



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, JUNE 27, 2011, 5:00 P.M.
MINUTES**

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

CALL TO ORDER – Mayor Rodriguez called the meeting to order at 5:02 p.m.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Rodriguez
ABSENT: Infanzon (Excused)

PUBLIC COMMENTS ON AGENDA ITEMS ONLY (Three minutes per person, subject to a total period of 30 minutes) – None

CLOSED SESSION:

The Council/Commission recessed to Closed Session at 5:03 p.m. to discuss the following matters:

**a. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**

Agency Negotiators – G. Steve Simonian, Phil Wagner, Will Kaholokula, Richard Kreisler, and Sam Strafaci

Employee Organizations – Bell Gardens City Employee Association, Bell Gardens Police Management Association, Bell Gardens Police Officers Association, Bell Gardens Public Works Association, and the Bell Gardens Public Works Supervisors Association

Mayor Rodriguez reconvened the meeting to order at 6:01 p.m.

INVOCATION – was given by Phil Wagner, Assistant City Manager

PLEDGE OF ALLEGIANCE – was led by John Oropeza, Public Works Director

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Rodriguez
ABSENT: Infanzon (Excused)

CITY ATTORNEY/COMMISSION COUNCIL REPORT FROM CLOSED SESSION

City Attorney Arnold Alvarez-Glasman stated that the City Council/Commission members convened to Closed Session with the exception of Mayor Pro-Tem Infanzon. Regarding Item a, a briefing was provided to the City Council but no final action was taken.

PRESENTATIONS

- Recognition of Public Works Week Poster Contest Winners

PUBLIC COMMENTS ON AGENDA ITEMS ONLY (Three minutes per person, subject to a total period of 30 minutes) – None

DISCUSSION ITEMS (Item No. 14)

After a brief discussion, a motion was made by Council Member Aceituno and seconded by Council Member Crespo to move Discussion Item #14 to the beginning of the meeting, before Consent Calendar. Motion carried by a vote of 4-0 with Mayor Pro-Tem Infanzon absent.

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

14. ADOPTION OF FY 2011-2012 OPERATING AND CAPITAL IMPROVEMENT BUDGETS & COMPENSATION PLAN AND ESTABLISHMENT OF APPROPRIATIONS LIMIT FOR FY 2011-2012

The City of Bell Gardens adopts an annual budget consisting of proposed revenues and expenditures. A draft budget was presented to the City Council during the June 8, 2011 Special City Council meeting. At the time of the presentation of the proposed budget, the City was still facing a budget deficit. The City is still bargaining with the employee groups to achieve concessions in order to balance the 2011-2012 City budget. Only with concessions from the bargaining groups will the FY 2011-2012 City budget be balanced.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-26, adopting the 2011-2012 Annual Budget and establishing employee classifications and compensation for all positions as of July 1, 2011; and adopt Resolution No. 2011-27, establishing the appropriations limit for Fiscal Year 2011-2012.

Finance & Administrative Services Director Will Kaholokula gave a brief presentation on Discussion Item #14.

After a discussion between council members and staff members, a motion was made by Council Member Crespo and seconded by Council Member Aceituno to continue this item to a Special Meeting scheduled for Thursday, June 30, 2011 at 4:00 p.m. in order to give time for union negotiations to come to a conclusion. Motion carried by a vote of 4-0.

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

CONSENT CALENDAR (Item No.'s 1 – 13)

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 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 Council Member Crespo to read all Ordinances by title only and waive the full reading. Motion carried by a vote of 4-0.

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

2. MINUTES

June 8, 2011 – Special Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Special Meeting of June 8, 2011.

A motion was made by Council Member Flores and seconded by Council Member Crespo to approve the minutes for the Special Meeting of June 8, 2011. Motion carried by a vote of 4-0.

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

3. MINUTES

June 13, 2011 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Regular Meeting of June 13, 2011.

A motion was made by Council Member Flores and seconded by Council Member Crespo to approve the minutes for the Regular Meeting of June 13, 2011. Motion carried by a vote of 4-0.

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

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	05/09/11 (Check #'s 12499 – 12502)	\$ 414,208.28
Warrant Registers	05/16/11 (Check #'s 12503)	\$ 65,525.92
Warrant Registers	05/23/11 (Check #'s 12504 – 12505)	\$ 433.89
Warrant Registers	06/06/11 (Check #'s 12506 – 12507)	\$ 2,706.25
	Total	\$ 482,874.34

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.

Council Member Crespo pulled Consent Calendar Item #4 for further discussion.

A motion was made by Council Member Aceituno and seconded by Council Member Flores to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 3-0 with Council Member Crespo abstaining and Mayor Pro-Tem Infanzon absent.

