



# City of Commerce

## Meeting Minutes

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Tuesday, October 2, 2018 - 5:00 PM

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**CONCURRENT ADJOURNED MEETINGS OF THE CITY COUNCIL OF THE CITY OF COMMERCE, JOINT POWERS FINANCING AUTHORITY AND THE GOVERNING BODY OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION**

### RECESS TO CLOSED SESSION

*The City Council/Successor Agency recessed to closed session at 5:10 p.m.*

1. Pursuant to Government Code §54957.6 the City Council will confer with its labor negotiator, Edgar Cisneros, with respect to labor negotiations pertaining to:
  - A. The Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the part-time employees.
  - B. The Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the mid-management and non-management full-time employees.

### RECONVENE TO OPEN SESSION

*City Council/Successor Agency reconvened to Open Session at 6:30 p.m.*

### ORAL CLOSED SESSION ANNOUNCEMENT

*Assistant City Attorney Copado reported that further direction was provided to staff and no reportable action was taken on this item.*

### 6:00 P.M. - CITY COUNCIL MEETING

#### CALL TO ORDER

*Mayor Argumedo called regular meeting to order at 6:00 p.m.*

#### ROLL CALL

**Present:** 5- Mayor Pro Tem Soria  
Councilmember Altamirano  
Mayor Argumedo  
Councilmember Mendoza  
Councilmember Rebollo

#### PLEDGE OF ALLEGIANCE

*City Administrator Cisneros led the Pledge of Allegiance*

## **INVOCATION**

*Mayor Argumedo offered the invocation.*

## **APPEARANCES AND PRESENTATIONS**

1. Proclamation Declaring October 6, 2018 as World Cerebral Palsy Awareness Day and Presentation of Certificate of Recognition to Matthew Dollins for his Contributions and Courage

*Councilmembers and the Mayor proclaimed October 6, 2018 as World Cerebral Palsy Awareness Day.*

## **PUBLIC COMMENT**

*Patricia Melendez spoke on the stop sign on Gaspar and Ferguson, and noted that the location selected is not the proper one, and instead requested that the speed humps installed at that location.*

*Jose Anguano and Frank Quinos, Republic Service Company, spoke about their company and stated that they are working in the City for 30 years, and they have a recycling program.*

*Assistant Chief Ramirez announced his appointment as a new Assistant Fire Chief.*

## **CONSENT CALENDAR**

*Councilmember Mendoza requested to pulled item #7 and #8 for discussion.*

*Item #7 - Councilmember Mendoza announced to residents that for the City to fix those potholes at the Caltrans roadways, there needs to be an agreement signed between Caltrans and the City. Recently the potholes reported were fixed.*

*Mendoza moved, seconded by Mayor Pro Tem Soria, to approve the resolution to enter into a Freeway Maintenance Agreement between the City of Commerce and the California Department of Transportation (Caltrans). The motion carried by the following vote:*

*AYES: Councilmembers Altmirano, Mendoza, Rebollo, Mayor Pro Tem Soria and Mayor Argumedo. (5)*

*Item #8 - Councilmember Mendoza stated that there were traffic issues at the Bristow community, but the City installed more signs to regulate the traffic. Councilmember Rebollo moved, seconded by Mayor Pro Tem Soria, to adopt Resolution approving the installation of "NO TRUCKS" signs along Noakes Street and along South Eastern Avenue, and "NO THRU TRAFFIC" signs along Duncan Avenue and McBride Avenue. The motion carried by the following vote:*

*AYES: Councilmembers Altmirano, Mendoza, Rebollo, Mayor Pro Tem Soria and Mayor Argumedo. (5)*

**Mayor Pro Tem Soria moved, seconded by Councilmember Rebollo, to approve the Consent Calendar. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altmirano, and Rebollo

2. Approval of Warrant Register Nos. 7A and 7B
3. Approval of Minutes
4. Execution of Program Supplement Agreement to Administering Agency-State Master Agreement for the Safe Routes to School Grant
5. General Construction Agreement with Burlington Northern and Santa Fe Railway to Improve the Area around S. Eastern Avenue and Commerce Way
6. Agreement with Tyler Technologies for Installation of the ExecuTime Paperless Time Card Module and Related Training
7. Freeway Maintenance Agreement with the California Department of Transportation
8. "NO TRUCKS" Signs along Noakes Street and "NO THRU TRAFFIC" Signs along Duncan Avenue and McBride Avenue
9. On-Street Physically Challenged Accessible Parking Space for 2377 Couts Avenue
10. On-Street Physically Challenged Accessible Parking Space for 4561 Leonis Street
11. Award of an Architectural and Engineering Contract to Stantec Architecture, Inc. for the Visioning and Master Planning the Public Service Building on

