



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, JUNE 22, 2009, 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

- Recognition from the City of Bell Gardens to Rick Olivarez, Deputy City Attorney
- Presentation of the "Woman of Courage" Award by the Office of Assemblymember Hector De La Torre

PUBLIC HEARINGS - None

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

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

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CONSENT CALENDAR (Items No 1 – 16)

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.

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 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: Read all Ordinances by title only and waive the reading in full.

2. Minutes

June 8, 2009 – Regular Meeting Minutes

Recommendation: Approve the minutes

COMMUNITY DEVELOPMENT COMMISSION ITEMS

3. Warrants

Warrant Registers dated 6/22/09 (CK#12066-12069, \$24,661.84) for a total amount of \$24,661.84.

Recommendation: Approve the warrants

CITY COUNCIL ITEMS

4. Warrants

Warrant Registers dated 6/04/09 (CK#128844-128884, \$1,195,257.70), Wire Transfer dated 6/04/09 (CK#728-729, \$532,306.26) for a total amount of \$1,727,563.96.

Warrant Register dated 6/22/09 (CK#128885-128963, \$184,772.21) for a total amount of \$184,772.21.

Recommendation: Approve the warrants

5. Adoption of Ordinance No. 822 – Water Conservation and Water Supply Shortage Program and Regulations Ordinance

The Governor and other State Officials have recently declared an emergency drought condition for the State due to shortages in available water supplies. The Metropolitan Water District of Southern California (MWD), the major importer of supplemental water to Southern California, prepared as of January 22, 2009 a Model Water Conservation Ordinance for adoption by those entities that use MWD imported water. In order to be eligible for MWD funding, cities need to update their existing Water Conservation Ordinances to that of the MWD Model Ordinance or its equivalent by July 1, 2009.

Recommendation: It is recommended that the City Council 1) Give the ordinance a second reading by title only; 2) Adopt Ordinance No. 822, Water Conservation and Water Supply Shortage Program Ordinance; Direct the City Clerk to publish a summary of the Ordinance thereafter.

6. Approval of Cooperative Agreement with Gateway Cities Council of Governments (COG)

The Gateway Cities Truck Impacted Intersection Study Phase I & II, dated February 2000 for the Gateway Cities Council of Governments (COG) evaluated truck impacts on

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intersections throughout the 26 Cities of the Gateway Cities area and recommended appropriate mitigation measures. Through the study that was conducted COG has identified funding for cities to be able to implement improvements and has secured \$195,000 for the City of Bell Gardens from the Los Angeles County Metropolitan Transportation Authority (MTA). The COG, City and LA County Department of Public Works have identified the intersections of Ajax Avenue/Florence Avenue and Jaboneria Road/Florence Avenue in the City of Bell Gardens for Phase II of the truck impacted intersection project.

Recommendation: It is recommended that the City Council by motion approve the cooperative agreement between Gateway Cities Council of Governments and the City of Bell Gardens for design and construction of the Truck Impacted Intersection Project Phase II.

7. November 3, 2009 General Municipal Election to fill three (3) Councilmember Seats – Resolutions

Recommendation: It is staff's recommendation that the City Council approve the following resolutions related to the November 3, 2009 General Municipal Election to fill the three (3) Councilmember seats whose terms will expire: 1) Resolution No. 2009-18, A Resolution of the City Council of the City of Bell Gardens, calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2009, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities, 2) Resolution 2009-19, A Resolution of the City Council of the City of Bell Gardens, California, requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election to be held on November 3, 2009, with the Statewide General Election to be held on the date pursuant to §10403 of the Elections Code, 3) Resolution No. 2009-20, A Resolution of the City Council of the City of Bell Gardens, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 3, 2009.

8. Nuisance Party – Cost Recovery

Each month the Police Department responds to numerous calls service relating to loud parties disturbing the peace of residents. This ordinance will allow officers to issue citations when responding to repeat calls at the same location.

Recommendation: It is recommended that the City Council adopt Ordinance No. 817: An Ordinance of the City Council of the City of Bell Gardens adding Chapter 25 to Title 16 of the Bell Gardens Municipal Code, establishing a cost recovery for police services at large parties that constitute a nuisance on private property.

9. Adoption of Resolution No. 2009- 21 Policy on FPPC Regulations

Recently, the California Fair Political Practices Commission ("FPPC") amended Regulation 18944.1 with regards to the disbursement of tickets or passes allowing admissions to facilities or events used by public officials. The FPPC provides an exception that would not require disclosure on Form 700 if the City adopts a policy designating a specific governmental or public purpose for the distribution of tickets or passes.

Recommendation: It is recommended that the City Council adopt Resolution No. 2009-21, A Resolution of the City Council of the City of Bell Gardens, California adopting a ticket distribution policy.

