



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, AUGUST 10, 2009, 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: Council/Commission members 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:

City Attorney Alvarez-Glasman announced that the Council/Commission would recess to Closed Session to discuss the following item:

**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.

The Council/Commission reconvened to open session at 6:00 p.m.

INVOCATION – was given by Pamela Yugar, Recreation and Community Services Director

PLEDGE OF ALLEGIANCE – was led by Robert Curtis, Interim Chief of Police

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

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

CITY ATTORNEY REPORT FROM CLOSED SESSION

City Attorney Alvarez-Glasman reported the Council/Commission recessed to Closed Session to discuss the item listed on the agenda. No final action was taken on the matter and there was nothing further to report.

PRESENTATIONS

- Recognition of Sergio Calderon, Water Replenishment District of Southern California, for a donation of plastic bags to the City of Bell Gardens

- Good Corporate Citizen Recognition – Certi-Fresh Foods, Inc., Metal Surfaces, Inc. and Wei-Chuan USA, Inc.

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) – None.

CONSENT CALENDAR (Items No 1 – 12)

A motion was made by Mayor Pro Tem Rodriguez, seconded by Councilmember Aceituno, and carried (5 – 0) to approve Consent Calendar Item Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11. Item Nos. 2 and 12 were pulled for separate discussion.

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

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

June 24, 2009 – Special Meeting Minutes

June 29, 2009 – Special Meeting Minutes

July 13, 2009 – Regular Meeting Minutes

Recommendation: Approve the minutes.

This item was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo requested a list of all City-owned properties. The City Manager noted the list is in final review and will be provided to the Council.

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

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

COMMUNITY DEVELOPMENT COMMISSION ITEMS

3. Warrants

Warrant Registers dated 7/02/09 (CK#12071-12082, \$1,011,009.68), 7/13/09 (CK#12083-12091, \$21,715.46), 7/13/09 (CK#12092, \$65,525.92) for a total amount of \$1,098,251.06.

Recommendation: It is recommended that the Community Development Commission receive and file the warrant registers dated 07/02/09 and 07/13/09 and 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 members 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 7/02/09 (CK#129157-129184, \$51,530.05), Payroll Wire Transfer dated 7/02/09 \$375,667.04, Warrant Register dated 7/02/09 (CK#129185-129208, \$217,294.20), Wires Transfer dated 7/02/09 (CK#732-733, \$86,903.07), Warrant Registers dated 7/13/09 (CK#129017-129156, \$721,702.68), Warrant Registers dated 7/13/09 (CK#129209-129302, \$169,390.44), Warrant Registers dated 7/13/09 (CK#129303-129323, \$12,185.09), Wire Transfer dated 7/13/09 (CK#7333, \$87,629.90), Warrant Register dated 7/13/09 (CK#129324-129344, \$171,246.53), Payroll Wire Transfer dated 7/16/09 \$423,471.22), Warrant Register dated 7/16/09 (CK#129345-129383, \$319,718.20) for a total amount of \$2,636,738.42.

Recommendation: It is recommended that the City Council receive and file the warrant registers dated 07/02/09, 07/13/09, and 07/16/09 and 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 members 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. Treasurer's Report for the month of June 2009

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

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

6. AB 1234 Conference Reports

AB 1234 requires a local agency whose elected officials receive compensation or reimbursement for expenses related to travel incurred while carrying out their official duties to give a brief report to the governing body about the meetings and conferences they attend.

Recommendation: It is recommended that the City Council review and approve the brief report pertaining to the regulations under AB 1234.

7. Bicycle Casino request to add LET IT RIDE BONUS 1.0 Card Game

The Bell Gardens Police Department and the State of California Bureau of Gambling Control have reviewed the proposed game and its rules. This particular game is not specifically banned in § 330 of the Penal Code and the California Bureau of Gambling Control has already approved it in other California Card Clubs in the State of California. Pursuant to Bell Gardens Municipal Code 5.25.150, the City Council can approve additional games by resolution.

Recommendation: It is recommended that the City Council approve Resolution No. 2009-28, A Resolution of the City Council of the City of Bell Gardens approving the playing of Let it Ride Bonus 1.0 Card Game at the Bicycle Casino.

