



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING  
MONDAY, OCTOBER 24, 2011, 6:00 P.M.  
MINUTES**

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

**CALL TO ORDER** – Mayor Pro-Tem Infanzon called the meeting to order at 6:00 p.m.

**INVOCATION** – was given by John Oropeza, Public Works Director

**PLEDGE OF ALLEGIANCE** – was led by Pam Wasserman, Recreation & Community Services Director

**ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS**

PRESENT: Crespo, Flores, Infanzon

ABSENT: Aceituno, Rodriguez

**PRESENTATIONS**

- Proclamation proclaiming October 16 – 22, 2011 as National Health Education Week.
- Presentation regarding update of the Employment Center located at the City's Resource Center.

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

Lisette Saavedra spoke on her concerns regarding Consent Calendar Item #10 – Rejection of Claims.

**CONSENT CALENDAR (Item No.'s 1 – 16)**

**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 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.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to read all Ordinances by title only and waive the full reading. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon

NOES: None

ABSENT: Aceituno, Rodriguez

**2. MINUTES**

September 26, 2011 – Regular Meeting Minutes

**Recommendation:** It is staff's recommendation that the City Council approve the minutes for the Regular City Council Meeting of September 26, 2011.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the minutes for the Regular Meeting of September 26, 2011. Motion carried by a vote of 3-0.

AYES: Crespò, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**3. MINUTES**

October 3, 2011 – Special Meeting Minutes

**Recommendation:** It is staff's recommendation that the City Council approve the minutes for the Special City Council Meeting of October 3, 2011.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the minutes for the Special Meeting of October 3, 2011. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**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	09/12/11 (Check #'s 12544)	\$	1,942.50
Warrant Registers	09/12/11 (Check #'s 12545 – 12547)	\$	66,207.17
	Total	\$	68,149.67

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.

Council Member Crespo pulled Consent Calendar Item #4 to abstain.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 2-0 with Council Member Crespo abstaining.

AYES: Flores, Infanzon  
 NOES: None  
 ABSENT: Aceituno, Rodriguez  
 ABSTAIN: Crespo

**5. WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant Registers	09/26/11 (Check #'s 12548)	\$	426.00
Warrant Registers	10/03/11 (Check #'s 12549 – 12550)	\$	528.26
Warrant Registers	10/03/11 (Check #'s 12551)	\$	6,790.00
Total		\$	7,744.26

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.

Council Member Crespo pulled Consent Calendar Item #5 to abstain.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 2-0 with Council Member Crespo abstaining.

AYES: Flores, Infanzon  
 NOES: None  
 ABSENT: Aceituno, Rodriguez  
 ABSTAIN: Crespo

**6. CORRIDOR REVITALIZATION PROGRAM UPDATE**

On September 14, 2009, the Commission approved the Corridor Revitalization Program ("Program"). The purpose of the Program is to provide financial assistance to a variety of properties located along corridors within the City, which will enhance the visual attractiveness of the corridors and facilitate continued growth and economic stability. The Program has provided smaller local businesses with potential expansion and marketing opportunities that otherwise may not have been available without the improved signage and exterior improvements. Staff continues to work with local property owners to facilitate exterior building improvements. To date, 17 properties have received façade improvements. The program has been popular with local businesses and is currently drawing to a close. The agenda report serves as an update of business façade improvements. All projects are bid to the Federal Housing and Urban Development Department standards. The Corridor Revitalization Program funds have been incorporated into the FY 11-12 Community Development Department budget.

**Staff Recommendation:** It is staff's recommendation that the Community Development Commission receive and file the Corridor Revitalization Program update.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to receive and file the Corridor Revitalization Program update. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
 NOES: None  
 ABSENT: Aceituno, Rodriguez

**CITY COUNCIL ITEMS**

**7. WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant Registers	09/12/11 (Check #'s	138507 – 138513)	\$	47,640.95
Wire Transfers	09/08/11 (Check #'s	848 – 849 Payroll)	\$	473,700.01
Warrant Registers	09/12/11 (Check #'s	138514 – 138577)	\$	512,456.10
Warrant Registers	09/19/11 (Check #'s	138578 – 138634)	\$	314,046.49
Warrant Registers	09/19/11 (Check #'s	138635 – 138640)	\$	37,677.14
Total			\$	1,385,520.69

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.

Council Member Crespo pulled Consent Calendar Item #7 to abstain.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 2-0 with Council Member Crespo abstaining.

