



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, APRIL 25, 2011, 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

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

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

This public comment period is for items listed on the CLOSED SESSION AGENDA ONLY. Submit a WHITE public comment card with the closed session agenda item number you would like to discuss to the City Clerk prior to the start of this period. Cards that are submitted with no agenda item listed will be moved to the final public comment period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Mayor/Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the City Council/Community Development Commission from discussing any item not appearing on the posted City Council/Commission Agenda.

CLOSED SESSION – None.



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, APRIL 25, 2011, 6:00 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

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

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

CITY ATTORNEY/AGENCY COUNCIL REPORT FROM CLOSED SESSION

PRESENTATIONS

- Recognition of Haig Kelegian, Bicycle Casino's Managing Partner
- Recognition of City's 50+ years businesses
- Presentation by the Bicycle Casino of donation to the City of Bell Gardens
- Proclamation proclaiming April 27, 2011 as 2011 Denim Day

PUBLIC HEARINGS – None.

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

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CONSENT CALENDAR (Item No.'s 1 – 12)

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 request 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.

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 Garfield Avenue, Bell Gardens, CA, during normal business hours.

JOINT COUNCIL/COMMISSION ITEMS

1. 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 Government Code Section 36934) 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 approve a general motion to waive full reading and approve Ordinances by title only pursuant to California Government Code Section 36934.

2. MINUTES

April 11, 2011 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Regular City Council/Commission Meeting of April 11, 2011.

COMMUNITY DEVELOPMENT COMMISSION ITEMS

3. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the Community Development Commission receive and file the following transactions:

Warrant Registers	03/28/11 (Check #'s 12484 – 12486)	\$	1,589.34
Warrant Registers	04/04/11 (Check #'s 12487 – 12488)	\$	1,191.00
	Total	\$	2,780.34

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

4. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the City Council receive and file the following transactions:

Warrant Registers	03/28/11 (Check #'s 136474 – 136555)	\$	205,767.51
Wire Transfers	03/24/11 (Check #'s 824-825 & Payroll)	\$	430,676.52
Warrant Registers	03/30/11 (Check #'s 136556 – 136557)	\$	3,750.00
Warrant Registers	04/04/11 (Check #'s 136558 – 136616)	\$	280,012.58
	Total	\$	920,206.61

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.

5. **ADOPTION OF ORDINANCE NO. 840 - ZONE CODE AMENDMENT NO. 2011-013**

On April 11, 2011, the City Council introduced and conducted the First Reading of Ordinance No. 840 implementing Zoning Code Amendment No. 2011-013 to prohibit the establishment and operation of medical marijuana dispensaries within City limits and prohibit land uses not expressly authorized under the City of Bell Gardens Zoning Code. The City Council further authorized and instructed staff to schedule ordinance No. 840 for the Second Reading and adoption.

Recommendation: It is staff's recommendation that the City Council adopt Ordinance No. 840, amending the City of Bell Gardens Zoning Code to prohibit the operation and establishment of Medical Marijuana Dispensaries within City limits and prohibit land uses not expressly authorized under the City of Bell Gardens Zoning Code.

6. **AUTHORIZATION TO EXECUTE AGREEMENTS WITH TWO ON-CALL EMERGENCY SERVICES**

The City provides water services to persons and properties located within its service system consisting of 61,000 feet of water distribution pipes and 1,483 service meter connections. Occasionally the City requires the services of independent contractors to assist in emergency situations when the city has insufficient personnel, materials or equipment needed to take immediate action to prevent system outages or to restore and maintain services. The City is proposing to retain two highly qualified contractors on a rotating list for three years in order to achieve responsiveness and price competitiveness. In compliance with the City's purchasing policy, staff sent out requests for proposals to seven qualified companies specializing in water system repairs and received three proposals. After further review, staff has concluded that the two top firms are Valverde Construction, Inc. and Doty Brothers Equipment Company. Both companies are locally based and minority business enterprise (MBE) owned. Total cost for each contract is \$50,000 per year for each company which will be allocated from the Water System Operations budget for FY 2010-2011 which includes various professional services for emergency repairs.

Recommendation: It is staff's recommendation that the City Council authorize the City Manager to execute an agreement for On-Call Emergency Services with Doty Brothers Equipment Company and Valverde Construction, Inc. for water infrastructure repairs estimated to not exceed \$50,000 per year for each company.

