



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING - CLOSED SESSION  
MONDAY, NOVEMBER 23, 2009, 5:00 P.M.  
AGENDA**

**LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS, CA**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

**CALL TO ORDER**

**ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS**

Daniel Crespo, Council/Commission Member  
Sergio A. Infanzon, Council/Commission Member  
Pedro Aceituno, Council/Commission Member  
Jennifer Rodriguez, Mayor Pro Tem/Vice Chair  
Priscilla Flores, Mayor/Chair

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY (Three minutes per person, subject to a total period of 30 minutes)**

Any person wishing to address the City Council/Community Development Commission during the Public Comment period is asked to complete a "Speaker's Card" and submit it to the City Clerk prior to the start of the Public Comment period. This time period is reserved for items appearing on the posted Closed Session Agenda only; please identify on your Speaker's Card to which item you will be speaking.

In order to conduct a timely meeting, there will be a three (3) minute time limit per person, subject to an overall thirty (30) minute public comment period. All comments are to be directed to the City Council/Community Development Commission and we ask that proper decorum be practiced during the meeting. State law prohibits the City Council/Community Development Commission from discussing any item not appearing on the posted Closed Session Agenda.

**CLOSED SESSION:**

**a. CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code section 54957.9)**

Agency Negotiators – G. Steve Simonian, Phil Wagner, Kim Krause  
Employee Organizations – Public Works Supervisors Association, Public Works Association, Police Officer's Association, Police Management Association and City Employees Association.

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**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING  
MONDAY, NOVEMBER 23, 2009, 6:00 P.M.  
AGENDA**

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**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS**

Daniel Crespo, Council/Commission Member  
Sergio A. Infanzon, Council/Commission Member  
Pedro Aceituno, Council/Commission Member  
Jennifer Rodriguez, Mayor Pro Tem/Vice Chair  
Priscilla Flores, Mayor/Chair

**PRESENTATIONS**

- Presentation of the City's video for the LA EDC "Most Business Friendly Award"

**PUBLIC HEARINGS**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS - None**

**CITY COUNCIL ITEMS – (Item No. 1)**

**1. Golden State Water Company - Franchise Agreement Renewal**

Golden State Water Company (Company) was originally granted a 20-year franchise agreement (agreement) to operate a private water utility within three-quarters of the City on June 24, 1974. The agreement was renewed for 5-year increments in 1994, 1999, and 2004, pursuant to the Public Utilities Code of the State of California. On October 26, 2009, the City Council approved Resolution No. 2009-37 declaring its intent to renew the agreement for an additional 5 years through the conduct of a public hearing. The agreement will require the Company to pay the City 2% of its gross annual receipts derived from the agreement, but not less than 1% of its gross annual receipts derived from the sale of water within the City.

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**Recommendation:** It is staff's recommendation that:

- 1) the City Council opens the public hearing to consider approval of the renewal agreement, hear any public testimony, and consider any protests received to determine their sufficiency, and;
- 2) Introduce Ordinance 829: An Ordinance of the City Council of the City of Bell Gardens, California granting to Golden State Water Company, Its Successors and Assigns, a Franchise to lay and use pipes, ditches, flumes, conduits, and appurtenances, for transmitting and distribution water for any and all purposes in, along, across, upon, and under the public streets, ways, alleys, and places as they new exist within the City of Bell Gardens.

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**CONSENT CALENDAR (Items No. 2– 14)**

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council/Community Development Commission requested specific items to be removed from the Consent Calendar for separate action. Items called for separate discussion will be heard as the next order of business.

**2. General Motion to read all Ordinances by title only**

In order to expedite the conduct of business at Council/Commission meetings, California State law (California Code Section 26934) allows Ordinances to be read by title if a majority of the legislative body supports the motion to waive the full reading.

**Recommendation:** It is staff's recommendation that the City Council/Community Development Commission read all Ordinances by title only and waive the reading in full.

**3. Minutes**

October 26, 2009 – Regular Meeting Minutes

**Recommendation:** It is staff's recommendation that the City Council/Community Development Commission approve the minutes.

