



**CITY OF BELL GARDENS
CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION
REGULAR MEETING - CLOSED SESSION
MONDAY, SEPTEMBER 12, 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 5:03 p.m.

ROLL CALL OF CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBERS

PRESENT: Aceituno, Crespo, Flores, Infanzon (Arrived at 5:05 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 5:04 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 6:02 p.m.

INVOCATION – was given by Will Kaholokula, Finance & Administrative 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:

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

- Proclamation for Family Health Care Center of Greater Los Angeles, Inc. recognizing National Health Center Week
- Presentation by Southeast YMCA

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

CONSENT CALENDAR (Item No.'s 1 – 12)

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

August 22, 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 August 22, 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

3. MINUTES

August 25, 2011 – Special Meeting Minutes

Recommendation: It is staff's recommendation that the City Council/Community Development Commission approve the minutes for the Special City Council/Commission Meeting of August 25, 2011.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to approve the minutes for the Special Meeting of August 25, 2011. Motion carried by a vote of 5-0.

AYES: Aceituno, Crespo, 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	08/16/11 (Check #'s 12535 – 12537)	\$ 365,531.25
Warrant Registers	08/22/11 (Check #'s 12538 – 12539)	\$ 65,553.84
	Total	\$ 431,085.09

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 #4 for further discussion.

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

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	08/16/11 (Check #'s 138165 – 138236)	\$ 615,752.89
Wire Transfers	08/11/11 (Check #'s 844 – 845 Payroll)	\$ 477,035.18
Warrant Registers	08/16/11 (Check #'s 138237 – 138256)	\$ 60,012.46
Warrant Registers	08/22/11 (Check #'s 138257 – 138339)	\$ 670,266.64
Warrant Registers	08/22/11 (Check #'s 138340 – 138349)	\$ 99,097.71
	Total	\$ 1,922,164.88

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 #5 for further discussion.

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

6. JULY 2011 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 July 2011 Treasurer's Report.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to receive, approve and file the July 2011 Treasurer's Report. Motion carried by a vote of 5-0.

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

7. ADOPTION OF ORDINANCE NO. 842, COMPLYING WITH THE PROVISIONS OF THE STATE OF CALIFORNIA ASSEMBLY BILL 1X 27 – ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM

In June of 2011, the State legislature approved, and the Governor signed, AB 1X 26 and AB 1X 27 as part of the State Budget package. AB 1X 26 terminates redevelopment agencies. AB 1X 27 establishes the Alternative Voluntary Redevelopment Program that allows a city to retain its redevelopment agency if it approves an ordinance pledging to provide payments to the County Auditor Controller each year. The first payment is \$29,172 with smaller payments each year thereafter (future annual payments are estimated at \$6,798). When AB 1X 26 was signed by the Governor, it suspended the ability of redevelopment agencies to approve or modify agreements and imposed many other restrictions to curtail the ability of redevelopment agencies to operate. Notwithstanding the August 1, 2011 California Supreme Court stay ("Stay"), AB 1X 27 temporarily exempts redevelopment agencies from the AB 1X 26 restrictions if a City Council adopts an ordinance authorizing participation in the Alternative Voluntary Redevelopment Program. The California Redevelopment Association and the League of California Cities have challenged the legislation in court. On August 11, 2011 the court issued Stay partially suspended parts of AB 1X 26 and suspended all of AB 1X 27. The Stay suspends the scheduled dissolution of redevelopment agencies on October 1, 2011, but also suspends the Commission's authority to enter into any new contracts or incur new debt pending the stay. Despite the temporary reprieve from dissolution, City staff believes that it is prudent to adopt the Voluntary Redevelopment Program

Ordinance in the event that the Stay is lifted and AB 1X 27 is deemed valid. This adoption would ensure that the required ordinance is timely adopted. If AB 1X 26 and 27 are deemed unlawful, the Ordinance will have no effect. Adoption of the Ordinance will not have any immediate fiscal impact due to the Supreme Court's Stay of AB 1X 27. If and when payment is required, the City's General Funds will not be used for payment of the State's Alternative Voluntary Redevelopment Program ransom payments. AB 1X 27 payments will be made using funds from our redevelopment affordable housing tax increment reserves.

