



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING - CLOSED SESSION  
MONDAY, DECEMBER 14, 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 54957.6)**  
Agency Negotiators – G. Steve Simonian, Phil Wagner, Kim Krause  
Employee Organizations – Police Officer's Association and Police Management Association.
  
- b. PUBLIC EMPLOYEE EVALUATION  
(Government Code section 54957)**  
Title: City Manager

Any writings or documents provided to the majority of the City Council regarding any item on this agenda will be made available for public inspection at the Receptionist Counter, City Hall, 7100 S. Garfield Avenue, Bell Gardens, CA, during normal business hours



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING  
MONDAY, DECEMBER 14, 2009, 6:00 P.M.  
AGENDA**

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

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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 on the College Bound Today Program

**PUBLIC HEARINGS**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS – (Item No. 1)**

**1. Five Year Implementation plan for Project Area No. 1 and the Central City Project Area.**

California Community Redevelopment Law requires redevelopment agencies within the state to adopt and periodically review a Five-Year Redevelopment Implementation Plan (“Implementation Plan”). The Implementation Plan sets forth the Commission’s goals and objectives along with the anticipated programs, projects, and expenditures for the five-year period and explains how these programs and projects will eliminate blight and increase the supply of affordable housing within the community. The Implementation Plan also incorporates a ten-year Affordable Housing Compliance Plan that addresses the Commission’s affordable housing production needs and accomplishments.

**Recommendation:** It is staff’s recommendation that the Community Development Commission open a public hearing, receive testimony and adopt Resolution No. 2009-04, A Resolution of the City Council sitting as the governing boards of the Community Development Commission of the City of Bell Gardens adopting the 2009/10 – 2013-14

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Implementation Plan for Redevelopment Project Area No. 1 and the Central City Redevelopment Project Area.

**CITY COUNCIL ITEMS – (Items No. 2-3)**

**2. Urgency Ordinance No. 830-U SB731 Massage Therapy**

The state recently passed Senate Bill 731, the Massage Therapy Title Act, which establishes a statewide standard for massage therapist certifications. The City is now prohibited from requiring licensed practitioners and therapists to comply with local ordinances related to education requirements or background checks.

**Recommendation:** It is staff's recommendation that the City Council open a public hearing, receive testimony and adopt Urgency Ordinance No. 830-U, an interim urgency ordinance of the City Council of the City of Bell Gardens declaring and imposing a citywide moratorium on the establishment, expansion, or relocation of new and existing massage practitioners and establishments for 45 days and shall be read by title only and waive the reading in full.

**3. Establishing the 2009-01 Underground Utility District**

At their November 23, 2009 meeting, the City Council adopted Resolution No. 2009-39 setting the public hearing date to consider the formation of the Underground Utility District (UUD) No. 2009-01 on Park Lane. Southern California Edison estimated that the full segment of Park Lane and Scout Avenue, from Garfield Avenue to Clara Street can be completed by revising the 2009 allocation and utilizing future allocations through 2013. The estimate extends the actual work start date to 2012 and determines that all phases of the project can be built with the \$2,113,372 allocation balance. Tonight's public hearing is required by Bell Gardens Municipal Code Chapter 11.04 and all persons potentially affected by this action have been notified of the hearing.

**Recommendation:** It is staff's recommendation the City Council open the public hearing, receive testimony, adopt Resolution No. 2009-50, A Resolution of the City Council of the City of Bell Gardens establishing an Underground Utility District No. 2009-50 on Park Lane.

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**CONSENT CALENDAR (Items No. 4– 15)**

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.

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4. **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.

5. **Minutes**

November 23, 2009 – Regular Meeting Minutes

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

**COMMUNITY DEVELOPMENT COMMISSION ITEMS**

6. **Warrant Registers dated 11/16/09 and 11/23/09**

**Recommendation:** It is staff's recommendation that the Community Development Commission receive and file the warrant registers dated 11/16/09 and 11/23/09. 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 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.

**CITY COUNCIL ITEMS**

7. **Warrant Registers dated 11/16/09 and 11/23/09**

**Recommendation:** It is staff's recommendation that the Community Development Commission receive and file the warrant registers dated 11/16/09 and 11/23/09. 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 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.

**8. Adoption of Ordinance No. 829 Golden State Water Franchise Agreement**

Golden State Water Company operates a private water utility within three quarters of the City and is therefore subject to the Public Utilities Code, which requires them to have a Franchise Agreement. On October 26, 2009, the City Council approved Resolution No. 2009-37 declaring its intention to renew the Franchise Agreement with Golden State Water Company for a 5 year term with an option for an additional 5 year extension and provided notice of the public hearing that was held on November 23, 2009. Given that no protests were received, this is the second reading of Ordinance No. 829 by title only and the adoption of Ordinance No. 829 granting the franchise renewal.

**Recommendation:** Golden State Water Company's Franchise Agreement needs to be renewed pursuant to Division 3, Chapter 2 of the Public Utilities Code of the State of California. The franchise renewal must be granted by Ordinance. Therefore it is recommended that the City Council by motion: 1) Hold the 2<sup>nd</sup> reading of Ordinance No. 829 by title only and 2) Adopting Ordinance No. 829, granting the Franchise Agreement Renewal.

