



**CITY OF BELL GARDENS  
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION  
REGULAR MEETING - CLOSED SESSION  
MONDAY, SEPTEMBER 26, 2011, 5:00 P.M.  
MINUTES**

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

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

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

PRESENT: Aceituno, Crespo, Flores, Infanzon (Arrived at 5:04 p.m.), Rodriguez

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 5:01 p.m. to discuss the following matters:

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

Agency Negotiators – G. Steve Simonian, Phil Wagner, Will Kaholokula, Richard Kreisler, and Sam Strafaci

Employee Organizations – Bell Gardens City Employee Association, Bell Gardens Police Management Association, Bell Gardens Police Officers Association, Bell Gardens Public Works Association, and the Bell Gardens Public Works Supervisors Association

Mayor Rodriguez reconvened the meeting to order at 6:03 p.m.

**INVOCATION** – was given by Will Kaholokula, Finance & Administrative Services Director

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

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

PRESENT: Aceituno, Crespo, Flores, Infanzon, Rodriguez

ABSENT:

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

Assistant City Attorney John Lam stated that all five members of the City Council/Commission convened to Closed Session. No final action was taken by the City Council/Commission regarding Closed Session Item a.

**PRESENTATIONS** – None

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

Paul Raley, District Manager for Golden State Water Co., spoke on Consent Calendar Item #9 regarding the City's opposition to Golden State Water proposed water rate fee increase. Mr. Raley explained to the Council and the members of the public that the process of setting water rate fees is a very public process and comments are welcomed by the public.

**CONSENT CALENDAR (Item No.'s 1 – 9)**

***JOINT COUNCIL/COMMISSION ITEMS***

**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 Flores and seconded by Council Member Aceituno 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**

September 12, 2011 – Regular Meeting Minutes

**Recommendation:** It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Regular City Council/Commission Meeting of September 12, 2011.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to approve the minutes for the Regular Meeting of August 22, 2011. Motion carried by a vote of 5-0.

AYES: Aceituno, Crespo, Flores, Infanzon, Rodriguez  
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	08/29/11 (Check #'s 12540 – 12542)	\$	1,332.91
Warrant Registers	09/06/11 (Check #'s 12543)	\$	2,400.00
	Total	\$	3,732.91

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.

Council Member Crespo pulled Consent Calendar Item #3 for further discussion.

A motion was made by Council Member Aceituno and seconded by Mayor Pro-Tem Infanzon 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

**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	08/29/11 (Check #'s	138350 – 138358)	\$	72,894.35
Wire Transfers	08/25/11 (Check #'s	846 – 847 Payroll)	\$	465,711.90
Warrant Registers	08/29/11 (Check #'s	138359 – 138440)	\$	340,113.97
Warrant Registers	09/06/11 (Check #'s	138441 – 138498)	\$	266,808.68
Warrant Registers	09/06/11 (Check #'s	138499 – 138506)	\$	88,770.23
<b>Total</b>			<b>\$</b>	<b>1,234,299.13</b>

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.

Council Member Crespo pulled Consent Calendar Item #4 for further discussion.

Council Member Crespo inquired about Voucher No. 138378 – City of Signal Hill Annual Membership Dues and asked if the City of Signal Hill was the principle party to receive the money from all agencies associated within this membership.

City Manager G. Steve Simonian explained that this membership due is a Public Works expenditure.

Public Works Director John Oropeza further explained that this membership due was for the City's membership through the Public Works Department of the Gateway Integrated Regional Management Group. He further stated that the City benefited from this membership by obtaining a \$10 million storm water grant and having this organization assist the City with

current and future storm water issues. Mr. Oropeza also explained that the City of Signal Hill is the lead agency for this group and they also do the administration work for the group.

Council Member Crespo also inquired about the Council being able to approve all future Warrant Registers and Wire Transfers and removing the City Manager from this responsibility.

