



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, DECEMBER 12, 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) 806-7704. 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 Aceituno called the meeting to order at 6:03 p.m.

INVOCATION – was led by Director of Recreation and Community Services Chris Daste.

PLEDGE OF ALLEGIANCE – was led by Joshua Acosta.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Flores, Pulido (arrived at 6:10 p.m.), Mendoza, Aceituno
Absent: Rodriguez

PRESENTATION

- Presentation by Mayor Pro Tem Mendoza to Bell Gardens Teachers
Mayor Pro Tem Mendoza presented the Far and Beyond Award to three Bell Gardens educators: Toni Sanchez, Corrina Villanueva and Fernando Villagomez

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 – 13)

Mayor Aceituno pulled Item #13 for further discussion.

A motion was made by Council Member Flores and seconded by Mayor Pro Tem Mendoza, to approve Items No. 2-12 on the Consent Calendar.

The motion carried 4-0 with the following vote.

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

November 21, 2016 – Continued Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Continued Regular City Council Meeting of November 21, 2016.

3. **AB1234 CONFERENCE REPORT**

Pursuant to the requirements of AB 1234, a report is required by any elected official attending a conference or seminar at the City's expense.

Recommendation: It is staff's recommendation that the City Council receive and file this report.

4. **WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant register	11/15/16	Check #s	159787 – 159870		
Wire transfers	11/10/16	Wire #s	1128 – 1129	\$ 474,754.60	
Payroll transfer	11/10/16		Net payroll	\$ 372,281.09	\$ 847,035.69
Warrant register	11/22/16	Check #s	159872 - 159951		\$ 151,439.89
Total =					<u>\$ 1,000,975.58</u>

In approving the action of receiving and filing the warrant registers 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.

5. **OCTOBER 2016 TREASURER'S REPORT**

The Treasurer's Report is a list of cash and investments for the month.

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

6. **REJECTION OF CLAIM**

The City directed the original claim to Carl Warren & Company. After investigating this matter, the claim's administrator and City staff determined that the City is not liable for the claimed damages and recommend rejection.

Recommendation: It is staff's recommendation that the City Council reject the claim filed by Manuel Arteaga. The claim is being presented for rejection following a recommendation by the City's claims 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.

7. **ADOPTION OF ORDINANCE NO. 880 – VARIANCE FINDINGS**

On November 21, 2016, the City Council approved Zoning Code Amendment No. 2016-96, introduced Ordinance No. 880 and waived first reading of this ordinance. Bell Gardens Municipal Code ("BGMC") Chapter 9.50, "Variances and Conditional Use Permits," establishes procedures for the granting of a variance from the zoning development standards and requirements of the BGMC. The BGMC is authorized to provide for the granting of variances pursuant to California Government Code Section 65906, "Variances." Approval of Zoning Code Amendment No. 2016-096 and adoption of Ordinance No. 880 would amend BGMC Chapter 9.50, "Variances and Conditional Use Permits," Section 9.50.060 "Basis for approval or denial of a variance" to clarify that all

five of the stated findings are required to be made by the Planning Commission prior to the granting of a variance consistent with the requirements of the Government Code.

Recommendation: It is staff's recommendation that the City Council waive second reading and adopt Ordinance No. 880, amending the Bell Gardens Municipal Code Title 9 Zoning and Planning Regulations, Chapter 9.50, "Variances and Conditional Use Permits," Section 9.50.060 "Basis for approval or denial of a variance."

8. **ADOPTION OF ORDINANCE NO. 881 TO AMEND THE CITY OF BELL GARDENS MUNICIPAL CODE TO CHANGE GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH STATEWIDE GENERAL ELECTIONS IN NOVEMBER OF EVEN-NUMBERED YEARS**

On November 21, 2016, the City Council introduced Ordinance No. 881 and waived first reading of the ordinance. On September 1, 2015, Governor Brown signed into law Senate Bill 415 "Voter Participation" which prohibits local governments, beginning January 1, 2018, from holding an election on any date other than on a statewide election date if doing so has resulted in low voter turnout. On October 24, 2016, the City Council directed staff to proceed with synchronization of the City's general municipal elections to statewide election dates of November in even numbered years, beginning with the statewide election date of November 2018 and then November 2020. In accordance with the City's synchronization plan, City staff has prepared an ordinance for the City Council's consideration that would amend Section 2.60.010 of the Bell Gardens Municipal Code to reflect the change in the General Municipal Election date in compliance with SB 415.

Recommendation: It is staff's recommendation that the City Council waive second reading and adopt Ordinance No. 881, amending section 2.60.010 of the Bell Gardens Municipal Code entitled "Municipal Election Date."

