



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, FEBRUARY 14, 2011, 6:00 P.M.
MINUTES**

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

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

INVOCATION – was given by Pam Wasserman, Recreation & Community Services Director

PLEDGE OF ALLEGIANCE – was led by Aldo Schindler, Community Development Director

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Infanzon, Rodriguez

ABSENT:

PRESENTATIONS - None

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)

JOINT COUNCIL/COMMISSION ITEMS

CONSENT CALENDAR (Item No.'s 1 – 14)

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 36934) 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 approve a general motion to waive full reading and approve Ordinances by title only pursuant to California Government Code Section 36934.

A motion was made by Council Member Crespo and seconded by Council Member Flores to read all Ordinances by title only and waive the full reading. Motion carried by a vote of 5-0.

AYES: Aceituno, Crespo, Flores, Infanzon, Rodriguez

NOES: None

ABSENT: None

2. **MINUTES**

January 24, 2011 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the minutes for the Regular City Council Meeting of January 24, 2011.

A motion was made by Council Member Crespo and seconded by Council Member Flores to approve the minutes for the Regular Meeting of January 24, 2011. Motion carried by a vote of 5-0.

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

3. **REPAYMENT OF CITY LOAN BY COMMUNITY DEVELOPMENT COMMISSION**

In 1972, the City of Bell Gardens and the Bell Gardens Community Development Commission ("Commission") (previously the Bell Gardens Redevelopment Agency) entered into a Cooperation Agreement whereby the City agreed to provide various assistance to the City's redevelopment agency to carry out redevelopment activities. Specifically, the City agreed to create a revolving fund using City General Fund reserves for the purpose of loaning the Commission much needed seed money to undertake redevelopment activities such as acquisition of real property, redevelopment activities, and payment of related expenses for the City's redevelopment project areas. Between the years of 1973 through 1991, the Commission received approximately 14 loans from the City's General Fund resulting in an outstanding total of \$52,102,700 that is owed to the City's General Fund ("City Loan"). The proposed resolution would have the City demand repayment and establishes a reasonable repayment schedule for the repayment of the City Loan by the Commission.

Recommendation: It is staff's recommendation that the City Council/Community Development Commission adopt City Council Resolution No. 2011-05 & CDC No. 2011-03, approving the repayment of revolving funds advanced by the City of Bell Gardens to the City of Bell Gardens Community Development Commission and Repayment Schedules.

This item was pulled for separate consideration by Council Member Crespo.

Council Member Crespo asked for clarification on the types of projects built in the City and if they were built for commercial and residential use. He also inquired about loans which were given and if they were for low-moderate housing.

City Manager G. Steve Simonian explained that a series of about 15 loans over a period of years made by the General Fund to the Redevelopment Agency allowed for several developments to occur throughout the City. These loans also assisted in the purchasing of private residences as well which included low-moderate housing dating back to 1972.

Council Member Crespo stated that due to a conflict of interest in receiving assistance from these low-moderate housing loans, he would not be voting on this item.

Mayor Rodriguez asked if all owed money to the City has all been paid.

Assistant City Attorney John Lam stated that only certain portions have been paid. Approximately \$18-19 million has been paid back in the form of real property value. The current balance of the loan includes \$38 million of interest and \$14 million of principal.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to adopt City Council Resolution No. 2011-05 & CDC No. 2011-03, approving the repayment of revolving funds advanced by the City of Bell Gardens to the City of Bell Gardens Community Development Commission and Repayment Schedules. Motion carried by a vote of 4-0 with Council Member Crespo not voting on this item due to a conflict of interest.

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

COMMUNITY DEVELOPMENT COMMISSION ITEMS

4. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the Community Development Commission receive and file the following transactions:

Warrant Registers	01/18/11 (Check #'s 12443 – 12448)	\$ 66,250.31
Warrant Registers	01/24/11 (Check #'s 12449 – 12458)	\$ 19,853.80
	Total	\$ 86,104.11

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.

This item was pulled for separate consideration by Council Member Crespo.

Council Member Crespo stated he would be abstaining from voting on this item.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0 with Council Member Crespo abstaining.

