



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, MAY 9, 2011, 6:00 P.M.
MINUTES**

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

CALL TO ORDER – Mayor Rodriguez called the meeting to order at 6:00 p.m.

INVOCATION – was given by Pam Wasserman, Recreation & Community Services 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:

PRESENTATIONS

- Recognition of 2011 Miss Bell Gardens Queen and Court
- Recognition of Cub Scouts and their participation in the Earth Day Tree Planting Event
- Presentation of sponsorship donation by Athens to City of Bell Gardens for the Field 5 Soccer Field Project
- Presentation by L.A. County Assessor John Noguez on the City's 50th Anniversary
- Presentation by Greater L.A. County Vector Control District on West Nile Virus & Mosquito Awareness Week
- Proclamation proclaiming May 2011 as Older Americans Month
- Proclamation proclaiming the week of May 15th – May 21st, 2011 as National Public Works Week

PUBLIC HEARINGS – 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 1 – 7)

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 5-0.

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

2. MINUTES

April 25, 2011 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the minutes for the Regular City Council Meeting of April 25, 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 April 11, 2011. Motion carried by a vote of 5-0.

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

COMMUNITY DEVELOPMENT COMMISSION ITEMS

3. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	04/18/11 (Check #'s 12489 – 12491)	\$	81,484.83
	Total	\$	81,484.83

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 #3 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 4-0 with Council Member Crespo abstaining.

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

CITY COUNCIL ITEMS

4. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	04/11/11 (Check #'s 136617 – 136696)	\$ 595,502.92
Wire Transfers	04/07/11 (Check #'s 826-827 & Payroll)	\$ 430,428.32
Warrant Registers	04/18/11 (Check #'s 136697 – 136798)	\$ 538,133.36
	Total	\$ 1,564,064.60

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 #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 4-0 with Council Member Crespo abstaining.

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

5. MARCH 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 March 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 March 2011 Treasurer's Report. Motion carried by a vote of 5-0.

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

6. AWARD OF A CONSTRUCTION CONTRACT FOR THE ALLEY IMPROVEMENT PROJECT

On January 10, 2011, the City Council authorized a Capital Improvement Project (CIP) budget amendment to include \$383,411 of Traffic Congestion Relief Funds (TCRF) for a street resurfacing project. *The City is required to expend these funds prior to the end of the fiscal year, June 30, 2011.* Per the specifications the awarded contractor must complete all work by June 28, 2011 in order for the city to meet the TCRF requirements. On March 28, 2011, the City Council authorized staff to solicit bids for the project based on the plans, specifications and construction costs estimate prepared by the engineering team. The proposed improvements will be made in the following locations:

- Alley West of Garfield Avenue; Fostoria Street to Muller Street
- Alley North of Gage Avenue; Jaboneria Road to Darwell Avenue
- Alley North of Florence Avenue; Garfield Avenue to Granger Avenue
- Alley North of Gage Avenue; Eastern Avenue to Ajax Avenue
- Alley North of Gage Avenue; Specht Avenue to Eastern Avenue

On April 20, 2011, the City received seven (7) bids. Upon receipt of the bids, staff conducted a review of the potential lowest bidder and determined that FS Construction was the potential lowest, responsive and responsible bidder. Based on the budget available for the project, staff recommends that a construction contract in the amount of \$295,262.50 be awarded to FS Construction which includes the base bid plus both Additive A - \$23,260.00 and Additive B - \$37,155.00, allowing \$20,302.50 for contingencies to address unexpected conditions that could occur during the course of construction. Construction is estimated to commence at the beginning of May 2011 and expected to be completed by mid-June 2011.

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

- 1.) Award a construction contract to FS Construction in the amount of \$295,262.50 for the Alley Improvement Project; and
- 2.) Authorize a contingency amount of \$20,302.50 for any unforeseen conditions.

City Attorney Arnold Alvarez-Glasman stated that Council Member Aceituno would not be participating in the voting process of this item due to the conflict of interest that existed with one of his properties that he owned being within the 500 feet radius of one of the improvement projects listed in the staff report. City Attorney also commented that since the item was not pulled for further discussion from the agenda, Council Member Aceituno would not need to leave the council chambers during the voting process.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to award a construction contract to FS Construction in the amount of \$295,262.50 for the Alley Improvement Project and authorize a contingency amount of \$20,302.50 for any unforeseen conditions. Motion carried by a vote of 4-0 with Council Member Aceituno not participating in the voting process due to a conflict of interest.

