY OF PICO RIVERA

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

9. Approval of a Lease Amendment for Proposed Modification to an Existing Wireless Telecommunication Facility at 9633 Beverly Road in the Public Facility (P-F) Zoned District. (500)

Assistant City Manager Prang stated that this is a cell phone tower that was installed in 1992 at the City yard and that the company would like to make some modifications and would not change its profile.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to approve Resolution No. 6575 declaring its approval of a lease agreement amendment for proposed modification to an existing wireless telecommunications facility at the City Yard located at 9633 Beverly Boulevard.

Resolution No. 6575 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS APPROVAL OF A LEASE AMENDMENT, CONSENT TO LICENSE AND ASSUMPTION AGREEMENT FOR THE PROPOSED MODIFICATION TO AN EXISTING WIRELESS TELECOMMUNICATION FACILITY CONSTRUCTED AND OPERATED ON CITY OWNED PROPERTY AT 9633 BEVERLY ROAD IN THE PUBLIC FACILITY (P-F) ZONE

Agreement No. 10-1182

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

10. Approval of Agreement with Civica Software for Website Redesign and Development. (500)

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Archuleta to approve an agreement with Pixelpushers, Inc. dba Civica Software, 20101 SW Birch Street, Suite 250, Newport Beach, CA 92660, to provide website redesign and development services inclusive of a Content Management System (CMS).

Agreement No. 10-1183

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

REDEVELOPMENT AGENCY: None.

NEW BUSINESS:

Councilmember Armenta asked City Attorney Alvarez-Glasman if it's allowable under public contracting law to stipulate a local business preference benefit when the City goes out to bid with City Attorney Alvarez-Glasman responding in the affirmative although he stated there are certain exceptions if state or federal funds are being used.

OLD BUSINESS:

Mayor Pro Tem Archuleta mentioned the Halloween Spooktacular taking place at Smith Park on Sunday, October 31, 2010.

Councilmember Camacho thanked Council for approving the groundwater reliability improvement program which looks at other alternatives other than importing water. He also mentioned that he had the opportunity to meet the first Mexican-American astronaut Jose Hernandez whose story is one of perseverance and reminded the community that education must be the top priority not only in the schools but also in the home.

Councilmember Contreras Rapisarda requested a copy of the bidders log for the contractors that bid on the renovation of the City parks.

Mayor Salcido stated that the City of Palo Alto passed a resolution last evening against the high speed rail.

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

Christina Cortez, Councilmember City of Montebello and Kevin Rivas:

- Addressed the City Council to request a safe environment for this weekend's football game at Rivera Park.

Joe Bueno:

- Addressed the City Council to speak of youth involvement and student awards; education; development of future homes; trees need trimming in his neighborhood.

CITY COUNCIL COMMENTS: None.

Recessed to the Water Authority at 7:35 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:35 p.m.

ALL MEMBERS WERE PRESENT

Recessed to Closed Session at 7:36 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 9:13 p.m.

ALL MEMBERS WERE PRESENT

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section §54956.9(c)

Number of Potential Cases: (1)

City Attorney Alvarez-Glasman stated that direction was provided to City Attorney, no final action was taken and that there is nothing further to report.

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section §54956.9(a)

Graffiti Protective Coatings, Inc. et al. v. City of Pico Rivera

City Attorney Alvarez-Glasman stated that direction was provided to City Attorney, no final action was taken and that there is nothing further to report.

C. PUBLIC EMPLOYMENT APPOINTMENT

Pursuant to Government Code Section §54957

Title: City Manager

City Attorney Alvarez-Glasman stated that no final action was taken and that there is nothing further to report.

ADJOURNMENT:

The City Council meeting was adjourned at 9:14 p.m. There being no objection it was so ordered.

AYES: Armenta, Camacho, Contreras Rapisarda, Archuleta, Salcido

NOES: None

Gregory Salcido, Mayor

ATTEST:

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 October 26, 2010, and approved by the City Council on November 9, 2010.

Daryl A. Betancur, City Clerk