



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, APRIL 25, 2016, 5:00 P.M.
MINUTES**

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

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the Successor Agency Secretary at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

CALL TO ORDER – Mayor Rodriguez called the meeting to order at 5:03 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Flores, Mendoza, Pulido (arrived at 5:07 p.m.), Aceituno (arrived at 5:27 p.m.), Rodriguez
Absent: None

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

Mayor Rodriguez opened the public comment period. There were no speakers. Mayor Rodriguez closed the public comment period and the Council recessed to the Council Conference Room (See page 2 for a report on Closed Session) at 5:04 p.m. to discuss the following matters:

CLOSED SESSION:

- a. **PUBLIC EMPLOYMENT PERFORMANCE EVALUATION
(Government Code Section 54957(b))**
Employee: City Manager

- b. **CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)**
Agency Representative: Arnold Alvarez-Glasman, City Attorney and John Lam, Assistant City Attorney
Unrepresented Employee: City Manager
Possible action in open session: Consideration of an Amended and Restated Employment Agreement for the City Manager



**CITY OF BELL GARDENS
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REGULAR MEETING
MONDAY, APRIL 25, 2016, 6:00 P.M.
MINUTES**

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

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

CALL TO ORDER – Mayor Rodriguez called the meeting to order at 6:07 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Flores, Mendoza, Pulido, Aceituno, Rodriguez
Absent: None

CITY ATTORNEY REPORT ON CLOSED SESSION

City Attorney Arnold Alvarez-Glasman reported that the City Council convened for closed session to discuss the two items that were listed on the closed session agenda: public employment performance evaluation pursuant to Government Code Section 54957(b), and Conference with labor negotiators pursuant to Government Code Section 54957.6. He reported that briefing on both items is ongoing, with no action taken, and the City Council requested to recess the closed session meeting to reconvene after the open session of the City Council meeting.

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

No comments.

CONSENT CALENDAR (Items No. 1 – 6)

A motion was made by Council Member Flores and seconded by Council Member Mendoza to approve Items No. 1-6 on the Consent Calendar. The motion carried 5-0 with the following vote.

AYES: Flores, Mendoza, Pulido, Aceituno, Rodriguez
NOES: None
ABSENT: None
ABSTAIN: None

1. GENERAL MOTION TO READ ALL ORDINANCES BY TITLE ONLY

In order to expedite the conduct of business at City Council meetings, California State Law (California Government 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 approve a general motion to waive full reading and approve Ordinances by title only pursuant to California Government Code Section 36934.

2. **MINUTES**

April 11, 2016– Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of April 11, 2016.

3. **RECEIVE AND FILE THE LOCAL COMMISSIONS APPOINTMENT LIST**

The local appointments list includes the Bell Gardens Commissions and Commissioners. The City Council adopted Ordinance No. 825 on July 13, 2009 which consolidated the existing City Commissions and established minimum requirements for service. It should be noted that all Commission Members must reside within the City of Bell Gardens and may only serve on one Commission at a time. Once appointed, each Commissioner must adhere to the requirements of the City's Conflict of Interest Code and state-mandated AB 1234 ethics training. Ordinance 825 allows each Council Member to nominate one (1) candidate per Commission, subject to the approval of the Council majority. The appointed Commission Member will serve a term that coincides with the term of the Council Member who made the original nomination.

Recommendation: It is staff's recommendation that the City Council receive and file the local commissions appointments list.

4. **WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant register	03/29/16	Check #s	157144 – 157220		<u>\$ 347,616.41</u>
Warrant register	04/05/16	Check #s	157221 – 157285		
Wire transfers	03/31/16	Wire #s	1094 – 1095	\$ 294,214.62	
Payroll transfer	03/31/16		Net payroll	<u>\$ 374,234.65</u>	<u>\$ 668,449.27</u>
			Total =		<u>\$ 1,016,065.68</u>

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.

5. **REJECTION OF CLAIMS**

The City directed the original claims to Carl Warren & Company. Following an investigation by the City's claims management administrator, these claims are being presented for rejection.

Recommendation: It is staff's recommendation that the City Council reject the claims filed by Ruth Sandoval and Infinity Insurance. The claims are being presented for rejection following a recommendation by the City's claims management administrator, Carl Warren & Company, and in a manner that allows the claimants, subject to certain exceptions, up to six months to file a court action on the claim.

6. **WHITE CURB AT 6517 EASTERN AVENUE - RESOLUTION NO. 2016-17**

The Public Works Department received a request for a loading/unloading zone designation from Azul Medical Clinic at 6517 Eastern Avenue. The medical facility has elderly patients that utilize transportation via bus or taxi provided by health insurance. Designating a loading/unloading zone would provide a safe zone for patients to get dropped off. On March 1, 2016 the Traffic and Safety Commission unanimously

approved, for City Council consideration, the installation of 30' feet of white curb loading and unloading at 6517 Eastern Avenue. The cost for installing thirty (30') feet of white curb and signage is approximately \$450 and is available in the current Street Maintenance Budget.

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

- 1) Adopt Resolution No. 2016-17 authorizing parking restrictions in the City of Bell Gardens modifying the Bell Gardens Municipal Code; and
- 2) Authorize staff to install 30' feet of white curb loading and unloading parking at 6517 Eastern Avenue.

5. REJECTION OF CLAIMS

The City directed the original claims to Carl Warren & Company. Following an investigation by the City's claims management administrator, these claims are being presented for rejection.