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

5. AUTHORIZATION TO AWARD CONTRACT TO REHABILITATE 6544 ½ SPECHT AVENUE

Staff advertised the project and solicited bids by posting an invitation to bid in the Eastside Sun on December 23, 2010 and January 6, 2011 and also in three Public Works Publications. On Wednesday, January 12, 2011 a pre-bid meeting and walkthrough was held to inform potential bidders of the scope of work and prevailing wage requirements. Staff issued Addendum No. 1 which included Alternate Additive Items to the project specifications. The contract award for this project will allow interior improvement to remedy damage to the unit caused by mold. On January 19, 2011 the

City received a total of two bids from 1st California Construction and GDL Best Contractors Inc. GDL Best Contractors Inc. has been determined to be the lowest and most responsible bidder. The total budget for this project is \$23,150. Redevelopment tax increment funds will be used for this project. Funds have been allocated within the Community Development Redevelopment Project budget for Fiscal Year 2010 – 2011.

Recommendation: It is staff's recommendation that the Community Development Commission award a contract for the rehabilitation of 6544 ½ Specht Avenue ("Specht Rehabilitation") to GDL Best Contractors Inc. in the amount of \$23,150; and authorize the Mayor to sign the "CONTRACT AGREEMENT" and "GENERAL CONDITIONS."

A motion was made by Council Member Crespo and seconded by Council Member Flores to award a contract for the rehabilitation of 6544 ½ Specht Avenue ("Specht Rehabilitation") to GDL Best Contractors Inc. in the amount of \$23,150; and authorize the Mayor to sign the "CONTRACT AGREEMENT" and "GENERAL CONDITIONS." Motion carried by a vote of 5-0.

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

6. CORRIDOR REVITALIZATION PROGRAM UPDATE

On September 14, 2009 the Commission approved the Corridor Revitalization Program ("Program"). The purpose of the Program is to provide financial assistance to the variety of properties located along corridors within the City, which will enhance the visual attractiveness of the corridors and facilitate continued growth and economic stability. The Program provides grants up to \$15,000 and low interest loans up to \$50,000 to assist properties with façade and other general exterior property improvements undertaken in accordance with the established Program Guidelines. Construction improvements have started at the following sites:

- 5935 Florence Avenue, Universal Air; installation of new internally lit building sign and exterior building paint.
- 6628 Eastern Avenue, JPM Glass; installation of new internally lit building sign and exterior building paint.

All projects are bid to the federal Housing and Urban Development Department standards. The Program utilizes American Recovery and Reinvestment Act funds, which are also leveraged by the City's Redevelopment Tax Increment funds.

Recommendation: It is staff's recommendation that the Community Development Commission receive and file the Corridor Revitalization Program update.

A motion was made by Council Member Crespo and seconded by Council Member Flores to receive and file the Corridor Revitalization Program update. Motion carried by a vote of 5-0.

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

CITY COUNCIL ITEMS

7. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the City Council receive and file the following transactions:

Warrant Registers	01/13/11 (Check #'s 135653 – 135654)	\$ 190,733.94
Warrant Registers	01/18/11 (Check #'s 135655 – 135742)	\$ 361,347.35
Wire Transfers	01/13/11 (Wire #'s 814 – 815 & Payroll)	\$ 458,031.56
Warrant Registers	01/24/11 (Check #'s 135743 – 135826)	\$ 244,514.90
	Total	\$ 1,254,627.75

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 Council Member Crespo.

Council Member Crespo stated he would be abstaining from voting on this item.

A motion was made by Council Member Aceituno and seconded by Council Member Flores to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0 with Council Member Crespo abstaining.

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

8. DECEMBER 2010 TREASURER'S REPORT

The Treasurer's Report is a list of the City's cash and investments for the month.

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

A motion was made by Council Member Crespo and seconded by Council Member Flores to receive, approve, and file the December 2010 Treasurer's Report. Motion carried by a vote of 5-0.

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

9. FIRST AMENDMENT TO THE WATER SYSTEM OPERATION AND MAINTENANCE AGREEMENT WITH SWWC SERVICES, INC.

In 1991 the City acquired a water distribution system with 1,460 metered services from Park Water Company. On January 12, 2010, a 5 year contract was awarded to SouthWest Water Company ("SWWC"), a non-PUC company, to provide operation and maintenance services for the City's water system in the amount of \$278,402 for Year 1 (2010) and \$288,402 for Year 2 (2011). As for the annual cost for years 3, 4 and 5, the

City and SWWC were to meet and confer in good faith to negotiate the annual compensation amount for each respective year. After negotiations, the City and SWWC agreed to the amount of \$240,000 for Years 2, 3, 4 and 5 resulting in an annual average cost savings of \$50,000 and an overall savings of approximately \$200,000 over a 4 year period.

