



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, NOVEMBER 8, 2010, 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: Aceituno, Crespo, Infanzon, Rodriguez, Flores

ABSENT:

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 5:07 p.m. to discuss the following matters:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a))

1.) Joshua Rice v. City of Bell Gardens
Case No.: CV09-9432 SJO (RCx)

b. 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 Flores reconvened the meeting to order at 6:00 p.m.

INVOCATION – was given by John Oropeza, Public Works Director

PLEDGE OF ALLEGIANCE – was led by Alex Noriega, Recreation & Community Services
Supervisor

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Infanzon, Rodriguez, Flores

ABSENT: None

CITY ATTORNEY/AGENCY COUNCIL REPORT FROM CLOSED SESSION

The City Attorney noted that the City Council/Commission received a briefing on each of the items as listed on the agenda. In regard to Item No. a, the item was presented to Council. Although direction was provided, no final action was taken. In regard to Item No. b., the Council received briefing from the agency negotiators and no final action was taken. The City Attorney requested that Item #8 on the agenda's Consent Calendar section be continued to the next City Council meeting.

PRESENTATIONS

- Presentation recognizing the representatives of the Sonshine Youth Services.

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)

None

CONSENT CALENDAR (Items No. 1-8)

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 Pro Tem Rodriguez and seconded by Mayor Flores to read all Ordinances by title only and waive the full reading. Motion carried by a vote of 5-0.

AYES: Aceituno, Crespo, Infanzon, Rodriguez, Flores

NOES: None

ABSENT: None

2. MINUTES

October 25, 2010 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the minutes for the Regular Meeting of October 25, 2010.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to approve the minutes for the Regular Meeting of October 25, 2010. Motion carried by a vote of 5-0.

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

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	10/18/10 (Check #'s 12395 – 12398)	\$	4,778.85
Warrant Registers	10/25/10 (Check #'s 12399 – 12400)	\$	8,058.78
	Total	\$	12,837.63

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.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 5-0.

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

4. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH TIERRA WEST ADVISORS, LLC

In August 2010, Community Development staff requested qualifications from consulting firms providing services in the fields of financial, real estate, and economic analysis; in addition to financial and feasibility analysis of proposed development projects, assistance with development negotiations, and examination of alternative financing structures. In response, staff received proposals from Lea Associates, RSG, Tierra West, and Urban Futures, Inc. In September of the same year staff interviewed these four firms. Only three out of the four firms were considered to be qualified. Upon conclusion of the interviews staff conducted a secondary review of the consultant proposals, fee schedules and contacted the references. Upon completion of this solicitation, staff has recommended to enter into a new Professional Services Agreement with Tierra West Advisors, Inc. due to their experience in providing financial consulting services for local municipalities and providing such services at the lowest hourly rate in comparison to the hourly rates of the three other proposals submitted. The Agreement with Tierra West will be for a duration of three years. Services will be provided at an hourly rate, and services will only be rendered and funds will only be spent on an "as-needed" basis. The contract amount will not exceed \$150,000.

Recommendation: It is staff's recommendation that the Community Development Commission adopt Commission Resolution No. 2010-02, approving and authorizing the

execution of a Professional Services Agreement with Tierra West Advisors, LLC. This recommendation is in conjunction with City Council Consent Calendar Item No. 6.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to adopt Commission Resolution No. 2010-02, approving and authorizing the execution of a Professional Services Agreement with Tierra West Advisors, LLC. Motion carried by a vote of 5-0.

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

CITY COUNCIL ITEMS

5. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant Registers	10/18/10 (Check #'s 134598 – 134671)	\$ 178,270.11
Warrant Registers	10/25/10 (Check #'s 134672 – 134783)	\$ 375,900.56
Wire Transfers	10/21/10 (Wire #'s 802 – 803 & Payroll)	\$ 470,286.03
	Total	\$1,024,456.70

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.

Item 5 was pulled for separate consideration by Councilmember Crespo.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to approve the Warrant Registers and Wire Transfers. Motion carried by a vote of 5-0 with Councilmember Crespo abstaining from voting on the approval of Voucher No. 134654 pertaining to the RedFlex Traffic System.

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

6. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH TIERRA WEST ADVISORS, LLC

In August 2010, Community Development staff requested qualifications from consulting firms providing services in the fields of financial, real estate, and economic analysis; in addition to financial and feasibility analysis of proposed development projects, assistance with development negotiations, and examination of alternative financing structures. In response, staff received proposals from Lea Associates, RSG, Tierra West, and Urban Futures, Inc. In September of the same year staff interviewed these four firms. Only three out of the four firms were considered to be qualified. Upon conclusion of the interviews staff conducted a secondary review of the consultant proposals, fee schedules and contacted the references. Upon completion of this solicitation, staff has recommended to enter into a new Professional Services Agreement

with Tierra West Advisors, Inc. due to their experience in providing financial consulting services for local municipalities and providing such services at the lowest hourly rate in comparison to the hourly rates of the three other proposals submitted. The Agreement with Tierra West will be for a duration of three years. Services will be provided at an hourly rate, and services will only be rendered and funds will only be spent on an "as-needed" basis. The contract amount will not exceed \$150,000.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2010-41, approving and authorizing the execution of a Professional Services Agreement with Tierra West Advisors, LLC. This recommendation is in conjunction with Community Development Commission Consent Calendar Item No. 4.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to adopt City Council Resolution No. 2010-41, approving and authorizing the execution of a Professional Services Agreement with Tierra West Advisors, LLC. Motion carried by a vote of 5-0.

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

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.

