



City of Commerce

Meeting Minutes

Tuesday, August 16, 2016 - 5:00 PM

**CONCURRENT REGULAR 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**

5:00 P.M. CLOSED SESSION

CALL TO ORDER

Mayor Altamirano called meeting to order at 5:00 p.m. in the Council Chambers.

ROLL CALL

Present: 4 - Councilmember Leon
Councilmember Argumedo
Councilmember Rebollo
Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no individuals wishing to address the City Council/Successor Agency on any items on Closed Session agenda.

RECESS TO CLOSED SESSION

City Council/Successor Agency convened to Closed Session at 5:00 p.m.

1. Pursuant to Government Code §54956.9 (b), the City Council will confer with its legal counsel, and take appropriate action with respect to, significant exposure to litigation in one potential case.
2. Pursuant to Government Code §54956.9(b), the City Council will confer with its legal counsel, and take the appropriate action with respect to initiation of litigation in one potential case.
3. Pursuant to Government Code §54956.9(a), the City Council will confer with its legal counsel, and take the appropriate action, with respect to the pending litigation of: *City of Commerce v Hugo Alexander Argumedo et al.*, Superior Court of the State of California, County of Los Angeles, Case No. BC600767.
4. Pursuant to Government Code §54957, the City Council will consider personnel matters related to public employee discipline/ dismissal/release/compensated administrative leave and other available changes in employment status or terms and conditions of

employment of a certain public employees (2 cases).

5. Pursuant to Government Code 54957, the City Council will consider personnel matters related to the recruitment of a Deputy Director of Engineering Services.

RECONVENE TO OPEN SESSION

City Council/Successor agency reconvened to Open Session at 10:57 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

City Attorney/Legal Counsel Olivo reported on Closed Session items:

Item #1, item #3 and item #4 - the City Council did not take any reportable action. Pursuant to the advice of the City Attorney, Councilmember Argumedo recused himself from participation in item #3. Councilmember Argumedo left the room.

Item #2 - The City Council approved confidentiality agreements regarding initiation of litigation and provided direction to City Attorney. Councilmember Leon moved, seconded by Councilmember Rebollo, the motion carried by the following vote:

AYES: Councilmembers Argumedo, Leon, Rebollo, and Mayor Altamirano

Absent: Mayor Pro Tem Baca Del Rio

Item #5 - The City Council provided direction to staff and the direction was unanimous.

6:30 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Altamirano called meeting to order at 6:45 p.m. in the Council Chambers.

ROLL CALL

Present: 4 - Councilmember Leon
Councilmember Argumedo
Councilmember Rebollo
Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

PLEDGE OF ALLEGIANCE

Finance Director Domic led the Pledge of Allegiance

INVOCATION

Mayor Altamirano offered the invocation

APPEARANCES AND PRESENTATIONS

Councilmembers and the Mayor issued Certificates of Recognition and Commendation. Item #4 was tabled to the next City Council meeting.

Steve Craig, Craig Realty, provided an update regarding recent commerce Clean-up Day.

1. Citadel Outlets 6th Annual Commerce Clean-Up Day Presentation
2. Commendation Honoring Rodrigo Gallegos for his Countless Achievements and Many Years of Dedicated Service to the City of Commerce
3. Commendation Honoring 2016 Older American Recognition Award Recipient Irma Flores
4. Certificate of Recognition Honoring Tina Fierro for her Courageous Actions
5. Certificate of Recognition issued to Mark Jimenez for being selected as Mr. Teen California 2016

PUBLIC COMMENT

Denise Campos, SoCal Gas Public Affairs Manager, provided a brief overview of the services provided. Ms. Campos encouraged users to conserve natural gas.

Member of the public spoke for the record and voiced concerns on how employees treated and removed from positions. Petition containing 65 signatures in support of reinstating Laura Tilly to her position with the City was submitted to the City Clerk.

CONSENT CALENDAR

Councilmember Rebollo asked to pull item #8 for discussion.

Councilmember Argumedo moved, seconded by Councilmember Leon, to approve the consent calendar minus item #8. The motion carried by the following vote:

Ayes: 4 - Councilmember Leon, Councilmember Argumedo, Councilmember Rebollo, and Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

6. Approval of Warrant Register Nos. 28A, 3A and 3B
7. Approval of Minutes
8. Vacation of a Portion of Sheila Street -Resolution Amendment

Following clarification of some terminology used in the staff report, Councilmember Rebollo moved, seconded by Councilmember Leon, to approve Resolution amending Resolution No. 11-99 regarding the vacation of a portion of Sheila Street, by approving a revised Exhibit "F". The motion carried by the following vote:

*AYES: Councilmembers Argumedo, Leon, Rebollo, and Mayor Altamirano
Absent: Mayor Pro Tem Baca Del Rio*

9. Authorization to Issue a Request for Statement of Qualifications for Citywide Wayfinding Design Services
10. Agreement with County of Los Angeles Probation Department

SCHEDULED MATTERS

11. Final Report - the Brenda Villa Aquatic Center Air Quality Evaluation

Deputy Director of Public Works Operations Nila provided an overview of the staff report. Discussion ensued. A recommendation was brought by couple Councilmembers that staff needs to consider planning replacement of equipment and budget yearly in order to be prepared to replace high ticket equipment without a tremendous impact on the budget. Director Babaki agreed with Councilmember Argumedo's comments that facilities assessment would provide the City with the plan on how to budget, what needs to be replaced and provide with a plan going forward.