Recommendation: It is staff's recommendation that the City Council reject the claims filed by Gabriel Aguayo, Juan Villa and Miguel Villanueva. The claims are being presented for rejection following a recommendation by the City's claims management administrator, Carl Warren & Company, and in a manner that allows the claimant, subject to certain exceptions, up to six months to file a court action on the claim.

6. JANUARY 2016 TREASURER'S REPORT

The Treasurer's Report for Cash and Investments for the month of January 2016 is attached.

Recommendation: It is recommended that the City Council receive, approve, and file the January 2016 Treasurer's Report.

DISCUSSION (Item No. 7)

7. POST-EMPLOYMENT BENEFITS TRUST TO PRE-FUND PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) OBLIGATIONS

The City of Bell Gardens (City) offers full-time employees California Public Employees Retirement System (CalPERS) pensions and retiree healthcare benefits also called Other Post-Employment Benefits (OPEB) which are administered by the City. Pension and OPEB benefits are considered part of employee compensation but are not received until retirement. The OPEB benefit, unlike CalPERS pension, does not have a dedicated funding source. The recommended practice is to place funds in an irrevocable trust as the benefits are being earned. As of June 30, 2015, the net OPEB obligation was almost \$21,000,000 with annual required contributions (ARC) of approximately \$4.5 million as calculated by a certified actuary. Staff is recommending establishing an Internal Revenue Code (IRC) Section 115 Irrevocable Trust to enable the City to begin funding the OPEB obligation. Out of the two OPEB trust administrators in the region, PARS is the best fit for the city while providing better performance history. The city has \$100,528 available and approved to fund the trust in fiscal year 2016, and city staff will bring back other funding options and ideas to the council in the future. Establishing and funding the trust will reduce the City's OPEB liability – demonstrating the City's commitment to prudent, long-term, fiscal management. Once the trust has been funded, the fees for the OPEB Trust will be paid from the Trust assets.

Recommendation: It is staff's recommendation that the City Council approve Resolution No. 2016-18, authorizing the establishment of an IRS code section 115 irrevocable trust with Public Agency Retirement Services to prefund post-employment benefits for eligible retirees and authorize the City Manager to execute an agreement with Public Agency Retirement Services for Post-Employment Retirement Benefit Trust Plan.

City Manager Phil Wagner gave an oral presentation and stated that this item was presented to the Council at the last Council Meeting of April 11, 2016. He also stated that he would like to add to the stated recommendation, a new recommendation to create an ad hoc committee consisting of two Council Members and staff, to discuss future funding sources for the trust.

After discussion by the Council, a motion was made by Council Member Mendoza and seconded by Council Member Flores to adopt Resolution No. 2016-18, authorizing the establishment of an IRS code section 115 irrevocable trust with Public Agency Retirement Services to prefund post-employment benefits for eligible retirees and authorize the City Manager to execute an agreement with Public Agency Retirement Services for Post-Employment Retirement Benefit Trust Plan. The motion carried 5-0 with the following vote.

AYES: Flores, Mendoza, Pulido, Aceituno, Rodriguez
NOES: None
ABSENT: None
ABSTAIN: None

After further discussion, a motion was made by Mayor Rodriguez, seconded by Council Member Flores, to direct the City Manager to provide workshop style briefings to the City Council regarding the Post-Employment Retirement Benefit Trust Plan.

The motion carried 5-0 with the following vote.

AYES: Flores, Mendoza, Pulido, Aceituno, Rodriguez
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL (Three minutes per person, subject to a total period of 30 minutes)

Rosario Luna commented on street racing and other disturbances on Ira and Live Oak and asked for the City's support. Mayor Rodriguez requested that Chief of Police Robert Barnes provide assistance to Ms. Luna after the meeting.

CITY COUNCIL MEMBER COMMENTS

Council Member Mendoza requested increased traffic patrol at Bell Gardens Intermediate School. He also thanked resident Rosario Luna for attending the meeting and voicing her concerns.

Council Member Pulido thanked everyone for attending the Council meeting. She thanked resident Rosario Luna for voicing her concerns, she thanked City Manager Phil Wagner for quickly addressing two broken street lights and lastly she thanked the Police Department.

Mayor Pro Tem Aceituno asked about the status of the street sign project. City Engineer Sid Mousavi stated that the project was in its final phase.

Mayor Rodriguez commented on the traffic problems during pick up and drop off times at the local schools. She provided suggestions to the Chief of Police. City Manager Phil Wagner stated that the City is doing everything possible to regulate the traffic issues.

RECESS – At 6:38 p.m. Mayor Rodriguez announced that the City Council would recess back to closed session.

CITY ATTORNEY REPORT ON CLOSED SESSION

City Attorney Arnold Alvarez-Glasman reported that all five members of the City Council reconvened for closed session to discuss the two items that were listed on the agenda: public employment performance evaluation pursuant to Government Code Section 54957(b), and Conference with labor negotiators pursuant to Government Code Section 54957.6. The City Council received information regarding the performance evaluation of the City Manager. The City Council asked for additional information regarding the proposed Amended and Restated Employment Agreement for the City Manager, and requested to bring this matter back to the next Council meeting of May 9, 2016.

ADJOURNMENT – Mayor Rodriguez adjourned the City Council meeting in memory of Chan Lam at 7:19 p.m.



Kristina Santana
City Clerk