



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, MAY 11, 2009, 6:00 P.M.
MINUTES**

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

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

INVOCATION – The Invocation was led by John Oropeza, Public Works Director.

PLEDGE OF ALLEGIANCE - The 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, Aceituno, Rodriguez, Flores
ABSENT: None.

City Manager Steve Simonian requested that Item No. 14 be pulled from tonight's agenda and placed on a future agenda for consideration. A written policy will be submitted with the Ordinance in order to clarify the administration of the matter.

The City Manager also requested that the Recreation and Community Services fees be pulled from consideration on Item No. 1. Staff will return with additional analysis on those particular items.

PRESENTATIONS:

- Proclamation-National Police Week
- Appreciation to the Clergy Advisory for participation in the candlelight vigil
- Presentation from the Neighborhood Watch

The Mayor and Mayor Pro Tem thanked the Police Chief for his outstanding efforts and wished him well in the next steps of his career.

PUBLIC HEARINGS (Item No. 1)

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL ITEMS

1. Uniform Schedule of Fees

Recommendation: It is recommended that the City Council approve this proposal from staff for a uniform schedule of fees, by adopting Resolution No. 2009-11, A Resolution of the City Council of the City of Bell Gardens, California adopting a uniform schedule of fees.

A report was given by Nicholas Razo, Management Analyst. He noted that each Department provided current, actual and proposed cost analysis on each item. He further reported that the city-wide fees have not been reviewed in over twenty years.

The City Attorney noted that the Recreation and Community Service fees will not be considered as a part of tonight's item.

The City Attorney suggesting adopting the fees as recommended by staff and bringing back an Ordinance that requires an annual review of the city-wide fees.

The Mayor opened the public hearing and public comments.

Julia Emerson, representing Southern California Gas Company, acknowledged the need for the City to consider fees as part of their due diligence. She made inquiries regarding various Public Works fees and suggested certain changes.

Christina Garcia requested that the Council consider a gradual raising of the fees rather than raising the fees all at one time.

The Mayor closed public comments and the public hearing.

In response to an inquiry from Councilmember Infanzon, the City Manager estimated that over the course of time millions of dollars have been lost from the General Fund from neglecting to properly review fees.

Councilmember Crespo expressed concern regarding the proposed fees and supported a gradual fee increase. He requested a chart showing when the fees were last reviewed by the City Council. He requested a smaller increase than what is proposed.

In response to an inquiry from Councilmember Aceituno, the City Manager noted that clarification of the fees mentioned by Ms. Emerson will be included on a future agenda.

A motion was made by Mayor Flores and seconded by Mayor Pro Tem Rodriguez, to approve Resolution No. 2009-11, with the exception of the proposed Recreation and Community Services fees and the utilities and utility cuts on service mains was not carried pursuant to a 2 -2 - 1 vote.

Councilmember Crespo noted that the Police Department proposed a reasonable fee increase several years ago and was not in support of tonight's proposed action.

AYES: Rodriguez, Flores
NOES: Crespo, Aceituno
ABSTAIN: Infanzon

A substitute motion was made by Mayor Flores, seconded by Councilmember Aceituno, and carried (5 - 0) to continue this matter to an agenda within thirty (30) days, to include information regarding utilities and utility cuts on service mains, and to include information as to when the fees were last reviewed and adopted by the City Council.

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

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

Elisa Rudolph-Perez spoke in support of Item No. 18.

Haze Lynn spoke in support of Item No. 8.

Ron Hoyt suggested that certain costs not prohibit members of the community from accessing public documents. He also requested the City consider access to Council meeting DVD's at the Public Library.

CONSENT CALENDAR (Items No 2 – 17)

A motion was made by Councilmember Aceituno, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to approve Consent Calendar Item Nos. 2, 3, 5, 9, 10, 11, 12, 13, 15, 16, and 17. Item No 14 was pulled from the Consent Calendar for consideration at a future meeting. Item Nos. 4, 6, 7, and 8 were pulled from the agenda for separate consideration.

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

2. General Motion to read all Ordinances by title only

Recommendation: Read all Ordinances by title only and waive the reading in full.

3. Minutes

April 27, 2009 – Regular Meeting Minutes

Recommendation: Approve the minutes

COMMUNITY DEVELOPMENT COMMISSION ITEMS

4. Warrants

Warrant Register dated 4/23/09 (CK#12031-12032, \$311,760.00), for a total amount of \$311,760.00.

Warrant Register dated 5/11/09 (CK#12035-12043, \$427,927.98), for a total amount of \$427,927.98.

Recommendation: Approve the warrants

This item was pulled for separate consideration by Councilmember Aceituno.

CITY COUNCIL ITEMS

5. Warrants

Warrant Registers dated 4/23/09 (CK#128381-128421, \$421,491.30), Wire transfer dated 4/23/09 (CK#721-723, \$438,956.34) for a total amount of \$860,447.64.

