



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, JULY 25, 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 5:04 p.m.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores (Arrived at 5:12 p.m.), Infanzon, Rodriguez

ABSENT:

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 5:05 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 6:00 p.m.

INVOCATION – was given by Aldo Schindler, Community Development Director

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

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Infanzon, Rodriguez

ABSENT:

CITY ATTORNEY/COMMISSION COUNCIL REPORT FROM CLOSED SESSION

City Attorney Arnold Alvarez-Glasman stated that all 5 members of the City Council/Commission members recessed to Closed Session. Regarding Item a, a briefing was provided to the City Council but no final action was taken.

PRESENTATIONS

- Recognition of Dennis Orozco on membership to Sigma Alpha Lambda, National Leadership & Honors Organization at USC
- Recognition of Bell Gardens Intermediate Dance Team for coming in 1st Place
- Recognition of Bell Gardens Police Officers and L.A. County Firefighters by Iglesia de Bell Gardens
- Proclamation proclaiming July 2011 as Parks & Recreation Month
- Presentation on RENEW Program

PUBLIC HEARINGS (Item No. 1)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

1. CONGESTION MANAGEMENT PROGRAM

The Los Angeles County Metropolitan Transportation Authority (MTA), acting as the Congestion Management Agency for Los Angeles County, adopted the Congestion Management Program (CMP) on July 22, 2004. The adopted program requires the MTA to annually determine whether cities located within Los Angeles County conform to all CMP requirements. Compliance with the program is required for jurisdictions to receive State gas tax funds and to preserve their eligibility for other State and federal transportation funds.

Recommendation: It is staff's recommendation that the City Council open a public hearing, receive testimony and adopt City Council Resolution No. 2011-29, finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089.

Community Development Director Aldo Schindler gave the presentation on Public Hearing Item No. 1.

Mayor Rodriguez opened the Public Hearing and public comments. There were no public comments.

Mayor Rodriguez closed public comments and the Public Hearing and moved to Council Member comments. There were no Council Member comments.

A motion was made by Council Member Aceituno and seconded by Council Member Flores to open a public hearing, receive testimony and adopt City Council Resolution No. 2011-29, finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089. Motion carried by a vote of 5-0.

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

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

CONSENT CALENDAR (Item No.'s 2 – 12)

JOINT COUNCIL/COMMISSION ITEMS

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 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 5-0.

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

3. MINUTES

June 30, 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 30, 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 June 8, 2011. Motion carried by a vote of 5-0.

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

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	06/13/11 (Check #'s 12508 – 12510)	\$ 70,794.16
Warrant Registers	06/20/11 (Check #'s 12511 – 12512)	\$ 301,266.81
Warrant Registers	06/27/11 (Check #'s 12513 – 12520)	\$ 13,687.03
Warrant Registers	07/05/11 (Check #'s 12521 – 12522)	\$ 3,702.09
Warrant Registers	07/05/11 (Check #'s 12523 – 12524)	\$ 989,120.99
	Total	\$ 1,378,571.08

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 Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0 with Council Member Crespo abstaining.

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

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	06/13/11 (Check #s	137371 – 137375)	\$	950.00
Warrant Registers	06/13/11 (Check #s	137376 – 137457)	\$	284,468.07
Warrant Registers	06/20/11 (Check #s	137458)	\$	6,915.96
Warrant Registers	06/20/11 (Check #s	137459 – 137562)	\$	627,099.85
Wire Transfers	06/16/11 (Check #s	836-837 & Payroll)	\$	459,612.07
Warrant Registers	06/27/11 (Check #s	137563 – 137638)	\$	1,301,894.66
Warrant Registers	07/05/11 (Check #s	137639 – 137707)	\$	316,241.05
Warrant Registers	07/05/11 (Check #s	137708 – 137716)	\$	22,750.33
Warrant Registers	07/07/11 (Check #s	137717)	\$	79.01
		Total	\$	3,020,011.00

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 Flores and seconded by Mayor Pro-Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0 with Council Member Crespo abstaining.

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

6. MAY 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 May 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 May 2011 Treasurer's Report. Motion carried by a vote of 5-0.

