



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, NOVEMBER 23, 2009, 5:00 P.M.
MINUTES**

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

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

CALL TO ORDER – The meeting was called to order at 5:00 pm.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Council/Commissioner Crespo, Infanzon, Aceituno, Rodriguez, Flores
ABSENT: None.

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

CLOSED SESSION:

It was announced that the Council/Commission would recess to Closed Session to discuss the following:

- a. **CONFERENCE WITH LABOR NEGOTIATORS
(Government Code section 54957.9)**
Agency Negotiators – G. Steve Simonian, Phil Wagner, Kim Krause
Employee Organizations – Public Works Supervisors Association, Public Works Association, Police Officer's Association, Police Management Association and City Employees Association.

RECONVENED TO OPEN SESSION – 6:00 pm

INVOCATION – led by John Oropeza, Director of Public Works

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

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Council/Commissioner Crespo, Infanzon, Aceituno, Rodriguez, Flores
ABSENT: None.

CITY ATTORNEY'S REPORT FROM CLOSED SESSION

Council/Commission met in Closed Session to discuss one item as listed on the agenda. No action was taken and there was nothing further to report.

PRESENTATIONS

- Presentation of the City’s video for the LA EDC “Most Business Friendly Award”
- Presentation of the LA84 Foundation Program and its funding for the Bell Gardens Neighborhood Youth Center

PUBLIC HEARINGS

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL ITEMS – (Item No. 1)

1. Golden State Water Company - Franchise Agreement Renewal

Golden State Water Company (Company) was originally granted a 20-year franchise agreement (agreement) to operate a private water utility within three-quarters of the City on June 24, 1974. The agreement was renewed for 5-year increments in 1994, 1999, and 2004, pursuant to the Public Utilities Code of the State of California. On October 26, 2009, the City Council approved Resolution No. 2009-37 declaring its intent to renew the agreement for an additional 5 years through the conduct of a public hearing. The agreement will require the Company to pay the City 2% of its gross annual receipts derived from the agreement, but not less than 1% of its gross annual receipts derived from the sale of water within the City.

Recommendation: It is staff’s recommendation that:

- 1) the City Council opens the public hearing to consider approval of the renewal agreement, hear any public testimony, and consider any protests received to determine their sufficiency, and;
- 2) Introduce Ordinance 829: An Ordinance of the City Council of the City of Bell Gardens, California granting to Golden State Water Company, Its Successors and Assigns, a Franchise to lay and use pipes, ditches, flumes, conduits, and appurtenances, for transmitting and distribution water for any and all purposes in, along, across, upon, and under the public streets, ways, alleys, and places as they new exist within the City of Bell Gardens.

The Mayor opened the public hearing and public comments.

There were no public comments.

The Mayor closed public comments and the public hearing.

A motion was made by Councilmember Aceituno, seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to introduce and conduct first reading of Ordinance No. 829 by title only and waive the reading in full, approve the franchise agreement with Golden State Water Company, and authorize and instruct staff to schedule Ordinance No. 829 for a second reading and adoption.

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) – None.

CONSENT CALENDAR (Items No. 2– 14)

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Infanzon, and carried (5 – 0) to approve Consent Calendar Item Nos. 2, 3, 4, 5, 6, 7, 9, 10, 11 and 14. Items No. 8, 12 and 13 were pulled for separate discussion.

AYES: Council/Commissioner Crespo, Infanzon, Aceituno, Rodriguez, Flores
NOES: None.

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 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.

3. Minutes

October 26, 2009 – Regular Meeting Minutes

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

COMMUNITY DEVELOPMENT COMMISSION ITEMS

4. Warrant Registers dated 10/15/09 (\$166,659.48), 10/28/09 (\$1,168.33) and 11/09/09 (513,524.66)

Recommendation: It is staff's recommendation that the Community Development Commission receive and file the warrant registers dated 10/15/09, 10/28/09 and 11/09/09. 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.

5. Findings to support use of Redevelopment Funds (Project Area One and Central City Redevelopment Project Area) for implementation of improvements related to economic development initiatives.

California Redevelopment Law requires the adoption of a resolution making certain findings prior to utilizing redevelopment funds to pursue projects which will enhance the visual attractiveness of the City's gateways and business corridors and facilitate continued growth and economic stability for the business community. Planned projects include: Final Phase of the Gateway and Wayfinding Sign Improvement Program, holiday banners on business corridors, and business property improvements within and outside of the redevelopment project areas.