**9. Award the City's Water System Operation and Maintenance Agreement to South West Water Company**

Golden State Water Company (GSWC) operates and maintains its own water system and, by contract, operates and maintains the City-owned water system. GSWC advised the City via written notice it will cease providing operation and maintenance services outside of its own system effective December 31, 2009. A Request for Proposals (RFP) process was conducted and SouthWest Water Services, Inc. (SWWC) emerged as the most qualified provider. The negotiated fee with SWWC is \$278,402 annually, an increase over the existing annual fee of \$100,000 charged by GSWC. Funds to pay for the annual fee on a short term basis are available in the City's Water Fund. It is likely that the increased operations and maintenance costs, substantial fee increases for purchasing imported water when needed, and capital improvements and infrastructure repairs may require rate increases.

**Recommendation:** It is staff's recommendation the City Council approve the Water System Operation and Maintenance Agreement, for a five-year term effective January 1, 2010, between the City of Bell Gardens and SWWC Services, Inc., in the amount of \$278,402 annually, to be paid through the use of Water Funds.

**10. Dissolution of the California Cities Home Ownership Authority**

On November 1, 1996, the City of Bell Gardens entered into a Joint Powers Agreement with the Cities of Artesia, Covina, Compton, Cudahy, Hawaiian Gardens, Huntington Park, Maywood, Monrovia, Pasadena, Rancho Cucamonga, Santa Clarita, and Upland, and the County of San Bernardino, creating the California Cities Home Ownership Authority ("CCHOA"). CCHOA was formed to operate a lease-to-purchase homeownership program to assist qualified families and individuals to achieve home ownership in the jurisdiction of its member entities throughout Southern California. Pursuant to Resolution Number CCHOA 2009-2, the Board of Directors of CCHOA have determined that it is the best interest of CCHOA to complete its business and affairs in the manner provided by law, rescind and terminate the Joint Powers Agreement, and terminate CCHOA's existence.

**Recommendation:** It is staff's recommendation the City Council adopt Resolution No. 2009-51, A Resolution of the City of Bell Gardens authorizing the rescission and

termination of the Joint Powers Agreement made on November 1, 1996, creating the California Cities Home Ownership Authority.

**11. Acceptance of grant award for \$250,000 and appropriation of funds for the purchase of a Mobile Video System and Gunshot Location System**

The City of Bell Gardens was awarded a grant through the 2009 COPS Technology Grant Program in the amount of \$250,000. These funds are designated for the purchase of a Mobile Video System and Gunshot Detection System. The approval of the Gunshot Detection System appears as a separate item on tonight's consent calendar. The Mobile Video System recommendation will appear on the Council's agenda in early 2009.

**Recommendation:** It is staff's recommendation the City Council adopt Resolution No. 2009-47, A Resolution of the City Council of the City of Bell Gardens appropriating funds awarded through the Office of Community Oriented Policing Services 2009 Technology Grant Program, in the amount of \$250,000.

**12. Grant-funded purchase of Gunshot Detection and Location System**

The City of Bell Gardens has been awarded grant funding through the Justice Assistance Grant (JAG) Program and the Office of Community Oriented Policing Technology Grant Program to address the prevalent gun related crime in the City. Funds from these two grants (JAG - \$111,684, COPS - \$140,166) will be utilized to purchase a Gunshot Location System from Shotspotter, Inc. that will provide unique detection and location of gunfire activity within seconds. The total cost of this system for coverage of a one square mile area of the City (including maintenance of the system for an additional year) is \$251,850.

**Recommendation:** It is staff's recommendation the City Council adopt Resolution No. 2009-49, A Resolution of the City Council of the City of Bell Gardens, California, approving and authorizing the execution of an agreement to purchase a Gunshot Detection and Location System from Shotspotter, Inc., in the total amount of \$251,850.

**13. Acceptance of a grant award for a Gang Suppression Program**

Each year, the Department of Justice, Office of Justice Programs, allocates funding for local police agencies as part of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The Leadership Academy gang suppression program was created at Bell Gardens High School by the Police Department, utilizing the \$29,408 in JAG funds. The City will be eligible for reimbursement of funds received to date after the formal acceptance of tonight's Resolution.

**Recommendation:** It is staff's recommendation the City Council adopt Resolution No. 2009-48, A Resolution of the City Council of the City Council of the City of Bell Gardens appropriating the 2007 Justice Assistance Grant (JAG) funds for a Gang Suppression program, in the amount of \$29,408.

**14. Consideration of Claims Rejection**

The City's claims management company, Carl Warren & Co., recommends rejection of the claim for \$100.00 filed by Juan Salazar (filed on October 30, 2009, alleging damage to a house window that occurred when a broken road deflector was kicked up from the road).

**Recommendation:** It is staff's recommendation that the Bell Gardens City Council reject the claim filed by Juan Salazar.

**15. Certification of Results – November 3, 2009 General Municipal Election**

The City Clerk's Office/Elections Official is certifying to the City Council the results of the November 3, 2009 General Municipal Election. Candidates receiving the highest number of votes were Priscilla Flores, Sergio Infanzon, and Daniel Crespo. Pursuant to Elections Code Section 10263, a resolution reciting the facts of the election and such other matters as provided by law has been prepared for the City Council's approval.

**Recommendation:** It is staff's recommendation the City Council adopt Resolution No. 09-51, A Resolution of the City Council of the City of Bell Gardens, California, reciting the facts of the General Municipal Election held on November 3, 2009, declaring the results and such other matters as provided by law.

**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**