



Tuesday, September 13, 2011

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

PRESENT: Camacho, Salcido, Archuleta, Armenta

ABSENT: Contreras Rapisarda (excused)

COMMISSIONERS PRESENT:

Joseph Palombi, Parks & Recreation Commissioner

Fred Zermeno, Planning Commission

INVOCATION: Sam Genis, El Rancho High School Principal

PLEDGE OF ALLEGIANCE: Rebecca Seldana, El Rancho High School Entrepreneur's Club student

SPECIAL PRESENTATION(S):

- Presentation by Interim Deputy Director Julia Gonzalez and Tham Nguyen of Metro Regarding Upgrade on Eastside Phase 2 Extension
- El Rancho High School Route 60 Ridership presentation by El Rancho High School Entrepreneur Club & Teen Court Club
- Recognition of Los Angeles County Deputies for quick response to robbery in progress presented by Mr. & Mrs. Gonzalez of Mana's Y Pupuseria
- Acknowledgement of donation made to the City by Herrera & Associates/MuniTemps received by Rebecca Acevez.

PUBLIC HEARING(S):

1. Public Hearing – Zoning Code Amendment No. 162 – To Amend Chapters 18.40 (Land Use) and 18.04 (Definitions) of the City of Pico Rivera Zoning Ordinance Amending the Regulations for Garage/Yard Sales and to Establish a Permit Fee. (1300)

Mayor Armenta opened the Public Hearing and noted that there was no written communications or public comment cards to provide public testimony.

City Manager Bates stated that the public hearing is at the direction of the City Council to address garage/yard sales and to establish a permit fee and an orderly way to handle the sales. The recommendation, he stated, was processed through the Planning Commission and generally changes the number of yard sales per year from three to four, reduces the number of consecutive days from three to two, requires a nominal permit fee of \$10.00, controls the hours of sales between 10 a.m. and 10 p.m. and attempts to make sure that these are local yard sales and not commercial operations.

In response to a question asked by Councilmember Salcido, Interim Community Development Director Gonzalez responded in the affirmative that the \$10 permit fee is new. She stated that other specified changes to the regulations are multi-unit lots are under the four per calendar year, residents can set up one day prior to sale starting at 5 a.m. and all items need to be removed by 9 p.m. prior to the final sale date, it includes language prohibiting certain merchandise, food, limiting items and quantities not typical of a household so that it doesn't become a commercial business.

Councilmember Salcido inquired as to how the new changes would sink teeth into enforcement citing a home on Washington Boulevard that has a commercial yard sale every week. Ms. Gonzalez stated that under the new regulations the homeowner would need to provide proof of obtaining a City permit which would help code enforcement officers to regulate and track the sales. Mr. Salcido stated that he does not want to create unnecessary red tape for the general public if the policy does not stop the main abusers.

City Attorney Alvarez-Glasman added that the process is a two step approach. If the City Council introduces and adopts the ordinance, there is the language within the municipal code that gives the City the leverage to take the steps for necessary enforcement.

City Manager Bates added that the City will continue to operate on a complaint basis and will not be tracking down the average household garage/yard sale for permits. He

stated that with the new ordinance in place, the City will feel more comfortable shutting down the abusers with the assistance of the Sheriff department.

Councilmember Camacho stated that most residents who conduct yard sales have a yard sale once or twice a year and are orderly. He stated that it's unfortunate that some residents abuse the yard sales and turn it into a business. Recognizing that the problem is with enforcement, Mr. Camacho stated that he concurs with Councilmember Salcido in not wanting to burden the average seller with additional paperwork.

City Attorney Alvarez-Glasman confirmed with Interim Community Development Director Gonzalez that residents are not currently required to obtain permits. He stated that with the introduction and adoption of this ordinance it would require the resident to obtain a permit which provides a tracking system for code enforcement.

