



**CITY OF BELL GARDENS**  
**CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION**  
**REGULAR MEETING - CLOSED SESSION**  
**MONDAY, SEPTEMBER 28, 2009, 5:00 P.M.**  
**MINUTES**

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

**CALL TO ORDER** – The Mayor/Chair called the meeting to order at 5:00p.m.

**ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS**

PRESENT: Crespo, Infanzon, Rodriguez, Flores  
ABSENT: Aceituno

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

**CLOSED SESSION:**

City Attorney/Agency Counsel Arnold Glasman announced the following Closed Session items:

- a. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.9)**  
Agency Negotiators – Richard Kreisler, 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.
- b. **PUBLIC EMPLOYMENT (Government Code Section 54957)**  
Position-Chief of Police
- c. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Government Code Section 54956.9)**  
One potential case

**CALL TO ORDER** – The Mayor/Chair reconvened the meeting to open session at 6:00p.m.

**INVOCATION** – was given by John Oropeza, Director of Public Works

**PLEDGE OF ALLEGIANCE** – was led by Pamela Yugar, Director of Recreation & Community Services

**ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS**

PRESENT: Crespo, Infanzon, Rodriguez, Flores  
ABSENT: Aceituno

## **CITY ATTORNEY'S REPORT FROM CLOSED SESSION**

City Attorney/Agency Counsel Arnold Glasman made the following report:

**a. CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code section 54957.9)**

Council/Commission received a briefing from Labor Negotiators, no final action taken, and there was nothing further to report.

**b. PUBLIC EMPLOYMENT (Government Code Section 54957)  
Position-Chief of Police**

Council/Commission received a report, no final action taken, and there was nothing further to report.

**c. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Government Code Section 54956.9)**

One potential case

Council/Commission received a report, no final action taken, and there was nothing further to report.

## **PRESENTATIONS**

- Proclamation-Water Replenishment District (WRD) 50<sup>th</sup> Anniversary

## **PUBLIC HEARINGS**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS - None**

**CITY COUNCIL ITEMS - None**

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

William Litvak spoke on item no. 6.

## **CONSENT CALENDAR (Items No. 1– 9)**

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Infanzon, and carried (4 – 0) to approve Consent Calendar Item Nos. 1, 2, 3, 4, and 9. Item Nos. 5, 6, 7 and 8 were removed from the Consent Calendar for separate consideration.

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

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

**2. Minutes**

September 14, 2009 – Regular Meeting Minutes

**Recommendation:** Approve the minutes.

**COMMUNITY DEVELOPMENT COMMISSION ITEMS**

**3. Warrants**

Warrant Register dated 9/01/09 (CK#12110-121113, \$2,924.64), Warrant Register dated 9/01/09 (CK#12114-12116, \$6,711.76), Warrant Register dated 09/08/09 (CK#12117-12118, \$3,948.77), Warrant Register dated 09/08/09 (CK#12119-12121, \$412,408.53) for a total amount of \$425,993.70.

**Recommendation:** It is recommended that the Community Development Commission receive and file the warrant registers dated 09/01/09, and 09/08/09. 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.

**CITY COUNCIL ITEMS**

**4. Warrants**

Warrant Register dated 8/31/09 (CK#129792, \$7,989.05), Warrant Register dated 9/01/09 (CK#129793-129891, \$576,731.04), Wire Transfer dated 9/01/09 (CK#738-739 & Payroll, \$505,356.16), Warrant Register dated 9/01/09 (CK#129892-129898, \$5,004.70), Warrant Register dated 09/08/09 (CK#129899-129952, \$183,616.33), Warrant Register dated 09/08/09 (CK#129953-129961, \$28,851.12), Warrant Register dated 09/14/09 (CK#129962-130026, \$328,315.63), Wire Transfer dated 09/14/09 (CK#740-741 & Payroll, \$573,692.74) for a total amount of \$2,209,556.77.

**Recommendation:** It is recommended that the City Council receive and file the warrant registers dated 08/31/09, 09/01/09, 09/08/09 and 09/14/09. 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. Second Reading - Ordinance No. 826**

**Recommendation:** It is recommended that the City Council conduct a second reading by title only and adopt Ordinance No. 826, An Ordinance of the City Council of the City of Bell Gardens amending the zoning designation from commercial manufacturing to mixed used for the property located at 6460 Gage Avenue, Bell Gardens.

This item was pulled for separate consideration by Councilmember Crespo

Councilmember Crespo noted that he did not live within a 500 foot radius of this project.

A motion was made by Councilmember Crespo, seconded by Mayor Pro Tem Rodriguez, and carried (4 – 0) to adopt Ordinance No. 826, An Ordinance of the City Council of the City of Bell Gardens amending the zoning designation from commercial manufacturing to mixed used for the property located at 6460 Gage Avenue, Bell Gardens.