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

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	05/09/11 (Check #'s 136968 – 137053)	\$ 303,703.06
Wire Transfers	05/05/11 (Check #'s 830-831 & Payroll)	\$ 463,784.81
Warrant Registers	05/09/11 (Check #'s 137054)	\$ 106,640.33
Warrant Registers	05/16/11 (Check #'s 137055 – 137123)	\$ 299,651.94
Warrant Registers	05/23/11 (Check #'s 137124)	\$ 12,647.18
Wire Transfers	05/19/11 (Check #'s 832-833 & Payroll)	\$ 447,088.33
Warrant Registers	05/23/11 (Check #'s 137125 – 137208)	\$ 292,305.56
Warrant Registers	05/31/11 (Check #'s 137209 – 137300)	\$ 434,240.13
Warrant Registers	06/06/11 (Check #'s 137301 – 137370)	\$ 544,559.82
Wire Transfers	06/02/11 (Check #'s 834-835 & Payroll)	\$ 443,975.28
	Total	\$ 3,348,596.44

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 for further discussion.

A motion was made by Council Member Aceituno and seconded by Council Member Flores to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 3-0 with Council Member Crespo abstaining and Mayor Pro-Tem Infanzon absent.

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

6. APRIL 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 April 2011 Treasurer's Report.

A motion was made by Council Member Flores and seconded by Council Member Crespo to receive, approve, and file the April 2011 Treasurer's Report. Motion carried by a vote of 4-0.

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

7. ACCEPTANCE OF THE VARIOUS STREET RESURFACING PROJECT (IRA AVE. & GEPHART AVE.)

On January 10, 2011, the City Council awarded a construction contract to Shawnan for the construction on Ira Ave. from Florence Ave. to Gage Ave. and Gephart Ave. from Muller St. to Gotham St. The awarded construction amount was \$63,030 below the engineer's cost estimate. The scope of work consisted of cold milling existing AC pavement, removing AC pavement, replacement and/or reinforcement of base and sub-base material, overlay asphalt rubber hot mix, reconstruction of driveway approaches, curb and gutter, striping, marking and traffic signal loop replacement. No change orders were issued during the course of construction. A total of \$451,698.00 was allocated for this project. The total cost for the project was \$426,466.90. The remaining \$25,231.10 is Measure R funding and will be available for a new project.

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

- 1.) Accept the Various Street Resurfacing Project (Ira Ave. and Gephart Ave.) as complete; and
- 2.) Authorize staff to file a Notice of Completion.

Council Member Crespo pulled Consent Calendar Item #7 for further discussion.

Council Member Crespo and Council Member Aceituno excused themselves from the voting process of this item and left the Council Chambers due to a conflict of interest of their properties being within the 500 feet radius of the project.

City Attorney advised that due to a lack of quorum to have a majority vote, Item #7 would need to return for consideration at the June 30, 2011 Special Meeting. Item held over to Special Meeting and was not voted on.

8. ACCEPTANCE OF DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT

The Department of Alcoholic Beverage Control ("ABC") provides grant funding to local police agencies for enforcement of alcoholic beverage control violations, such as selling alcohol to minors and adults buying alcohol for minors. The City of Bell Gardens, in partnership with the Huntington Park and South Gate police departments were awarded \$37,794 from ABC to conduct investigations related to alcohol violations. The Bell Gardens Police Department will use these funds in conjunction with the Huntington Park and South Gate police departments to enforce alcohol laws and educate local businesses within our communities.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-23, approving the acceptance of the State of California Department of Alcoholic Beverage Control Grant.

A motion was made by Council Member Flores and seconded by Council Member Crespo to adopt Resolution No. 2011-23, approving the acceptance of the State of California Department of Alcoholic Beverage Control Grant. Motion carried by a vote of 4-0.

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

9. ACCEPTANCE OF FY 2011 JUSTICE ASSISTANCE GRANT PROGRAM FUNDS

The Edward Byrne Justice Assistance Grant ("JAG") Program annually provides funding to local police agencies for programs or items related to local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. The City of Bell Gardens was awarded \$20,477.00 from the FY 2011 JAG Program. The police department has identified a need for these monies to appropriate needed safety equipment for the special operations team. Upon adoption of this resolution, the Department of Justice will disperse these funds to the City.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-28, approving the acceptance of the United States Department of Justice, Bureau of Justice Assistance Grant (FY 2011 JAG) Program Award.

A motion was made by Council Member Flores and seconded by Council Member Crespo to adopt Resolution No. 2011-28, approving the acceptance of the United States Department of Justice, Bureau of Justice Assistance Grant (FY 2011 JAG) Program Award. Motion carried by a vote of 4-0.

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

10. **APPROVAL OF STATEWIDE PARK DEVELOPMENT & COMMUNITY REVITALIZATION PROGRAM OF 2008 APPLICATION**

The City of Bell Gardens Recreation & Community Services Department is requesting permission to apply for a grant from the Statewide Park Development and Community Revitalization Program of 2008. The City is seeking funds in the amount of \$5,000,000 to create new recreation experiences for residents while upgrading existing park features in Bell Gardens Veterans Park. This grant does not require any matching funds from the City. Funds in the amount of \$5,000,000 will be 100% reimbursed by the State of California Department of Parks and Recreation Office of Grants and Local Services (OGALS) when the project is complete.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-24, approving the application for Statewide Park Program Grant Funds.