A motion was made by Council Member Aceituno and seconded by Mayor Pro-Tem Infanzon 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. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR THE FEDERAL SAFE ROUTES TO SCHOOL PROJECT**

Section 1404 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized the Federal Safe Routes to School (SRTS) Program in August 2005, after the success of California's Safe Routes to School (SR2S) program which began in 1999. The program is funded for the purpose of: 1.) enabling and encouraging students in kindergarten through eighth grade (K-8), including students with disabilities, to safely walk and bicycle to school, 2.) making walking and bicycling to school a more appealing mode choice and 3.) facilitating the planning, design, and implementation of projects that will improve safety, environment, and overall quality of life. The City of Bell Gardens was successful in its grant request and received \$337,280 from the Department of Transportation for the safety improvements at Bell Gardens Intermediate School, Bell Gardens Elementary School, Cesar Chavez Elementary and Suva Elementary School. Due to the federal nature of the funds awarded, the City is required to go through a federal authorization process with Caltrans in order to secure the funds and be able to move the project forward. The grant funds that have been secured will be used for construction and construction management activities. The design of the project was completed in FY 2009-2010 and the engineers have estimated a cost of \$293,286 for the following improvements: replacement of school radar speed signs, pedestrian countdown signal heads and installation of solar radar speed signs. Upon receiving authorization from City Council, staff will proceed with the bid phase of the project, which will take approximately five weeks to complete. The project expenditures are estimated at \$340,760 which includes construction and soft costs. The total budget for this project is \$365,352.

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

- 1.) Approve the plans and specifications for the Federal Safe Routes to School Project:  
and
- 2.) Authorize staff to solicit bids for the construction of this project.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to approve the plans and specifications for the Federal Safe Routes to School Project and authorize staff to solicit bids for the construction of this project. Motion carried by a vote of 5-0.

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

6. **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR THE STATE SAFE ROUTES TO SCHOOL (SR2S) CYCLE 9 PROJECT**

The California Department of Transportation (Caltrans) awarded the City of Bell Gardens a cycle 9 (FY 10-11) Safe Routes to School (SRTS) Grant in the amount of \$361,680. In accordance with Caltrans procedures, staff completed the documents to request the State to allocate the funds for the project. On June 22, 2011, the City received notice that the State funds had been allocated and that the City may proceed with moving the project forward. The grant funds received will be used to pay for the entire project activities; including design, project management, construction management, administration and a community outreach component. This grant requires a 10% match. The Capital Improvement Budget includes traffic congestion relief funds to supplement the match. The City identified a community outreach element as part of the application. The SRTS campaign will help promote walking and bicycling as a viable form of transportation. The campaign will educate the community about the new infrastructure improvements, how to walk, bike and drive safely and the importance of physical activity as well as staying healthy. The improvements will consist of installing zebra crosswalks, raised truncated domes, bulb-outs, pedestrian countdown signal heads, solar street lights, solar radar feedback signs, pavement legends, markings, striping and markers. The project expenditures are estimated at \$401,837 which includes construction and soft costs for FY 2011-2012. The total budget for this project is \$401,900.

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

- 1.) Approve the plans and specifications for the Safe Routes to School Cycle 9 Project; and
- 2.) Authorize staff to solicit bids for the construction of this project.

Mayor Pro-Tem Infanzon pulled Consent Calendar Item #6 for further discussion.

Mayor Pro-Tem Infanzon asked if this was the last grant that was available to the public from Caltrans. He also inquired about what the percentage of funding was that the City has allocated with respect to the community outreach element.

Public Works Director Oropeza stated that this grant was the most recent grant that was awarded to the City last year. Mr. Oropeza informed Mayor Pro-Tem Infanzon that the percentage of funding allocated towards the community outreach element is 20%.

Mayor Pro-Tem Infanzon requested that others involved in this community outreach element such as the school district, residents and City come together to further discuss this particular element.

A motion was made by Council Member Flores and seconded by Mayor Pro-Tem Infanzon to approve the plans and specifications for the Safe Routes to School Cycle 9 Project and authorize staff to solicit bids for the construction of this project. Motion carried by a vote of 5-0.

