



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, JUNE 28, 2010, 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)

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:

- a. Conference with Labor Negotiators
(Government Code Section 54957.6)
Agency Negotiators – G. Steve Simonian, Phil Wagner, Kim Krause, Mary Bradley
Employee Organizations – Bell Gardens City Employee Association, Department Directors, Bell Gardens Public Works Association, and the Bell Gardens Public Works Supervisors
- b. Public Employee Evaluation
(Government Code section 54957)
Title: City Manager
- c. Public Employment
(Government Code section 54957)
Title: City Clerk

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



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, JUNE 28, 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

CITY ATTORNEY/AGENCY COUNCIL REPORT FROM CLOSED SESSION

PRESENTATIONS

- Certificate of Recognition to Kristal Perez, 2010 Student Volunteer of the Year
- Presentation – Healthy Eating Active Living Campaign
- Certificate of Recognition- Public Works 3rd Grade Poster Contest Winner
- Certificate of Recognition- Antonia Perez for being selected for the Clara Barton Spirit of the Red Cross Award
- Certificate of Recognition-Vida Barone

PUBLIC HEARINGS (Item No. 1)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

1. CONSIDERATION OF ADOPTION OF PROPOSED SEWER RATE FEES AND RECEIVING ANY PROTESTS THEREOF

The City of Bell Gardens owns 44.4 miles (234,226 feet) of generally 8” diameter Vitrified Clay Pipe (VCP) sanitary sewer in its streets, alleys and right-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 of these studies indicated that the sewers need to be repaired and/or replaced

through implementation of a capital improvement program. In order to implement the required improvements and to comply with the mandates of the State of California's Waste Discharge Requirements (WDR) established in 2006, various linear footage of the sewer lines will need to be replaced on an annual basis by establishing a sewer fee collection plan.

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

- 1). Open the Public Hearing and receive public testimony
- 2) Adopt Resolution No. 2010-15, A Resolution of the City Council of the City of Bell Gardens establishing the collection of the annual sewer service charge through the Los Angeles County Property Tax Bill

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 - 13)

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

June 14, 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	06/10/10 (Check #'s 12305 - 12308)	\$11,525.04
Warrant Registers	06/08/10 (Check #'s 12308 - 12311)	<u>\$12,281.75</u>
	Total	\$23,806.79

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	06/01/10 (Check #'s 132908 - 132980)	\$315,264.07
Warrant Registers	06/07/10 (Check #'s 132981 - 133067)	\$666,639.69
Wire Transfers	06/03/10 (Wire’s 779-780 & payroll)	<u>\$469,119.39</u>
	Total	\$1,451,023.15

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. APPROVAL OF THE PACIFIC PIPELINE SYSTEM FRANCHISE AGREEMENT RENEWAL THROUGH ADOPTION OF ORDINANCE NO. 834

On June 13, 1983, the Bell Gardens City Council adopted Franchise Ordinance No. 462 granting ARCO Pipeline Company (formerly Four Corners Pipe Line) a franchise to construct, operate, and maintain pipelines for the transportation of hydrocarbon substances in the City. On June 10, 2000, the City consented to the transfer of Ordinance No. 462 from ARCO to Pacific Pipeline System (PPS) LLC. Because the existing franchise had expired, on May 10, 2010, the City Council approved Resolution No. 2010-06, declaring its intention to renew the franchise agreement with PPS for a 25-year term with an option for an additional 5 year extension. On June 14, 2010, a public hearing was held to solicit comments and protests. No protests were received, therefore the franchise renewal may be granted by Ordinance No. 834.

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

- 1) Approve, upon second reading by title only, Ordinance No. 834, An Ordinance of the City Council of the City of Bell Gardens granting an oil pipeline franchise to Pacific Pipeline System LLC

7. PURCHASE OF A MASS NOTIFICATION SYSTEM FROM BLACKBOARD CONNECT INC.

The City of Bell Gardens has no existing means of quickly notifying a large number of residents, businesses, and/or employees of an emergency or other event/incident in which these stakeholders should be informed. A Mass Notification System will allow City Departments to disseminate information simultaneously to their stakeholders in a timely manner. The annual cost to operate the system is \$13,413.93. No annual maintenance fee is required and the annual cost to operate the system will only change if the number

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

of residential phone numbers increases (\$1.91 per additional address). Funds are available in the City's Fiscal Year 2010-2011 budget (Information Technology Account).