**COMMUNITY DEVELOPMENT COMMISSION ITEMS**

**4. Warrant Registers dated 10/15/09 (\$166,659.48), 10/28/09 (\$1,168.33) and 11/09/09 (513,524.66)**

**Recommendation:** It is staff's recommendation that the Community Development Commission receive and file the warrant registers dated 10/15/09, 10/28/09 and 11/09/09. In approving the action of receiving and filing the warrant registers, the official minutes of the Bell Gardens Community Development Commission should state that each individual member of the Community Development Commission is not voting on, influencing the outcome of, or participating in approving, accepting, receiving, or filing any warrant which bears the name of the same Commission member, or pays for any

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costs or expenses, or otherwise benefits the same named Commission member. Each Commission member will not be participating, influencing, or voting on any such warrant bearing their name or which benefits the same named Commission member, but with that exception is voting in favor of receiving and filing all other warrants contained in this report, unless otherwise noted on the record at the time of the approval of the action required by this report.

**5. Findings to support use of Redevelopment Funds (Project Area One and Central City Redevelopment Project Area) for implementation of improvements related to economic development initiatives.**

California Redevelopment Law requires the adoption of a resolution making certain findings prior to utilizing redevelopment funds to pursue projects which will enhance the visual attractiveness of the City's gateways and business corridors and facilitate continued growth and economic stability for the business community. Planned projects include: Final Phase of the Gateway and Wayfinding Sign Improvement Program, holiday banners on business corridors, and business property improvements within and outside of the redevelopment project areas.

**Recommendation:** It is staff's recommendation that the Commission adopt Resolution No. 2009-03: A Resolution by the Bell Gardens City Council sitting as the Governing Board of the Community Development Commission of the City of Bell Gardens finding that the use of tax increment funds outside of the Bell Gardens Redevelopment Project Areas but within the City of Bell Gardens will be of benefit to the Redevelopment Project Areas.

## **CITY COUNCIL ITEMS**

**6. Warrant Registers dated 10/20/09 (\$414,552.76), 10/27/09 (\$407,115.47 & \$458,907.40), 11/02/09 (\$204,426.99) and 11/09/09 (\$716,425.63 & \$473,495.90).**

**Recommendation:** It is staff's recommendation that the City Council receive and file the warrant registers dated 10/20/09, 10/27/09, 11/02/09 and 11/09/09. In approving the action of receiving and filing the warrant registers, the official minutes of the Bell Gardens City Council should state that each individual member of the City Council is not voting on, influencing the outcome of, or participating in approving, accepting, receiving, or filing any warrant which bears the name of the same Council member, or pays for any costs or expenses, or otherwise benefits the same named Council member. Each Council member will not be participating, influencing, or voting on any such warrant bearing their name or which benefits the same named Council member, but with that exception is voting in favor of receiving and filing all other warrants contained in this report, unless otherwise noted on the record at the time of the approval of the action required by this report.

**7. Ford Parking Lighting Upgrade Project – Use of Community Development Block Grant (CDBG) and Energy Efficiency and Conservation Block Grant (EECBG) Funds.**

The current condition of the existing lighting system on the east side of Ford Park is substandard for public safety and recreational use conditions. The upgrade project will be funded through the use of \$130,000 in CDBG funds and \$182,000 of EECBG funding. Funds for this project are included within the Public Works Department Capital Improvement Project budget for Fiscal Year 2009-2010.

**Recommendation:** It is staff's recommendation that the City Council approve the use of CDBG and EECBG funding for improved energy efficient lighting at the east side of Ford Park in the total amount of \$312,000.

**8. Purchase of equipment to support Graffiti Abatement Program – Use of Community Development Block Grant (CDBG) Funds.**

The two pressure washers/sandblasters used to support the Graffiti Abatement Program are outdated and in need of replacement. The equipment will be replaced by tools that are fuel efficient and have lighter emissions. The cost estimate, based on the lowest of three (3) bids, is \$19,000. The purchase of the equipment will be funded through the use of existing CDBG funds.

**Recommendation:** It is staff's recommendation that the City Council approve the use of CDBG funding in the amount of \$19,000 for the purchase of two (2) new pressure washers/sandblasters to support the Graffiti Abatement Program.