9. **APPROVAL OF PURCHASE AND INSTALLATION OF EMERGENCY AND ELECTRONICS EQUIPMENT IN NEW POLICE VEHICLE**

On January 11, 2016, the City Council approved the purchase of a new Chevrolet Tahoe Police SUV to be used by the patrol field supervisor. The purchase did not include required emergency and communications equipment to include the radio, emergency lights, siren, light controls, interior prisoner cage, window barriers, weapon rack/lock, cargo equipment, Mobile Digital Computer, and miscellaneous components. Installation of these various components requires technically skilled service personnel given the complexity of the work. Black & White Emergency Vehicles is an authorized installer for all of the above equipment and will complete the installation and outfitting. Funding has been budgeted in the police department's FY2016-17 Asset Forfeiture Spending Plan.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AUTHORIZING THE PURCHASE AND INSTALLATION OF EMERGENCY AND COMMUNICATIONS EQUIPMENT IN A NEW PATROL VEHICLE UTILIZED BY THE POLICE DEPARTMENT."

10. **PURCHASE OF TRAINING AND DUTY AMMUNITION FOR POLICE DEPARTMENT**

Each year, the Police Department purchases ammunition for training and duty use. Each officer is required to complete shooting qualifications four times per year which equates to approximately 1,000 rounds per officer. To ensure reliability of ammunition, the PD changes out each officer's duty ammunition once a year. Each year, the PD purchases ammunition in bulk instead of on a quarterly basis throughout the year, to recognize savings for a bulk purchase. Purchasing requirements for ammunition are dictated by law through an authorized regional vendor. Dooley Enterprises is the only authorized distributor for our region of Winchester ammunition that is used by the police

department. For this reason, it is requested that a sole source purchase be approved for this transaction per Bell Gardens Municipal Code section 3.04.100(A) the 'sole source' exception. Funds are available in the police department's FY2016-17 Operating Budget, Range Supplies.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-58 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS APPROVING A SOLE SOURCE PURCHASE TO ACQUIRE TRAINING AND DUTY AMMUNITION FROM DOOLEY ENTERPRISES."

11. APPROVE COOPERATIVE AGREEMENT WITH CITY OF DOWNEY FOR FLORENCE AVE BRIDGE IMPROVEMENTS

Florence Avenue has been designated as a major arterial on the Circulation Element of the General Plan for both the Cities of Downey and Bell Gardens. The City of Downey is proposing to rehabilitate the existing bridge along Florence Avenue at the Rio Hondo Channel. Because the project lies within the City of Downey and the City of Bell Gardens, both cities must enter into a cooperative agreement for the design and construction of these improvements. This agreement establishes that the City of Downey will be the lead agency for the project. Downey will prepare construction plans, specification, and cost estimates and submit copies to Bell Gardens for review and approval. Downey will not commence or undertake construction within the jurisdictional limits of Bell Gardens unless we consent to such proceedings or actions. The project is estimated to cost a total of \$2,177,000 with the City of Bell Garden's cost share of \$14,982. If approved, the City of Bell Gardens will reimburse the City of Downey, upon completion of the project, \$14,982 to finance our remaining portion. There are funds available in FY16/17 Budget from Measure R.

Recommendation: It is staff's recommendation that the City Council by motion, adopt City Council Resolution No. 2016-59 approving a cooperative agreement with the City of Downey to rehabilitate the bridge along Florence Avenue at the Rio Hondo Channel within the two agencies' respective jurisdictional limits between Old River School Road – Tecum Road and Scout Avenue.

12. RESOLUTION NO. 2016-60 APPOINTING A MEMBER AND ALTERNATES TO THE GOVERNING BOARD OF THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT AUTHORITY (GWMA)

In 2010, the City Council of Bell Gardens adopted Resolution 2010-35 approving the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Agreement. The City entered into the agreement to create a "regional water management group" to develop a regional water management plan that will protect and enhance the region's water resources. Each member of the GWMA has one member on the governing board with one vote each. A designated alternate is authorized to vote in the member's absence. Since 2010, the Director of Public Works has served as the representative for the City of Bell Gardens and the Public Works Manager as the alternate. The GWMA recently changed its bylaws eliminating the use of proxies and now require that only alternates can vote in absence of the board member and that three additional alternate members must be approved by Resolution. Member agencies must also appoint Board Members by name and not by position or title.

Recommendation: That the City Council by motion, adopt Resolution No. 2016-60 appointing a member and alternates to the governing board of the Los Angeles Gateway Region Integrated Regional Water Management Authority (GWMA).