Mayor Pro Tem Archuleta stated in reference to the Washington property that the resident is not conducting a yard sale but a mini swap meet and this is what the City is trying to prevent with the new regulations. He stated that he is in favor of code enforcement being able to track via permits the yard/garage sales each household has per year and thereby be able to sink teeth into enforcement. He also concurred with Councilmembers Salcido and Camacho to eliminate the \$10 permit fee. Mr. Archuleta suggested that a garage/yard sale brochure listing the rules and regulations of the yard sale be provided to each resident that obtains a permit.

Councilmember Camacho asked if a single permit could be obtained for a block yard sale with City Manager Bates stating that it could but that it would be registered under the person's name that pulled the permit and the sale would be consolidated to the one yard.

Councilmember Salcido reiterated that he objects to anyone having to pull a permit. He asked City Attorney Alvarez-Glasman if dated pictures taken by code enforcement serve as documentation as it relates to the law.

City Attorney Alvarez-Glasman responded in the affirmative to Mr. Salcido's question and stated that with the use of dated pictures after the fourth picture of violation is taken, and with the testimony of a code enforcement officer, it would give the City sufficient evidence and the right to shut the yard sale down. Mr. Alvarez-Glasman suggested as an option or as an alternative that rather than require the resident to pull a permit, the City could designate four weekends throughout the year that garage/yard sales are permitted. He stated this would eliminate the need to obtain a permit and

anyone who holds a garage/yard sale other than those designated weekends would be in violation of the code.

Councilmember Camacho asked how many residents are in violation of the code with Interim Community Development Director Gonzalez stating two that the City receives complaints on.

Mayor Pro Tem Arhculeta and Mayor Armenta concurred with Councilmembers Salcido and Camacho on eliminating the permit and the \$10.00 fee and applying enforcement on the violators. Mr. Archuleta reiterated the use of a pamphlet for general yard sales when code enforcement officers are in the field to be able to give to the resident.

City Manager Bates stated that after taking public testimony Council may want to approve the new regulations as the Planning Commission has looked at this extensively and the new regulations add more structure into the system. He suggested approving the more structured and updated regulations as presented by the Planning Commission, eliminate the permit and \$10 fee, and have code enforcement work with the Sheriff Department and the City Attorney to enhance documentation on the abusers and follow through with enforcement.

Mayor Armenta encouraged residents to call the Sheriff Department for major offenders to help with enforcement.

Oral Communications:

Fred Zermeno, Planning Commissioner:

- Addressed the City Council to comment on the process that the Planning Commission took in evaluating a \$10 fee by factoring in the man hours Public Work staff puts into cleaning up after the yard sales and taking down signs throughout the City.

Mayor Armenta closed the public hearing.

Motion by Councilmember Salcido, seconded by Mayor Armenta to: 1) Adopt Resolution No. 6638 approving Zone Code Amendment No. 162; and 2) Introduce Ordinance No. 1066 amending Chapters 18.04 and 18.40 of the City of Pico Rivera Zoning Code. Motion carries by the following roll call vote:

Resolution No. 6638 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING AN AMENDMENT TO CHAPTERS 18.04 AND 18.40 PERTAINING TO THE REGULATIONS OF GARAGE OR YARD SALES HEREIN KNOWN AS ZONE CODE AMENDMENT NO. 162.

Ordinance No. 1066 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING NOTE 41 OF CHAPTER 18.40 (LAND USE) AND AMENDING CHAPTER 18.04 (DEFINITIONS) OF THE PICO RIVERA MUNICIPAL CODE AMENDING THE REGULATIONS PERTAINING TO GARAGE OR YARD SALES (First Reading and Introduction)

AYES: Camacho, Salcido, Archuleta, Armenta

NOES: None

ABSENT: Contreras Rapisarda

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

CONSENT CALENDAR:

2. Minutes:

- Approved City Council and Redevelopment Agency meeting of August 23, 2011

3. 4th Warrant Register of the 2011-2012 Fiscal Year. (700)

Check Numbers: 247522-247764; 247767-247895

Special Checks Numbers: 247765-247766

4. CalRecycle Tire Derived Product Grant Application. (700)

1. Adopted Resolution No. 6639 authorizing the submittal of an application for the CalRecycle Tire Derived Product Grant.

