



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, MAY 10, 2010, 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

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

- Proclamation in honor of Older American's Month and Introduction of the Bell Gardens Older American Month Honoree
- Proclamation in honor of Public Works Week
- Proclamation in honor of Month of the Young Child
- Recognition of Student Art Competition Participants
- Recognition of Mayor Priscilla Flores by the Help the Children Organization

PUBLIC HEARINGS - None

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS - (Item No. 1)

1. ONE-YEAR EXTENSION OF MEDICAL MARIJUANA DISPENSARIES MORATORIUM (URGENCY ORDINANCE NO. 835-U)

The City Council has adopted interim Ordinances placing a Citywide moratorium on the establishment and operation of medical marijuana dispensaries. Due to pending appellate court decisions and an upcoming statewide initiative, the City will need to continue monitoring changes in case law regarding the appropriate regulation of medical marijuana dispensaries in the community. The area of additional research will include the potential impacts associated with the location of marijuana dispensaries, concerns

relating to the secondary impacts associated with increase in crime, and the illegality of distribution of medical marijuana under Federal law.

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

- 1) Open a public hearing and receive testimony; and
- 2) Adopt Urgency Ordinance No. 835-U, AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS EXTENDING FOR AN ADDITIONAL ONE YEAR A CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES

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 CITY COUNCIL/COMMISSION AGENDA ONLY. Submit a WHITE public comment card with the 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.

CONSENT CALENDAR (Items No. 2 – 10)

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.

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

April 26, 2010 – 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 AND WIRE TRANSFERS

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

Warrant Registers	04-12-10 (Check #'s 12274 - 12279)	\$8,791.93
Warrant Registers	04-20-10 (Check #'s 12280 - 12282)	<u>\$65,593.18</u>
	Total	\$74,385.11

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

5. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	04-12-10 (Check #'s 132331 - 132415)	\$443,482.15
Wire Transfers	04-08-10 (Wire’s 771-772 & Payroll)	\$451,063.34
Warrant Registers	04-19-10 (Check #'s 132416 - 132492)	<u>\$490,899.52</u>
	Total	\$1,385,445.01

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.

6. SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED PACIFIC PIPELINE SYSTEM FRANCHISE RENEWAL

Pursuant to California Public Utilities Code (CPUC) Section 6232, the City Council must adopt a resolution declaring its intent to renew certain franchise agreements. Pacific Pipeline System (PPS) LLC, a current Oil Pipeline Franchise holder, has notified the City of its intent to apply for a 25-year term, with an option for an additional 5-year extension, for the right to construct and operate pipelines for the transportation of hydrocarbon substances within the City. The proposed action sets the public hearing date, June 14, 2010, at which the agreement will be presented and public testimony can be submitted.

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

- 1) Approve Resolution No. 2010-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS DECLARING THE CITY COUNCIL’S INTENTION TO RENEW ITS FRANCHISE AGREEMENT WITH PACIFIC PIPELINE SYSTEM TO CONSTRUCT AND OPERATE PIPELINES FOR THE TRANSPORTATION OF HYDROCARBON SUBSTANCES WITHIN THE CITY OF BELLS GARDENS; and
- 2) Schedule and notice a public hearing to be held on June 14, 2010 at which an Ordinance granting an Oil Pipeline Franchise to Pacific Pipeline System LLC will be proposed for introduction.

7. CONSIDERATION OF TWO (2) CLAIM REJECTIONS

Two individuals have filed claims against the City. Claimant Olga Ceja has alleged vehicle and property damage from a “failed” City tree. She has submitted repair estimates ranging from \$1,597.45 to \$1,723.34, however, Ms. Ceja was not the registered owner of the vehicle. Claimant Angel Nevarez has alleged his identification was not returned to him by his arresting officers on December 22, 2009, and has submitted a claim in the amount of \$26.00 for a replacement card. Upon

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

review of the submitted documents, the City's claim management administrator, Carl Warren & Company, recommended the City send letters rejecting both claims.

Recommendation: It is staff's recommendation that the City Council reject the claims filed on January 20, 2010 by Olga Ceja and on February 23, 2010 by Angel Nevarez.