8. SEAACA Member City Annual Payment for Animal Control Services

Southeast Area Animal Control Authority (SEAACA) is a municipal joint-powers agency serving 13 cities. Bell Gardens is one of the owner agencies and, as a result, all animal control functions are contracted with SEAACA. The contract requires the City to make two yearly payments for animal control services.

Recommendation: It is recommended that the City Council authorize the Recreation & Community Services Department to approve payments to SEAACA not to exceed the amount of \$126,625.00 and to approve such payment on a three year cycle.

9. Resolution No. 2009-30 Approve State Program Supplement Agreement No. 007-N for the Citywide Street Overlay Phase I Project

The City of Bell Gardens applied for state funding to the California Department of Transportation (Caltrans) for use in developing and implementing the Citywide Street Overlay Project. A main provision of the funding is that the City secures prior approval from the administering agency before conducting project activities in order to be eligible for reimbursement funding. The City of Bell Gardens has been conditionally granted the amount of \$921,993 and executing the Supplement Agreement will result in reimbursable federal funding for this project.

Recommendation: It is recommended that the City Council 1) Approve Resolution No. 2009-30, thereby approving the Administering Agency-Program Supplement Agreement No. 007-N for the Citywide Street Overlay Phase I Project (Agreement) and 2) Authorize the City Manager or his designee, to execute the Administering Agency – Program Supplement Agreement on behalf of the City.

10. Resolution No. 2009-31 Approve the Supplement Agreement No. 008-N for Citywide Street Rehabilitation Phase II Project

The City of Bell Gardens applied for state funding to the California Department of Transportation (Caltrans) for use in developing and implementing the Citywide Street Rehabilitation Phase II. A main provision of the funding is that the City secures prior approval from the administering agency before conducting project activities in order to be eligible for reimbursement funding. The City of Bell Gardens has been conditionally granted the amount of \$450,975 and executing the Supplement Agreement will result in reimbursable federal funding for this project.

Recommendation: It is recommended that the City Council 1) Approve Resolution No. 2009-31, thereby approving the Administering Agency-Program Supplement Agreement No. 008-N for the Citywide Street Rehabilitation Overlay Phase II Project and 2) Authorize the City Manager or his designee, to execute the Administering Agency - Program Supplement Agreement on behalf of the City.

11. Resolution No. 2009-29 Approval of the Sewer System Management Plan (SSMP)

In May 2006, the California State Water Resources Control Board approved Waste Discharge Requirements (WDR's) and a Monitoring and Reporting Program (MMRP) for owners and operators of sanitary sewer systems. The WDR's requires both owners and operators to comply with different requirements. One of these requirements is to prepare and implement a Sewer System Management Plan (SSMP) to address the City and system-specific issues. The SSMP complies with the requirements in the SWRCB, WDR No. 2006-0003-DWQ. It sets forth goals and actions that will be followed and guidelines for various activities involving operating, maintaining, repairing, replacing and expanding the sewer system.

Recommendation: It is recommended that the City Council 1) Adopt Resolution No. 2009-29, approving the Sewer System Management Plan (SSMP) in compliance with the requirements of the State Water Resources Control Board and 2) Authorize the Director of Public Works, or his designee, to certify via the State established electronic reporting system known as CIWQS, that the City of Bell Gardens' Sewer System Management Plan is complete and ready to be implemented.

12. Transfer Non-Exclusive Commercial Solid Waste Franchise Agreement from Norcal Services to Arakelian/Athens Services

The City of Bell Gardens issues two (2) different types of franchise agreements for solid waste and recyclable materials services: an exclusive franchise agreement for automated, curbside residential service and a non-exclusive franchise agreement for multi-family, commercial/industrial accounts that require commercial bin services. In June 2007, the City Council awarded six (6), three (3) year non-exclusive franchise agreements ("N.E. Agreements") for the collection and disposal of multi-family residential, commercial, industrial, and institutional solid waste and recyclable material, one of which was Norcal Services Inc. In September 2007, the City was notified by Norcal Waste Services, Inc. of a business decision to sell their assets to Arakelian Enterprises/Athens Services, which included the City of Bell Gardens' exclusive franchise agreement for Solid Waste and Recyclable Materials Collection Processing and Disposal Services ("Agreement"). In accordance with the Agreement's Section 22 Franchise Transfer terms, the transfer of this non-exclusive franchise agreement from Norcal to Arakelian/Athens requires approval by the City Council.