Resolution No. 6639 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING THE APPLICATION FOR CALRECYCLE GRANT FUNDS

5. Beverly Boulevard Rehabilitation Project, CIP No. 21215, Federal Project No. ESPL 5351(017) – Authorize Approval of Change Orders. (500)

1. Authorized the City Manager to approve three change orders for a total amount of \$287,399 for All American Asphalt to construct additional improvements on the Beverly Boulevard Rehabilitation, CIP No. 21215, Federal Project No. ESPL 5351(017).

6. Phoenix Group Information Systems – Citation Processing and Collection Services – Approval of Supplemental Agreement No. 08-1033-11. (500)

1. Approved Supplemental Agreement No. 08-1033-11 to amend Agreement No. 08-1033 with Phoenix Group Information Systems, 2670 North Main Street, Suite 200, Santa Ana, California 92705 to provide citation processing and collection services at an annual cost not-to-exceed \$44,000. The term of the Supplemental Agreement shall be for 12 months commencing October 1, 2011 and shall automatically renew for a maximum of two (2) subsequent 1-year periods unless terminated earlier in the manner set forth in the Agreement.
2. Authorized the Mayor to execute Supplemental Agreement No. 08-1033-11.

Agreement No. 08-1033-11

7. Passons Boulevard Grade Separation Project (CIP No. 20053) – Fourth Amendment to the Professional Service Agreement with HDR Engineering. (500)

1. Approved Amendment No. 4 to the professional services agreement with HDR Engineering, Inc. (HDR) for a not-to-exceed amount of \$323,760 for additional design and construction support services in accordance with the scope of work and fee proposal dated September 6, 2011 and authorize the Mayor to execute it.

Agreement No. 09-1102-4

8. Amendment to Travel Expense Policy. (100)

1. Adopted Resolution No. 6640 amending the City travel policy by curtailing city-paid recreational activities for City Council Members, Members of Boards and Commissions, and City employees.

Resolution No. 6640 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING THE POLICY REGARDING THE REIMBURSEMENT OF EXPENSES FOR CITY COUNCIL MEMBERS, MEMBERS OF BOARDS AND COMMISSIONS, AND CITY EMPLOYEES

9. Donation to the City of Pico Rivera. (700)

1. Accepted the donation from Herrera & Associates/MuniTemp and appropriate the funding as indicated below.

Councilmember Camacho commented on Item No. 8 stating that he is pleased that the Ad Hoc Committee moved swiftly in eliminating the recreational activities such as golf. Councilmember Salcido concurred with the recommendation stating it is hard to justify recreational activities during hard economical times.

Mayor Armenta read into the record a statement at the request of Councilmember Contreras Rapisarda expressing her support for the community projects resulting from the \$25,000 contribution of Herrera and Associates.

Motion by Councilmember Salcido, seconded by Mayor Pro Tem Archuleta to approve Consent Calendar Items No. 2 through 9. Motion carries by the following roll call:

AYES: Camacho, Salcido, Archuleta, Armenta

NOES: None

ABSENT: Contreras Rapisarda

CONSENT CALENDAR ITEMS PULLED: None.

CITY COUNCIL LEGISLATION:

10. Release of Final Solid Waste, Recycling and Greenwaste Collection Request for Proposal. (500)

City Manager Bates stated that Council has been working on this process for a number of months authorizing the hiring of a consultant HF&H who is present in the audience to answer any questions. He stated that staff looked at any number of contracts out there, looked at the RFP for those contracts, and worked with HF&H to put a draft proposal together. The draft RFP, he stated, was circulated to all the potential collectors, council members, and staff. Staff spent several hours, he stated, reviewing and adjusting any questions in the RFP as well as a Council committee that reviewed the RFP making further refinements to it and reviewed by the City Attorney. He further stated that this is probably one of the most vetted request for proposal that's been developed to bid out a solid waste management contract for a City.

