



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, JUNE 13, 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 6:11 p.m.

INVOCATION – was given by the 2011 Bell Gardens Pageant Princess Alejandra Cortez.

PLEDGE OF ALLEGIANCE – was led by the 2011 Bell Gardens Pageant Queen Itza Moreno.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Infanzon

ABSENT: Rodriguez (Excused)

PRESENTATIONS

- Recognition of Bell Gardens resident and city employee, Rachel Betancis, by the City and State Assembly Member Ricardo Lara
- Recognition of Martha Carrasco, by the City and State Assembly Member Ricardo Lara, as the City of Bell Gardens Older American of the Year
- Recognition of Haig Kelegian, managing partner of the Bicycle Club Casino
- Recognition of Student Art Competition participants
- Recognition of Bell Gardens High School Charger Yearbook students
- Presentation by the Bicycle Club Casino to the 2011 Bell Gardens Queen & Court of scholarship funds

PUBLIC HEARINGS (Item No. 1)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

1. ESTABLISHMENT OF AN ADJUSTED FEE SCHEDULE FOR WIRELESS TELECOMMUNICATION FACILITIES (FILE NO. 2011-061)

On June 8, 2009, the City Council approved Resolution No. 2009-11 adopting a uniform schedule of fees which increased the Conditional Use Permit (“CUP”) fee to \$900. However, even with the recent adjustment, the actual processing costs incurred by the City remain significantly higher than the “cost recovery” fees being collected by the City. The proposed adjustment would only affect the costs assessed against wireless companies that wish to install or otherwise erect wireless communication facilities (i.e., cell towers). The Community Development Department recently completed a fee survey of surrounding cities. The survey provided a comparison of fees for CUP’s for wireless telecommunication facilities. In comparison to surrounding cities, Bell Gardens ranks the lowest in CUP fees. Staff performed a cost analysis of the time and money required to process a CUP for a wireless telecommunication facility. The cost analysis demonstrated that on average, it costs approximately \$3,801.60 to process a CUP application. Based on the aforementioned, staff is recommending that the City establish

a fee that fully recovers the cost of processing a CUP for a wireless telecommunication facility. It should be noted that pursuant to Government Code Section 66017, the adjusted fees listed in City Council Resolution No. 2011-18 shall go into effect sixty (60) days after its adoption. Approving this updated schedule of fees will allow the City to recover all of the costs involved with providing a service to the wireless telecommunication companies.

Recommendation: It is staff's recommendation that the City Council open a public hearing, receive testimony and adopt City Council Resolution No. 2011-18, adopting an adjusted fee schedule for the establishment of wireless telecommunication facilities within the City.

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

Mayor Pro-Tem Infanzon opened the public hearing to receive public comments. After seeing no one wishing to comment on this item, Mayor Pro-Tem Infanzon closed the public hearing and moved to Council Member comments.

Council Member Aceituno inquired if the proposed adjusted fee schedule only applied to new cell towers and not existing cell towers.

Community Development Director stated that the fee schedule also applied to retrofits.

Council Member Crespo inquired if the tower contracts were subject for renewal.

Community Development Director stated that the City only governs the requests made to put up a cell tower when a Conditional Use Permit is needed. The actual contract leases of the various towers are negotiated among certain property owners and not with the City.

A motion was made by Council Member Crespo and seconded by Council Member Flores to adopt City Council Resolution No. 2011-18, adopting an adjusted fee schedule for the establishment of wireless telecommunication facilities within the City. Motion carried by a vote of 4-0.

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

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 – 11)

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

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

3. **MINUTES**

May 9, 2011 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Regular City Council/Commission Meeting of May 9, 2011.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to approve the minutes for the Regular Meeting of May 9, 2011. Motion carried by a vote of 4-0.

AYES: Aceituno, Crespo, Flores, Infanzon
NOES: None
ABSENT: 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	04/25/11 (Check #'s 12492 – 12495)	\$	162,706.00
Warrant Registers	05/02/11 (Check#'s 12496 – 12498)	\$	<u>270,917.50</u>
	Total	\$	433,623.50

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.

Council Member Crespo inquired on the charge associated with Voucher Number 12492 found on the Warrant Registers.

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.

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

5. 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 provides grants up to \$15,000 and low interest loans up to \$50,000 to assist properties with façade and other general exterior property improvements undertaken in accordance with the established Program Guidelines. 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. Since the inception of the program 13 businesses have received façade improvements. Currently, construction of improvements has started and/or has been completed at the following sites:

- 6628 Eastern Avenue, JPM Glass; exterior building paint and installation of new internally lit building sign. Grant amount of \$13,640.
- 6032 Florence Avenue, Victoria Wing Center; exterior building paint and the resurfacing of the commercial portion of the parking lot. Grant amount of \$15,000.

