



Tuesday, March 13, 2012

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

Mayor/Chairman Archuleta called the meeting to order at 6:04 p.m. on behalf of the City Council/Successor Agency and Water Authority.

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

**ABSENT:** None

**COMMISSIONERS PRESENT:**

Robert A. Martinez, Planning Commission

Carlos Cruz, Parks & Recreation Commission

**INVOCATION:** Councilmember David Armenta

**PLEDGE OF ALLEGIANCE:** Councilmember Brent Tercero

**SPECIAL PRESENTATIONS:**

- Certificates of Recognition to Outgoing Commissioners were presented to:
  - Planning Commissioner, Jeremiah Rodriguez
  - Parks & Recreation Commissioner, Sylvia Vela-Amaya
  - Parks & Recreation Commissioner, Lorraine De La O
  - Sister City Commissioner, Raymond Loza
- Proclamation for National Red Cross Month accepted by Libby Blumberg
- Presentation of Newly Redesign City Website presented by Guille Aguilar, City Planner

**PUBLIC HEARING:**

1. **PUBLIC HEARING – Resolution Declaring an Order to Vacate a Public Alleyway Located North of Tilmont Avenue, from Acacia Avenue to its Easterly Terminus.** (1400)

Mayor Archuleta opened the public hearing and noted that there was no written communication or public comment to provide public testimony.

Mayor Archuleta closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Resolution No. 6667 Declaring an Order to Vacate the public alleyway located immediately north of Tilmont Avenue, from Acacia Avenue to its easterly terminus. Motion carries by the following roll call vote:

Resolution No. 6667 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING AN ORDER TO VACATE A PUBLIC ALLEYWAY EAST OF ACACIA AVENUE TO ITS EASTERLY TERMINUS BETWEEN TILMONT AVENUE AND ARDELL ROAD

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

**NOES:** None

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

The following members of the public addressed the City Council to speak in favor of the city renewing its rubbish contract with CalMet Services:

- Carla Rosales
- Juanita Lohran
- Enrique Vazquez
- Esther Celiz
- Chris Alvarez
- Jim Smith
- Raul Ruelas

Larry McQuaide, United Pacific Waste:

- Addressed the City Council to provide clarification on the seven year plan and enhancements.

Enrique Vazquez, CalMet:

- Addressed the City Council regarding early implementation, rate reduction, and sharing revenues from the sale of recyclables beginning in 2014.

**CONSENT CALENDAR:**

**2. Minutes:**

- Approved City Council and Successor Agency meeting of February 28, 2012
- Approved Special City Council meeting of March 6, 2012
- Received and Filed Planning Commission meeting of February 6, 2012
- Received and Filed Planning Commission meeting of February 21, 2012

Mayor Pro Tem Camacho commented on the Planning Commission minutes dated February 21, 2012 regarding the liquor license that was approved. He advised that city staff and the Sheriff Department do their due diligence before approving future applications for liquor license permits.

**3. Approved 14th Warrant Register of the 2011-2012 Fiscal Year. (700)**  
Check Numbers: 250661-250865  
Special Checks Numbers: None

**4. Auditing Contract. (500)**

This item was pulled from the agenda for further review by the City Manager.

**5. Fireworks Program for 2012. (700)**

1. Approved the attached list of fireworks stand applicants and authorized the issuance of permits to operate.

**6. Installation of Traffic Control Devices – Parking Restrictions (1400)**

1. Received and filed.

**7. Rosemead Boulevard/Mines Avenue Intersection Improvements Project, CIP No. 21221 – Award Construction Contract. (500)**

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

**8. Durfee Avenue Underpass Project (CIP No. 21241) Feasibility Study-Amendment No. 1 to Professional Services Agreement. (500)**

1. Approved Amendment No. 1 to Professional Services Agreement No. 12-1281 with JMDiaz, Inc., for a not-to-exceed amount of \$147,830 for additional engineering services in accordance with the proposed scope of work and fee proposal dated February 28, 2012; and
2. Authorized the Mayor to execute said agreement in a form approved by the City Attorney.

Agreement No. 12-1281-1

**9. City Clerk Appointment and Pico Rivera Redevelopment Agency Adjustments. (700)**

1. Adopted Resolution No. 6668 appointing the City Manager to the position of City Manager-City Clerk per Municipal Code Section 2.04.030; and
2. Approve the budget adjustments on Attachment 2.