Mayor Armenta read into the record a statement from Councilmember Contreras Rapisarda stating her support for the issuance of the RFP for the Solid Waste Management, noting the positive work of staff, the consultant and the Council Solid Waste Management Committee consisting of Councilmember Salcido and Mayor Armenta.

Motion by Councilmember Salcido, seconded by Mayor Pro Tem Archuleta to approve the attached Request for Proposal (RFP) prepared by HF&H Consultants and authorize staff to release the document to seek proposals from interested waste management firms. Motion carries by the following roll call vote:

AYES: Camacho, Salcido, Archuleta, Armenta

NOES: None

ABSENT: Contreras Rapisarda

REDEVELOPMENT AGENCY LEGISLATION:

11. Repeal Ordinance 2-11. (1500)

City Manager Bates stated that this is an item to repeal an ordinance previously adopted by Council that makes the City consistent with the bond covenants for the bonds that in the long run will benefit the City especially as we deal with bond payments coming up for Redevelopment in December.

Motion by Director Archuleta, seconded by Director Salcido to Introduce Ordinance No. 3-11 repealing Ordinance 2-11 (“repealing Ordinance No. 1-90, the Uniform Local Sales and Use Tax Ordinance.”). Motion carries by the following roll call vote:

Ordinance No. 3-11 AN ORDINANCE OF THE REDEVELOPMENT AGENCY OF THE CITY OF PICO RIVERA, CALIFORNIA, REPEALING ORDINANCE NO. 2-11 TITLED, REPEALING ORDINANCE NO. 1-90, THE UNIFORM LOCAL SALES AND USE TAX ORDINANCE (First Reading and Introduction)

AYES: Camacho, Salcido, Archuleta, Armenta

NOES: None

ABSENT: Contreras Rapisarda

Recessed to Housing Assistance Agency at 7:27 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 7:28 p.m.

ALL MEMBERS WERE PRESENT

NEW BUSINESS:

Councilmember Salcido stated that he has received complaints from residents regarding parking enforcement’s sensitivity to the “Spirit of the Law” vs. the “Letter of the Law” and requested that Parking Enforcement use discretion in citing residents when it comes to the Spirit of the Law. Mayor Armenta concurred with Councilmember Salcido’s comment.

In compliance with AB 1234 requirements, Councilmember Camacho reported on the meeting he attended in San Diego at the International Council of Shopping Centers and met with potential markets for the north side of Pico Rivera. He also mentioned the September 28 “Build Day” at Pico Park and that he attended the Hispanic Scholarship Fund Leader’s in Education award luncheon and is proud to say the City of Pico Rivera was recognized as an established partnership consisting of the City, the School District and the Hispanic Scholarship Fund thanks to the Gilbert and Jackie Cisneros’s foundation. He mentioned that there are 50 scholarships available at \$2,500 each for this graduating class and reminded students to apply. Mr. Camacho requested that

staff look into speed humps in the Montebello Gardens area at Pine Street and Edna Avenue.

Mayor Pro Tem Archuleta congratulated the El Rancho High School students on a great presentation this evening and asked City staff member Ray Chavez to assist the school in researching possible available grant funds to help the school in their endeavor. Mr. Archuleta also mentioned speeding on Shade Lane between Orange and Passons Boulevard and requested staff to investigate speed humps on Shade Lane and Poinciana streets.

Mayor Armenta requested to place the El Rancho High School Entrepreneur Club's request for consideration of bus pass subsidies on the September 27, 2011 City Council agenda, stated that the City is in need of volunteers for the "Build Day" at Pico Park on September 28, and mentioned that on September 24, 2011 at 11:30 a.m. a free Emergency Preparedness Workshop will be offered at the Smith Park Auditorium hosted by the City in partnership with the American Red Cross.

Councilmember Salcido suggested regarding the El Rancho High School's presentation and request for funds that the City research a more in depth scientific analysis and requested that the Ad Hoc Transportation Committee be involved in the process.