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the Site at the Northeast Corner of Washington Blvd. and Telegraph Road

12. Request for Additional Allocation for Legal Services in Connection with Labor Negotiations

**PUBLIC HEARING**

13. Appeal of the Planning Commission's Decision to Deny Plot Plan No. 989 - A Request to Construct a New Commercial Manufacturing Building Located at 7316 East Gage Avenue in the City of Commerce

*Gloria Nezahualcoya, Marcela Estrada, Samuel Estrada, Julie Ramirez spoke regarding item #13.*

*Patrick Perry, Applicant's Attorney, spoke in support of the project.*

*Adrian Comstock, the applicant, spoke about economic benefits for the community and the creation of jobs for the community.*

*Julie Ramirez, BNB Studios, spoke about creating public spaces that would be engaging the community and also stated that this project would beautify the area. As for the art piece, it would be something that represents the City. According to the applicant representative, the project is complying with all development standards. In addition, all remediation and excavation would be in compliance.*

*City Planner Jimenez provided an overview of the staff report.*

*In response to questions of whether the tenants are secured for the project, Applicant Adrian Comstock stated that without all approvals, tenants could not be secured. However, they are engaged in conversation with food and restaurant suppliers, also a garment and manufacturing company.*

*Discussion took place regarding access to the property, truck traffic, and also how this project fits in the General Plan.*

*Rich Gibson, Gibson Transportation, stated that they conducted the traffic study, and the signage would be increase and would improve that intersection.*

*In response to Councilmember Altamirano's question, whether the area could be beautified, Adrian Comstock stated that a pedestrian walkway could be included*

and the area could be landscaped. Applicant Comstock stated that one of the potential tenants is Tesla that would bring 250 jobs for that site. In addition, they could work with Tesla to see if community residents could be hired for those jobs. According to Mayor Pro Tem Soria, the City needs to look into reimagining that area and look at alternative uses.

Adrian Comstock talked about the time period that took him to get to this point, and the amount of time they spent on this project.

City Administrator Cisneros recommended 30 days extension and bring this item back for a status update in 20 days.

**Councilmember Altamirano moved, seconded by Councilmember Rebollo, to extend the appeal for another 30 days, engage in discussion with the applicant, take look at this area and rezone, and direct staff to bring this item back in two meeting from now. The motion carried by the following vote:**

**Ayes:** 5- Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

#### **SCHEDULED MATTERS**

**14. Update on the Measure AA Committee Meeting and Consideration of Award of Architectural and Engineering Services Contract for the Design and Production of Construction Documents for the Renovation/Transformation of the New Veterans Park Building**

Public Works and Development Services Director Babaki provided an overview of the staff report.

Discussion took place whether having a new building would be cheaper. However, it was stated that the new building would be two to three times more expensive; therefore, the original project is more feasible the City should follow in that direction. Mendoza recommended getting input from the community. Mayor Pro Tem Soria asked whether donating the 20K and being a Measure AA chairman and bringing his own architect. Norma responded that analysis was made before, and there was no conflict of interest. The donation of \$20,000 would be accepted through the agreement for accepting the donation. City Administrator Cisneros recommended Option B and continue working on accepting the donation.

Maryam Babaki stated that this is a phased project, but if the Council would like to move on this project as a whole, it is an option as well. Further discussion took

*place that the alternative should be realistic, and they need to move fund phases that are feasible.*

*Mayor Argumedo thanked the Measure AA Committee and Steve Craig for wanting to look at the facility and presenting their recommendations. However, since the price presented is not feasible and would be double, and it is time to move forward and allow the community a new facility or retrofitted facility.*

*Councilmember Rebollo asked to include a supervisor for the park in those meetings. Discussion took place of who from Parks and Recreation is representing on the subcommittee, and Councilmember Rebollo stated that a supervisor from the park would be valuable to have on that subcommittee, and provide an input of what worked there. It has been decided to include the director and a supervisor from the Veteran's park.*

**Councilmember Rebollo moved, seconded by Mayor Pro Tem Soria, to approve a contract with IDS in the amount of \$379,000 to begin work on community building and Council workshops to provide comprehensive planning including needs assessment, and identifying future space requirements, develop design options for facility planning of the new building, conduct engineering and environmental feasibility for these options, begin design development (Option B) and include Director of Parks and Recreation and a staff member from the Veteran's park into subcommittee. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