Warrant Registers dated 5/11/09 (CK#128422-128569, \$264,989.80) for a total amount of \$264,989.80.

Recommendation: Approve the warrants

6. Adoption of Ordinance No. 820 – Amendments to Bicycle Registration Program.

Recommendation: It is recommended that the City Council adopt Ordinance No. 820, An Ordinance of the City Council of the City of Bell Gardens, California amending Sections 13.40.020, 13.40.040, 13.40.060, and 13.40.070 and Chapter 13.40 of the Bell Gardens Municipal Code related to Bicycles, read the Ordinance by title only, and direct the City Council to publish a summary of the Ordinance upon adoption.

This item was pulled for separate consideration by Councilmember Crespo.

7. Adoption of Ordinance No. 821 – Amendment to Fireworks Program

Recommendation: It is recommended that the City Council introduce Ordinance No. 821, An Ordinance of the City Council of the City of Bell Gardens, California amending Sections 16.40.060 and 16.40.080 and Chapter 16.40 of the Bell Gardens Municipal Code related to Fireworks, read the Ordinance by title only, and direct the City Council to publish a summary of the Ordinance upon adoption.

This item was pulled for separate consideration by Councilmember Crespo.

8. Resolution 2009-13 Supporting SB250 Pet Responsibility Act

Recommendation: It is recommended that the City Council approve Resolution No. 2009-13; A Resolution of the City Council of the City of Bell Gardens, California, in support of Senate Bill 250, the California Pet Responsibility Act.

This item was pulled for separate consideration by Councilmember Crespo.

9. Resolution 2009-14 Urging the Golden State Water Company to seek and apply for grant funding from First 5 LA

Recommendation: It is recommended that the City Council approve Resolution No. 2009-14; A Resolution of the City Council of the City of Bell Gardens urging the Golden State Water Company to seek and apply for grant funding from first 5 LA for installation of fluoridation treatment facilities.

10. Award of construction for Water Main Replacement (Foster Bridge Blvd., and Loveland Street) Project

Recommendation: It is recommended that the City Council by motion 1) award the construction contract for Water Main Replacement (Foster Bridge Blvd and Loveland Street) Project and 2) Authorize a 10% contingency for change order incidentals throughout the duration of the Project.

11. Approval of Plans and Specifications and Solicitation of Bids for the City wide Street Overlay Project Phase I

Recommendation: It is recommended that the City Council by motion approves the plans and specifications and authorizes solicitation of bids for the Citywide Street Overlay Project Phase I.

12. Approval of Plans and Specifications and Solicitation of Bids for the City wide Street Overlay Project Phase II

Recommendation: It is recommended that the City Council by motion approves the plans and specifications and authorizes solicitation of bids for the Citywide Street Rehabilitation Project Phase II.

13. Approval of Chlorination Control System Upgrades for Water Well No. 1

Recommendation: It is recommended that the City Council by motion approve the appropriation of \$30,000 from the Water System Fund to pay for the Chlorination Control System Upgrades for Water Well No. 1 and authorize Arden and Associates to perform the work due to the urgent need to put the Water Well back on-line.

14. Nuisance Party-Cost Recovery

Recommendation: It is recommended that the City Council adopt Ordinance No. 817, An Ordinance of the City Council of the City of Bell Gardens adding Chapter 25 to Title 16 of the Bell Gardens Municipal Code, establishing a cost recovery for Police services at large parties that constitute a nuisance on private property, reading by title only and waiving the reading in full.

This item was pulled from consideration from tonight's agenda. It will be placed on a future agenda along with a written policy for clarification purposes.

15. Treasurer's Report for the month of March 2009

The Treasurer's Report has been prepared and submitted for the month of March 2009.

Recommendation: It is recommended that the City Council approve the Treasurer's Report.

16. AB1234 Conference Report

Pursuant to the requirement of AB 1234, a report is required by any elected official attending a conference or seminar at the City's expense.

Recommendation: It is recommended that the City Council receive and file this report.

17. SEAACA Dog License Canvassing

Recommendation: It is recommended that the City Council by motion authorize the Recreation and Community Services Department to process payment in the amount of \$23,200 from 110-4660-1600 to the Southeast Area Animal Control Authority (SEAACA) for a dog license canvassing to be held in July 2009.

ITEMS PULLED FROM THE CONSENT CALENDAR FOR SEPARATE CONSIDERATION

4. Warrants

Warrant Register dated 4/23/09 (CK#12031-12032, \$311,760.00), for a total amount of \$311,760.00.

Warrant Register dated 5/11/09 (CK#12035-12043, \$427,927.98), for a total amount of \$427,927.98.

Recommendation: Approve the warrants

This item was pulled for separate consideration by Councilmember Aceituno.

In response to an inquiry from Councilmember Aceituno, Kim Krause, Finance and Administrative Services Director, noted that the ERAF payment will be voided.