Council Member Crespo pulled Consent Calendar Item #10 for further discussion.

Council Member Crespo thanked the Recreation & Community Services Department for their effort in applying for the grant.

A motion was made by Council Member Crespo and seconded by Council Member Aceituno to adopt Resolution No. 2011-24, approving the application for Statewide Park Program Grant Funds. Motion carried by a vote of 4-0.

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

11. **FUND BALANCE POLICY**

In February 2009, Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This new standard does not change the total amount of a given fund balance, but it substantially alters the categories and terminology used to describe the components that make up a fund balance. The new categories and terminology reflect an approach that focuses, not on financial resources available for appropriation within a fund, but on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the fund can be spent. The term fund balance is used to describe the difference between assets and liabilities reported within a fund. In the past, fund balances have been classified into three separate components: Reserved, Designated, and Undesignated. There are almost always important limitations on the purpose for which all or a portion of the resources of a fund can be used. The force of these limitations can vary significantly, depending on their source. The various components of the new fund balance reporting standard are designed to indicate the extent which the City is bound by these limitations placed upon the resources. The new five components include Nonspendable Fund Balance; Restricted Fund Balance; Committed Fund Balance; Assigned Fund Balance; and Unassigned Fund Balance.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-25, adopting the Fund Balance Policy.

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

Council Member Crespo inquired as to how the new five (5) categories found in the Fund Balance Policy issued by the Governmental Accounting Standards Board (GASB) would improve the present policy.

Finance & Administrative Director Will Kaholokula stated that the additional categories were meant for the policy to be easier to read and understand.

A motion was made by Council Member Crespo and seconded by Council Member Flores to adopt Resolution No. 2011-25, adopting the Fund Balance Policy. Motion carried by a vote of 4-0.

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

12. CONSIDERATION OF CLAIM REJECTION

The claimants allege that they were on the Tilt-A-Whirl carnival ride during the Spring Festival at Bell Gardens Veterans Park in the City of Bell Gardens and that the car they were riding in separated from the Tilt-A-Whirl ride causing them to sustain injuries. The ride mentioned was owned by Paul Maurer Shows to which a Special Event Permit was issued and in which a certification of insurance was required. A recommendation was received by the City on August 3, 2010 from the City's claims management company, Carl Warren & Company, to reject the claims filed by the following: Juana Mendez, Carlos Mendez, Stephany Mendez, Cynthia Aguilar, and Rigoberto Dominguez.

Recommendation: It is staff's recommendation that the City Council reject the claims filed on May 6, 2010 by Juana Mendez, Carlos Mendez, Stephany Mendez, Cynthia Aguilar, and Rigoberto Dominguez ("Claimants").

A motion was made by Council Member Flores and seconded by Council Member Crespo to reject the claims filed on May 6, 2010 by Juana Mendez, Carlos Mendez, Stephany Mendez, Cynthia Aguilar, and Rigoberto Dominguez ("Claimants"). Motion carried by a vote of 4-0.

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

13. FIREWORK STAND APPLICATION

Pursuant to Bell Gardens Municipal Code ("Code") Section 16.40, no person shall sell fireworks within the City without first having applied for and received a permit in compliance with the terms set forth in the Code. Permits are issued only to non-profit associations or corporations organized primarily for veteran, patriotic, welfare, civic betterment, or charitable purposes which: 1) have a principal and permanent meeting place in the City; 2) have been organized and established in the area within the City for a minimum of two years continuously preceding the filing of the application; and 3) have a bona fide membership of at least twenty (20) members.

Recommendation: It is staff's recommendation that the City Council approve the application from Mision Cristiana Monte de Sion seeking to operate a firework stand within the City limits from June 28, 2011, 12:00 p.m., through July 6, 2011, 12:00 p.m.

A motion was made by Council Member Flores and seconded by Council Member Crespo to approve the application from Mision Cristiana Monte de Sion seeking to operate a firework stand within the City limits from June 28, 2011, 12:00 p.m., through July 6, 2011, 12:00 p.m. Motion carried by a vote of 4-0.

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

Mayor Rodriguez asked for a 2 minute recess at 6:41 p.m.

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)

Martha Carrasco expressed her gratitude to the City Council for the recognition they gave her during the June 13, 2011 City Council/Commission meeting.

Ericka Vasquez stated her concerns for the community due to the recent media attention.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS


Council Member Crespo gave general comments.

Council Member Aceituno gave general comments.

Council Member Flores gave general comments.

Mayor Rodriguez gave general comments.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 7:10 p.m.



Rosalia A. Conde, CMC
City Clerk