**15. Update on the Public Outreach Related to Speed Humps along Astor Avenue**

*Public Works and Development Services Director Babaki provided an overview of the staff report. Deputy Director of Engineering Young provided a PowerPoint presentation. Discussion took place regarding a permanent solution on Astor Avenue and how long those speed humps installation would take. It was stated that buses use those routes.*

*Councilmember Rebollo stated that residents collected signatures on installing a fourth speed hump. Deputy Director Young stated that the request is near Bandini park, and the staff is considering installing it there.*

*Councilmember Mendoza spoke about the two ways of installing speed humps through surveys or neighbors from the community collecting signatures. Mendoza*

*stated that he is aware of the area that is interested in installing speed humps. Maryam stated that neighbors need to petitions to install. According to Director Babaki, it would save a lot of time for staff if neighbors clear it with their neighborhood and petitions with a specific location.*

*Johncito Peraza thanked the Council and staff for installing speed humps on Astor.*

**Councilmember Rebollo moved, seconded by Councilmember Mendoza, to receive and file an update on the public outreach related to speed humps along Astor Avenue and direct staff to move forward with the recommendations. The motion carried by the following vote:**

**Ayes:** 5- Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

**16. Update on the Public Outreach and Construction Estimate for the Proposed Sidewalks along Ferguson Drive**

*Deputy Director of Engineering Young provided an overview of the staff report. Public Works and Development Services Director Babaki spoke about the cost of installing sidewalks and also effects on residents.*

*Discussion took place regarding public property and how it related to residents, especially if they oppose it. According to Assistant City Attorney Copado, it is public property, and residents do not have a right even if they erected something on it. It was a consensus to make sidewalks ADA compliant. Further discussion took place about the cost of installation.*

*Mr. Gonzales stated that he lives on Ferguson Drive and the City has the authority to do what they want, and it is public property. He spoke in support of installing sidewalks.*

**Mayor Pro Tem Soria moved, seconded by Councilmember Rebollo, moved to receive and file an update on the public outreach and direct staff to go ahead with the construction estimates for the sidewalk, driveway, and curb ramp construction along Ferguson Drive in the amount of \$1,300,000. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

**17. Award of Semi-Exclusive Commercial Refuse and Recycling Agreements and Fee Adjustment**

*Deputy Director of Public Operations Nila provided an overview of the staff report.*

*City Administrator Cisneros announced that the new staff report was provided since the time of publishing of the agenda.*

*Assistant City Attorney Copado stated that several Councilmembers received campaign contributions from the trash hauling contractors; however, only personal financial interest or income will be considered in this case. A campaign contribution is excluded as income; therefore, there is no conflict of interest. According to Assistant City Attorney Copado, the body as a whole making decision, and the Government Code clarified that campaign contributions are not considered individual income. However, any of the Councilmembers could recuse themselves. Mayor Pro Tem Soria, Councilmembers Rebollo, Councilmember Altamirano, and Mayor Argumedo disclosed that they received a contribution from trash haulers.*

*Elizabeth Martinez, Representing Republic Services, asked that the Republic services are included with commercial refuse and recycling services.*

*John Katamarian, Key Disposal, stated that they submitted RFP and did not make a cut because of the scoring process. According to Mr. Katamarian, smaller companies received higher scores, and Key Disposal have resources and service community for a while.*

*Rob Keen, Athens Service, stated that the letter from his company was sent earlier for the Council to consider in decision making. His argument was that there was no information provided on how the scores were decided. According to Mr. Keen, Athens is one of the biggest companies. Mr. Keen stated that Athens Services was ranked as number eighth and asked to award the agreement and do another scoring of the submissions and make the process fair as possible.*

*Gary Cuffuen, Executive Vice President of Athens Services, requested that the action is deferred and that the evidence is considered.*

*Allan Babashoff stated that they are the longest hauler in Commerce; however, based on scoring, they are losing the business now.*

*Haik Petrosian stated that his company operates in Commerce since 1976 and asked to reconsider the scoring and include it in the list.*



*Hector Delgado, Political Director for Teamsters 46, stated that he represents haulers in the different counties. Mr. Delgado asked that Republic Services is added to the list of qualified haulers.*

*Richard Hernandez spoke for the record and asked that the entire process is reconsidered.*