Recommendation: It is staff's recommendation that the City Council adopt Ordinance No. 842, determining the City's compliance with the Alternative Voluntary Redevelopment Program pursuant to part 1.9 of Division 24 of the California Health and Safety Code permitting the continued existence and operation of the Community Development Commission of the City of Bell Gardens.

Council Member Crespo pulled Consent Calendar Item #7 for further discussion.

Council Member Crespo inquired about the ransom payment amount owed by the City with regard to the Alternative Voluntary Redevelopment Program and the stay that has been issued by the California Supreme Court.

City Manager G. Steve Simonian clarified that these ransom payments would allow the City to continue current projects such as the Abode Senior Housing Project.

Assistant City Attorney Lam explained that there is currently a stay that was issued by the California Supreme Court. He also shared that although the City has decided to go forward with the adoption of this ordinance, the stay would only have a suspension effect on the ordinance. Nothing will change unless the stay is lifted.

Council Member Crespo also asked if the City would be held responsible or liable in any way due to the continuing of the City's current redevelopment projects. He also inquired about the City being able to enter into new projects and asked what the goal and involvement of the Contract Cities was.

City Manager Simonian stated that no additional liability existed than the normal liability that existed before the Governor signed the legislation to do away with the redevelopment agencies.

Assistant City Attorney Lam explained that the City is not allowed to proceed with any additional new projects, only existing projects that have been entered into contracts such as the Abode project. He also clarified that the Contract Cities filed a special lawsuit with the California Supreme Court stating that the state laws, AB 1X 26 & AB 1X 27, which were signed by the Governor, violate Proposition 22. Contract Cities are challenging that these state laws are conflicting with Proposition 22 which was adopted to prevent the State from redirecting or taking redevelopment funds.

A motion was made by Council Member Aceituno and seconded by Mayor Pro-Tem Infanzon to adopt Ordinance No. 842, determining the City's compliance with the Alternative Voluntary Redevelopment Program pursuant to part 1.9 of Division 24 of the California Health and Safety Code permitting the continued existence and operation of the Community Development Commission of the City of Bell Gardens. 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. **ADOPTION OF RESOLUTION NO. 2011-36 APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR PLANNING CONSULTANT**

The current City Budget constraints have mandated that the Community Development Department freeze all open positions. This hiring freeze affected the open position of Assistant Planner within the Community Development Department. Staff is cognizant of the City's budget challenges but still require the services of the Assistant Planner, therefore staff recommends hiring a planning consultant to provide those services at a part-time level. A part-time planning consultant will save the City 50% of the total cost of a full-time Assistant Planner. In June 2011 Community Development staff requested qualifications from planning consultants. In response, staff received proposals from various firms and individuals of those the following were deemed the most qualified: Linn & Associates, Romo Planning Group, Inc., and Civic Solutions. Upon conclusion of the interviews and secondary review of the consultant proposals, fee schedules and references, staff recommends entering into a Professional Services Agreement with Linn & Associates. The consulting planning serves are based on an hourly rate and will not exceed \$45,000 within any given Fiscal year. Funds to pay for the consulting services are currently available in the Community Development Department's FY 2011-2012 budget. Therefore no additional funds need to be appropriated.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-36, approving and authorizing the Professional Services Agreement by and between the City of Bell Gardens and Deborah Linn dba Linn & Associates for Planning Services.

Mayor Pro-Tem Infanzon pulled Consent Calendar Item #8 for further discussion.

Mayor Pro-Tem Infanzon inquired about the exact services that would be provided with this agreement.

Community Development Director Aldo Schindler stated that the addition of this position would allow for the update of the City's General Plan and Housing Element.

Mayor Pro-Tem Infanzon made a motion to table Item #8 for further discussion at a future upcoming City Council meeting.

Community Development Director Schindler clarified all services that would be provided with the addition of this position.

After further discussion, Mayor Pro-Tem Infanzon withdrew his motion to table Item #8.

Council Member Crespo asked if there was a current city employee who would be capable of assisting with the General Plan.

City Manager Simonian explained that the position was left vacant based on the fact that there was no one in house who was presently prepared to fill the position. He also stated that hiring someone part-time would be a salary savings for the City.

A motion was made by Mayor Rodriguez and seconded by Mayor Pro-Tem Infanzon to adopt City Council Resolution No. 2011-36, approving and authorizing the Professional Services Agreement by and between the City of Bell Gardens and Deborah Linn dba Linn & Associates for Planning Services. Motion carried by a vote of 5-0.