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

7. ESTABLISHMENT OF A HEALTHY BEVERAGE POLICY WITHIN CITY-OWNED FACILITIES

On June 28, 2010, the City Council adopted Resolution No. 2010-22 declaring the City of Bell Gardens a "Healthy Eating Active Living" (HEAL) City. The HEAL Cities resolution identifies obesity as a serious health threat to the community and demonstrates the City's desire and commitment to become a leader in the fight against obesity. According to the Los Angeles County Public Health Department, approximately 31.7% of children in Bell Gardens are overweight. In Section II of Resolution No. 2010-22, the City resolved that it "*would work diligently to pursue changing nutritional standards in vending machines located in city owned or leased facilities.*" In an effort to accomplish Section II of Resolution No. 2010-22, the City of Bell Gardens applied for and received a grant in the amount of \$22,000 from the Los Angeles Department of Public Health RENEW (Renewing Environments for Nutrition, Exercise and Wellness in Los Angeles County) Initiative in collaboration with Family Health Care Centers of Greater Los Angeles, Inc. (FHCCGLA) to begin working on creating policies that will help enable residents to make better nutritional choices.

Recommendation: It is staff's recommendation that the City Council adopt the Healthy Vending Policy Language and Nutrition Standards policy as needed to successfully accomplish Section II of the City of Bell Gardens HEAL City Resolution No. 2010-22 approved on June 28, 2010.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt the Healthy Vending Policy Language and Nutrition Standards policy as needed to successfully accomplish Section II of the City of Bell Gardens HEAL City Resolution No. 2010-22 approved on June 28, 2010. Motion carried by a vote of 5-0.

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

8. **AWARD CONTRACT TO HILTON, FARNKOPF & HOBSON, LLC FOR SOLID WASTE CONSULTANT SERVICES**

The Legislature adopted Assembly Bill 939, the California Integrated Waste Management Act of 1989 ("Act"), requiring the reduction of the City's solid waste stream by fifty percent (50%) by the year 2000. The Act created the California Integrated Waste Management Board (currently Cal Recycle) and required local governments to submit annual reports regarding the solid waste stream including their diversion rate. Local governments that fail to meet the statutory requirements face potential penalty fines and civil action by the Board. In order to provide experienced, professional, resources in the multi-faceted form of solid waste consultants, staff developed a request for proposals to numerous firms with top-notch reputations in the solid waste management industry. The following five companies responded with proposals: Hilton, Farnkopf & Hobson, LLC, SCS Engineers, HDR Engineering, Inc., Solid Waste Solutions, and Waste Systems Management, LLC. It was determined by staff that Hilton, Farnkopf & Hobson, LLC is the best, most qualified firm to provide solid waste consultant services based on scored staff evaluations, references from previous city clients, available resources, and ability to not just meet, but potentially exceed city standards. Work will be performed on an "as needed" basis and within budget constraints under the direction of the Public Works Director. The scope of work includes administrative services related to AB 939 compliance and all associated waste management programs. The 2011-2012 Budget includes \$50,000 for solid waste consultant services using Waste Management Funds.

Recommendation: It is staff's recommendation that the City Council award a contract for solid waste consultant services to Hilton, Farnkopf & Hobson, LLC for a three (3) year term, in accordance with the City's formal purchasing policy procedures for professional services.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to award a contract for solid waste consultant services to Hilton, Farnkopf & Hobson, LLC for a three (3) year term, in accordance with the City's formal purchasing policy procedures for professional services. Motion carried by a vote of 5-0.

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

9. **ACCEPTANCE OF THE NEW LIGHTING SYSTEM FOR THE EAST SIDE OF FORD PARK**

On June 14, 2010, the City Council authorized staff to solicit bids for a new lighting system project based on the plans, specifications and construction cost estimate that were prepared. The scope of work consisted of removing the old lighting system in the east side of Ford Park and installing new energy efficient lights, with new footings, poles, light fixtures, conduit and wiring. The City Engineer and the Inspector have conducted the final inspection, reviewed the project documents and have determined that the project was completed satisfactorily and in conformance with the project's plans and specifications. A total of \$312,000 has been allocated for the project cost and only \$300,901.83 was utilized. The remaining CDBG budget amount of \$11,098.17 will be available for a new project.

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

- 1.) Accept the New Lighting System for the East Side of Ford Park Project as complete; and
- 2.) Authorize staff to file a Notice of Completion.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to accept the New Lighting System for the East Side of Ford Park Project as complete and authorize staff to file a Notice of Completion. Motion carried by a vote of 5-0.

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

10. PROJECT ACCEPTANCE FOR INSTALLATION OF ARTIFICIAL GRASS AT SOCCER FIELD NO. 5 AT JOHN ANSON FORD PARK

On January 10, 2011, the City Council rejected all bids received on October 20, 2010 as requested and authorized staff to re-bid the project. This was due to bid submissions exceeding available funding for original scope and size of project. Design team was directed to divide the project scope into 2 phases. On February 23, 2011, the City received eight (8) bids for Phase I and on March 14, 2011, the City Council awarded a contract to Pierre Sprinkler & Landscape, Inc. in the amount of \$260,076. The general items of work include clearing and grubbing, removal/abandonment of existing utilities, grading, backfilling, construction of storm drain, mow strip, artificial grass, SP Pavement, and all items not specifically mentioned but indicated in the Plans and Specifications. The City Engineer and project manager have conducted the final inspection, reviewed the project documents and have determined that the project was completed satisfactorily and in conformance with the project's plans and specifications. A total of \$365,500 has been allocated for the project cost and only \$352,256.21 was utilized. The remaining amount of \$13,243.79 will be available for Phase II of the Soccer field.