Recommendation: It is recommended that the City Council 1) Approve the transfer of the Non-Exclusive Commercial Solid Waste Franchise Agreement from Norcal Services Inc. to Arakelian/Athens Services Inc. and 2) Authorize staff to execute the agreement.

This item was pulled for separate consideration by Councilmember Crespo.

In response to Councilmember Crespo's inquiry regarding any pending litigation involving Athens, the representative and City staff responded that they were not aware of any such matter, and this item was a ratification of a transfer allowable under the current contract.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Mayor Flores, and carried (4 – 0, 1 abstention by Crespo) to approve the transfer of the Non-Exclusive Commercial Solid Waste Franchise Agreement from Norcal Services Inc. to Arakelian/Athens Services Inc. and authorize staff to execute the agreement.

AYES: Council/Commission members Infanzon, Aceituno, Rodriguez, Flores
NOES: None.
ABSTAIN: Crespo

DISCUSSION ITEMS

COMMUNITY DEVELOPMENT COMMISSION ITEMS - None

CITY COUNCIL ITEMS – (Item No. 13-14)

13. Commission Appointments

Recommendation: It is staff's recommendation that the City Council review the Commission applications and make appointments as necessary.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Mayor Flores, and carried (5 – 0) to approve the following Commission appointments:

Education Commission

Cabral, Martha	(Aceituno)
Vacant	(Crespo)
Gallardo, Melida	(Flores)
Chaparro, Claudia	(Infanzon)
Gonzales, Ignacio	(Rodriguez)

Planning Commission

Rivera, Tony	(Aceituno)
Hoyt, William R.	(Crespo)
Munoz, Roberto	(Flores)
Ventura, Henri	(Infanzon)
Sanchez, Elsa	(Rodriguez)

Recreation, Cultural, and Youth Commission

Beltran, Jocelyn	(Aceituno)
Garcia, Maria	(Crespo)
Vacant	(Flores)
Beltran, Jeannette	(Infanzon)
Madrigal, Noel	(Rodriguez)

Senior Commission

Echavarria, Gloria	(Aceituno)
Morales, Janette	(Crespo)
Quintero, Veronica	(Flores)
Vacant	(Infanzon)
Gallardo, Waldo	(Rodriguez)

Traffic and Safety Commission

Urrea, Jorge	(Aceituno)
Hoyt, Sally	(Crespo)

Vacant (Flores)
Ramirez, Rudy (Infanzon)
Gonzales, Rosa (Rodriguez)

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

14. Designation of Voting Delegates and Alternates

Recommendation: It is recommended that the City Council designate a voting delegate and alternate to attend the League of California Cities Annual Business meeting, scheduled for 3:15p.m., Friday, September 18, 2009, at the San Jose Convention Center.

A motion was made by Mayor Pro Tem Rodriguez, seconded by Mayor Flores, and carried (5 – 0) to approve Pedro Aceituno as delegate and Sergio Infanzon as alternate to attend the League of California Cities Annual Business meeting, scheduled for 3:15p.m., Friday, September 18, 2009, at the San Jose Convention Center.

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

Ron Hoyt expressed concerns regarding a matter involving his wife at the National Night Out event.

Maria Carrasco requested the Council to consider a repayment plan for the mobile home rehabilitation grant program. .

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

Councilmember Aceituno thanked staff for their efforts regarding the National Night Out event, especially the Police Department and Recreation and Community Services Department.

Mayor Pro Tem Rodriguez expressed her thanks to all Departments and noted the efforts of the Neighborhood Watch program staff.

Councilmember Infanzon thanked those present for their attendance.

Councilmember Crespo expressed concerns with the deliberative process during agenda items. He thanked Sally Hoyt for her efforts in the community and expressed concern with the incident at the National Night Out event.

Mayor Flores congratulated those involved with the success of the National Night Out event, thanked staff, and noted the efforts of the Neighborhood Watch program staff.

ADJOURNMENT – The Mayor adjourned the meeting to Wednesday, August 12, 2:30 p.m., City Council Chamber for the purpose of discussing the following matter in a Closed Session meeting:

- 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.

Recorded by:

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

Vida Barone, Interim City Clerk