



Tuesday, September 27, 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, Contreras Rapisarda, Salcido, Archuleta, Armenta

**ABSENT:** None

**COMMISSIONERS PRESENT:**

Jeremiah Rodriguez, Planning Commissioner

**INVOCATION:** Councilmember Contreras Rapisarda

**PLEDGE OF ALLEGIANCE:** Nicholas Martinez

**SPECIAL PRESENTATION(S):**

- Proclamation presented to Judge David S. Wesley
- Adrian Gonzalez Jr. – Junior Golden Glove and Ringside World Champion
- Food and Beverage Policy Presentation by Jeanette Flores

All presentations were duly recognized. Council members thanked Ms. Flores for her presentation and bringing health awareness to the community and inquired as to how the policy could be implemented. City Manager Bates stated, at the direction of the City Council, staff could put together a policy for Council approval. Councilmember Contreras Rapisarda requested that staff put together a policy for Council's approval with all Council members concurring with the recommendation.

**PUBLIC HEARING(S):**

1. **Public Hearing – Amend Chapter 5.54, *Hawkers, Vendors, Peddlers and Solicitors* of Title 5, *Business License and Regulations* of the Pico Rivera Municipal Code.**

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

The public hearing was continued to a date uncertain.

Mayor Armenta closed the public hearing.

**2. Public Hearing – The Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Fiscal Year 2010-11. (1600)**

City Manager Bates stated this is the annual Community Development Block Grant report process presented for approval in order to continue to qualify each year for CDBG funding.

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

Mayor Armenta closed the public hearing.

Motion by Councilmember Salcido, seconded by Mayor Pro Tem Archuleta to approve the Consolidated Annual Performance and Evaluation Report. Motion carries by the following roll call vote:

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

**NOES:** None

**1<sup>st</sup> PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:** None.

**CONSENT CALENDAR:**

**3. Minutes:**

- Approved City Council and Redevelopment Agency meeting of September 13, 2011

Received and Filed:

- Parks & Recreation Commission meeting of August 11, 2011
- Sister City Commission meeting of August 22, 2011
- Planning Commission meeting of August 15, 2011

**4. 5th Warrant Register of the 2011-2012 Fiscal Year. (700)**

Check Numbers: 247896-248091

Special Checks Numbers: None.

**5. Second Reading – Adoption of Ordinance No. 1066 to Amend Chapters 18.40 (Land Use) and 18.04 (Definitions) of the City of Pico Rivera Zoning Ordinance Pertaining to the Regulations for Garage or Yard Sales. (1300)**

1. Adopted Ordinance No. 1066.

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

**6. Light Emitting Diode (LED) Conversion of Traffic Signals, Capital Improvement Program CIP No. 21216 – Award Construction Contract. (500)**

1. Awarded a construction contract in the amount of \$52,162.00 to California Professional Engineering, Inc., located at 929 Otterbein Avenue, Unit E, La Puente, California 91748, for the Light Emitting Diode (LED) Conversion of Traffic Signals, CIP No. 21216, and authorize the Mayor to execute the contract in a form approved by the City Attorney.

Agreement No. 11-1251

**7. Professional Services Agreement with EC & AM Associates, Inc. dba GK & Associates – Approval of Amendment No. 1 to Extend Staff Augmentation Services. (500)**

1. Approved Amendment No. 1 to the Professional Services Agreement with EC & AM Associates, Inc. dba GK & Associates, 3333 Brea Canyon Road, Suite 120, Diamond Bar, California, 91765 in the amount of \$31,560 necessary to provide staff augmentation services to the Public Works Department, Engineering Division; and

2. Authorized the Mayor to execute Amendment No. 1 in a form approved by the City Attorney.

Agreement No. 11-1240-1

**8. Implementation of a Neighborhood Traffic Management Plan (NTMP). (1400)**

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

**9. Telegraph Road Landscape Median Improvements Project, CIP No. 21232 – Authorization to Approve Design Concepts in Conjunction with the City of Downey. (500)**

1. Authorized the City Manager to approve the Landscape Concept Plans and Roadway Median Concept Plans in conjunction with the City of Downey and City Engineer.

