



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING - CLOSED SESSION  
MONDAY, NOVEMBER 22, 2010, 5:00 P.M.  
MINUTES**

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

**CALL TO ORDER** – Mayor Pro Tem Infanzon called the meeting to order at 5:00 p.m.

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

PRESENT: Aceituno, Crespo, Infanzon

ABSENT: Flores, Rodriguez

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

**CLOSED SESSION:**

The Council/Commission recessed to Closed Session at 5:03 p.m. to discuss the following matters:

- a. CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)

Agency Negotiators – G. Steve Simonian, Phil Wagner, Kim Krause, Mary Bradley  
Employee Organizations – Bell Gardens City Employee Association, Department Directors, Bell Gardens Public Works Association, and the Bell Gardens Public Works Supervisors

Mayor Rodriguez reconvened the meeting to order at 6:00 p.m.

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

**PLEDGE OF ALLEGIANCE** – was led by Chief of Police Robert Barnes

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

PRESENT: Aceituno, Crespo, Infanzon, Rodriguez

ABSENT: Flores

**CITY ATTORNEY/AGENCY COUNCIL REPORT FROM CLOSED SESSION**

The City Attorney stated that the City Council/Commission received a briefing on Item No. a, and no final action was taken.

**PRESENTATIONS**

- Recognition of Kaiser Permanente Bellflower
- Recognition of individuals who participated in the Small Business Workshop

**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)**

Lissette Saavedra spoke on concerns related to City’s spending.

**CONSENT CALENDAR (Items No. 1-10)**

**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 Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to read all Ordinances by title only and waive the full reading. Motion carried by a vote of 4-0.

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

**2. MINUTES**

November 8, 2010 – Regular Meeting Minutes

**Recommendation:** It is staff’s recommendation that the City Council approve the minutes for the Regular Meeting of November 8, 2010.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to approve the minutes for the Regular Meeting of November 8, 2010. Motion carried by a vote of 4-0.

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

## COMMUNITY DEVELOPMENT COMMISSION ITEMS

### 3. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	11/02/10 (Check #'s 12401 – 12404)	\$ 912.82
Warrant Registers	11/08/10 (Check #'s 12405 – 12406)	\$ 65,647.14
	Total	\$ 66,559.96

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.

Item 3 was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo stated he would be moving forward to approve this item due to the fact that the Redflex Camera item was not listed on the warrant register.

A motion was made by Councilmember Crespo and seconded by Mayor Rodriguez to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0.

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

## CITY COUNCIL ITEMS

### 4. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	11/02/10 (Check #'s 134784 – 134869)	\$ 285,741.36
Warrant Registers	11/08/10 (Check #'s 134870 – 134936)	\$ 347,361.59
Wire Transfers	11/04/10 (Wire #'s 804 – 805 & Payroll)	\$ 475,536.10
	Total	\$ 1,108,639.05

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.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 4-0.

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

**5. TREASURER'S REPORT FOR THE MONTH OF OCTOBER 2010**

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 October 2010 Treasurer's Report.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to receive, approve, and file the October 2010 Treasurer's Report. Motion carried by a vote of 4-0.

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

**6. AMENDMENT TO PHYSICAL THERAPY (MASSAGE) ORDINANCE**

In September 2008, California passed into law Senate Bill 731 ("SB 731"), which went into effect on September 1, 2009. SB 731's purpose was to create a uniform regulatory scheme for massage therapy throughout California. The City is now prohibited from requiring licensed practitioners and therapists to comply with local ordinances related to education requirements or background checks. The City's regulation of physical therapy and massage establishments is codified under Bell Gardens Municipal Code Sections 5.46 and 5.47 (massage in Card Clubs). The City's current Ordinances were written prior to the enactment of SB 731 and now partially conflict with SB 731 and consequently partially unenforceable in its current form. As such, the amendment of the Physical Therapy Ordinance is necessary.