Recommendation: It is staff's recommendation that the City Council approve the First Amendment to the Water System Operation and Maintenance Agreement between the City of Bell Gardens and SWWC Services, Inc.

This item was pulled for separate consideration by Council Member Crespo.

Council Member Crespo inquired on the radius map for this item and asked the City Attorney if any Council Member would have to abstain from voting if they were to live within the radius of the service area the agreement would cover.

Assistant City Attorney stated that the item before Council for approval only dealt with the general service contract. There was no real property interest currently involved.

A motion was made by Council Member Crespo and seconded by Mayor Pro-Tem Infanzon to approve the First Amendment to the Water System Operation and Maintenance Agreement between the City of Bell Gardens and SWWC Services, Inc. Motion carried by a vote of 5-0.

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

10. ADOPTION OF THE 2010 ENGINEERING AND TRAFFIC SURVEY

The California Vehicle Code requires speed limits (as set by local authorities) to be justified on the basis of engineering and traffic surveys if radar is to be used for speed enforcement by the Police Department. The survey for speed limits is regularly conducted every five years for the purpose of complying with the California Vehicle Code. The engineering and traffic surveys are essential in maintaining a safe and orderly movement of traffic by setting speed limits that are reasonable and enforceable by the use of radar by police officers. In September 2010, the City authorized staff to conduct an engineering and traffic speed limits survey for 26 segments within the City which are detailed in the final survey report. Approximately 32 speed limit signs must be replaced at an estimated cost of \$100 per sign for a total cost of \$3,200. These funds are included in the street maintenance budget for Fiscal Year 2010 – 2011.

Recommendation: It is staff's recommendation that the City Council introduce for first reading Ordinance No. 839, adopting the 2010 Citywide Speed Survey affirming the accuracy of the City's posted speed limits.

A motion was made by Council Member Crespo and seconded by Council Member Flores to introduce for first reading Ordinance No. 839, adopting the 2010 Citywide Speed Survey affirming the accuracy of the City's posted speed limits. Motion carried by a vote of 5-0.

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

11. WHITE CURB PASSENGER LOADING AND UNLOADING AT 6628 FLORENCE PLACE

Whenever feasible, cost effective and in accordance with the municipal code, the City of Bell Gardens prudently strives to accommodate the traffic control and public parking needs of the community. Ms. Elsie Bracken submitted a written request on behalf of her brother, Nabor Pastora, for installation of a special colored curb parking designation in front of her residence at 6628 Florence Place. Ms. Bracken is requesting consideration of a special colored curb for the purpose of accommodating the school bus pick up and drop off for Mr. Pastora due to his medical condition making it difficult for him to get in and out of the school bus. Ms. Bracken's request was considered by the Traffic and Safety Commission on January 3, 2011 and approved the request for City Council consideration. The cost of installation for paint, hardware post and signage would be approximately \$400 and could be appropriated from the 2010 - 2011 Street Maintenance Budget.

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

- 1.) Adopt Resolution No. 2011-04, establishing parking restrictions in the City of Bell Gardens in accordance with Chapter 13.20 (Parking) of the Bell Gardens Municipal Code; and
- 2.) Authorize staff to install 25' feet of white curb designating a 3 minute passenger loading zone for the purpose of loading and unloading passengers Monday through Friday from 7 a.m. to 6 p.m. at 6628 Florence Place.

This item was pulled for separate consideration by Council Member Crespo.

Council Member Crespo asked if an expiration date could be placed on the passenger loading zone on 6628 Florence Place once the bus services are no longer needed to pick the resident from his home.

Mayor Rodriguez and Public Works Director John Oropeza stated that an annual audit is done on all handicap curbs and other temporary parking situations. This particular loading zone will be included in this annual audit to review the necessity for this zone.