**10. KaBOOM! Playgrounds Award. (800)**

1. Accepted awards from KaBOOM! for a children’s playground at Pico Park and an Imaginary Playground for use in child supervision programs.

**11. Municipal Parks Landscaping Services – Award of Maintenance Services Agreement. (500)**

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

**12. City of Pico Rivera Community Dial-A-Ride Program. (500)**

1. Approved a 90 day extension service agreement with Southland Transit Inc. to operate the City’s Dial-A-Ride program.

Agreement No. 99-735-7

**13. Donation to the City of Pico Rivera. (700)**

1. Accepted the donation from CalMet Services and appropriate the funding to the City's Internship Program.

Motion by Councilmember Salcido, seconded by Councilmember Camacho to approve Consent Calendar items No. 3, 4, 5, 6, 7, 9, 10, 12 and 13. Motion carries by the following roll call vote:

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

**NOES:** None

**CONSENT CALENDAR ITEMS PULLED:**

**8. Implementation of a Neighborhood Traffic Management Plan (NTMP). (1400)**

Mayor Pro Tem Archuleta asked staff to further explain the difference between speed humps and speed cushions and Mayor Armenta asked if the Fire Department has been included in the traffic management study.

Interim Director of Public Works Cervantes stated that there are various types of speed humps and variation of speed cushions. A definition of a speed hump, he stated, is a traffic controlled device that spans the entire width of the roadway with a width of approximately 12 feet and an elevation of 12 inches, uniformed from one side of the roadway to the other. Speed cushions, he stated, are similar with the exception that they have openings along the wheel paths for emergency vehicles such as fire engines; for example, if a fire truck is moving down the street it does not have to go over the speed hump, instead it goes through the openings in the speed cushions although it still requires that the fire truck slows down but not to the extent it would have to when going over a speed hump.

Mayor Pro Tem Archuleta reiterated that the City is making every effort to provide public safety. He complimented Capt. Thornton for the quick response of the Sheriff Department on issues regarding public safety.

In response to Mayor Armenta's question regarding the Fire Departments involvement in the traffic management plan, City Manager Bates responded in the affirmative and stated that the City will go through an extensive process for traffic management by

investigating all the different options with the speed hump as the last option if none of the other devices prove to be effective. He further stated that the findings of the traffic management plan study would be presented to City Council.

Motion by Mayor Pro Tem Archuleta, seconded by Mayor Armenta to receive and file a recommendation from the Transportation Ad Hoc Committee to prepare and implement a Neighborhood Traffic Management Plan (NTMP), a Public Works Department Policy, as the mechanism to address speeding issues in local neighborhoods. Motion carries by the following roll call vote:

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

**NOES:** None

**11. Municipal Parks Landscaping Services – Award of Maintenance Services Agreement. (500)**

Councilmember Contreras Rapisarda asked if both employees and the union were included in the discussion regarding maintenance services with City Manager Bates responding in the affirmative.

In response to Mayor Pro Tem Archuleta's question regarding a timeframe for the transition, City Manager Bates stated that it would be a conversion so the City would continue service the way it is being done now, and then as Council approves a contract for the golf course, staff would then move to transition those part time employees from the golf course to the parks. At that time, he stated, we would try to anticipate the acquisition of the equipment or rent the equipment needed to be able to put the employees into the parks and then phase back on the contract during that time.

Motion by Councilmember Contreras Rapisarda, seconded by Mayor Pro Tem Archuleta to: 1) Award a month-to-month maintenance service agreement to Spectrum Care, 27181 Burbank, Foothill Ranch, California, 92610 to provide landscape maintenance services for the City's major parks, pocket parks, greenbelts, and miscellaneous facilities (Municipal Parks Landscaping Services) for an amount not to exceed \$10,922 monthly, and authorize the Mayor to execute the agreement in a form approved by the City Attorney; 2) Authorize the City Manager to upon reassignment of Municipal Parks Landscaping Services to City forces, amend the agreement with SpectrumCare to terminate Municipal Parks Landscaping Services and award Roadway Median Landscaping Services for an amount not to exceed \$12,800 monthly; and 3) Appropriate \$70,000 from the General Fund Reserve Account No. 010-4350-47300

necessary for equipment needed to perform Municipal Parks Landscaping Services with City forces. Motion carries by the following roll call vote:

Agreement No. 11-1252

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

**NOES:** None

**CITY COUNCIL LEGISLATION:**

**14. Ordinance Regulating the Use of Bicycles on Sidewalks. (1400)**

City Manager Bates stated that based on staff's research the findings indicated that other cities allow bicycles on sidewalks and after reviewing available ordinances staff presented its findings to the Transportation Committee. It was agreed upon by staff and the Committee, he said, to allow bicycles on sidewalks with some restrictions to help protect the City from liability. The restrictions, he stated, would be posted in heavily traveled venues where there are a lot of pedestrians and would require the bicyclist to walk their bike. Mr. Bates stated that Councilmember Contreras Rapisarda is concerned that the restrictions may discourage rather than encourage bicyclist. He stated that there are two options being presented a) to approve the ordinance with restrictions or b) to approve without restrictions.

Mayor Pro Tem Archuleta stated that he is in favor of option A which provides restrictions to help protect the City from liability and pedestrians for safety.

Councilmember Camacho asked how changing the ordinance for bicycles came about; he asked if the City receives lots of complaints and recalled a resident receiving a warning for riding his bike on the sidewalk. He asked if this is a common problem.

City Manager Bates stated that the City does not receive a lot of complaints but asked Capt. Thornton if he had any comments. Capt. Thornton stated that he did some research after hearing the resident's complaint who received the warning. He stated that the California Vehicle Code up until recently prevented bicycles on sidewalks; however, the law was recently changed and bicycles are now allowed on sidewalks.

Councilmember Camacho asked which option A or B would protect the City from liability with City Manager Bates stating that option A is designed to protect the City from potential liability. Mr. Bates also stated that the City would work with the Sheriff

Department towards enforcement and potential liability by giving some credibility in court to warn bicyclist to walk bikes when there is a heavy concentration of pedestrians on sidewalks. Capt. Thornton added that in reference to enforcement there is the "letter of the law" and the "spirit of the law" and deputies would use good common sense in warning people rather than citing people.

Councilmember Contreras Rapisarda asked if the interest is to protect the City or the cyclist with City Attorney Nichols stating that if the City is protecting against injuries to persons, and those are the types of accidents the City is talking about pedestrians/cyclist, you are protecting the public.

Councilmember Contreras Rapisarda asked if a study has been conducted on cyclist using the sidewalks with Mayor Armenta stating that a study has not been done. Mrs. Contreras Rapisarda stated that she has observed cyclist during the day and that her observations has been that most cyclist are courteous and she would not want to discourage cyclist from being able to ride their bicycles on the sidewalks.

Mayor Pro Tem Archuleta said that the restrictions imposed are for safety purposes and not to restrict bicyclist from riding on the sidewalk.

Councilmember Camacho reiterated his support of imposing certain restrictions for the safety of all.

Motion by Councilmember Salcido, seconded by Councilmember Camacho to introduce an Ordinance amending Chapter 10.72.010 of the Pico Rivera Municipal Code pertaining to sidewalk and roadway restrictions to allow for the use of bicycles on sidewalks with certain restrictions.

Ordinance No. 1067 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, MODIFYING SECTION 10.72.010 OF THE PICO RIVERA MUNICIPAL CODE REGULATING THE USE OF BICYCLES ON SIDEWALKS

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

**NOES:** Contreras Rapisarda



**15. Rivera Park Renovation Project, Capital Improvement Program Project No. 21219 – Award Construction Contract. (500)**

City Manager Bates stated that all procedures were followed in the bid process and staff is recommending the low bidder under contract law in California be awarded the contract. He stated that construction should begin mid October and that the bid came in \$80,000 below engineering estimate.