**Recommendation:** It is staff's recommendation that the City Council introduce the first reading of Ordinance 2010-836, amending the Bell Gardens Municipal Code ("BGMC") Sections 5.46 and 5.47 updating the City's Massage Therapy Ordinance to comply with Senate Bill 731 and direct staff to place the Ordinance on the agenda for the next regularly scheduled Council Meeting for second reading and adoption.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to introduce the first reading of Ordinance No. 836, amending the Bell Gardens Municipal Code ("BGMC") Sections 5.46 and 5.47 updating the City's Massage Therapy Ordinance to comply with Senate Bill 731 and direct staff to place the Ordinance on the agenda for the next regularly scheduled Council Meeting for second reading and adoption. Motion carried by a vote of 4-0.

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

**7. AMENDMENTS TO BINGO ORDINANCE**

The California Legislature recently enacted Senate Bill No. 1369 (Cedillo) which makes minor changes to state law regarding traditional bingo games, and also authorizes local agencies to allow for "remote caller bingo." "Remote caller bingo" is a traditional bingo game where numbers that are called at one bingo location are broadcast to additional locations within the state that are playing the same game. Under the state law, the City must adopt an ordinance permitting remote caller bingo, before it can be played in the City. Since Bell Gardens Municipal Code (BGMC) Chapter 5.23 has not been amended since 1984, the chapter does not reflect current state law. The proposed ordinance, if adopted, would update the BGMC to the fullest extent allowed under state law. Currently the cost of an annual bingo permit is \$50, which will not be changed by the proposed ordinance. It is possible that by updating the BGMC to reflect current state law, additional organizations that are currently not included as eligible organizations may apply for and receive bingo permits, thereby increasing the number of permits issued and the amount of fees collected.

**Recommendation:** It is staff's recommendation that the City Council adopt Ordinance No. 837, amending Chapter 5.23 of the Bell Gardens Municipal Code regarding Bingo.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to adopt Ordinance No. 837, amending Chapter 5.23 of the Bell Gardens Municipal Code regarding Bingo. Motion carried by a vote of 4-0.

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

**8. LEASING OF CITY'S WATER RIGHTS TO CITY OF LYNWOOD**

Since 1991 the City has owned a water system that has 1,400 connections and serves the northerly portion of the City. The main source of supply since 1998 has been Well No. 1. To use the well, the City has 1,914 acre feet of Groundwater Pumping Rights in the Central Groundwater Basin pursuant to a Court Adjudication of the Basin. The Water System uses less than 1,200 acre feet annually of those rights. The City has generally leased out the unused rights to an outside water agency on an annual basis with revenue going to the Water Fund. The leasing can only be with other pumpers in the Central Basin. The bid from the City of Lynwood assures an annually increasing fixed annual payment as added revenue to the City Water System for a total of \$507,500. The annual increasing amount of the City of Lynwood plus the \$98,000 for year 2010-11 will bring greater value to the Water System over a 5-year period.

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

1) Award a 5 year lease agreement for 700 Acre Feet of Central Basin Groundwater Annual Pumping Rights with flex rights to the City of Lynwood as follows:

- Water Year 2010-11 @ \$135/acre feet for \$ 94,500
- Water Year 2011-12 @ \$140/acre feet for \$ 98,000
- Water Year 2012-13 @ \$145/acre feet for \$101,500
- Water Year 2013-14 @ \$150/acre feet for \$105,000
- Water Year 2014-15 @ \$155/acre feet for \$108,500

2) Authorize the City Manager to execute the Lease Agreement on behalf of the City of Bell Gardens with the City of Lynwood and have staff file a copy with the Central Basin Watermaster.

Item 8 was pulled for separate consideration by Councilmember Crespo.

Councilmember Crespo inquired if the lease agreement with the City of Lynwood would alleviate any future water fee increase to the residents of Bell Gardens.