Resolution No. 6668 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CONSOLIDATING THE OFFICES OF CITY MANAGER AND CITY CLERK INTO THE SAME PERSON AS "CITY MANAGER-CITY CLERK"

**10. Renewal of General Services Agreement with the County of Los Angeles. (500)**

1. Adopted Resolution No. 6669 approving the renewal of the City's General Services Agreement with the County of Los Angeles; and
2. Authorized the Mayor to execute said agreement in a form approved by the City Attorney.

Resolution No. 6669 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, RENEWING THE GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR AN ADDITIONAL 5-YEAR PERIOD

Agreement No. 12-1285

**11. KaBOOM! Playground Award. (500)**

1. Accepted award from KaBOOM! For a new playground at Streamland Park.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Consent Calendar items number 2, 3, 5, 6, 8, 9, 10 and 11. Motion carries by the following roll call vote:

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

**NOES:** Salcido (Item No. 9)

**CONSENT CALENDAR ITEMS PULLED:**

**7. Rosemead Boulevard/Mines Avenue Intersection Improvements Project, CIP No. 21221 – Award Construction Contract. (500)**

Councilmember Tercero stated that \$535,331 from Prop C money is used for Capital Improvement Projects and is not from the General Fund, and that Prop C is very specific in what it can be used for. He asked how much money is in Prop C funds. Director of Public Works Cervantes stated that there is several million dollars in Prop C funds available for projects and that the majority of that money is already programmed. The amount of unprogrammed Prop C, he stated, is approximately \$1 million dollars and that the city receives approximately \$850,000 per year.

Mr. Tercero asked if there were funds in Prop A with Director Cervantes responding in the affirmative. Councilmember Tercero stated that Prop A expenditures could be moved to Prop C since they are very similar in what the money could be used for and stated the city could sell off Prop A for 60 cents on the dollar. He stated that he was hesitant in voting for this item and suggested rethinking on how staff will address the larger budget crisis. Mr. Tercero stated that it will require creative thinking that will consist of cutting in some areas other than what everyone is afraid of what we will be cutting.

Mr. Cervantes stated that the Prop C monies that are budgeted for this project have already been approved. What staff is recommending this evening, he stated, is for approval of the award of contract so that staff could move forward with the project. He further stated that if Council wants to change the source of funding for the project, that staff could bring a recommendation back to Council at a future meeting.

Councilmember Tercero stated that he appreciates the comments and stated that his point is that Council and staff need to rethink what money is being spent on for consideration in the near future.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to 1) Award a construction contract in the amount of \$535,331 to E.C. Construction, 2213 Chico Avenue, South El Monte, CA 91733, for the Rosemead Boulevard/Mines Avenue Intersection Improvement Project, CIP No. 21221; and 2) Authorize the Mayor to execute said agreement in a form approved by the City Attorney.

Agreement No. 12-1284

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

**NOES:** None

### **CITY COUNCIL LEGISLATION:**

#### **12. Selection of Solid Waste Management Contractor. (500)**

Councilmembers Salcido and Tercero asked questions of Councilmember Armenta as to why NASA would be his first choice over the other proposers. Mr. Armenta stated that Rainbow is the number one choice but that they are located too far and that Rainbow's vehicles are noisy. NASA, he stated, was the second lowest bidder and that with NASA being a smaller business they could provide a more customized service. Mr. Salcido stated that in regard to Rainbow's distance, Rainbow has committed to opening a shop 24-7 in Pico Rivera and that the issues of distance are neutralized by that. He further stated that upon reference checks with other cities that Rainbow received three exceptionals and two above expectations. Councilmember Salcido thanked CalMet for their services over the years and stated that if the contract is not awarded to CalMet that Rainbow Environmental would be a step-up for the community. Councilmember Tercero stated that NASA has proposed a long term diversion rate of 60%; their immediate rate is 35% the first year and is not the highest. Mr. Tercero stated that in regard to the diversion rate that he is pro-environment and that recycling is an important factor to him. He stated there is one higher diversion rate and asked if that would not be a problem. He also stated that Rainbow has an immediate guaranteed rate of 50% and long term 71%, and asked if a diversion rate is factored in. Councilmember Armenta stated that in the future, all trash haulers will have to meet a diversion rate of 60%-80% and stated that NASA will be held accountable for meeting their diversion rate as stated in their contract or they will be penalized if they don't.