*Councilmember Altamirano thanked the staff for going through this process and stated that it a difficult decision. In response to Councilmember Altamirano of why the number of haulers is downsized, City Manager Cisneros stated that it is in compliance with State regulations and a shorter list would allow better communication and compliance as well as minimizing the number of trucks on the City streets. Councilmember Altamirano stated that American Reclamation was removed from the list and recommended that Republic Services are included in the list instead.*

*Discussion took place about streamlining the process, and the nature of this topic is always controversial; however, the process needed to be fair. According to Councilmember Rebollo, the City Council agreed to release the RFP and reduce the number of haulers. Between seven and eight companies is what manageable for this size of the City. Discussion took place on how many haulers the Council would agree to limit to.*

*According to Deputy Director of Operation Nila, it takes a lot of staff time to collect payment from so many companies and a lot of payments are delinquent.*

*Mayor Argumedo agreed with the City Administrator Cisneros to approve the selected companies and reevaluate at a later date. City Administrator Cisneros recommended that the agreement would indicate that the number could go to more than 12 haulers. Councilmember Rebollo agreed with moving forward but with eight haulers and go with another RFP process.*

*Mayor Argumedo agreed with the substitute motion.*

**Mayor Pro Tem Soria moved, seconded by Councilmember Altamirano, to increase the number to ten based on the existing scoring criteria they have. Mayor Pro Tem Soria clarified that they would approve eight recommended and add Republic Service and Athens to the list, as well as to direct staff to do additional research and bring another RFP at a later date. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

**18. Residential Refuse and Recycling - Authorization to Release Request for Proposal**

*Deputy Director of Public Works Operations provided an overview of the staff report.*

*Councilmember Rebollo, Mayor Argumedo, Councilmember Altamirano, and Mayor Pro Tem Soria disclosed that they received campaign contributions.*

*According to Councilmember Altamirano, the community is very satisfied with the contract and wanted to honor a four-year extension. It was a consensus among the City Council that residents are very satisfied with the current agreement and services provided.*

*Bill Kolpakov stated that the rates are very competitive; they remove bulky items bi-weekly and asked that the original vote done in July is upheld for the contract to continue for another four years.*

*According to the Assistant City Attorney Copado, the City is trying to be consistent when it comes to the residential franchise as well and use best practices.*

*Discussion ensued about in the future whether to have exclusive or semi-exclusive haulers.*

*Mayor Pro Tem Soria recommended issuing RFP in two years and start RFP process earlier.*

**Mayor Argumedo moved, seconded by Councilmember Rebollo, to affirm the contract for four years previously approved for residential franchise, align residential and commercial RFP process and start residential RFP process in 24 months. The motion carried by the following vote:**

**Ayes:** 5- Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

**19. Revisions to the Personnel Classification and Compensation Plan - Creation of Head Travel Sports Coach Classification**

*Human Resources Director Pappo provided an overview of the staff report.*

*Councilmember Rebollo recommended that educational requirement is added as part of qualifications. Councilmember Mendoza recommended waiting until class and compensation study is complete before adding any positions.*

*According to Human resources Director Pappo, there is a need to centralize position for managing sports travel teams and supporting future needs of competitive travel sports. Councilmember Rebollo recommended having an in-house promotional opportunity.*

*Further discussion took place regarding years of service versus the requirement of having a degree.*

**Councilmember Rebollo moved, seconded by Councilmember Altamirano, to adopt Resolution amending the Classification and Compensation Plan by creating new classification specifications for the Head Travel Sports Coach Classification and add Bachelors degree in related field under qualification requirements. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Argumedo, Mayor Pro Tem Soria, Councilmembers Mendoza, Altamirano, and Rebollo

#### **CITY COUNCIL/SUCCESSOR AGENCY REPORTS**

*Councilmember Mendoza reported that he attended Planning Commission, Rosewood Park soccer banquet, and Hispanic Heritage concert in the park. Councilmember Mendoza announced that his father-in-law and mother-in-law became American citizens.*

*Councilmember Rebollo congratulated Library and Parks and Recreation department on great events for Hispanic Heritage events. Councilmember Rebollo invited residents to participate in the Domestic Violence event taking place in Whittier.*

*Mayor Pro Tem Soria reported that he attended soccer banquets and Industrial Council business mixer. Mayor Pro Tem Soria invited to Unplugged performance.*

#### **ADJOURNMENT**

*Meeting adjourned at 10:39 p.m.*