A motion was made by Councilmember Aceituno, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to approve the warrants with the exception of the ERAF payment.

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

6. **Adoption of Ordinance No. 820 – Amendments to Bicycle Registration Program.**

Recommendation: It is recommended that the City Council adopt Ordinance No. 820, An Ordinance of the City Council of the City of Bell Gardens, California amending Sections 13.40.020, 13.40.040, 13.40.060, and 13.40.070 and Chapter 13.40 of the Bell Gardens Municipal Code related to Bicycles, read the Ordinance by title only, and direct the City Council to publish a summary of the Ordinance upon adoption.

This item was pulled for separate consideration by Councilmember Crespo.

The City Manager provided clarification that this item was proposed to establish “one-stop shops” for various City services.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Infanzon, and carried (5 – 0) to adopt Ordinance No. 820.

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

7. **Adoption of Ordinance No. 821 – Amendment to Fireworks Program**

Recommendation: It is recommended that the City Council introduce Ordinance No. 821, An Ordinance of the City Council of the City of Bell Gardens, California amending Sections 16.40.060 and 16.40.080 and Chapter 16.40 of the Bell Gardens Municipal Code related to Fireworks, read the Ordinance by title only, and direct the City Council to publish a summary of the Ordinance upon adoption.

This item was pulled for separate consideration by Councilmember Crespo.

The City Manager provided clarification that this item was proposed to establish “one-stop shops” for various City services.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Infanzon, and carried (5 – 0) to adopt Ordinance No. 821.

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

8. **Resolution 2009-13 Supporting SB250 Pet Responsibility Act**

Recommendation: It is recommended that the City Council approve Resolution No. 2009-13; A Resolution of the City Council of the City of Bell Gardens, California, in support of Senate Bill 250, the California Pet Responsibility Act.

This item was pulled for separate consideration by Councilmember Crespo.

The City Manager provided clarification regarding the current legislative history of this item.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Infanzon, and carried (5 – 0) to approve Resolution No. 2009-13.

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

DISCUSSION ITEMS

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL ITEMS – (Item No. 18)

18. Consideration of \$1,000.00 contribution to the American Cancer Association (Requested by Councilmember Crespo)

Councilmember Crespo requested that Ms. Rudolph-Perez, American Cancer Society, make a brief presentation to the City Council.

Mayor Pro Tem Rodriguez expressed her support for the American Cancer Society's programs and offered her personal assistance. She requested that she be excused from the remainder of the meeting.

Councilmember Infanzon expressed support for the American Cancer Society's programs and encourage members of the community to get involved with education regarding early cancer detection.

Councilmember Crespo requested that Ms. Rudolph-Perez consider conducting a community cancer screening in the City of Bell Gardens.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (4 – 0) to approve a \$1,000.00 donation to the American Cancer Society.

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

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)

Noel Madrigal thanked the Police Chief for his continued service and wished him well in his new City.

Marthaane Viurquiz congratulated the Chief on his new opportunity and noted that the Month of May as the Month for Teen Pregnancy Prevention. She noted an on-going issue with speeding on her residential block and requested a speed bump review.

Gerardo Maricortia congratulated the Chief on his new opportunity in the City of San Bernardino.

Ms. Cabral spoke on behalf of her father, Hector Cabral, and thanked the Chief for his outstanding work in the community

Michelle Gutierrez, California Center for Public Health Advocacy, to mention brief statistics regarding children's health and the work of her organization.

Christina Garcia suggested that the City consider placing public documents on-line for easier public access.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS:

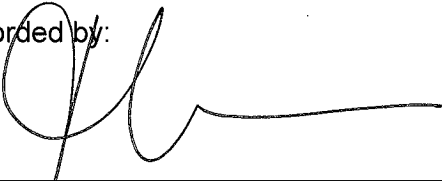
Councilmember Crespo thanked all who participated in tonight's meeting. He welcomed the new Finance and Community Development Directors. He requested that the City Manager consider directing staff to place certain documents, such as the budget, Resolutions, and Ordinances, in .pdf format on the City's webpage to increase public access. He expressed support for a program where the City could assist homeowners directly with the current mortgage crisis.

Councilmember Infanzon thanked all who came to the meeting tonight and thanked Chief Kilmer for a job well done and wished him success in his new endeavors.

Councilmember Aceituno thanked all who stayed and participated in the Council meeting. He thanked the representatives from the American Cancer Society for all of their outreach efforts. He wished the Police Chief success in his new position in San Bernardino. He welcomed the new Department Directors to the City of Bell Gardens.

Mayor Flores thanked those who stayed and participated in the meeting and welcomed the new Finance and Community Development Directors to the City. She thanked the Chief for a job well done and wished him well in his new position.

ADJOURNMENT – Noting no further items to come before the Council/Commission, the Mayor adjourned the meeting at 8:26 p.m. in recognition of Chief Kilmer.

Recorded by: 

Vida Barone, Interim City Clerk