A motion was made by Council Member Aceituno and seconded by Council Member Crespo to Adopt Resolution No. 2011-04, establishing parking restrictions in the City of Bell Gardens in accordance with Chapter 13.20 (Parking) of the Bell Gardens Municipal Code and authorize staff to install 25' feet of white curb designating a 3 minute passenger loading zone for the purpose of loading and unloading passengers Monday through Friday from 7 a.m. to 6 p.m. at 6628 Florence Place. Motion carried by a vote of 5-0.

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

12. AGREEMENT FOR FY 09 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

The Edward Byrne Justice Assistance Grant (JAG) Program annually provides funding to local police agencies for programs or items related to local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. The City was awarded \$28,442.06 from the JAG 09 Program. The City of Los Angeles, as the grant administrator, deducted 7% from the award for management of the grant. The police department has allocated these funds to supplement the department's special investigations unit for the purchase of equipment.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-06, approving the Subrecipient Agreement between the City of Bell Gardens and the City of Los Angeles FY 09 Justice Assistance Grant (JAG) Program Award.

A motion was made by Council Member Crespo and seconded by Council Member Flores to adopt Resolution No. 2011-06, approving the Subrecipient Agreement between the City of Bell Gardens and the City of Los Angeles FY 09 Justice Assistance Grant (JAG) Program Award. Motion carried by a vote of 5-0.

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

13. EXAMINATION OF SALES, USE AND TRANSACTIONS TAX RECORDS

Pursuant to Bell Gardens Municipal Code Chapter 3.20 – Sales and Use Tax, the City entered into a contract with the State Board of Equalization to perform all functions incidental to the administration and collection of local sales, use and transactions taxes. The California Revenue and Taxation Code Section 7056 sets forth certain requirements and conditions for the disclosure of Board of Equalization records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales, use and transactions tax records of the Board. The Resolution being presented to the City Council for adoption will give the ability for the City Manager to designate employees by position, access to the confidential tax records.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2011-07, authorizing examination of sales, use and transactions tax records.

A motion was made by Council Member Crespo and seconded by Council Member Flores to adopt Resolution No. 2011-07, authorizing examination of sales, use and transactions tax records. Motion carried by a vote of 5-0.

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

14. FY 2010-11 MID-YEAR BUDGET FINANCIAL REPORT

The mid-year report provides Council and staff an opportunity to review and adjust, if needed, the City's original revenue projections and expenditure estimates after six months of activity. The Finance Department has completed its mid-year budget analysis. In order to determine how revenues are performing relative to budget expectations, staff has developed a model that compares current monthly revenues to historical performance during those same periods in previous years. This data is extrapolated to project the estimated total revenue for the current fiscal year. This predictive model provides some context to the status of a revenues performance in a given month. General Fund expenditures were adjusted to reflect the reduction in revenues to maintain a balanced budget.

Recommendation: It is staff's recommendation that the City Council approve the FY 2010-11 Mid-Year Budget Financial Report, and adopt Resolution No. 2011-08, amending the Fiscal Year 2010-11 Operating and Capital Improvement Budget.

A motion was made by Council Member Crespo and seconded by Council Member Flores to approve the FY 2010-11 Mid-Year Budget Financial Report, and adopt Resolution No. 2011-08, amending the Fiscal Year 2010-11 Operating and Capital Improvement Budget. Motion carried by a vote of 5-0.

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

DISCUSSION ITEMS – None

COMMUNITY DEVELOPMENT COMMISSION ITEMS

CITY COUNCIL ITEMS

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)

Luis Gonzalez stated he was a field representative from the Office of the State Assembly Member Ricardo Lara. He also invited the community to the swearing in ceremony for Assembly Member Lara. Mr. Gonzalez also shared that the Office of Assembly Member Lara will be providing free tax preparation service to low income residents within the community.

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

Council Member Crespo gave general comments.

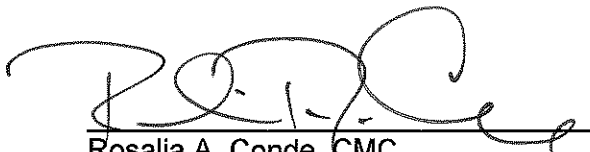
Council Member Flores gave general comments.

Council Member Aceituno gave general comments.

Mayor Pro Tem Infanzon gave general comments.

Mayor Rodriguez gave general comments.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 6:18 p.m.



Rosalía A. Conde, CMC
City Clerk