10. Young Adult Alcohol Grant – Department of Alcoholic Beverage Control

The Police Department has applied for and has been accepted for participation in the Young Adult Alcohol Program sponsored by the Department of Alcoholic Beverage Control. In an effort to impact youth crime related to alcohol, the program includes a variety of business and public education classes, in combination with enforcement procedures that target the illegal use of alcohol by minors and underage adults.

Recommendation: It is recommended that the City Council adopt Resolution No. 2009-17, A Resolution of the City Council of the City of Bell Gardens California approving grant funding from the Department of Alcoholic beverage control in administering “Project Young Adults and Alcohol”.

11. Resolution Allowing the City Manager and Assistant City Manager to Approve Warrants

It is recommended that the City Council authorize the approval of claims for payment without the issuance of a warrant and that the City Manager and the Assistant City Manager be the authority to the custodian of the funds to pay the claims by check or electronic transfer. This resolution will assist the City to conduct its business more efficiently and in the public interest as it will facilitate the timely payment of demands made upon the City and avoid late fees and unnecessary penalties.

Recommendation: It is recommended that the City Council adopt Resolution 2009-15, A Resolution of the City Council of the City of Bell Gardens allowing the City Manager and Assistant City Manager to approve warrants.

12. Consideration of Claim Rejection

We have received a recommendation from our claims management company, Carl Warren & Co. to reject the claims filed by the following: 1) Joshua Rice – received on May 12, 2009; 2) Emma Murrieta De Vega – received on October 1, 2008; 3) Gabriel Bobadilla – received on January 5, 2009.

Recommendation: It is recommended that the City Council reject the claims filed by Joshua Rice, Emma Murrieta De Vega and Gabriel Bobadilla.

13. Treasurer’s Report for the month of May 2009

The Treasurer’s Report has been prepared and submitted for the month of May 2009

Recommendation: It is recommended that the City Council approve the Treasurer’s Report for the month of May 2009.

14. Compliance with State Government Code Section 65858(d)

Measures taken to alleviate the condition which led to the adoption of the Interim Urgency Ordinance 823-U (Medical Marijuana Dispensaries Moratorium).

Recommendation: It is recommended that the City Council receive and file the report pursuant to Government Code 65858(d) describing measures taken by the City to alleviate conditions that led to the adoption of Interim Urgency Ordinance 823-U.

15. Adoption of Resolution No. 2009-23 Authorizing the City Attorney to Cooperate with the League of California Cities

The League of California Cities released a legal opinion today by a prominent Sacramento law firm that concludes that the proposed seizure of almost \$1 billion in city and county motor vehicle, or gas tax, funds to help close the state’s budget deficit is unconstitutional. Prepared by the law firm of Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, the opinion points out that in both 1974 and 1998, voters imposed

restrictions on the state's ability to use gas taxes for debt service on bonds and to divert local gas taxes for the state general fund – precisely what has been proposed by state leaders.

Recommendation: It is recommended that the City Council adopt Resolution No. 2009-23, A Resolution of the City Council of the City of Bell Gardens, authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance Funds (gas tax).

16. Introduction of Commission Ordinance No. 825

At the Regular City Council Meeting of April 13, 2009, the City Council adopted Ordinance 818 which established uniform standards for Commission appointments. Staff is recommending that the Council eliminate the requirement of voter registration status for Commission members as it unnecessarily eliminates Bell Gardens residents who are otherwise fully qualified to serve in an advisory capacity.

Recommendation: It is staff's recommendations that the City council: 1) Introduce Ordinance No. 825, which amends Chapters 2.22, 2.28, 2.31, 2.35 and 2.68 of the Bell Gardens Municipal Code related to Boards and Commissions by eliminating the requirement for voter registration; 2) authorize and instruct Staff to schedule the Ordinance for second reading and adoption; and 3) and authorize the City Clerk to prepare a summary of the Ordinance for publication purposes once the Ordinance is adopted.

DISCUSSION ITEMS

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL ITEMS – (Item No. 17)

17. Contract Award for Engineering Services

A Request For Proposals (RFP) for professional engineering services and building plan check services was developed and issued on February 26, 2009. The process was thoroughly advertised with interested firms notified resulting in 10 proposals submitted by the deadline of March 26, 2009. After thorough review of all proposals, staff created a short list of four firms and held interviews to determine ranking.

Recommendation: It is recommended that the City Council review the rankings of the firms that were interviewed and rated, then select an engineering firm to award a 3-year agreement to provide the full spectrum of Engineering Services for the City and authorize staff to negotiate the best and final offer and terms with the selected consultant firm, and under no circumstances, will the service prices be higher than originally proposed.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER
JURISDICTION OF THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
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CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS:

ADJOURNMENT

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