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

- 1.) Accept the Artificial Grass at Field No. 5 as complete; and
- 2.) Authorize staff to file a Notice of Completion.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to accept the Artificial Grass at Field No. 5 as complete and authorize staff to file a Notice of Completion. Motion carried by a vote of 5-0.

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

11. CONSIDERATION OF REJECTION OF CLAIMS

The City received recommendations from the City's claims management company, Carl Warren & Company to reject claims filed by the following claimants: Billy Long, Roxana Portillo, Karla Lopez, Maria Murillo, Pedro Guzman, Rene Martinez, and Alberto Morales.

Recommendation: It is staff's recommendation that the City Council reject the claims filed by Billy Long, Roxana Portillo, Karla Lopez, Maria Murillo, Pedro Guzman, Rene Martinez, and Alberto Morales.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to reject the claims filed by Billy Long, Roxana Portillo, Karla Lopez, Maria Murillo, Pedro Guzman, Rene Martinez, and Alberto Morales. Motion carried by a vote of 5-0.

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

12. FY 2011 TASK FORCE AGREEMENT

The United States Drug Enforcement Agency (DEA) operates the Southern California Drug Task Force in an effort to combat dangerous drugs and illegal narcotics in the Southern California area. The task force is staffed with members of federal and local law enforcement agencies from Los Angeles, Orange, Riverside and San Bernardino counties. The Bell Gardens Police Department wishes to participate on the task force by assigning one (1) police officer to the task force for a period of three (3) years. Our participation in the task force will benefit the community of Bell Gardens by providing additional resources to investigate major narcotics cases initiated in the City, as well as providing specialized training free of charge to the officer assigned to the task force. While participating in the task force the Bell Gardens Police Department will continue to pay the officer's salary. DEA will pay overtime costs on a monthly pro-rated basis as indicated in the agreement. Bell Gardens Police Department will be provided a share of asset seizure funds for its participation.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-30, approving the Fiscal Year 2011 Task Force Agreement (TFA) between the City of Bell Gardens and the United States Drug Enforcement Agency Southern California Drug Task Force.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt City Council Resolution No. 2011-30, approving the Fiscal Year 2011 Task Force Agreement (TFA) between the City of Bell Gardens and the United States Drug Enforcement Agency Southern California Drug Task Force. Motion carried by a vote of 5-0.

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

DISCUSSION ITEMS (Item No. 13)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

13. REMOVAL OF COMMISSIONER FROM THE SENIOR CITIZEN COMMISSION (RODRIGUEZ)

Bell Gardens Municipal Code Section 2.22.020 – Membership-Appointment-Term of office-Removal-Replacement, states “the commission shall consist of five members, one each to be appointed by each member of the city council at a duly noticed meeting of the city council. Each such member shall serve a term of office that coincides with the term of the councilmember responsible for the appointment. Any member appointed to a commission may be removed at any regularly scheduled city council meeting by the councilmember responsible for making the initial appointment, subject to a majority vote of the members of the city council.”

Recommendation: It is staff's recommendation that the City Council approve the removal of Senior Citizen Commissioner Lorena Cisneros.

City Clerk Rosalia A. Conde gave the report on this item.

Mayor Rodriguez requested to have Senior Citizen Commissioner Lorena Cisneros removed from the Commission and requested to have this item brought back to the next City Council Meeting in order to fill vacancy.

A motion was made by Mayor Rodriguez to approve the removal of Senior Citizen Commissioner Lorena Cisneros. Motion carried by a vote of 5-0.

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

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)

Diego Varela inquired on the City's current budget status.

Stephanie Vallejo spoke on the dedication of the Bell Gardens Police Department and on the current labor employee negotiations.

City Attorney Arnold Alvarez-Glasman, Assistant City Manager Phil Wagner and the City Council Members responded to the inquiries made by the two speakers.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

Council Member Crespo gave general comments.


Council Member Flores gave general comments.

Council Member Aceituno gave general comments.

Mayor Pro-Tem Infanzon gave general comments.

Mayor Rodriguez gave general comments.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 7:23 p.m.



Rosalia A. Conde, CMC
City Clerk