All projects are bid to the Federal Housing and Urban Development Department standards. The Program utilizes American Recovery and Reinvestment Act funds. The Program funds have been incorporated into the FY 10-11 Community Development Department budget.

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 Council Member Aceituno to receive and file the Corridor Revitalization Program update. Motion carried by a vote of 4-0.

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

CITY COUNCIL ITEMS

6. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	04/25/11 (Check #'s	136799 – 136898)	\$ 475,377.83
Wire Transfers	04/21/11 (Check #'s	828-829 & Payroll)	\$ 435,460.33
Warrant Registers	05/02/11 (Check #'s	136899 – 136967)	<u>\$ 483,733.29</u>
		Total	\$ 1,394,571.45

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 #6 to abstain.

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.

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

7. FIREWORKS STAND APPLICATIONS

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 members. The following 10 applications seek approval to operate firework stands and are in compliance with the code provisions: 1) Lions Club of Bell Gardens; 2) LA Pentecostals; 3) LA Senda Antigua; 4) Full Gospel Assembly of God; 5) American Legion Post 465; 6) Joshua & Caleb Ministries; 7) Bell Gardens High School Band Boosters; 8) First Baptist Church of Bell Gardens; 9) Bell Gardens Eagles #2754; and 10) Bell Gardens Youth Football & Cheer.

Recommendation: It is staff's recommendation that the City Council approve the 10 applications from organizations seeking to operate firework stands 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 Aceituno to approve the 10 applications from organizations seeking to operate firework stands 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, Infanzon
NOES: None
ABSENT: Rodriguez

8. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR THE 2010-2011 LOCAL STREET IMPROVEMENT PROJECT #3756

On April 11, 2011, the engineering team completed the design and construction documents for this project. Staff is requesting that the City Council give authorization for bid advertisement for the street improvements including cold milling existing AC pavement, overlay an asphalt rubber hot mix, reconstruction of driveway approaches, curb and gutter, cross gutter, striping, marking and traffic signal loop replacement. The project areas are as follow:

- Sudan Avenue from Florence Place to Fry Street
- Sudan Avenue from Fry Street to Live Oak Street
- Darwell Avenue from Loveland Street to Lubec Street
- Live Oak Street from Sudan Avenue to Scout Avenue
- Live Oak Street from Sudan Avenue to Emil Avenue
- Gilliland Avenue from Park Lane to Gallant Street
- Park Lane from Gilliland Avenue to Garfield Avenue

An additive bid item has been added to include sidewalk improvements on the south side of Park Lane from Gilliland Avenue to east of the parking lot entry road. The construction cost estimate prepared by engineering is in the amount of \$459,000, with \$98,685 allocated for soft costs, for a total project cost of \$557,685. \$559,231 has been allocated to the project.

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

- 1.) Approve the plans and specifications for the 2010-2011 Local Street Improvement Project; and
- 2.) Authorize staff to solicit bids for the construction of this project.

Council Member Crespo pulled Consent Calendar Item #8 for further discussion.

Council Member Crespo excused himself from the voting process of this item due to a conflict of interest with one of his properties that he owned being within the 500 feet radius of the project. Due to the item being previously pulled from the agenda for further discussion, Council Member Crespo also excused himself from the council chambers during the voting process.

A motion was made by Mayor Pro-Tem Infanzon and seconded by Council Member Flores to approve the plans and specifications for the 2010-2011 Local Street Improvement Project and authorize staff to solicit bids for the construction of this project. Motion carried by a vote of 3-0 with Council Member Crespo not participating in the voting process due to a conflict of interest.

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

9. **APPROVING AN AGREEMENT ESTABLISHING A REGIONAL ALLIANCE TO COMPLY WITH SB X7-7, THE WATER CONSERVATION ACT OF 2009**

Senate Bill X7-7, the Water Conservation Act was signed into law in 2009, setting a goal for urban water suppliers to reduce per capita water use by 20 percent by the year 2020. It requires urban water retailers to set a 2020 urban per capita water use target. SB X7-7 allows urban water retailers to plan, comply and report on a regional basis, individual basis, or both.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-22, authorizing and approving a Letter of Agreement between the city of Bell Gardens and the cities of Downey, Huntington Park, Lakewood, Long Beach, Lynwood, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, Signal Hill, South Gate, Vernon, Whittier, and Pico Water District for establishing a regional alliance to comply with SB X7-7, the Water Conservation Act of 2009.

Council Member Crespo pulled Consent Calendar Item #9 for further discussion.

Council Member Crespo asked if there was any type of increase to water fees.

