



Tuesday, August 26, 2014

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

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

PRESENT: Archuleta, Armenta, Camacho, Salcido, Tercero

ABSENT: None

COMMISSIONERS PRESENT:

Joseph Palombi, Parks & Recreation Commission

INVOCATION: Councilmember Archuleta

PLEDGE OF ALLEGIANCE: Councilmember Armenta

SPECIAL PRESENTATIONS: None.

PUBLIC HEARING:

1. Public Hearing – 2014 Congestion Management Program. (1300)

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

Community and Economic Development Director Martinez stated that this is an annual report submitted every year as required by state statute to adopt and update the Congestion Management Plan (CMP) and to submit the report to the Los Angeles County Metropolitan Transportation Authority (Metro) as not to jeopardize future funding.

Motion by Mayor Pro Tem Salcido, seconded by Councilmember Armenta to adopt Resolution No. 6774 affirming City conformance with the Congestion Management Plan. Motion carries on by the following roll call vote:

Resolution No. 6774 A RESOLUTION OF THE CITY COUNCIL 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, Camacho, Salcido, Tercero

NOES: None

1ST PERIOD OF PUBLIC COMMENT – AGENDA ITEMS ONLY:

Victor Gonzalez, West Coast Arborist:

- Addressed the City Council in regard to Item No. 10, award of Tree Maintenance Service. Expressed his appreciation for being able to provide 15 years of tree service to the community.

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

- Addressed the City Council regarding Item No. 8, sidewalk improvements.

CONSENT CALENDAR:

2. Minutes:

- Approved City Council regular meeting of July 22, 2014; Special meeting of August 8, 2014 and August 13, 2014
- Received and filed Parks & Recreation regular meeting of June 12, 2014 and July 10, 2014

3. Approved 3rd Warrant Register of the 2014-2015 Fiscal Year. (700)

Check Numbers: 262814-263326

Special Checks Numbers: None

4. Approval of Government Outreach to Provide a Citizen Relationship Management (CRM) System and Mobile Application System.

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

5. Designation of Voting Delegate. (100)

1. Appointed Brent A. Tercero as voting delegate and Bob J. Archuleta as alternate for the 2014 Annual League of California Cities Conference.

6. Pacific Graphics, Inc. Printing Agreement for Profile Newsletter and Parks and Recreation Guide. (500)

1. Approved printing services agreement and purchase order for Pacific Graphics, Inc. in an amount "not to exceed" \$173,254.50 for the citywide newsletter the Pico Rivera Profile and the Parks and Recreation Guide for fiscal years 2014-2017.

Agreement No. 14-1469

7. Residential Resurfacing Program, Phase "F" – Cape Seal Project, CIP No. 21292 – Authorization to Advertise for Construction. (500)

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

8. Sidewalk Improvement Project, CIP No. 21290 – Authorization to Advertise for Construction. (500)

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

9. Rosemead Boulevard Pedestrian Bridge Rehabilitation and Beautification Project, CIP No. 21240 – Reject all Bids. (500)

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

10. Tree Maintenance Services, RFB 2014-PW02 – Award Service Contract. (500)

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

11. Janitorial Services, RFB 2014-005 – Award Service Contract. (500)

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

12. Park Landscape Mowing Services, RFB 2014-PW01 – Award Service Contract. (500)

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

13. Speed Limits Resolution – Engineering and Traffic Survey City Wide. (1200)

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

Motion by Mayor Pro Tem Salcido, seconded by Councilmember Archuleta to approve Consent Calendar Items No. 2, 3, 5, and 6. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

4. Approval of Government Outreach to Provide a Citizen Relationship Management (CRM) System and Mobile Application System.

City Manager Bobadilla stated that the item presented is an application (“app”) that would provide a better tracking system for staff and citizens to report graffiti, pot holes and other issues of concern and for staff to efficiently resolve the issues.