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

- 1) Approve Resolution No. 2010-23, A Resolution of the City Council of the City of Bell Gardens waiving the formal bid process and approving the purchase of a Mass Notification System from Blackboard Connect, Inc.

8. AB 1234 CONFERENCE REPORT

Pursuant to the requirements of AB 1234, a report is required by any elected official attending a conference or seminar at the City's expense.

Recommendation: It is staff's recommendation that the City Council receive and file this report.

9. TREASURER'S REPORT – MAY 2010

The Treasurer's Report for Cash and Investments for the month of May 2010 has been provided.

Recommendation: It is staff's recommendation that the City Council receive, approve, and file the report.

10. CONSIDERATION OF CLAIM REJECTION

The claimant, Sammy Mousa, alleges that a Bell Gardens Police Officer seized a "coin pusher" machine and has yet to return it. He is asking for \$5,000 for lost profits and replacement of the machine, however, no specific documentation was submitted regarding these damages. The unit was seized after an investigation was conducted with the assistance of the Department of Justice, State of California Bureau of Gambling. The investigation revealed the "coin pusher" was an illegal gambling machine in the State of California. At the direction of the Department of Justice and in compliance with State law, the unit was seized on September 29, 2009 and subsequently destroyed on October 22, 2009.

Recommendation: It is staff's recommendation that the City Council approve the recommendation from the City's Claims Management Company, Carl Warren & Company, to reject the claim of Sammy Mousa.

11. CONSIDERATION OF CLAIM REJECTION

The claimant, Rosa Morales (filed by Edgardo Garcia, Wallace & Garcia LLP), alleges she sustained injuries as a result of being struck by a bus owned and/or operated by the City. Her claim did not specify the amount for which she is seeking damages. It should be noted that the City is not liable since the bus that struck her is owned and operated by Parking Company of America, Transportation Division.

Recommendation: It is staff's recommendation that the City Council approve the recommendation from the City's Claims Management Company, Carl Warren & Company, to reject the claim of Rosa Morales.

12. APPROVAL TO ENROLL BELL GARDENS AS A "HEALTHY EATING ACTIVE LIVING" CITY

The Healthy Eating Active Living (HEAL) campaign is a partnership composed of the League of California Cities, California Center for Public Health Advocacy, and the Cities, Counties, and Schools Partnership. The purpose of the HEAL campaign is to provide training and technical assistance to City officials to adopt policies to improve their community's physical activity and nutrition.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2010-22, A Resolution of the City of Bell Gardens City Council adopting the Healthy Eating Active Living Campaign.

13. FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

On September 23, 2008, the City of Bell Gardens and City Manager Stephen Simonian ("City Manager") entered into that certain City Manager employment agreement ("Employment Agreement") in which the City Manger agreed to perform the functions and duties of the City Manager. The City Manager is requesting the grant of one (1) additional week of annual leave time for a total equaling five (5) weeks. In order to grant the one (1) additional week of leave, the proposed First Amendment changes the rate of accrual from 6.15 hours per pay period to 7.69 hours per pay period. At the accrual rate of 7.69 hours per pay period, the City manager would accrue approximately Two Hundred (200) leave hours per year for a maximum total of 5 weeks of leave per year. No other terms of the Employment Agreement have been proposed for amendment.

Recommendation: It is staff's recommendation that the City Council consider the approval of Resolution No. 2010-26, approving the First Amendment to the City Manager Employment Agreement amending the accrual rate to provide for one (1) additional week of leave per year for a maximum total five (5) weeks of leave per year.

DISCUSSION ITEMS - None

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

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