



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, APRIL 26, 2010, 5:00 P.M.
MINUTES**

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

CALL TO ORDER – Mayor Flores called the meeting to order at 5:00 p.m.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Crespo, Infanzon, Rodriguez, Aceituno, Flores

ABSENT: None.

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

CLOSED SESSION:

City Attorney Alvarez-Glasman announced the following items for discussion under Closed Session:

- a. **PUBLIC EMPLOYEE EMPLOYMENT
(Government Code Section 54957)
Title: Chief of Police**
- b. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Government Code Section 54956.9(b))
Number of potential cases: Two (2)**

The Mayor reconvened the City Council/Commission meeting at 6:00 p.m.

INVOCATION – was given by John Oropeza, Public Works Director

PLEDGE OF ALLEGIANCE – was led by Pamela Yugar, Recreation and Community Services Director

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Crespo, Infanzon, Rodriguez, Aceituno, Flores

ABSENT: None.

PRESENTATIONS

- Recognizing members of the Bell Gardens community who provided significant support to the fundraiser benefitting the victims of the recent earthquake in Haiti

CITY ATTORNEY REPORT FROM CLOSED SESSION

The City Attorney reported the Council/Commission recessed to Closed Session to discuss the two (2) items as listed on the agenda. In regard to Item No. a, the Council received a briefing

and no final action was taken. In regard to Item No. b., briefings and direction were given on both items and no final action was taken.

PUBLIC HEARINGS - None

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

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

Lissette Saavedra spoke on Agenda Item No. 8.

CONSENT CALENDAR (Items No. 1 – 9)

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 26934) 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 read all Ordinances by title only and waive the reading in full.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to read all Ordinances by title only and waive the reading in full.

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

2. MINUTES

April 12, 2010 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to approve the minutes.

AYES: Crespo, Infanzon, Rodriguez, Aceituno, Flores
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	03-30-10 (Check #'s 12270 - 12272)	\$1,451.96
Warrant Registers	04-05-10 (Check # 12273)	<u>\$22.96</u>
	Total	\$1,474.92

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.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to receive and file the above referenced transactions.

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

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	03-30-10 (Check #'s 132179 - 132241)	\$390,140.58
Wire Transfers	03-25-10 (Wire's 769-770 & Payroll)	\$448,591.23
Warrant Registers	04-05-10 (Check #'s 132242 - 132330)	\$396,181.16
	Total	\$1,234,912.97

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.

This item was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo requested and received clarification regarding the Shotspotter warrant.

A motion was made by Councilmember Crespo, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to receive and file the above referenced transactions.

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

5. AWARD OF CONSTRUCTION CONTRACT FOR PHASE II TRUCK IMPACTED INTERSECTION IMPROVEMENT PROJECT

On June 22, 2009, the City Council approved a cooperative agreement with the Gateway Cities Council of Governments for construction of the Phase II Truck-Impacted Intersection Improvement Project. The project consists of replacing existing traffic

controller assemblies, pedestrian indications, pedestrian pushbuttons, safety lighting, pertinent striping and marking changes for the intersections of Ajax Avenue and Florence Avenue and Jaboneria Avenue and Florence Avenue. The Notice inviting bids was advertised on March 11, 2010 and the bid opening was held on March 31, 2010. A total of seven (7) bids were received and California Professional Engineering, Inc. was determined to be the lowest responsive and responsible bidder.

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

- 1) Award a construction contract in the amount of \$208,608.00 to California Professional Engineering, Inc. for the Phase II Truck Impacted Intersection Improvement Project; and
- 2) Authorize staff to issue change orders up to fifteen percent (15%) of the contract award during the course of the project in order to maximize the Gateway Cities Council of Government's grant funding for this project.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to approve the item, as recommended by staff.

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

6. 10-DAY REPORT FOR URGENCY ORDINANCE NO. 824-U, MEDICAL MARIJUANA DISPENSARIES MORATORIUM

Pursuant to Government Code Section 65858(d), staff shall prepare, and the City Council shall receive and file a written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 824-U, at least ten (10) days prior to the expiration of the moratorium or any extension. Urgency Ordinance No. 824-U was adopted by the City Council on July 13, 2009.

Recommendation: It is staff's recommendation that the City Council receive and file this report pursuant to Government Code Section 65858(d) describing measures taken by the City to alleviate conditions that led to the adoption of Interim Urgency Ordinance No. 824-U Medical Marijuana Dispensaries Moratorium.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to receive and file this report, as recommended by staff.