Recommendation: It is staff's recommendation that the Commission adopt Resolution No. 2009-03: A Resolution by the Bell Gardens City Council sitting as the Governing Board of the Community Development Commission of the City of Bell Gardens finding that the use of tax increment funds outside of the Bell Gardens Redevelopment Project Areas but within the City of Bell Gardens will be of benefit to the Redevelopment Project Areas.

CITY COUNCIL ITEMS

4. **Warrant Registers dated 10/20/09 (\$414,552.76), 10/27/09 (\$407,115.47 & \$458,907.40), 11/02/09 (\$204,426.99) and 11/09/09 (\$716,425.63 & \$473,495.90).**

Recommendation: It is staff's recommendation that the City Council receive and file the warrant registers dated 10/20/09, 10/27/09, 11/02/09 and 11/09/09. 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.

5. **Ford Parking Lighting Upgrade Project – Use of Community Development Block Grant (CDBG) and Energy Efficiency and Conservation Block Grant (EECBG) Funds.**

The current condition of the existing lighting system on the east side of Ford Park is substandard for public safety and recreational use conditions. The upgrade project will be funded through the use of \$130,000 in CDBG funds and \$182,000 of EECBG funding. Funds for this project are included within the Public Works Department Capital Improvement Project budget for Fiscal Year 2009-2010.

Recommendation: It is staff's recommendation that the City Council approve the use of CDBG and EECBG funding for improved energy efficient lighting at the east side of Ford Park in the total amount of \$312,000.

6. **Purchase of equipment to support Graffiti Abatement Program – Use of Community Development Block Grant (CDBG) Funds.**

The two pressure washers/sandblasters used to support the Graffiti Abatement Program are outdated and in need of replacement. The equipment will be replaced by tools that are fuel efficient and have lighter emissions. The cost estimate, based on the lowest of three (3) bids, is \$19,000. The purchase of the equipment will be funded through the use of existing CDBG funds.

Recommendation: It is staff's recommendation that the City Council approve the use of CDBG funding in the amount of \$19,000 for the purchase of two (2) new pressure washers/sandblasters to support the Graffiti Abatement Program.

7. **Consideration of an expansion of the Underground Utility District (UUD) on Park Lane and Scout Avenue (from Garfield Avenue to Clara Street).**

In 2008, the Council established an UUD through Southern California Edison (SCE), for the use of the City's reserved Rule 20A funds. The project was stalled due to costs

exceeding the available funding. In September 2009, SCE notified the City that the project work for the UUD can begin in 2012 and that the project area may be extended to include a full segment of Park Lane and Scout Avenue from Garfield Avenue to Clara Street. The City must go through the formation process in order to extend the limits of the UUD to Garfield Avenue.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2009-39: A Resolution of the City Council of the City of Bell Gardens to consider the formation of the Underground Utility District No. 2009-01 on Park Lane, setting a public hearing for December 14, 2009, 6:00 p.m., and directing the City Clerk to notify affected persons as indicated.

8. Proposed lease of water rights to the City of Lynwood

The City solicited bids in May 2009 to lease its 1,000 acre feet of excess water rights (with "flex") in the Central Ground Water Basin. The City Council approved the lease of 500 acre feet to two water agencies at its July 13, 2009 Council Meeting. Staff solicited bids for the remaining 500 acre feet in August 2009. The bid proposal from the City of Lynwood, totaling \$40,500.00, consisted of leasing 300 acre feet at the rate of \$135.00 per acre foot.

Recommendation: It is staff's recommendation that the City Council accept the bid proposal from the City of Lynwood for the lease of water rights in the amount of \$40,500.00 and authorize the Mayor to execute the Water Right License and Agreement.

This item was pulled for separate consideration by Councilmember Aceituno

Councilmember Aceituno requested information on whether the old equipment was going to be disposed of or sent to auction.

John Oropeza, Director of Public Works assured him that if the equipment is still in good condition, it will be placed for auction.

A motion was made by Councilmember Aceituno seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to accept the bid proposal from the City of Lynwood for the lease of water rights.

AYES: Crespo, Infanzon, Aceituno, Rodriguez, Flores

NOES: None.

9. Treasurer's Report for the month of September and October 2009

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

Recommendation: It is recommended that the City Council approve the Treasurer's report for the month of September and October 2009.

10. Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association, the Bell Gardens Public Works Supervisors Association and the Bell Gardens Public Works Employees Association

One-year contracts have been negotiated with the City Employees Association, the Public works Supervisors Association and the Public Works Employees Association.

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

- 1) Resolution No. 2009-42, A Resolution of the City Council of the City of Bell Gardens, California, adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association;
- 2) Resolution No. 2009-43, A Resolution of the City Council of the City of Bell Gardens, California adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens Public Works Supervisors Association; and
- 3) Resolution No. 2009-44, A Resolution of the City Council of the City of Bell Gardens, California, adopting the Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens Public Works Employees Association.