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

9. ADOPTION OF RESOLUTION NO. 2011-37 APPROVING FY 2012 TASK FORCE AGREEMENT

The United States Drug Enforcement Agency (DEA) operates the Southern California Drug Task Force in an effort to combat dangerous drugs and illegal narcotics in the Southern California area. The task force is staffed with members of federal and local law enforcement agencies from Los Angeles, Orange, Riverside, and San Bernardino counties. The Bell Gardens Police Department wishes to participate in the task force by assigning one (1) police officer to the task force for a period of three (3) years. Our participation in the task force will benefit the community of Bell Gardens by providing additional resources to investigate major narcotics cases initiated by the City, as well as providing specialized training free of charge to the officer assigned to the task force. While participating in the task force, the Bell Gardens Police Department will continue to pay the officer's salary. DEA will pay overtime costs on a monthly pro-rated basis as indicated in the agreement. Bell Gardens Police Department will be provided a share of asset seizure funds for its participation.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-37, approving the Fiscal Year 2012 Task Force Agreement (TFA) between the City of Bell Gardens and the United States Drug Enforcement Agency Southern California Drug Task Force.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to adopt City Council Resolution No. 2011-37, approving the Fiscal Year 2012 Task Force Agreement (TFA) between the City of Bell Gardens and the United States Drug Enforcement Agency Southern California Drug Task Force. Motion carried by a vote of 5-0.

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

10. ADOPTION OF RESOLUTION NO. 2011-38 APPROVING SPENDING PLAN AND APPROPRIATION OF ASSET FORFEITURE FOR FY 2011-2012

The Department of Justice (DOJ) Equitable Sharing Program (Asset Forfeiture) is federal law enacted in 1984. The primary purpose of this program is to assist law enforcement in the deterrence of crime by depriving criminals of the profits and proceeds of their criminal activities and to weaken criminal enterprises by removing the instrumentalities of crime. An ancillary purpose of this program is to enhance cooperation among federal, state, and local law enforcement agencies through the equitable sharing of federal forfeiture proceeds. The Bell Gardens Police Department, in cooperation with federal, state, and local agencies has participated in several investigations in the past that have resulted in the seizure of personal property, including U.S. currency. Through the Equitable Sharing Program, the police department applied for and received a portion of funds from each related investigation. Federal law dictates permissible and non-permissible purchases under the asset forfeiture program.

Permissible items include law enforcement equipment in any area that is necessary to perform official law enforcement duties related to patrol and investigations. Staff is placing this item on the Consent Calendar in order to correctly memorialize the actual amount of Asset Forfeiture Funds to be used and to properly identify the selected vendors. The fiscal impact for the recommended expenditures will be approximately \$240,000.00, to be taken from the Police Department's FY 2011-2012 Asset Forfeiture Fund. No General Fund monies will be utilized.

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

- (1) Adopt City Council Resolution No. 2011-38, appropriating asset forfeiture funds for use by the Police Department for Fiscal Year 2011-2012 to purchase police vehicles and equipment; and
- (2) Approve \$240,000.00 in Fiscal Year 2011-2012 Asset Forfeiture Funds as itemized below:
 - a. Authorize the purchase of up to four V-8 Ford Crown Victoria black and white police vehicles from Wondries Fleet Group at a cost of \$22,790.00 each; and
 - b. Authorize the conversion work of transferring all equipment from the old units to the four new Ford Crown Victoria black and white police vehicles by 10-8 Retrofit, Inc. for a total price of \$6,700.00; and
 - c. Authorize the continuing lease payments for the five vehicles currently being used SIU and Task Force assignments for a total of \$24,726.42; and
 - d. Authorize \$10,000.00 be allocated to refurbish existing black and white police patrol vehicles; and
 - e. Authorize the purchase of thirty (30) Motorola portable police radios for a cost of \$59,000.00; and
 - f. Authorize the use of up to \$10,000.00 for the refurbishment of a tactical armored vehicle for use by the Special Operations Team; and
 - g. Authorize \$21,000 for purchase and installation of any required police vehicle emergency equipment, and/or overtime and supplies for narcotics investigations.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to adopt City Council Resolution No. 2011-38, appropriating asset forfeiture funds for use by the Police Department for Fiscal Year 2011-2012 to purchase police vehicles and equipment and approve \$240,000.00 in Fiscal Year 2011-2012 Asset Forfeiture Funds as itemized. Motion carried by a vote of 5-0.