AYES: Flores, Infanzon  
 NOES: None  
 ABSENT: Aceituno, Rodriguez  
 ABSTAIN: Crespo

**8. WARRANT REGISTERS AND WIRE TRANSFERS**

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

Wire Transfers	09/22/11 (Check #'s	850 – 851 Payroll)	\$	480,250.58
Warrant Registers	09/26/11 (Check #'s	138641 – 138746)	\$	888,803.32
Warrant Registers	09/26/11 (Check #'s	138747 – 138748)	\$	1,665.00
Warrant Registers	10/03/11 (Check #'s	138749)	\$	1,831.60
Warrant Registers	10/03/11 (Check #'s	138750 – 138829)	\$	223,935.29
Total			\$	1,596,485.79

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.

Council Member Crespo pulled Consent Calendar Item #8 to abstain.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 2-0 with Council Member Crespo abstaining.

AYES: Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez  
ABSTAIN: Crespo

**9. AUGUST 2011 TREASURER'S REPORT**

The Treasurer's Report is a list of the City's cash and investments for the month.

**Recommendation:** It is staff's recommendation that the City Council receive, approve, and file the August 2011 Treasurer's Report.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to receive, approve, and file the August 2011 Treasurer's Report. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**10. REJECTION OF CLAIMS**

**Claim 1:** The claimant Patricia Gutierrez alleges that a limb fell from a City tree causing damage to her vehicle in the amount of \$5,800. The City received a recommendation from the City's claims management company, Carl Warren & Company, to reject the claim filed by Ms. Gutierrez due to the position that the City only becomes liable under the provisions of Section 830 of the California Government Code if a dangerous condition of City property existed which the City could have protected against upon reasonable notice. In this case, the City had no notice of any structural defect in the tree. The damage was due to an act of nature which the City had no control over.

**Claim 2:** The claimant Salvador Veloz alleges that the City's Police Department damaged his front door during a forced entry in the amount of \$6,000. The City received a recommendation from Carl Warren & Company to reject the claim filed by Mr. Veloz due to the position that the City is afforded broad protection under the provisions of Section 821.8 et. seq. of the California Government Code when it comes to the apprehension of a criminal suspect. Public employees are not liable for damages arising out of the forced entry to any property when such entry is authorized by law.

**Recommendation:** It is staff's recommendation that the City Council reject the claims filed by Patricia Gutierrez and Salvador Veloz.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to reject the claims filed by Patricia Gutierrez and Salvador Veloz. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**11. PROPERTY ADDRESS NUMBERING**

The purpose of this Ordinance shall be to promote public safety and convenience through the provision of a rational street numbering system whereby addresses may be identified with ease and speed, which is essential to the quick response of emergency services such as fire fighting, police and emergency medical care. This Ordinance is supported by the City of Bell Gardens Police Department and the Los Angeles County Fire Department that serves our community. The assigned number of a dwelling unit shall be placed in the immediate area of the main door or entrance to the building, unless such placement is not visible from the street frontage, alley and/or public right-of way. Staff has surveyed the local retailers providing appropriate address numbers and the average cost to purchase a set of numbers is approximately \$20.00. Implementation will occur in a slow and informed pace. The Ordinance will be marketed through the City's Reader Board, Spring and Summer Recreation Catalogs and Bell Gardens Today publication.

**Recommendation:** It is staff's recommendation that the City Council consider the adoption of Ordinance No. 843, amending Title 16 of the Bell Gardens Municipal Code enacting Chapter 16.60 et seq. establishing property address numbering requirements within the City; and direct staff to place the proposed Ordinance on the agenda for second reading and adoption at the next regularly scheduled City Council meeting.

Council Member Crespo pulled Consent Calendar Item #11 for further discussion.

Council Member Crespo inquired about the sanctions portion of the ordinance being removed and the section of the ordinance where the penalties were explained.

City Manager G. Steve Simonian explained that the ordinance was amended to reflect several warnings being granted before a misdemeanor was given to an individual.

City Attorney Arnold Alvarez-Glasman stated that the penalty portion of the ordinance was located in Section 16.60.070 – Additional notice-Failure to comply, page 3 of 4 of the ordinance. He also gave further explanation regarding the fines associated with this ordinance.