11. Consideration of Claim Rejections

The City's claims management company, Carl Warren & Co., recommends rejection of the claims filed by Reina Marroquin (filed on September 1, 2009, alleging vehicle damage from driving into a curb) and Sylvia Cortez (filed on October 29, 2009, alleging that a City tree fell onto and damaged her vehicle).

Recommendation: It is staff's recommendation that the Bell Gardens City Council reject the claims filed by Reina Marroquin and Sylvia Cortez, respectively.

12. Adoption of Measure R Guidelines for the City's receipt and use of Local Return (LR) funds for transportation purposes

In order to receive the \$240,848 per capita allocation of Measure R LR funds, the City must sign and return an "Assurances and Understandings" Agreement (agreement) adopting the Measure R guidelines to the Los Angeles County Metropolitan Transportation Authority (LACMTA). Measure R specifies that LR funds are to be used for transportation purposes only. The amount of \$240,848 has been included as part of the City's Capital Improvement Program budget for Fiscal Year 2009-2010.

Recommendation: It is staff's recommendation that the City Council authorize the City Manager to execute the Assurances and Understandings Agreement adopting the Measure R guidelines and return such to the LACMTA.

This item was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo expressed his concerns regarding the language on pages 148, 150 and 183 of the agenda.

The City Manager provided a brief clarification of the language.

A motion was made by Councilmember Crespo seconded by Mayor Pro Tem Rodriguez, and carried (5 – 0) to authorize the City Manager to execute the Assurances and Understandings Agreement adopting the Measure R guidelines and return such to the LACMTA.

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

13. Consideration of Claim Rejections

The City's claims management company, Carl Warren & Co., recommends rejection of the claims filed by Reina Marroquin (filed on September 1, 2009, alleging vehicle damage from driving into a curb) and Sylvia Cortez (filed on October 29, 2009, alleging that a City tree fell onto and damaged her vehicle).

Recommendation: It is staff's recommendation that the Bell Gardens City Council reject the claims filed by Reina Marroquin and Sylvia Cortez, respectively.

This item was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo expressed his concern for resident's claims being denied without compensating them for any damage the City might have caused unintentionally.

The City Manager assured him that when the City is "at fault", the claimants are reasonably compensated.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (5 – 0) to accept the bid proposal from the City of Lynwood for the lease of water rights.

AYES: Crespo, Infanzon, Aceituno, Rodriguez, Flores

NOES: None.

14. Adoption of Measure R Guidelines for the City's receipt and use of Local Return (LR) funds for transportation purposes

In order to receive the \$240,848 per capita allocation of Measure R LR funds, the City must sign and return an "Assurances and Understandings" Agreement (agreement) adopting the Measure R guidelines to the Los Angeles County Metropolitan Transportation Authority (LACMTA). Measure R specifies that LR funds are to be used for transportation purposes only. The amount of \$240,848 has been included as part of the City's Capital Improvement Program budget for Fiscal Year 2009-2010.

Recommendation: It is staff's recommendation that the City Council authorize the City Manager to execute the Assurances and Understandings Agreement adopting the Measure R guidelines and return such to the LACMTA.

DISCUSSION ITEMS

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL 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)

Lissette Saavedra expressed concerns regarding campaign practices of certain candidates.

Cristina Garcia expressed concerns regarding the increasing of fees for trash disposal services and the length of the City's contract with Athens.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

Councilmember Aceituno thanked staff for their hard work in creating the LAEDC video rather than contracting with an outside company.

Councilmember Infanzon thanked those who attended tonight's meeting and requested that the community keep their positive attitude towards the Council's decisions on new upcoming improvements in the City.

Councilmember Crespo thanked Pamela Yugar and her department for creating a wonderful video. He also requested to have the City Manager's Office look into providing financial support to Bell Gardens Intermediate school students for a field trip to Washington D.C.

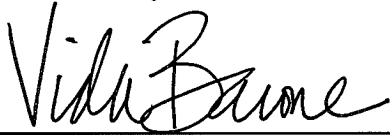
The City Manager requested that Councilmember Crespo forward his request to the City Manager's Office for further review.

Mayor Pro Tem Rodriguez thanked staff members for an outstanding job in assisting the Council with residents request forwarded to their departments.

Mayor Flores thanked everyone for attending tonight's meeting and thanked staff for their great efforts in seeking grants for the City's benefit.

ADJOURNMENT – Noting no further business to come before the Council, the Mayor adjourned the meeting at 6:47p.m.

Recorded by:



Vida Barone, Interim City Clerk