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

11. ADOPTION OF RESOLUTION NO. 2011-39 APPROVING THE CALIFORNIA CANCER RESEARCH ACT

Despite continuing advancements in medical treatment and prevention, cancer remains a leading cause of death in California, with more than 140,000 Californians diagnosed with cancer every year. The California Cancer Research Act is a ballot initiative that will impose excise tax on cigarettes by \$1.00 per pack with equivalent increase on other tobacco products. If passed by voters at the next statewide ballot, the California Cancer Research Act will provide more than \$500 million a year in funding to help leading researchers save lives through the important advances in detecting, treating, preventing and curing cancer, heart disease, stroke, emphysema and other smoking-related illnesses. The measure is supported by the American Cancer Society, American Lung

Association, American Heart Association, Campaign for Tobacco Free Kids, Stand Up To Cancer, and The Livestrong Foundation.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-39, supporting the California Cancer Research Act.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to adopt City Council Resolution No. 2011-39, supporting the California Cancer Research Act. Motion carried by a vote of 5-0.

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

12. ADOPTION OF RESOLUTION NO. 2011-40 APPROVING THE PROFESSIONAL SERVICES AGREEMENT WITH 3DI

Over the last several months, staff has extensively analyzed websites that will better suit the City more efficiently and cost effectively. Currently, the City spends in excess of \$3,600 per year for maintenance and hosting of the existing City website which is no longer capable of meeting current needs. A newly designed state-of-the-art website would allow the City the ability to better communicate with the community by posting City Council meeting information, the City newsletter, demographics, announcements, bid documents, an online calendar, job postings, a photo gallery, and a staff directory. Additionally, staff would have complete access to add, delete, and modify all uploaded website content in order to maintain an up-to-date website. The City received a total of three proposals from CivicPlus, Vision Internet and 3DI. The flexibility of upgrades available with the proposal with 3DI allows the City to stay current with website programming and avoid future capital expenditures for upgrades. The proposed agreement also includes all technical support and maintenance for the term of the agreement at today's negotiated rates protecting the City from rising support costs. This is beneficial because the periodic need of budgeting for maintenance of the website can be eliminated and capital is preserved. The total cost to the City for the four-year period would be \$27,600, \$6,900 per year that includes the design of a new website, technical support, maintenance, and hosting.

Recommendation: It is staff's recommendation that the City Council adopt City Council Resolution No. 2011-40, approving a four-year agreement with 3DI for the design, technical support, maintenance, and hosting of a new City website at a cost of \$575 per month, approximately \$250 more per month than the cost to maintain the City's current outdated website.

A motion was made by Council Member Flores and seconded by Council Member Aceituno to adopt City Council Resolution No. 2011-40, approving a four-year agreement with 3DI for the design, technical support, maintenance, and hosting of a new City website at a cost of \$575 per month, approximately \$250 more per month than the cost to maintain the City's current outdated website. 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) – None

CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

Council Member Crespo gave general comments.

Council Member Aceituno gave general comments.

Council Member Flores gave general comments.

Mayor Pro-Tem Infanzon gave general comments.


Mayor Rodriguez gave general comments.

Council Member Crespo excused himself from the dais at 6:33 p.m.

Mayor Rodriguez adjourned the City Council/Commission meeting at 6:36 p.m. in memory of Jo Shoup and Daniel Quintana.

Mayor Rodriguez reconvened the meeting back to order at 6:36 p.m. to discuss the current status of the red light camera located at the intersection of Florence & Eastern. City Manager Simonian explained that no revenue was being generated by this red light camera and there was no cost to the City for its operation. He also explained that injury accidents in that intersection have steadily increased even with the use of the camera. City Manager Simonian lastly stated that the contract for the red light camera is to expire March 2012 and a recommendation would be presented to Council to terminate and not renew another contract for the use of the red light camera.

ADJOURNMENT – Mayor Rodriguez adjourned the meeting at 6:39 p.m.



Rosalia A. Conde CMC
City Clerk