Further discussion ensued about reclaimed gas, safety concerns and spot cooling for spectator area. Deputy Director Nila provided an overview of three phases to address ventilation issues in the Aquatic Center. According to Deputy Director Nila, first phase would be completed this year and monies were budgeted for the needed repairs for phase one. Phase two could be decided next year.

Councilmember Argumedo voiced concerns regarding the issues with the Aquatic Center that were discovered right after the opening of the facility and architects that designed that facility should be held accountable for the deficiencies. Discussion ensued about statutory timeframes to file claims, and City Administrator Rifa stated that the warranty has expired.

Mayor Altamirano suggested that the second opinion is solicited by staff from the company that specializes in air quality. The replacement of HVAC units is a high ticket item, and it would be prudent to have someone else to do an evaluation. Director Babaki agreed and stated that staff will solicit a second opinion. However, Director Babaki stated that it was relatively hard to find someone qualified in that type of service and the RFP was issued three times. Director Babaki recommended that the Council approves first phase of repairs needed, and staff would go forward with soliciting a second opinion regarding HVAC replacement.

Councilmember Rebollo moved, seconded by Councilmember Leon, to adopt

Resolution authorizing appropriation of \$300,000 for the Brenda Villa Aquatic Center Air Quality Project. The motion carried by the following vote:

Ayes: 4 - Councilmember Leon, Councilmember Argumedo, Councilmember Rebollo, and Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

12. Approval of the City of Commerce Americans with Disabilities Act Self-Evaluation and Transition Plan

Deputy Director Nila provided an overview of the staff report. Discussion ensued.

Councilmember Rebollo moved, seconded by Councilmember Leon, to adopt Resolution approving the City of Commerce Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The motion carried by the following vote:

Ayes: 4 - Councilmember Leon, Councilmember Argumedo, Councilmember Rebollo, and Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

13. Authorization of Interim Engineering Support Services

Director Babaki provided an overview of the staff report. Discussion ensued.

Councilmember Leon moved, seconded by Councilmember Argumedo, to authorize Elie Farah, Inc and Transtech Engineering, Inc. to proceed with interim civil engineering design services per existing on-call professional services agreements, dated February 2, 2016. The motion carried by the following vote:

Ayes: 4 - Councilmember Leon, Councilmember Argumedo, Councilmember Rebollo, and Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

14. Modifications to Washington Boulevard Plans for Access at Arco Gas Station and Commerce Square Area East of Fidelia

Councilmember Argumedo and Mayor Altamirano recused themselves from participating on this item due to their residencies located within 500 feet from the project for consideration. The drawing was conducted in order to maintain quorum, and Mayor Altamirano stayed while Councilmember Argumedo stepped down. Mayor Altamirano disclosed that he received a campaign contribution from Majestic Realty. City Attorney Olivo explained that Councilmember Argumedo would be participating on this item instead of Mayor Altamirano due to the rule of necessity to maintain a quorum.

Director Babaki provided an overview of the staff report. Extensive discussion took place on the proposed traffic signal, close proximity of three traffic signals and

impact that the proposed signal would have on traffic. Several other options were discussed. There was a consensus among the City Council that the signal is not needed, and this item was tabled to the next Council meeting in order to allow Councilmembers to evaluate options, and also for staff to evaluate traffic coming in and out of Arco station.

15. Education Outreach on the Impact of the Los Angeles County Metropolitan Transportation Authority Measure R-2 Transportation Plan

City Administrator Rifa provided an overview of the staff report. Discussion took place whether the City Council would like to increase a proposed amount for outreach to the Commerce community and surrounding cities. According to Councilmember Argumedo, the City of Los Angeles is putting significant amount of funding for the outreach, and even Gateway COG could not compete with their campaign. Gateway COG allocated \$150,000 total for the education campaign. Councilmember Rebollo recommended scheduling town hall meeting as it relates to Measure R-2 Transportation plan. Following discussion, it was a consensus among the City Council that higher amount could be allocated for educational campaign.

City Administrator Rifa stated Gateway Cities Council of Governments (COG) asked partnering cities to contribute \$5,000 for educational outreach, and City Administrator's recommendation is to contribute \$10,000, and if the City Council thinks it is not sufficient the amount could be increased even more. Further discussion ensued. Following discussion, City Administrator Rifa stated that he could provide status update report at the next City Council meeting, and allocation of additional funds and the need for it could be discussed at that time.