Public Works Director John Oropeza verified that no increase existed.

A motion was made by Council Member Crespo and seconded by Council Member Flores to adopt City Council Resolution No. 2011-22, authorizing and approving a Letter of Agreement between the city of Bell Gardens and the cities of Downey, Huntington Park, Lakewood, Long Beach, Lynwood, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, Signal Hill, South Gate, Vernon, Whittier, and Pico Water District for establishing a regional alliance to comply with SB X7-7, the Water Conservation Act of 2009. Motion carried by a vote of 4-0.

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

10. ADOPTION OF RESOLUTIONS CALLING THE NOVEMBER 8, 2011 MUNICIPAL ELECTION

Bell Gardens Municipal Code Chapter 2.60 states that pursuant to Section 1301 of the California Elections Code, the General Municipal Election date shall be the first Tuesday after the first Monday in November of odd-numbered years. The next General Municipal Election is scheduled for November 8, 2011 for the election of two (2) Council seats. The seats are currently filled by: 1) Jennifer Rodriguez and 2) Pedro Aceituno. The City is recommending consolidation of the General Municipal Election with the County election occurring on the same day. Staff estimates that the costs for the consolidation services with Los Angeles County will be approximately \$60,000. The amount has been included in the proposed Fiscal Year 2011-2012 City Clerk's Office budget.

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

- 1.) Resolution No. 2011-19, calling for the holding of a General Municipal Election to be held on Tuesday, November 8, 2011, for the election of certain officers as required by the provisions of the laws of the State of California relating to General law Cities; and
- 2.) Resolution No. 2011-20, requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election to be held on November 8, 2011, with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; and
- 3.) Resolution No. 2011-21, adopting regulations for candidates for elective office pertaining to candidates statement submitted to the voters at an election to be held on Tuesday, November 8, 2011.

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

Council Member Crespo asked for clarification on the City Clerk's election duties and handling of ballots during the City's election.

City Clerk Rosalia Conde and City Attorney Arnold Alvarez-Glasman gave further explanation of the City Clerk's responsibilities during the upcoming election.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt Resolution No. 2011-19, calling for the holding of a General Municipal Election to be held on Tuesday, November 8, 2011, for the election of certain officers as required by the provisions of the laws of the State of California relating to General law Cities; Resolution No. 2011-20, requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election to be held on November 8, 2011, with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; and Resolution No. 2011-21, adopting regulations for candidates for elective office pertaining to candidates statement submitted to the voters at an election to be held on Tuesday, November 8, 2011. Motion carried by a vote of 4-0.

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

11. APPROVE AB1234 COUNCIL MEMBER CONFERENCE TRAVEL REPORTS

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 Council Member Aceituno's AB 1234 conference report submitted for the SCAG Regional Conference & General Assembly held on May 4-6, 2011; Mayor Rodriguez, Mayor Pro-Tem Infanzon, Council Members Aceituno, Crespo and Flores' AB 1234 conference report submitted for the CA Contract Cities Annual Municipal Seminar held on May 12-15, 2011; and Mayor Rodriguez, Mayor Pro-Tem Infanzon and Council Member Aceituno's AB 1234 conference report submitted for the ICSC RECON Convention held on May 22-25, 2011.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to receive and file Council Member Aceituno's AB 1234 conference report submitted for the SCAG Regional Conference & General Assembly held on May 4-6, 2011; Mayor Rodriguez, Mayor Pro-Tem Infanzon, Council Members Aceituno, Crespo and Flores' AB 1234 conference report submitted for the CA Contract Cities Annual Municipal Seminar held on May 12-15, 2011; and Mayor Rodriguez, Mayor Pro-Tem Infanzon and Council Member Aceituno's AB 1234 conference report submitted for the ICSC RECON Convention held on May 22-25, 2011. Motion carried by a vote of 4-0.

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

DISCUSSION ITEMS – 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)

Priscilla Silva and Bryon Alvarez spoke on water issues existing at Bell Gardens High School.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

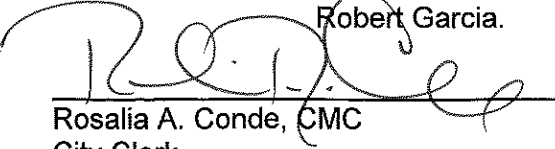
Council Member Crespo gave general comments.

Council Member Aceituno gave general comments.

Council Member Flores gave general comments.

Mayor Pro Tem Infanzon gave general comments.

ADJOURNMENT – Mayor Pro-Tem Infanzon adjourned the meeting at 7:39 p.m. in memory of Robert Garcia.



Rosalía A. Conde, CMC
City Clerk