City Manager Simonian gave further explanation to the importance of this ordinance.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to consider the adoption of Ordinance No. 843, amending Title 16 of the Bell Gardens Municipal Code enacting Chapter 16.60 et seq. establishing property address numbering requirements within the City; and direct staff to place the proposed Ordinance on the agenda for second reading and adoption at the next regularly scheduled City Council meeting. Motion carried by a vote of 2-1 with Council Member Crespo in opposition.

AYES: Flores, Infanzon  
NOES: Crespo  
ABSENT: Aceituno, Rodriguez

**12. SAFE ROUTES TO SCHOOL FEDERAL PROGRAM SUPPLEMENT AGREEMENT NO. 009-N**

The California State Department of Transportation ("CALTRANS") requires the City of Bell Gardens to execute the Federal Program Supplement Agreement No. 009-N, in order to be eligible to receive CALTRANS share of eligible costs. Section 1404 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized the federal Safe Routes to School (SRTS) Program in August

2005. The program was funded for the purpose of: 1) enabling and encouraging students in kindergarten through eighth grade (K-8), including students with disabilities, to safely walk and bicycle to school, 2) making walking and bicycling to school a more appealing mode choice, and 3) facilitating the planning, design, and implementation of projects that will improve safety, environment, and overall quality of life. Staff has secured and obligated \$337,280 of Federal funds, which are 100% reimbursable to the City. Funds will be utilized to pay for project related activities such as construction and construction management. The safety improvements will be constructed at Bell Gardens, Cesar Chavez and Suva Elementary Schools and Bell Gardens Intermediate School. The improvements will consist of replacement of school radar speed signs, pedestrian countdown signal heads and installation of solar radar speed signs.

**Recommendation:** It is staff's recommendation that the City Council adopt Resolution No. 2011-42, approving the Federal Program Supplement Agreement No. 009-N and authorizing the City Manager to execute said Agreement on behalf of the City of Bell Gardens.

Council Member Crespo pulled Consent Calendar Item #12 for further discussion.

A motion was made by Council Member Crespo and seconded by Mayor Pro-Tem Infanzon to adopt Resolution No. 2011-42, approving the Federal Program Supplement Agreement No. 009-N and authorizing the City Manager to execute said Agreement on behalf of the City of Bell Gardens. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**13. SAFE ROUTES TO SCHOOL STATE PROGRAM SUPPLEMENT AGREEMENT NO. 0156**

The California State Department of Transportation ("CALTRANS") has awarded the City of Bell Gardens a Cycle 9 (FY 10-11) Safe Routes to School Grant in the amount of \$361,680 to pay for all project related activities. Section 2333.5 of the Streets and Highways Code calls for the Department of Transportation Caltrans, in consultation with the California Highway Patrol (CHP), to make grants available to local governmental agencies under the Safe Routes to School program based upon the results of a statewide competition. The goal of the program is to reduce injuries and fatalities to school children and encourage an increase in walking and bicycling among students. The program achieves these goals by enhancing the safety of the pathways, trails, sidewalks, and crossings. To date, there have been nine program cycles released under the State Safe Routes to School (SR2S) program. In program cycle 9, Caltrans awarded the City of Bell Gardens a grant in the amount of \$361,680 for Bell Gardens High School and Garfield Elementary School. The grant funds will be utilized to pay for all project related activities; including design, project management, construction management, administration and a community outreach component. The infrastructure improvements will consist of installing zebra crosswalks, raised truncated domes, bulb-outs, pedestrian countdown signal heads, solar street lights, solar radar feedback signs, pavement legends, markings, striping and markers. As part of this program the City will also be implementing a community outreach component that will help promote walking and bicycling as a viable form of transportation. The campaign will educate the community about the new infrastructure improvements, how to walk, bike and drive safely and the importance of physical activity as well as staying healthy.

**Recommendation:** It is staff's recommendation that the City Council adopt Resolution No. 2011-43, approving the State Program Supplement Agreement No. 0156 and authorizing the City Manager to execute said Agreement on behalf of the City of Bell Gardens.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt Resolution No. 2011-43, approving the State Program Supplement Agreement No. 0156 and authorizing the City Manager to execute said Agreement on behalf of the City of Bell Gardens. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**14. AUTHORIZATION OF APPLICATION SUBMITTALS FOR CALRECYCLE GRANT FUNDS**