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

**7. AWARD CONTRACT WITH RON'S MAINTENANCE FOR CATCH BASIN CLEANING & MAINTENANCE**

Recently the City of Bell Gardens benefited from a \$10 million dollar grant to retrofit storm drain inlets with screen capture devices. As a result the maintenance and cleaning of all storm drain inlets requires more frequent attention. This translates into multiple cleanings prior to storm season and after each storm event resulting in a higher maintenance cost. Prior to the installation of these devices, the City used the Los Angeles County Public Works Department for routine maintenance which was less labor intensive, thus less costly. Due to expected increased maintenance cost earlier this year, the board of the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (Gateway Authority) directed staff to prepare and issue a Request for Bids for catch basin maintenance and cleaning because of the anticipated increase in cost by the Los Angeles County Public Works Department. Based on the bids received from Ron's Maintenance, Inc. (RMI), WCS Storm Water & Environmental Solutions, and United Storm Water, Inc., RMI is the lowest responsible qualified bidder. Maintenance of the new storm drain catch basin units is estimated to cost \$45,000 a year. These funds are available in the FY 2011-2012 Commercial Waste Hauler Funds budget.

**Recommendation:** It is staff's recommendation that the City Council award a 3 year contract to Ron's Maintenance, Inc. (RMI) for the maintenance and cleaning of all storm drain catch basin units.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to award a 3 year contract to Ron's Maintenance, Inc. (RMI) for the maintenance and cleaning of all storm drain catch basin units. Motion carried by a vote of 5-0.

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

**8. REDFLEX TRAFFIC SYSTEMS, INC. AGREEMENT**

The City and RedFlex Traffic Systems, Inc. entered into an exclusive agreement for a term of three (3) years whereby RedFlex would provide an automated red light camera enforcement system at the intersection of Florence Avenue and Eastern Avenue. The contract was approved by City Council on October 7, 2008, and the term of the agreement commenced with the issuance of the system's first citation on March 30, 2009. The agreement may be extended for a period of two (2) year terms with a 30 day written notice to RedFlex Traffic Systems prior to the agreement expiration date of March 29, 2012. The primary purpose of the red light camera enforcement system was to help reduce injury and/or deaths that occur from traffic collisions caused by motorists running red lights, as part of an overall community safety program. The existing red light enforcement program was designed to be "cost neutral," meaning it was not intended to be a source of revenue for the City. To date, 95% of the funds collected from verifiable violations have been paid to RedFlex Traffic Systems for operating the cameras. The remaining 5% of funds collected have been utilized to partially offset costs of personnel to manage the system. The red light camera program has contributed to a moderate decrease in the overall number of accidents; however, no change in the overall number of injury accidents. Furthermore, the police department has recognized unanticipated personnel costs to manage the program. Based on this analysis, the red light camera program is not significant enough of a community safety benefit to justify the

continuation of the program beyond the existing three (3) year agreement term that expires on March 29, 2012.

**Recommendation:** It is staff's recommendation that the City Council receive and file the status report on the City's red light camera enforcement system and approve the staff recommendation to discontinue service with RedFlex Traffic Systems, Inc. at the end of the existing three (3) year term agreement effective March 29, 2012.

Mayor Rodriguez pulled Consent Calendar Item #8 for further discussion.

Council Member Aceituno stated that he had asked for an update report in the past months regarding the Redflex traffic system.

City Manager Simonian stated that a report had been provided in Consent Calendar Item #8. Mr. Simonian gave a further detailed explanation regarding the Redflex traffic system.

A motion was made by Council Member Aceituno and seconded by Mayor Rodriguez to receive and file the status report on the City's red light camera enforcement system and approve the staff recommendation to discontinue service with RedFlex Traffic Systems, Inc. at the end of the existing three (3) year term agreement effective March 29, 2012. Motion carried by a vote of 5-0.