Kendall Smith, President of Government Outreach provided a brief PowerPoint presentation describing the type of “apps” that would be available to citizens to report problems and to obtain information.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Salcido to approve Government Outreach to provide a CRM System and Mobile Application System. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

7. Residential Resurfacing Program, Phase “F” – Cape Seal Project, CIP No. 21292 – Authorization to Advertise for Construction. (500)

Mayor Tercero and Councilmember Camacho asked City Attorney Alvarez-Glasman if they needed to recuse themselves from voting on this item. City Attorney Alvarez-

Glasman stated that this is a city-wide project and that there would be no need for them to recuse.

Motion by Mayor Pro Tem Salcido, seconded by Councilmember Armenta to: 1) Approve Plans, Specifications and Estimate (PS&E) for the Residential Resurfacing Program, Phase "F", Cape Seal Project, CIP No. 21292, and authorize the City Clerk to publish the Notice Inviting Bids, and 2) Approve the Notice of Exemption (NOE) for the subject project and authorize the City Clerk to file the NOE with the County Recorder. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

8. Sidewalk Improvement Project, CIP No. 21290 – Authorization to Advertise for Construction. (500)

City Manager Bobadilla stated that this particular project is for the replacement and repair of damaged curbs, gutters, and sidewalks and not for the installation of new sidewalks. He also stated that this project will address ADA issues and that the funding would be allocated through Measure R funds.

Motion by Mayor Tercero, seconded by Councilmember Armenta to 1) Approve Plans, Specifications and Estimate (PS&E) for the Sidewalk Improvement Project, CIP No. 21290; and authorize the City Clerk to publish the Notice Inviting Bids; and 2) Approve the Notice of Exemption (NOE) for the subject project and authorize the City Clerk to file the NOE with the County Recorder. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

9. Rosemead Boulevard Pedestrian Bridge Rehabilitation and Beautification Project, CIP No. 21240 – Reject all Bids. (500)

Councilmember Archuleta inquired about the bidding process asking if the City overshot the design.

City Manager Bobadilla stated that the project went out to bid and was bid too high. He stated that recently the project went out to bid again and came back even higher. In answer to Councilmember Archuleta's question, he stated that the amenities added to

the project are significant enough for the project cost to increase. He further stated that the recommendation is to reject all bids and for the Ad Hoc Committee to review the design and to provide a reduced scope of work or to provide additional funding.

Motion by Mayor Pro Tem Salcido, seconded by Councilmember Armenta to reject all submitted bids for the Rosemead Boulevard Pedestrian Bridge Rehabilitation and Beautification Project, CIP No. 21240. Motion carries by the following roll call vote:

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

10. Tree Maintenance Services, RFB 2014-PW02 – Award Service Contract. (500)

Mayor Pro Tem Salcido addressed his concerns with changing contractors since the City builds relationships and is pleased with the work provided by the current contractor.

City Manager Bobadilla and Public Works Director Enriquez explained that under direction of City Council the project went out to bid and that five bids were received with Trimming Land Company being the lowest responsible bidder. City Attorney Alvarez-Glasman further explained the meaning of lowest responsive and responsible bidder.

Motion by Mayor Pro Tem Salcido to continue the item for further discussion and evaluation. No second motion.

Further discussion ensued amongst City Council and staff regarding cost savings, the RFP process, reference checks, level of service, and state mandates regarding awarding the contract to the lowest responsible bidder. City Attorney Alvarez-Glasman confirmed that the award should go to the lowest responsible bidder, unless the City wants to be challenged in court on their decision if they should choose otherwise. Public Works Director Enriquez explained that Tree Pros Inc. was the lowest bidder but when staff inquired about cost for the inventory of trees, the added cost provided by Tree Pros put them at a higher rate.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to: 1) Award a three-year service contract in the amount of \$716,855.00 to Trimming Land Company, Inc. for Tree Maintenance Services; and 2) Authorize the Mayor to execute the contract in a form approved by the City Attorney. Motion carries by the following roll call vote:

Agreement No. 14-1535

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

11. Janitorial Services, RFB 2014-005 – Award Service Contract. (500)

Mayor Pro Tem Salcido asked if this is a new contract. Public Works Director Enriquez stated that direction was given to staff for an RFP and that a new contractor was selected based on the RFP process. City Manager Bobadilla explained that when finances allow, maintenance services will be provided in-house. Director Enriquez added that both libraries were added to the contract and ensured City Council that Public Work staff will stay abreast of the services being provided in regard to cost and manpower. He also stated that the City yard janitorial services were eliminated from the contract and will continue to be done in-house.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to: 1) Award a three-year service contract in the amount of \$172,152 to General Building Management for Janitorial Services; and 2) Authorize the Mayor to execute the contract in a form approved by the City Attorney. Motion carries by the following roll call vote:

Agreement No. 14-1536

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

12. Park Landscape Mowing Services, RFB 2014-PW01 – Award Service Contract. (500)

Mayor Pro Tem Salcido inquired about staff's in-house involvement with mowing services. Public Works Director Enriquez stated that the contractor will be mowing the large turf areas in the parks and that staff will continue to do the detailed landscaping in the parks as well as the street medians.

Mayor Pro Tem Salcido asked that the contract be as temporary as possible and that he would like to see these services moved back in-house. Councilmember Armenta concurred with Mayor Pro Tem Salcido's request.

Councilmember Archuleta suggested that if these services move back in-house that staff look into the type of equipment that may be needed so that it could be placed in a future budget.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to: 1) Award a three-year service contract in the amount of \$261,723 to BMC Landscape Management, Inc. for park landscape mowing services; and 2) Authorize the Mayor to execute the contract in a form approved by the City Attorney. Motion carries by the following roll call vote:

Agreement No. 14-1537

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

13. Speed Limits Resolution – Engineering and Traffic Survey City Wide. (1200)

Mayor Pro Tem Salcido inquired about placing a stop sign at Bartolo Avenue and Beverly Road. Public Works Director Enriquez stated that he will be ready by next City Council meeting to state whether a stop sign is warranted at that location.

Motion by Mayor Pro Tem Salcido, seconded by Councilmember Armenta to: 1) Adopt Resolution No. 6775 approving Engineering and Traffic Survey recommendations regarding speed limits along City street segments, as described in said Resolution. Motion carries by the following roll call vote:

Resolution No. 6775 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DESIGNATING SPEED LIMITS FOR CERTAIN CITY STREETS

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

LEGISLATION:

14. Single-Use Plastic Bag Ordinance.

Assistant to the City Manager Chavez stated that approximately a 117 cities within the state have passed ordinances restricting the use of plastic carryout bags. He stated that

the State of California is currently considering Senate Bill 270 which would pre-empt local jurisdiction from its regulations if they initiate proceeding prior to September 1, 2014 and adopt an ordinance by January 1, 2015. The recommendation, he stated, is for Council to adopt a resolution to initiate proceedings to bring forth an ordinance to regulate single-use bags and preserve all regulatory options.

Councilmember Armenta, for clarification purposes, stated that this is a resolution and not an ordinance to which Assistant to the City Manager Chavez responded in the affirmative. Mr. Armenta further stated that he would like the Ad Hoc Committee to solicit input and partner with the surrounding businesses, like Wal-Mart, Target and grocery stores, which this change could have a potential impact on.

City Manager Bobadilla stated that Ralph's Grocery Store offers a 10 cent incentive to customers who waive using a plastic bag.

Councilmember Camacho stated that in researching this subject, he found that that there is little economic impact on the banning of plastic bags. He also stated that he is mindful of the impact it could have on the business community.

Councilmember Archuleta stated that he supports the resolution and Mayor Tercero stated that he has been met with positive attitudes in addressing the issue with local businesses and residents.

Motion by Councilmember Armenta, seconded by Councilmember Camacho to adopt Resolution No. 6776 supporting the restriction of the use of single-use carry out bags. Motion carries by the following roll call vote:

Resolution No. 6776 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, SUPPORTING THE BAN OF ALL SINGLE-USE SHOPPING BAGS (PLASTIC, PAPER AND BIODEGRADABLE)

AYES: Archuleta, Armenta, Camacho, Tercero

NOES: Salcido

MAYOR/COUNCILMEMBER REPORTS ON INTERGOVERNMENTAL AGENCY MEETINGS:

Councilmember Camacho stated that SEAACA has the potential to expand and manage another facility in Orange County and stated that there is no initial benefit to the organization.