7. **ACCEPTANCE OF THE PHASE II TRUCK IMPACTED IMPROVEMENT PROJECT**

On June 22, 2009, the City Council approved a cooperative agreement with the Gateway Cities Council of Governments (COG) and the City of Bell Gardens for construction of Phase II of the Truck Impacted Intersection Project. As a result of the agreement, the City will be receiving \$195,000 from the COG and is required to contribute a match of \$105,000; which is 35% of the total anticipated project costs. On April 26, 2010, the City Council awarded a contract to California Professional Engineering, Inc. in the amount of \$208,608.00 for the construction at the intersection of Ajax Avenue and Florence Avenue and intersection of Jaboneria Road and Florence Avenue. California Professional Engineering, Inc. completed work on the Phase II Truck Impacted Project as of January 26, 2011. The City Engineer has conducted the final inspection, reviewed the project documents and has determined that the project was completed satisfactorily and in conformance with the project's plans and specifications. The final construction cost is \$233,926.53. The total amount budgeted for this project was \$300,000. The COG agreement reimburses 65% of the total project costs; therefore the City will be reimbursed \$186,559.44. The City will contribute the required 35% match in the amount of \$100,466.09.

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

- 1.) Accept the Phase II Truck Impacted Improvement Project as complete; and
- 2.) Authorize staff to file the Notice of Completion.

8. **NO PARKING (RED CURB) AT 6760 FOSTER BRIDGE BLVD.**

Morsan McSweeney, Director of Finance/Project manager of Rob, Inc. dba Robin's Jeans located at 6760 Foster Bridge Blvd., submitted a written request for red curb "no parking" restrictions at this location. In her letter, Ms. McSweeney describes that as vehicles attempt to exit their parking lot, drivers are unable to merge safely into ongoing traffic due to vehicles parking too close to the driveway and obstructing their view. Staff completed a site investigation at 6760 Foster Bridge Blvd. and it is apparent that the line of sight for drivers attempting to exit the parking lot can be hindered by vehicles parked along the south side of Foster Bridge Blvd. On April 5, 2011, the Traffic and Safety Commission approved for the City Council's consideration the installation of two segments of "no parking" red curb at 6760 Foster Bridge Blvd. Neighboring businesses were contacted about the potential parking change and were invited to attend the Commission meeting. The cost for the installation of these two segments would be approximately \$200 and could be appropriated from the FY 2010-2011 Street Maintenance Budget.

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

- 1.) Adopt Resolution No. 2011-14, establishing parking restrictions in the City of Bell Gardens in accordance with Chapter 13.20 (Parking) of the Bell Gardens Municipal Code; and
- 2.) Authorize staff to install two segments of red curb indicating "no parking" at 6760 Foster Bridge Blvd. which will consist of two segments of 30' feet curb to the west of the parking lot driveway approach and 15' feet of red curb to the east of the driveway approach.

9. **REMOVAL OF HANDICAP PARKING & INSTALLATION OF PASSENGER LOADING AND UNLOADING AT 5953 GALLANT STREET**

Mr. Natividad Abrajano, Administrator of Abrajano Group Homes, Inc., submitted a written request to have the existing handicap parking (blue curb) designation changed to passenger loading and unloading (white curb) at 5953 Gallant Street. Abrajano Group Homes, Inc. is a private company categorized as a Rehabilitation Center, Outpatient Treatment, caring for disabled people. The letter states that the current handicap parking is often occupied by neighbors who have placards and have the legal authorization to park in the designated area. However, the van/bus that picks up and drops off the facility-patients for their program treatment are sometimes forced to park in the middle of the street which can be dangerous to the patients. Staff performed a site inspection of the property at 5953 Gallant Street which included observation of morning activity and communication with the facility's staff. On April 5, 2011, the Traffic and Safety Commission approved for City Council's consideration the removal of 20' feet of blue curb handicap parking and installation of white curb designating passenger loading and unloading "3 minute" parking (without time period restrictions) at 5953 Gallant Street. The cost of removing the current blue curb handicap parking and installing white curb passenger loading and unloading and signage is approximately \$500 and could be appropriated from the FY 2010-2011 Street Maintenance Budget.

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

- 1.) Adopt Resolution No. 2011-15, establishing parking restrictions in the City of Bell Gardens in accordance with Chapter 13.20 (Parking) of the Bell Gardens Municipal Code; and
- 2.) Authorize staff to remove 20' feet of blue curb handicap parking at 5953 Gallant Street and replace with 20' feet of white curb designating passenger loading and unloading for 3 minutes parking (without time period designation).