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

7. TREASURER'S REPORT – MARCH 2010

The Treasurer's Report has been prepared and submitted for the month of March 2010.

Recommendation: It is staff's recommendation that the City Council receive, approve, and file the Treasurer's Report for the month of March 2010.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to receive, approve, and file the Treasurer's Report for the month of March 2010.

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

8. AMENDMENT TO THE RULES OF DECORUM AND RULES OF ORDER AT CITY COUNCIL MEETINGS

Resolution No. 98-25 sets forth the City's "Rules of Decorum and Rules of Order for the Conduct of City Council Meetings." The City has substantial government interest in ensuring that City business is conducted in an efficient and orderly manner. The proposed amendments to the Rules of Decorum are lawful content neutral "time, place, and manner" restrictions aimed at allowing greater and more orderly access to City Council meetings by all members of the public. Tonight's proposed amendments include defining the appropriate use of signs, noise and amplification thereof, and memorializing the correct time allotted to each speaker.

Recommendation: It is staff's recommendation that the City Council approve Resolution No. 2010-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AMENDING THE RULES OF DECORUM AND RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to approve Resolution No. 2010-14.

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

9. MEMORIALIZATION OF APPROPRIATION OF FISCAL YEAR 2009-2010 ASSET FORFEITURE FUNDS FOR THE PURCHASE OF POLICE VEHICLES

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

- 1) Adopt Resolution No. 2010-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS APPROPRIATING ASSET FORFEITURE FUNDS FOR USE BY THE POLICE DEPARTMENT TO PURCHASE VEHICLES; and
- 2) Approve \$231,096.58 in Fiscal Year 2009-2010 Asset Forfeiture Funds as itemized below:
 - a) Authorize the purchase of six (6) V-8 Ford Crown Victoria black and white police vehicles from Wondries Fleet Group of Alhambra for a total purchase price of \$145,844.40 for use by the Patrol Division (cost includes purchase, tax, and tire fees); and
 - b) Authorize the conversion work of transferring all equipment from the old units to the six (6) new Ford Crown Victoria black and white police vehicles by 10-8 Retrofit, Inc. for a total price of \$9,811.86; and

- c) Authorize the pre-payment lease purchase of four (4) used 2010 Chevrolet Impala sedans from Enterprise Leasing Corporation, for a total purchase price of \$75,440.32 for use by the General Investigations Unit (cost includes prepayment, tax, and license)

This item was pulled for separate consideration by Councilmember Aceituno.

A motion was made by Councilmember Aceituno, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to approve Resolution No. 2010-15, and \$231,096.58 in Fiscal Year 2009-2010 Asset Forfeiture Funds as recommended and itemized by staff.

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

DISCUSSION ITEMS (Item No. 10)

COMMUNITY DEVELOPMENT COMMISSION ITEMS – None

CITY COUNCIL ITEMS

10. APPOINTMENT OF DELEGATE AND ALTERNATE TO ATTEND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENT’S GENERAL ASSEMBLY, MAY 5 – 7, 2010

The Southern California Association of Governments (SCAG) will host their General Assembly on May 5, 2010, in La Quinta, California. The current SCAG delegate is Priscilla Flores and alternate is Daniel Crespo. Tonight would be the appropriate night to take action if the Council would like to consider making any changes to the delegate and alternate for the purposes of attendance at the 2010 SCAG General Assembly.

Recommendation: It is staff’s recommendation that the City Council determine whether any of their members will be attending the 2010 SCAG General Assembly May 5 – 7, 2010, and make changes to the delegate and alternate, if necessary.

A motion was made by Mayor Flores, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to appoint Mayor Pro Tem Rodriguez as the alternate and Councilmember Infanzon as the delegate to attend the 2010 SCAG General Assembly.

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

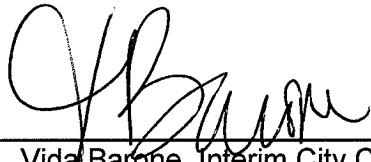
PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION

Ronald Garcia, SCE Representative, provided an update report to the Council

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

All Councilmembers made general comments.

ADJOURNMENT – The Mayor adjourned the meeting at 6:39 p.m.

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

Vidal Barone, Interim City Clerk