8. PROJECT COMPLETION – CITYWIDE STREET REHABILITATION/ARRA PHASE II PROJECT

On September 28, 2009, the City Council awarded a contract to Hardy and Harper, Inc. for the construction of the Citywide Street Rehabilitation/ARRA Phase II Project. The project was finalized on April 9, 2010 and the City Engineer conducted the final Inspection. The City Engineer has determined the project was completed satisfactorily and in conformance with the project's plans and specifications. The construction costs for this project were funded by the American Recovery and Reinvestment Act (ARRA).

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

- 1) Accept the Citywide Street Rehabilitation/ARRA Phase II (Garfield Avenue from Florence Avenue to Loveland Street, and Loveland Street from Garfield Avenue to Suva Street) as complete; and
- 2) Authorize staff to file the Notice of Completion; and
- 3) Authorize the release of the 10% retention, in the amount of \$40,218.43, to the contractor within 35 days after the filing of the Notice of Completion.

9. ADOPTION OF RESOLUTION NO. 2010-16 - ADOPTING THE SEWER RATE STUDY FOR THE CITY OF BELL GARDENS AND SETTING A PUBLIC HEARING DATE (JUNE 28, 2010) IN ACCORDANCE WITH PROPOSITION 218 TO CONSIDER ESTABLISHMENT OF A SEWER RATE FEE

The State of California established Waste Discharge Requirements (WDR) in 2006. The WDR regulations mandate that each sewer system operator shall review the operation of its system as to capacity and construction condition and make modifications required to keep it in good repair as to minimize the chances of overflow and subsequent spillage onto the surface waters of the United States. The City owns 44.4 miles (234,226 feet) of generally 8" diameter Vitrified Clay Pipe (VCP) sanitary sewer in its public streets, alleys and rights-of-way. The age of the City sewer system and the majority of the City sewer lines are estimated to be over 50 years of age. The City conducted a Sewer Master Plan and Sewer Rate Study and the results indicated the sewers need to be repaired and/or replaced through implementation of a capital improvement program. In order to adhere to the mandates of the State of California's Waste Discharge Requirements (WDR) established in 2006, and implement the required improvements, various linear footage of the sewer lines will need to be replaced on an annual basis by establishing a sewer fee collection.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2010-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS ADOPTING THE SEWER RATE STUDY AND DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON RATES FOR SEWERS AND AUTHORIZING STAFF TO NOTICE PROPERTY OWNERS.

10. AUTHORIZATION TO AWARD CONTRACT FOR WORKFORCE HOUSING GRANT PROJECT PHASE II TO REHABILITATE 6911-6913 ½ EMIL AVENUE

The Emil Rehabilitation project will allow exterior improvements and demolition of non-permitted structures to the units on the site. Staff advertised the project and solicited bids by posting an invitation to bid in the Eastside Sun, in addition to sending the

invitation to bid to three Public Works trade publications. A pre-bid meeting and walk-through were held to inform potential bidders of the scope of work and special reporting guidelines imposed by the California Department of Housing (HCD). Hi-Tek Building, Inc. was determined to be the lowest and most responsible bidder. The proposed project will be funded entirely with Workforce Housing Grant proceeds and there is no fiscal impact to the City's General Fund.

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

- 1) Award a contract for the Workforce Housing Grant (WHG) project to rehabilitate 6911-6913 ½ Emil Avenue ("Emil Rehabilitation") to Hi-Tek Building, Inc., in the amount of \$27,365.00; and
- 2) Authorize the Mayor to sign the "Contract Agreement" and "General Conditions."

DISCUSSION ITEMS (Item No. 11)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

11. CITY COUNCIL APPOINTMENTS TO EXTERNAL COMMITTEES

The City Council typically makes revisions to its "Appointments to External Committees" list following the annual Council reorganization. Councilmembers are appointed as representatives to various external committees serving the larger geo-political subregion in which the City of Bell Gardens resides.

Recommendation: It is staff's recommendation that the City Council review the list of Council Appointments to External Committees and make changes, reappointments, or appointments, as 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