The California Public Resources Code (PRC) Section 40000 et seq. authorizes the Department of Resources Recycling and Recovery ("CalRecycle"), formerly known as the California Integrated Waste Management Board, to administer various grant programs to reduce, recycle, and reuse solid waste generated in the State, thereby preserving landfill capacity and protecting public health and safety and the environment. In order to be eligible to apply for these grant programs, local agencies are required to submit an adopted Resolution that: (1) authorizes submittal of application(s); and (2) identifies the name of the job title (rather than the name of the person) authorized to sign on behalf of the City. One of the grant applications being pursued is the Tire-Derived Product Grant Program ("TRP"). This project includes installing loose fill rubber ("nuggets") material for playground surfaces at various city parks: BG Veterans, Asmus, Gallant, Marlow and Ford Park. Rubber nuggets are the best replacement for wood chips, sand, asphalt, and gravel surfaces, as they are recycled (tire rubber), sustainable and also tested to meet industry requirements.

**Recommendation:** It is staff's recommendation that the City Council adopt Resolution No. 2011-44, approving the application for CalRecycle Grant Funds.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt Resolution No. 2011-44, approving the application for CalRecycle Grant Funds. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**15. AVOID THE 100 DUI CAMPAIGN (EAST) LOS ANGELES COUNTY GRANT PROJECT MOU**

The Office of Traffic and Safety (OTS), through the Avoid 100 DUI Campaign (East) Los Angeles County Grant Project, provides reimbursement to participating agencies for personnel working overtime shift(s) to staff special operations for DUI/driver license checkpoints, DUI saturation patrols, and warrant sweeps. The police department will have the opportunity to request funding for extra enforcement from surrounding agencies for special events in our city. This grant is for a one year period, which began October 1, 2011. The City of Glendora has agreed to act as the Grant Administrator, and as such will coordinate activities involving the contracted agencies to meet the goals and objectives of the grant. Contracting agencies shall provide two officers, or more, as

staffing levels allow for DUI roving patrols, DUI checkpoints and arrest warrant operations. The Memorandum of Understanding (MOU) was created to facilitate the role of the City of Glendora as grant administrator. Upon adoption of the MOU and receipt of the executed copy, the city will be reimbursed for officers assigned to work the Avoid 100 (East) Los Angeles County DUI Task Force on overtime.

**Recommendation:** It is staff's recommendation that the City Council adopt Resolution No. 2011-45, approving the Avoid the 100 DUI Campaign (East) Los Angeles County Grant Project.

Council Member Crespo pulled Consent Calendar Item #15 for further discussion.

Council Member asked for a staff report from Chief of Police Robert Barnes.

Chief Barnes gave a brief report regarding the Avoid the 100 DUI Campaign (East) Los Angeles County Grant Project.

Council Member Crespo explained his concerns and how innocent people will be affected with the passage of this item.

After further discussion between the City Council and City Staff, a motion was made by Mayor Pro-Tem Infanzon and seconded by Council Member Flores to adopt Resolution No. 2011-45, approving the Avoid the 100 DUI Campaign (East) Los Angeles County Grant Project. Motion carried by a vote of 2-1 with Council Member Crespo in opposition.

AYES: Flores, Infanzon  
NOES: Crespo  
ABSENT: Aceituno, Rodriguez

**16. 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 Mayor Pro-Tem Infanzon's AB 1234 conference report submitted for the League of CA Cities Annual Business Meeting and General Assembly held on September 23, 2011 in San Francisco, CA.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to receive and file Mayor Pro-Tem Infanzon's AB 1234 conference report submitted for the League of CA Cities Annual Business Meeting and General Assembly held on September 23, 2011 in San Francisco, CA. Motion carried by a vote of 3-0.

AYES: Crespo, Flores, Infanzon  
NOES: None  
ABSENT: Aceituno, Rodriguez

**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)**

Lissette Saavedra read a letter directed to Mayor Rodriguez.

## **CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS**

Council Member Crespo gave general comments and inquired about obtaining a copy of the DVD for the first City Council meeting held in February 2011. He also asked about the funds that were used for the remodeling of the Food 4 Less property and also inquired about the City's water rate fees.

Council Member Crespo exited the Council Chambers at 7:21 p.m.

**ADJOURNMENT** – Due to a lack of quorum, Mayor Pro-Tem Infanzon adjourned the meeting at 7:22 p.m.

A handwritten signature in black ink, appearing to read 'R. Conde', written over a horizontal line.

Rosalia A. Conde, CMC  
City Clerk