Mayor Pro Tem Archuleta inquired about the bidding process with City Manager Bates stating that the contract is awarded to the lowest responsible bidder according to Public Works law, the other option, he explained, would be to reject all bids and re-bid the project if the City was not satisfied.

Interim Director of Public Works Cervantes stated that the first order of business after the award of the contract is to have a pre-construction meeting with the contractor. At that point in time, he stated, the contractor will bring forward a schedule that will identify the start and completion dates which staff will then relay to Council. He stated that the project is on target to be completed in six (6) months.

Motion by Councilmember Salcido, seconded by Mayor Pro Tem Archuleta to award a construction contract in the amount of \$5,719,870.00 to Jeff Tracy, Inc. dba Land Forms Construction, located at 27601 Forbes Road, Suite 36, Laguna Niguel, California, 92677 for the Rivera Park Renovation Project, CIP No. 21219 and 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. 11-1253

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

**NOES:** None

**REDEVELOPMENT AGENCY CONSENT:**

**16. Repeal Ordinance 2-11. (700)**

Motion by Director Salcido, seconded by Director Archuleta to adopt 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 (Second reading and adoption.)

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

**NOES:** None

**NEW BUSINESS:**

Councilmember Salcido suggested, at the request of a resident, that the agenda outline provide more descriptive information regarding the subject matter in its titles. Councilmember Contreras Rapisarda added that she is in favor of asking questions and discussion amongst Council to help keep the public informed.

Mayor Pro Tem Archuleta requested Public Work staff to provide a report stating the number of streets that have been worked on striped, repaired, signage, etc, for the last two years and to provide a list of work to be done. He also asked to include the El Rancho High School's request for transportation subsidy on the next agenda with City Manager Bates stating that the matter has been presented to the Ad Hoc Transportation Committee who currently is reviewing all the City's transportation needs and fixed route system and the committee would like to meet with the students to get them involved in the process. He further stated that once the committee has developed a plan it would be brought to Council. Mayor Pro Tem Archuleta concurred with the process as described by City Manager Bates.

Mayor Armenta requested that staff look into crosswalk buttons at street intersections to make sure that they are ADA compliant.

Councilmember Camacho mentioned the KaBOOM! "Build Day" taking place tomorrow September 28, 2011 at Pico Park from 8:00 a.m. to 3:00 p.m.

**OLD BUSINESS:** None.

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

Rosemary Gurrola, Pico Rivera Librarian:

- Addressed the City Council to speak about the Kaplan SAT Test Strategies workshop taking place on Tuesday, October 4, 2011 at 6:00 p.m. and provided copies of the October 2011 Calendar of Events for the Pico Rivera Library.

Luis Alvarado:

- Addressed the City Council regarding ethics of Mayor Pro Tem Archuleta as stated in the *Whittier Daily News*.

Virginia Aguirre:

- Addressed the City Council regarding targeting candidates and voter registration at El Rancho High School.

Brent Tercero:

- Addressed the City Council to comment on speeding; inquired as to the details on restrictions of bicycles on sidewalks; and tree roots uplifting a sidewalk.

Ramon Silva:

- Addressed the City Council to speak on disabled persons and veterans, ADA compliance encroachments and crosswalk buttons at street intersections.

Frank Govea:

- Addressed the City Council to speak on his objection to the Metro Gold Line route coming down Washington Boulevard; prefers route 60.

Paula Murga:

- Addressed the City Council regarding subsidy of student bus passes; voting information for high school students; and right of way regarding cyclist and pedestrian on sidewalks.

John Avila:

- Addressed the City Council regarding business expo on November 1, 2011 at the El Rodeo from 4:00 p.m. to 7:00 p.m. and asked Council to be the judges for the salsa tasting contest.

Recessed to Closed Session at 7:30 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 8:04 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 Scott Nichols stated that there was no final action taken and nothing further to report.

**ADJOURNMENT:**

Mayor Armenta adjourned the City Council meeting at 8:05 p.m. in memory of Lennie Medina. There being no objection it was so ordered.

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

**NOES:** None

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David W. Armenta, 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 September 27, 2011, and approved by the City Council on October 11, 2011.

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Daryl A. Betancur, City Clerk