Councilmember Armenta reported that the County Sanitation District would like to recognize four to five businesses in Pico Rivera that have met the storm water compliance permit.

NEW BUSINESS:

Councilmember Armenta requested that a Medical Marijuana Dispensary Ad Hoc Committee be formed to address the concerns of this type of facility in the community. Mayor Tercero appointed Councilmember Armenta and Mayor Pro Tem Salcido to the Medical Marijuana Dispensary Ad Hoc Committee. Mr. Armenta also requested that staff assist with houses that are not in compliance with City building permits to help reconcile issues during the sale of a home.

Councilmember Camacho invited the residents to attend the Senior & Kids Health and Fitness Festival at Smith Park on Saturday, August 29, 2014.

Mayor Tercero also invited the community to come out and walk at the Senior Center/Smith Park on Wednesday, August 27, 2014 at 8:00 a.m. and mentioned that the Pio Pico Woman's Club will be hosting a regional council in the City. He asked that City staff work with the Woman's Club to get them what they need.

Councilmember Archuleta congratulated the Twin Cities Wolverine's for being part of the Pop Warner Football program.

City Manager Bobadilla noted that all Directors' are currently using laptops for the electronic agendas and that City Council will be coming on board soon.

OLD BUSINESS:

Councilmember Archuleta thanked the Sheriff's Department for their assistance with the Concerts in the Park and thanked Councilmember Armenta for helping to find supporters to fund the entertainment. Councilmember Armenta acknowledged the vendors who provided the funding.

Councilmember Camacho requested that staff revisit the insurance company on Whittier and Rosemead Boulevards to re-enforce the City's policy on handheld banner advertisements.

Recessed to Water Authority at 7:20 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:23 p.m.

ALL MEMBERS WERE PRESENT

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

Chris Warburton, Librarian:

- Addressed the City Council regarding new library hours for both Rivera and Mines libraries.

Tony Melendez:

- Addressed the City Council regarding deputy shooting and opposes banning plastic bags.

Virginia Aguirre:

- Addressed the City Council to thank the Sheriff's Department for making the community safe.

Paula Murga:

- Addressed the City Council regarding striping of Beverly Road from Rio Hondo Park to Industrial Buildings.

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

- Addressed the City Council regarding safety of the City and to thank the Sheriff's Department for doing a good job.

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

- Addressed the City Council regarding the Sheriff's Department protecting the City from organized crime.

Melissa Garcia:

- Addressed the City Council regarding excessive force of deputy Sheriff's.

Marisol Santos:

- Addressed the City Council regarding harassment from Sheriff Personnel.

Carlos Cruz, Executive Director/Chamber of Commerce:

- Addressed the City Council regarding the ban of single-use bags.

Mario Bracy:

- Addressed the City Council to thank the Sheriff's Department for doing a good job and mentioned that the City's website needs to be updated.

Zita Rodriguez:

- Addressed the City Council to thank Captain Castellanos for his meeting, objects to contracting out services, commented on single-use bags, and thanked Director Gonzalez for her assistance with the general federation of the Woman's Club.

Mayor Pro Tem Salcido stated that the City Council hears the concerns of the residents and are doing what they can to help the community.

Recessed to Closed Session at 7:54 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 8:09 p.m.

ALL MEMBERS WERE PRESENT

CLOSED SESSION:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9 subdivision (d) paragraph (1)

Jeff Tracy, Inc. dba Land Forms Construction v. City of Pico Rivera

Case No. VC063151

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

ADJOURNMENT:

Mayor Tercero adjourned the City Council meeting at 8:10 p.m. in memory of Eddie Garcia, World War II Veteran. There being no objection it was so ordered.

AYES: Archuleta, Armenta, Camacho, Salcido, Tercero

NOES: None

Brent A. Tercero, Mayor

ATTEST:

Anna M. Jerome, 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 26, 2014 and approved by the City Council on September 9, 2014.

Anna M. Jerome, City Clerk