Councilmember Leon moved, seconded by Councilmember Rebollo, to adopt Resolution authorizing the appropriation of \$20,000 from the FY 2016/2017 Operating Budget to prepare educational materials for outreach to the Commerce Community on the impact of the proposed Los Angeles County Metropolitan Transportation Authority Measure R-2 Transportation Plan scheduled for the November ballot. The motion carried by the following vote:

Ayes: 4 - Councilmember Leon, Councilmember Argumedo, Councilmember Rebollo, and Mayor Altamirano

Absent: 1 - Mayor Pro Tem Baca Del Rio

16. Ferguson Railroad Sound Wall Project Discussion, and Scheduling Workshop with the Union Pacific Railroad

City Administrator Rifa provided an overview of the staff report. Councilmember Argumedo stated that at one of the Neighborhood Watch meetings the issue of Soundwall was raised. Councilmember Argumedo stated that the City needs to come to an agreement with the Union Pacific regarding the wall, address that

issue, and update residents about the timeline and completion of the project. Discussion took place on which party was responsible for the completion of the Soundwall. Councilmember Argumedo stated that maybe the cost could be potentially split between the Union Pacific and the City, and also could be included as CIP project and re-prioritized on the list of the current City's CIP projects. Discussion took place on what guidelines they would follow in deciding on the CIP projects, and why this project would take priority over the other City proposed projects.

Mayor Altamirano stated that there needs to be a workshop with the Union Pacific. It was a consensus among the City Council to schedule a workshop with the Union Pacific and see what could be negotiated. Councilmember Leon stated that the tax funds received from the Union Pacific should be utilized for certain environmental mitigation projects. Further discussion took place on where tax money are currently allocated. City Administrator Rifa stated that the City Council had allocated \$200,000 in Measure AA and \$130,000 in bond interest savings toward Neighborhood Fix-Up Program. This current City's environmental mitigation program is underway.

It was a consensus among the City Council to schedule workshop with the Union Pacific for August 30, 2016 at 6 pm. The meeting will be advertised, and posted in accordance with the Brown Act requirements.

17. Commissioners Handbook

City Clerk Shumway provided an overview of the staff report. Discussion took place regarding roles and responsibilities of the commissioners. It was a consensus among the City Council that it needs to be clarified in the policy that the input from the commissioners is welcomed, and could be discussed at the commission level, and brought to the City Council for consideration as it relates to big programs and initiative.

Johncito Peraza stated that staff needs to be careful with certain wording in the policy as it relates to commissioners responsibilities.

This item was tabled to next City Council meeting.

18. Agreement with J.R. Olsen Bonds & Insurance Brokers, Inc. to provide a bond required for a Deed of Trust in connection with the Purchase and Sale Agreement entered into between the Successor Agency and Gatwick, LLC

City Attorney Olivo provided an overview of the item for discussion. According to City Attorney Olivo, staff is working on closing an escrow for the property located at

4957 Sheila Street and 4800 Washington Boulevard that was sold to Gatwick, LLC. The Deed of Trust for the abovementioned property that was made in 2002 had a 1.5 million bond with the maturity date of 2007. According to the City's Finance Department, no recent payments were made on the bond. However, staff cannot locate the lender to obtain the re-conveyance, therefore, the process would require the Successor Agency to obtain a bond in order for the escrow to close on the abovementioned property. An agreement with J.R. Olsen Bonds & Insurance Brokers, Inc., the bond company, as identified on the agenda would need to be approved by the Successor Agency and the Oversight Board. The price for the bond would range between one percent and five percent. According to City Attorney Olivo, because the quote for the bond is not ready yet, staff will present the Agreement with J.R. Olsen Bonds & Insurance Brokers, Inc. to the Oversight Board first since they have a meeting this month and bring it back to the Successor Agency for its consideration and approval.

19. Committee and Commission Appointments

Councilmember Leon reappointed Nicki Leon to Parks and Recreation Commission.

Councilmember Rebollo appointed Diana Lopez to Pageant Steering Committee, and Ariana Sainz to Youth Advisory Committee.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmember Rebollo thanked everyone who participated in the National Night Out, and invited everyone interested in the upcoming Commerce Jam at the park.

Councilmember Leon announced that the Neighborhood Watch meeting is scheduled Thursday, August 18, 2016 at 2134 Fitzgerald Street, and Saturday, August 20, 2016 is the Annual Scholarship Award Breakfast.

Councilmember Argumedo stated that the recent Neighborhood Watch meeting issues were brought up regarding parking, noise and other related issues at Steven's Steakhouse area. Councilmember Argumedo requested to place this item on the agenda and possibly explore possibilities of permit parking in the area or closing the street, so restaurant patrons cannot park vehicles in the residential neighborhood.

ADJOURNMENT

Regular meeting adjourned to Closed Session at 10:25 p.m. Following Oral Closed Session announcement, meeting adjourned at 10:58 p.m.