**9. Consideration of an expansion of the Underground Utility District (UUD) on Park Lane and Scout Avenue (from Garfield Avenue to Clara Street).**

In 2008, the Council established an UUD through Southern California Edison (SCE), for the use of the City's reserved Rule 20A funds. The project was stalled due to costs exceeding the available funding. In September 2009, SCE notified the City that the project work for the UUD can begin in 2012 and that the project area may be extended to include a full segment of Park Lane and Scout Avenue from Garfield Avenue to Clara Street. The City must go through the formation process in order to extend the limits of the UUD to Garfield Avenue.

**Recommendation:** It is staff's recommendation that the City Council adopt Resolution No. 2009-39: A Resolution of the City Council of the City of Bell Gardens to consider the formation of the Underground Utility District No. 2009-01 on Park Lane, setting a public hearing for December 14, 2009, 6:00 p.m., and directing the City Clerk to notify affected persons as indicated.

**10. Proposed lease of water rights to the City of Lynwood**

The City solicited bids in May 2009 to lease its 1,000 acre feet of excess water rights (with "flex") in the Central Ground Water Basin. The City Council approved the lease of 500 acre feet to two water agencies at its July 13, 2009 Council Meeting. Staff solicited bids for the remaining 500 acre feet in August 2009. The bid proposal from the City of Lynwood, totaling \$40,500.00, consisted of leasing 300 acre feet at the rate of \$135.00 per acre foot.

**Recommendation:** It is staff's recommendation that the City Council accept the bid proposal from the City of Lynwood for the lease of water rights in the amount of \$40,500.00 and authorize the Mayor to execute the Water Right License and Agreement.

**11. Treasurer's Report for the month of September and October 2009**

The Treasurer's Report has been prepared and submitted for the month of September and October 2009.

**Recommendation:** It is recommended that the City Council approve the Treasurer's report for the month of September and October 2009.

**12. Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association, the Bell Gardens Public Works Supervisors Association and the Bell Gardens Public Works Employees Association**

One-year contracts have been negotiated with the City Employees Association, the Public works Supervisors Association and the Public Works Employees Association.

**Recommendation:** It is staff's recommendation that the City Council approve:

- 1) Resolution No. 2009-42, A Resolution of the City Council of the City of Bell Gardens, California, adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association;
- 2) Resolution No. 2009-43, A Resolution of the City Council of the City of Bell Gardens, California adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens Public Works Supervisors Association; and
- 3) Resolution No. 2009-44, A Resolution of the City Council of the City of Bell Gardens, California, adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens Public Works Employees Association.

**13. Consideration of Claim Rejections**

The City's claims management company, Carl Warren & Co., recommends rejection of the claims filed by Reina Marroquin (filed on September 1, 2009, alleging vehicle damage from driving into a curb) and Sylvia Cortez (filed on October 29, 2009, alleging that a City tree fell onto and damaged her vehicle).

**Recommendation:** It is staff's recommendation that the Bell Gardens City Council reject the claims filed by Reina Marroquin and Sylvia Cortez, respectively.

**14. Adoption of Measure R Guidelines for the City's receipt and use of Local Return (LR) funds for transportation purposes**

In order to receive the \$240,848 per capita allocation of Measure R LR funds, the City must sign and return an "Assurances and Understandings" Agreement (agreement) adopting the Measure R guidelines to the Los Angeles County Metropolitan Transportation Authority (LACMTA). Measure R specifies that LR funds are to be used for transportation purposes only. The amount of \$240,848 has been included as part of the City's Capital Improvement Program budget for Fiscal Year 2009-2010.

**Recommendation:** It is staff's recommendation that the City Council authorize the City Manager to execute the Assurances and Understandings Agreement adopting the Measure R guidelines and return such to the LACMTA.

**DISCUSSION ITEMS**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS** - None

**CITY COUNCIL ITEMS** - None

**PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION (Three minutes per person, subject to a total period of 30 minutes)**

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## **CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS**

### **ADJOURNMENT**

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