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

**6. City Prosecutor and Code Enforcement Legal Services**

City staff requires the assistance of outside legal counsel to prosecute code enforcement matters that cannot be resolved through staff interaction with the affected party. Therefore, staff seeks the approval to utilize the legal services of Olivarez & Hogan, P.C. to prosecute these matters, and provide legal counsel on general code enforcement issues. The cost for the services being requested is rendered in an hourly rate of \$140 for its firm's partners and \$115 for its Associates. The funds for these services are allocated under the City Attorney budget for Fiscal Year 2009-2010.

**Recommendation:** It is recommended that the City Council approve an agreement for Legal Services with Olivarez & Hogan, P.C. to represent the City of Bell Gardens as the City Prosecutor and provide code enforcement legal counsel.

This item was pulled for separate consideration by Councilmember Crespo

Councilmember Crespo expressed that he would like to see a full Request for Proposals process conducted prior to the selection of a City prosecutor and Code Enforcement Legal Services.

Councilmember Crespo requested information on the rates charged by the City's current City Prosecutor and Code Enforcement Legal Services Provider.

A motion was made by Mayor Flores, seconded by Mayor Pro Tem Rodriguez, and carried (4 – 0) to continue the item to the next regular City Council Meeting.

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

**7. Ordinance No. 828-Amending The Bell Gardens Municipal Code to allow for Local Regulation of Sex Offenders**

The Police Department proposes that the City Council adopt the proposed ordinance to expand residency restrictions and establishing loitering provisions for sex offenders.

**Recommendation:** It is recommended that the City Council introduce, conduct first reading of Ordinance No. 828, An Ordinance of the City Council of the City of Bell Gardens amending title 17 "Public Peace, Morals, and Welfare" of the Bell Gardens Municipal Code by expanding sex offender residency restrictions, imposing loitering restrictions on sex offenders and providing a means of enforcement for purposes of advancing protection to children and potential victims of sex offenders, and read by title only waive the reading in full and authorize and instruct staff to schedule Ordinance No. 828 for a second reading and adoption for the City Council meeting of October 12, 2009.

This item was pulled for separate consideration by Mayor Pro Tem Rodriguez

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Crespo, and carried (4 – 0) to introduce the proposed Ordinance No. 828 and instruct staff to schedule Ordinance No. 828 for a second reading and adoption for the City Council meeting of October 12, 2009.

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

**8. Award of construction contract for the Citywide Street Rehabilitation/ARRA Phase II Project (Garfield Avenue, from Florence Avenue to Loveland Street and Loveland Street, from Garfield Avenue to Suva Street)**

The American Recovery and Reinvestment Act (ARRA) of February 17, 2009 contains a transportation program that included funds for both highway and public transit infrastructure. The City of Bell Gardens has been conditionally granted the amount of \$450,975 for the Citywide Street Rehabilitation/ARRA Phase II Project. The Notice Inviting Bids for this project was advertised in the Eastside Sun on August 13, 2009, as well as various construction industry publications and a total of seven (7) bids were received. Staff conducted the bid review and concluded that Hardy & Harper, Inc. was the lowest responsive bidder (\$373,000), was in compliance with Federal requirements and references checked revealed that the contractor's prior work had been completed satisfactorily. It is anticipated that the duration of the construction will be approximately 25 working days.

**Recommendation:** It is recommended that the City Council by motion 1) Award the construction contract to Hardy & Harper Inc. for the Citywide Street Rehabilitation Phase II Project, and 2) Authorize staff to issue change orders during the course of the project to maximize the amount of ARRA funds that have been allocated to the City.

This item was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo and Mayor Pro Tem Rodriguez recused themselves from participation on this item and left the Council Chamber.

This item was continued to a future meeting and there was no final action taken by the Council.

**9. Treasurer's Report for the month of August 2009**

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

**Recommendation:** It is recommended that the City Council approve the Treasurer's Report for the month of August 2009.

**DISCUSSION ITEMS**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS - None**

**CITY COUNCIL ITEMS (Item No. 10)**

**10. Commission Appointments**

**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.

The City Council directed staff to place this item on the upcoming agenda. There was no final action taken.

**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)**

Maria Padilla thanked the Police Department for taking action against gang members.

**CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS**

Councilmember Crespo thanked the Police Department and the City Manager for their gang suppression efforts. He requested that the meeting be closed in memory of a senior center participant, "Maria."

Councilmember Infanzon thanked the Police Department for their efforts.

Mayor Pro Tem Rodriguez thanked the Police Department for their efforts and noted that sense of community growing in the City.

Mayor Flores thanked the entire staff for their hard work. She also noted the efforts of the Neighborhood Watch program participants.

**ADJOURNMENT** – The Mayor/Chair adjourned the meeting at 6:43p.m. in memory of "Maria."

Recorded by:



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Vida Barone, Interim City Clerk