10. SUPPORTING REASONABLE, PRACTICAL & ECONOMICALLY ACHIEVABLE STORMWATER NPDES PERMIT & TMDL REQUIREMENTS

Cities in California have long proven to be leaders at improving water quality. This is made evident by the strength of cities environmental programs, their investment of significant resources for water quality improvements and their implementation of local, state and federal water quality requirements – including the National Pollution Discharge Elimination System (NPDES) permits and the Total Daily Maximum Load (TDML) program. On February 16, 2011 the members of the Los Angeles Division of the League of California Cities approved and passed a resolution that supports the State League of California Cities statewide water policy guidelines which include a recommendation that the Regional Board allow municipalities to comply with TMDL's through reasonable, practical and economically achievable Best Management Practices (BMP). The Los Angeles Division of the League of California Cities is encouraging its member cities to adopt a similar resolution to communicate its support of best management practices as a means for implementing TMDL's.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-16, supporting reasonable, practical and economically achievable stormwater NPDES Permit and TMDL Requirements, through the use of progressive and adaptive Best Management Practices (BMP).

11. FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

On September 23, 2008, the City of Bell Gardens and City Manager G. Stephen Simonian ("City Manager") entered into that certain City Manager employment agreement ("Employment Agreement") in which the City Manager agreed to perform the functions and duties of the city manager. Under the terms of the existing Employment Agreement, the City Council is required to conduct a comprehensive performance evaluation of the City Manager every six (6) months. This evaluation period is too short and does not allow the City Council to conduct a fully comprehensive performance review. As such, the First Amendment proposes to amend the Employment Agreement to provide for a review of the City Manager's performance every twelve (12) months. An annual performance evaluation would allow the City Council to conduct a more thorough and meaningful performance review. The First Amendment also proposes to remove a 480 hour sick time and vacation time combined total cap ("Cap"). In its current form, the Cap results in the City's continual buy-out of excess vacation time. Eliminating the Cap allows the accrued vacation time to be used by the City Manager, rather than the City buying out the excess vacation time, which saves the City money. In addition, due to the continuing accrual of sick time, there is inadequate Cap space remaining for vacation time. No other terms of the Employment Agreement were amended.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-17, approving and authorizing the execution of the First Amendment to the City Manager Employment Agreement between G. Stephen Simonian and the City of Bell Gardens.

12. AB 1234 CONFERENCE REPORT

On February 7, 2011, Mayor Pro-Tem Infanzon attended the Assembly Budget Committee Hearing on Redevelopment in Sacramento, CA where local government officials and advocates were invited to express opposition and individually meet with state representatives in response to Governor Brown's proposal to eliminate redevelopment funding from all cities in California. On March 11, 2011, Mayor Pro-Tem Infanzon also attended the CPRS Awards Banquet in Sacramento, CA. The City of Bell Gardens was selected as a 2010 California Park & Recreation Society Award of Excellence recipient for the Neighborhood Youth Center Basketball Court Renovation project in partnership with LA 84 and Nike Grind. Pursuant to the requirements of Assembly Bill (AB) 1234 and the State of California's Government Code Section 53232.3(d), a member of the City Council is required to provide a brief report on meetings and conferences attended at the expense of the City at the next regular scheduled meeting of the City Council.

Recommendation: It is staff's recommendation that the City Council receive and file the conference reports by Mayor Pro-Tem Infanzon on his attendance at the Assembly Budget Committee Hearing and the CPRS Awards Banquet.

DISCUSSION ITEMS (Item No. 13)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

13. APPOINTMENT OF DELEGATE AND ALTERNATE

The Southern California Association of Governments (SCAG) will be hosting their annual Regional Conference & General Assembly on Thursday, May 5 and Friday, May 6, 2011 in La Quinta, California. Each member city typically officially appoints a delegate and alternate who may participate in the General Assembly. Bell Gardens' current delegate is Priscilla Flores and the alternate is Daniel Crespo (see Attachment 1). If the City Council would like to consider making any changes to the delegate and alternate for the purposes of the 2011 General Assembly, they must take action tonight, as the next Regular City Council meeting will not be held until May 9, 2011.

Recommendation: It is staff's recommendation that the City Council determine whether any members of the City Council will be attending the General Assembly, and appoint a delegate and alternate, if necessary.

**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)**

This public comment period is for items UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/COMMISSION ONLY. Submit a PINK public comment card with the matter you would like to discuss to the City Clerk prior to the start of this period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Mayor/Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the City Council/Community Development Commission from discussing any item not appearing on the posted City Council/Commission Agenda.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

ADJOURNMENT

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 Garfield Avenue, Bell Gardens, CA, during normal business hours.