Council Member Crespo requested to discuss this item further. Further discussion on Consent Calendar Item #8 was held between the Council Members and City staff.

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

**9. OPPOSITION TO GOLDEN STATE WATER RATE FEE INCREASE**

The City of Bell Gardens is divided into two potable water systems. Golden State Water Company ("GSWC"), a subsidiary of American States Utility Services, Inc., owns and services a water system which handles approximately 70% of the City, while the City of Bell Gardens owns the other 30% of the City's water system. On July 21, 2011 GSWC filed Application No. 11-07-017 with the California Public Utilities Commission ("CPUC") requesting authorization to increase revenues in the Region 2 Service Area for years 2013 to 2015. The CPUC regulates utility companies to ensure adequate levels of service are provided at the lowest reasonable costs. GSWC is requesting the following increase over authorized 2011 revenues for Region 2:

The average monthly residential water usage in GSWC's Region 2 Service Area is approximately 11 Ccf (11 hundred cubic feet or 8,228 gallons). With the proposed increase, a residential customer with a 5/8 X 3/4 inch meter using 11Ccf would see a **monthly bill increase in 2013 of \$10.26, or 20%, from \$51.34 to \$61.59; in 2014 of \$1.77 (or 2.8%) to \$63.36; in 2015 of \$2.11 (or 3.3%) to \$65.47.**

GSWC cited increased water rates, pumping costs and improved infrastructure needs as justification for the increase. On August 15, 2011 City staff met with GSWC to discuss these proposed increases and attempt to get information on how Bell Gardens residents would benefit from these pending increases. Staff requested the Capital Improvement Program forecast for the City of Bell Gardens that would justify such increases. Prior to this notice, GSWC had issued several advice letters (1384-W) requesting rate increases

for Region 2. On May 25, 2010 the City of Bell Gardens went on record protesting proposed rate increases at that time.

**Recommendation:** It is staff's recommendation that the City Council direct staff to prepare for the Mayor's signature an official protest letter with the California Public Utilities Commission opposing Golden State Water Company's proposed 3 year rate increase; Application No. 11-07-017.

Mayor Rodriguez pulled Consent Calendar Item #9 for further discussion.

Council Member Aceituno requested that the Public Works Director give a briefing on Consent Calendar Item #9.

Public Works Director Oropeza gave the City Council an overview of Consent Calendar Item #9.

Council Member Aceituno asked if the water rates being paid by Golden State Water to supply the City have also gone up.

Public Works Director Oropeza stated that water rates being paid by Golden State Water to its supplier have also gone up in addition to pumping costs.

Mayor Rodriguez shared how the increase in water rate fees would be a burden to many low-income residents within the City and expressed her opposition for these fee increases.

A motion was made by Mayor Rodriguez and seconded by Council Member Crespo to direct staff to prepare for the Mayor's signature an official protest letter with the California Public Utilities Commission opposing Golden State Water Company's proposed 3 year rate increase; Application No. 11-07-017. Motion carried by a vote of 5-0.

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

Francisco Samano shared his concerns with Council Member Crespo regarding the politics within the City.

Robert West spoke on his concerns regarding the City.

Cristina Garcia shared her concerns regarding the proposed water rate fee increase and commended the City Council on their vote regarding their opposition to the proposed water rate fee increase.

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

Council Member Crespo asked for a copy of the map depicting the water system handled by the City and the water system handled by Golden State Water Company. He also commented on the past development of Ford Park.

Council Member Aceituno gave general comments.

Council Member Flores shared her thoughts on the Redflex traffic system and gave general comments.

Mayor Pro-Tem Infanzon gave general comments and informed the public that the City would be participating in a program called War on Hunger from September 29, 2011 to October 25, 2011 by providing food to those in need.

Mayor Rodriguez gave general comments.

**ADJOURNMENT** – Mayor Rodriguez adjourned the meeting at 7:20 p.m.

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

Rosalia A. Conde, CMC  
City Clerk