City Manager Bates stated that the issue can be addressed with the Ad Hoc Transportation Committee and mentioned that there is approximately \$5,000 that could be utilized from the \$25,000 Herrera and Associates donation that was provided to the City and that a specific portion has been designated for transportation.

OLD BUSINESS:

Mayor Pro Tem Archuleta acknowledged the Public Work staff for the great job they are doing in cleaning up graffiti in the City.

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

Nora Chen, Rivera Library Librarian:

- Addressed the City Council to speak about the upcoming Bookmark Contest for grades K-12 deadline entry October 29, 2011.

John Avila, Chamber of Commerce Member:

- Addressed the City Council regarding upcoming events: September 22 – Business Connection at Steak & Stein, 11:30 a.m. to 1:00 p.m.; October 20 – Candidate Forum at the Pico Rivera Golf Course from 10:00 a.m. to 12:00 noon; November 1 – Business and Health Exp. and Salsa Contest 4:00 p.m. to 7:00 p.m.
- Mr. Avila announced the recent passing of Chamber Boardmember Robert Tice.

Rosemary Gurrola, Pico Rivera Librarian:

- Addressed the City Council to speak about upcoming library programs: Story time and Art Activity; The Last Days of the Dinosaurs and the Bookmark Contest.
- Ms. Gurrola stated that on October 4, 2011 from 6 p.m. to 7 p.m. Kaplan Test Group is providing a free workshop to learn how to raise your test scores.
- September is National Library sign up month – sign up for library cards.

Barbara Diaz:

- Addressed the City Council to speak of her concern for the possible removal of trees at Rivera Park; and the removal of a tree at 9450 Bert Street that birds on the endangered species list nest in.

In response to Ms. Diaz' concerns regarding trees in the park, City Manager Bates stated that the City is going to try to maintain as many trees as possible and suggested that she speak to Director of Parks & Recreation Ralph Aranda for more specific detail. Mr. Bates also stated that Public Work staff is going to speak to the residents in the neighborhood at 9450 Bert Street regarding the removal of the tree and the replanting of new trees. He stated the decision to remove or replant trees has not been made at this time.

Lennie Rodriguez:

- Addressed the City Council to thank them for putting on Item 8 on the agenda.

Ofelia "Roddie" Rodriguez, President of the Pico Rivera Concerned Citizens Committee:

- Addressed the City Council to speak on Item No. 8 Amendment to the Travel Expense Policy stating that the language as stated on the agenda was not clear enough as to what action is being taken.

- Ms. Rodriguez asked for confirmation on the elimination of City paid golf fees.

Mayor Armenta stated that there would be no golf for anyone that would be paid for by City funds.

John Belmonte, Vice President of the Pico Rivera Concerned Citizens Committee:

- Addressed the City Council to thank the City Council for adopting the new travel expense policy that curtails recreational activities for Council Members, Members of Boards and Commissions, and City employees.

Brent Tercero:

- Addressed the City Council regarding general concerns about the quality of life, safety and cost of living in the City. He mentioned handicap parking for residents, heavy truck traffic, speed humps on Durfee Avenue, housing units, lack of maintenance on County owned property; work equipment on driveway; Megan's Law; increased fees and sales tax.

Mayor Armenta addressed Mr. Tercero's concerns by stating that handicap parking is dealt with on a case-by-case basis; truck traffic is part of commerce in the City; speed humps have pros and cons especially when dealing with emergency vehicles; work equipment regarding inoperable vehicles is not allowed; and crime has diminished substantially in the City.

ADJOURNMENT:

Mayor Armenta adjourned the City Council meeting at 8:12 p.m. in memory of Chamber of Commerce Boardmember Robert Tice. There being no objection it was so ordered.

AYES: Camacho, Salcido, Archuleta, Armenta

NOES: None

ABSENT: Contreras Rapisarda

David W. Armenta, 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 September 13, 2011, and approved by the City Council on September 27, 2011.

Daryl A. Betancur, City Clerk