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

7. AWARD OF A CONSTRUCTION CONTRACT FOR THE WATER SYSTEM IMPROVEMENT PROJECT

On December 13, 2010, the City Council authorized staff to solicit bids for the Water System Improvement Project based on the plans, specifications and construction cost estimate prepared by the engineering team. On January 26, 2011 fourteen (14) bids were received. Upon evaluation of the bids, staff concluded that there were insufficient funds available to complete the project within its original scope of work. Therefore, on February 28, 2011, it was recommended that City Council authorize staff to reject all bids and re-bid the project with a reduced scope of work and a new total cost estimate in amount of \$1,044,113. The revised construction cost estimate prepared by the City Engineer was \$830,497. The revised scope of work consists of the installation of 6", 8" and 12" diameter water main lines, new fire hydrants, water service connections and meters, and the completion of multiple connections of the new system to the existing system. The improvements will be made at the following locations:

- Foster Bridge Blvd.; Intersection of Gage Avenue/Garfield Avenue to Perry Road
- Suva Street; Loveland Street to Emil Avenue
- Emil Avenue; Suva St. to Foster Bridge Blvd.
- Perry Road; Foster Bridge Blvd. to Alley North of Florence Place

On April 13, 2011, the City received eleven (11) bids. Upon receipt of the bids, staff conducted a review of the potential lowest bidder and determined that Dominguez General Engineering, Inc. was the potential lowest, responsive and responsible bidder with the bid amount of \$724,530.00. Construction is anticipated to commence in the beginning of May 2011 and is expected to be completed by mid-August 2011.

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

- 1.) Award a construction contract to Dominguez General Engineering, Inc. in the amount of \$724,530.00 for the Water System Improvement Project; and
- 2.) Authorize a contingency fund of 10% of the total construction cost for any unforeseen conditions.

Council Member Crespo pulled Consent Calendar Item #7 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 Council Member Aceituno and seconded by Mayor Pro-Tem Infanzon to award a construction contract to Dominguez General Engineering, Inc. in the amount of \$724,530.00 for the Water System Improvement Project and authorize a contingency fund of 10% of the total construction cost for any unforeseen conditions. Motion carried by a vote of 4-0 with Council Member Crespo not participating in the voting process due to a conflict of interest.

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

DISCUSSION ITEMS (Item No. 8)

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

8. COMMISSION APPOINTMENTS

The City Council adopted Ordinance No. 825 on July 13, 2009 which consolidated the existing City Commissions and established minimum requirements for service. It should be noted that all Commission members must reside within the City of Bell Gardens and may only serve on one (1) Commission at a time. Once appointed, each Commissioner must adhere to the requirements of the City's Conflict of Interest Code and state-mandated AB 1234 ethics training. Ordinance 825 allows each Council member to nominate one (1) candidate per Commission, subject to the approval of the Council majority. The appointed Commission member will serve a term that coincides with the term of the Council member who made the original nomination. The City Council each should respectively nominate an individual to each Commission and approve the appointments via a majority vote. All new members will receive their Oath of Office, file

Conflict of Interest Code documentation, and be scheduled for AB 1234 ethics training through the City Clerk's Office.

Recommendation: It is staff's recommendation that the Council Members who have open positions on the Commissioner's list make nominations to fill the vacancies.

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

Council Member Aceituno requested to appoint Jayson Gavilanes to the Traffic & Safety Commission and remove Gloria Echavarria from the Senior Commission.

A motion was made by Council Member Aceituno and seconded by Mayor Pro-Tem Infanzon to appoint Jayson Gavilanes to the Traffic & Safety Commission and remove Gloria Echavarria from the Senior Commission. 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)

Ron Garcia representing Southern California Edison spoke on upcoming events sponsored by the Edison Co.

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.

Mayor Rodriguez gave general comments.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 7:02 p.m.



Rosalia A. Conde, CMC
City Clerk