Recommendation: It is staff's recommendation that the City Council introduce for first reading Ordinance No. 837, amending Chapter 5.23 of the Bell Gardens Municipal Code regarding Bingo, and direct staff to schedule Ordinance No. 837 for a second reading and adoption.

A motion was made by Mayor Pro Tem Rodriguez and seconded by Mayor Flores to introduce for first reading Ordinance No. 837, amending Chapter 5.23 of the Bell Gardens Municipal Code regarding Bingo, and direct staff to schedule Ordinance No. 837 for a second reading and adoption. Motion carried by a vote of 5-0.

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

8. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BELL GARDENS AND THE BELL GARDENS CITY EMPLOYEES ASSOCIATION, THE BELL GARDENS PUBLIC WORKS EMPLOYEES ASSOCIATION AND THE BELL GARDENS PUBLIC WORKS SUPERVISORS ASSOCIATION

Representatives of the City and the Bell Gardens City Employees Association, the Bell Gardens Public Works Employees Association and the Bell Gardens Public Works Supervisors Association have met and conferred in good faith and agreed to the attached respective memoranda of understanding. Each contract is for one-year, effective from July 1, 2010 through June 30, 2011. Each contract includes current

employees taking eight (8) non-paid furlough days prior to June 30, 2011 in addition to requiring that new employees, hired after November 1, 2011, pay the employee's 8% share of the CalPERS retirement contribution. Per City Resolution, all management employees will also take eight (8) furlough days prior to June 30, 2011. The eight (8) non-paid furlough days included in these contracts will result in an annual savings of approximately \$250,000 to the Fiscal Year 2010/2011 Adopted Budget.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No.'s 2010-43, 2010-44, and 2010-45 approving the respective Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association, the Bell Gardens Public Works Employees Association and the Bell Gardens Public Works Supervisors Association.

At the recommendation of the City Attorney, Consent Calendar Item No. 8 was continued to the next City Council/Community Development Commission Meeting.

DISCUSSION 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)

Gilberto Alvarado commented on a ticket he received at Suva Elementary School and his concern for the parking restrictions in place at the school.

Cristina Garcia inquired on the City's garbage collection fee.

James Alamillo expressed his concern regarding the safety issues on Clara Street.

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

CITY COUNCIL REORGANIZATION

1. INTRODUCTION OF LOCAL REPRESENTATIVES AND PRESENTATION OF AWARDS

City Manager G. Steve Simonian introduced the following local representatives who also presented the outgoing Mayor and Mayor Pro Tem with certificates of recognition.

- Angelita C. Ramirez from the 34th Congressional District representing Congresswoman Lucille Roybal-Allard
- Interim Superintendent Mr. Cleve Pell from the Montebello Unified School District
- Assistant Fire Chief Nicholas Duvally representing the LA County Fire Department

Certificates were also presented to Mayor Flores by the City Clerk on behalf of Assemblyman Hector de la Torre from the 50th Assembly District and Los Angeles County Supervisor, First District Gloria Molina who were not able to attend the reorganization.

Mayor Pro Tem Rodriguez presented Mayor Flores with a token of appreciation for her tenure as Mayor.

Mayor Flores also presented Mayor Pro Tem Rodriguez with a token of appreciation for her tenure as Mayor Pro Tem.

2. REORGANIZATION OF THE CITY COUNCIL

- a. Interim City Clerk called for and opened the nominations and voting for Mayor.

Councilmember Flores nominated Councilmember Rodriguez .

Councilmember Crespo nominated Councilmember Aceituno. Councilmember Aceituno declined nomination.

Noting no other submissions, the nominations were closed.

A roll call vote was taken to select Councilmember Jennifer Rodriguez as Mayor of the City of Bell Gardens. Motion carried by a vote of 4-0 with Councilmember Crespo abstaining.

- b. Interim City Clerk called for and opened the nominations and voting for Mayor Pro Tem.

Councilmember Rodriguez nominated Councilmember Aceituno. Councilmember Aceituno declined nomination.

Councilmember Aceituno nominated Councilmember Infanzon.

Noting no other submissions, the nominations were closed.

A roll call vote was taken to select Councilmember Sergio Infanzon as Mayor Pro Tem of the City of Bell Gardens. Motion carried by a vote of 5-0.

3. ADMINISTRATION OF OATH OF OFFICE TO NEWLY APPOINTED MAYOR AND MAYOR PRO TEM

Judge Roy Paul from the Los Angeles County Superior Court and previous City Councilmember and Mayor for the City of Bell Gardens, administered the Oath of Office to newly appointed Mayor Jennifer Rodriguez and Mayor Pro Tem Sergio Infanzon.

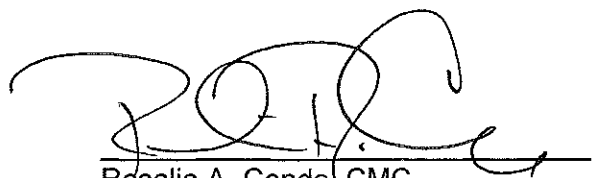
Mayor Rodriguez presented Judge Paul with a gift of appreciation.

4. COMMENTS FROM COUNCILMEMBERS, MAYOR PRO TEM AND MAYOR

Mayor Rodriguez, Mayor Pro Tem Infanzon, and Councilmembers Aceituno, Crespo, and Flores thanked everyone and provided their final comments.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 7:21 p.m.

Recorded by:

A handwritten signature in black ink, appearing to read 'R. A. Conde', written over a horizontal line.

Rosalia A. Conde, CMC
Interim City Clerk