Mr. Tercero stated that in his opinion Rainbow is the best because of their high diversion rate, low rates to the residents, and their state-of-the-art facility. He also stated that he supports UPW and said that UPW limited their amount of enhancements to bring their rate down \$1 million dollars.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Camacho to award contract to NASA Services Inc. and direct the City Manager to negotiate a final franchise agreement subject to approval by the City Council. Motion carries by the following roll call vote:

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

**NOES:** None

Councilmember Salcido and Tercero initially voted "No" but changed their vote to "Yes" to make it a unanimous decision.

**SUCCESSOR AGENCY ACTIVITIES:** None

**NEW BUSINESS:**

Councilmember Tercero recommended that the city look into a policy that requires all volunteers at park facilities to be fingerprinted and live scanned for background checks.

Mayor Archuleta stated that the city's library is closing its doors on March 8, 2012 and that a new 16,000 square feet library will be built in place of the existing library.

**OLD BUSINESS:**

Mayor Archuleta requested an update on the Durfee underpass. City Manager Bates stated the city is making significant progress on the Durfee underpass project. Based on the work of the City Council and the Mayor, he stated that staff has gone through a number of steps in the process with the San Gabriel Valley COG and the Alameda Corridor East (ACE) board. One of the final steps, he stated, comes up tomorrow evening where the Mayor and Public Works Director will be testifying before the full San Gabriel Valley COG board to finally approve, as the last step, inclusion of the Durfee project as one of the eight projects in Phase II of the Alameda Corridor East. Based on your action tonight, he stated, the city will be advancing with full cooperation and involvement of the staff of ACE in the preliminary design work for the Durfee project. If we are successful and have that information available to the ACE staff, he

stated, it improves our chance of being included higher on the list for Phase II funding, there are eight projects, and we know that four or five of them will be funded from \$400 million dollars that is available. City Manager Bates stated that our objective now is to get moved up on the ACE project list and to start design sometime this summer. He stated that it would take about two years to finish the design project and if the funding is available, it will take anywhere from 18 months to 2 years in construction.

Mayor Archuleta acknowledged Councilmember Pedro Aceituno of Bell Gardens who was present in the audience.

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

Ed Vasquez, Central Basin Municipal Water District:

- Addressed the City Council to introduce himself as the city's representative for the Central Basin Water District.

Nora Chen, Pico Rivera Librarian:

- Addressed the City Council regarding Friends of the Library fundraiser event that raised \$7,000.

Paula Murga:

- Addressed the City Council to speak on Brown Act violations and cost saving suggestions for the city.

Albert Martinez:

- Addressed the City Council to speak on the REACH program at North Ranchito and suggested that City Council stop by and observe the sports competition taking place their tomorrow.

City Attorney Alvarez-Glasman announced that pursuant to AB23 Council members sitting as Housing Assistance Agency Commissioners would receive an additional \$30 stipend.

Recessed to Housing Assistance Agency at 7:15 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 7:16 p.m.



ALL MEMBERS WERE PRESENT

Recessed to Closed Session at 7:17 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 8:21 p.m.

ALL MEMBERS WERE PRESENT

**CLOSED SESSION(S):**

**A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

Pursuant to Government Code Section § 54956.9 (a)

Water Replenishing District of Southern California v. City of Pico Rivera

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

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section §54957.6

Agency Designated Representatives: Ron Bates, City Manager, Debbie Lopez, Assistant City Manager; and Mike Matsumoto, Director of Finance

Organizations: SEIU Full-Time Bargaining Unit; SEIU Directors Bargaining Unit; SEIU Hourly Bargaining Unit and CEA Professional and Confidential Unit; and CEA Mid-Manager's Bargaining Unit.

City Attorney Alvarez-Glasman stated direction was given to City Attorney and staff and that there was no final action and nothing further to report.

**ADJOURNMENT:**

Mayor Archuleta adjourned the City Council meeting at 8:22 p.m. There being no objection it was so ordered.

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

**NOES:** None

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Bob J. Archuleta, Mayor

**ATTEST:**

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Anna M. Jerome, Assistant 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 March 13, 2012 and approved by the City Council on March 27, 2012.

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Anna M. Jerome, Assistant City Clerk