City Manager G. Steve Simonian stated the lease agreement pertained to the negotiation of extra water shares with other cities located within the Central Basin. The lease agreement would not alleviate the issue of water fee increases.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to 1.) award a 5 year lease agreement for 700 Acre Feet of Central Basin Groundwater Annual Pumping Rights with flex rights to the City of Lynwood as follows:

- Water Year 2010-11 @ \$135/acre feet for \$ 94,500
- Water Year 2011-12 @ \$140/acre feet for \$ 98,000
- Water Year 2012-13 @ \$145/acre feet for \$101,500
- Water Year 2013-14 @ \$150/acre feet for \$105,000
- Water Year 2014-15 @ \$155/acre feet for \$108,500

and 2.) authorize the City Manager to execute the Lease Agreement on behalf of the City of Bell Gardens with the City of Lynwood and have staff file a copy with the Central Basin Watermaster.

Motion carried by a vote of 4-0.

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

**9. POLICY FOR ON-STREET PARKING FOR DISABLED PERSONS IN RESIDENTIAL AREAS**

Staff is proposing a policy to provide clear guidelines in establishing the criteria that must be met for the City to approve and install blue curbs and to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later seldom used. Unjustified installation of such parking unnecessarily increases the City's maintenance and operation cost, reduces available on-street parking for the general public and detracts from the overall effectiveness of the disabled persons parking program. The process for reviewing on-street handicapped parking requests consist of an analysis of certain mandatory written submittals and a site investigation. Installation of on-street handicapped parking is only considered when no off street parking options are available.

**Recommendation:** It is staff's recommendation that the City Council adopt the Policy for On-Street Parking for Disabled Persons in Residential Areas.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to adopt the Policy for On-Street Parking for Disabled Persons in Residential Areas. Motion carried by a vote of 4-0.

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

**10. REMOVAL AND APPOINTMENT OF COMMISSIONER ON SENIOR CITIZEN COMMISSION**

The City was advised that Commissioner Veronica Quintero was no longer a resident of the City of Bell Gardens. According to the Bell Gardens Municipal Code Section 2.22.030, "members of a commission shall be residents of the city."

**Recommendation:** It is staff's recommendation that the City Council approve the removal of Senior Citizen Commissioner Veronica Quintero and appoint a new commissioner to fill the vacancy.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro Tem Infanzon to approve the removal of Senior Citizen Commissioner Veronica Quintero and appoint a new commissioner to fill the vacancy. Motion carried by a vote of 4-0.

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

**DISCUSSION ITEMS (Item No. 11)**

**COMMUNITY DEVELOPMENT COMMISSION ITEMS**

**CITY COUNCIL ITEMS**

**11. CITY COUNCIL APPOINTMENTS OF EXTERNAL COMMITTEES**

At the May 10, 2010 City Council Meeting, the City Council directed the City Clerk to provide an expanded list describing each committee's duties and responsibilities and then schedule the item for a future agenda. The expanded descriptive list is attached to this report for the Council's review. The Council typically makes revisions to the list yearly following the annual Council reorganization. It is now the appropriate time to review the matrix and make the appropriate changes, reappointments, as necessary.

**Recommendation:** It is staff's recommendation that the City Council review the attached matrix of Council Appointments to External Regulatory and Advisory Boards, Commissions, and Committees and make changes, reappointments, or appointments as necessary.

At the request of Mayor Rodriguez, Discussion Item No. 11 was continued to the next City Council/Community Development Commission Meeting.

**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)**

Clifford Dunbar expressed concerns regarding the vacant property located on Clara Street and also the enforcement of cars not being able to park on front lawns.

Freddy Corenell spoke on the LaRouche Political Action Committee and his involvement with the Committee.

Curtis Yule spoke on the LaRouche Political Action Committee and his involvement with the Committee.

Lissette Saavedra spoke on concerns regarding parking tickets and the City's spending.

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


Councilmember Crespo inquired on the City's current long term medical leave program, the Clara Project, and the current parking issues at the schools located within the City.

Mayor Pro Tem Infanzon gave general comments.

Councilmember Aceituno gave general comments.

Mayor Rodriguez gave general comments.

**ADJOURNMENT** – Mayor Rodriguez adjourned the meeting at 6:53 p.m.



Rosalia A. Conde, CMC  
Interim City Clerk