13. **RESOLUTION NO. 2016-61 AUTHORIZING BELL GARDENS' PARTICIPATION IN VOTING FOR CENTRAL BASIN MUNICIPAL WATER DISTRICT'S BOARD OF DIRECTORS, AS SPECIFIED BY ASSEMBLY BILL 1794**

The Central Basin Municipal Water District (Central Basin) was established in 1952 as a water wholesaler that provides imported water to 47 retail water providers and one water wholesaler including: cities, mutual water companies, investor-owned utilities and private companies in southeast Los Angeles County. In addition, Central Basin owns and operates a recycled water distribution system. On September 21, 2016, AB 1794 was signed by Governor Brown to add technical expertise and oversight of Central Basin by adding three (3) new appointed Directors to the publicly elected five-member Board. Assembly Bill 1794 expands the Central Basin Board to an eight-member board, with five publicly elected members and three appointed members from the water purveyors serviced by Central Basin. However, beginning in 2022 and after redistricting, the Board will be restructured to a seven-member governing body with four publicly elected members and three appointed from the water purveyors. The District's General Manager will accept nominations for appointment of individuals to the Board of Directors from the water purveyors every four years. As a water purveyor of the District, the City of Bell Gardens is entitled to vote in and may nominate a city employee to run for a seat to serve on the Board of Directors.

Recommendation: That the City Council by motion, adopt Resolution No. 2016-61 authorizing the City Manager, or his designee, to vote in the Central Basin Municipal Water District's Board elections for the appointment of Directors representing water purveyors, as specified by Assembly Bill 1794; and at his discretion nominate a City employee to run, and if elected, hold office for a Board position on behalf of the City.

Mayor Aceituno left the dais and Assistant City Attorney John Lam stated that although there is no conflict, out of an abundance of caution, Mayor Aceituno has elected to recuse himself from this item due to the fact that he sits on the board for Central Basin.

A motion was made by Council Member Flores and seconded by Mayor Pro Tem Mendoza, to adopt Resolution No. 2016-61 authorizing the City Manager, or his designee, to vote in the Central Basin Municipal Water District's Board elections for the appointment of Directors representing water purveyors, as specified by Assembly Bill 1794; and at his discretion nominate a City employee to run, and if elected, hold office for a Board position on behalf of the City.

The motion carried 3-0 with the following vote.

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

Mayor Aceituno returned to the dais at this time.

DISCUSSION (Items No. 14-17)

14. PROFESSIONAL SERVICES AGREEMENT FOR INTERNET BANDWIDTH

The Information Technology (IT) department is responsible for the City's network and internet usage by all City employees. The City currently uses an internet bandwidth speed that is no longer sufficient due to the amount of software and employee processes executed on the City network daily. City staff performed an informal bid process for internet bandwidth and solicited three bids from TelePacific, Level 3, and Windstream. Upon review, it was determined that TelePacific was the best bidder by meeting the City's specifications, at the lowest cost. The project is planned to begin immediately following approval by City Council in December 2016. The implementation time frame is three months to allow for hardware installation and testing before going live by March 2017. The City Council appropriated \$40,000 into the IT's Telecom account in the FY 16-17 budget for this expenditure.

Recommendation: That the City Council, by motion, approve Resolution No. 2016-62 authorizing the City Manager to execute a professional services agreement with TelePacific to provide improved City network internet bandwidth services with the following cost;

1. Annual amount not to exceed \$21,588 for internet bandwidth service; and
2. One-time expenditure of \$15,000 for purchase and installation of server equipment and software. Total project cost for implementation is \$36,588.

City Manager Phil Wagner gave a presentation.

A motion was made by Council Member Flores and seconded by Mayor Pro Tem Mendoza, to approve Resolution No. 2016-62 authorizing the City Manager to execute a professional services agreement with TelePacific to provide improved City network internet bandwidth services with the following cost;

1. Annual amount not to exceed \$21,588 for internet bandwidth service; and
2. One-time expenditure of \$15,000 for purchase and installation of server equipment and software. Total project cost for implementation is \$36,588.

The motion carried 4-0 with the following vote.

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

15. AWARD OF CONTRACT FOR CATCH BASIN MAINTENANCE SERVICES

This item was continued from the 11/21/16 continued regular City Council meeting. The City of Bell Gardens maintains approximately 339 storm drain catch basins within its boundaries. These catch basins are required to be regularly inspected and cleaned to ensure proper operation of the drainage system and protect water quality. On September 22, 2016 staff solicited Requests for Proposals to three companies that specialize in catch basin cleaning contracts for public agencies and also advertised in the local newspaper. On October 13, 2016 staff received 2 bids. Based on the bids received, RMI is the lowest, responsible, and responsive bidder. RMI is also the current contractor for this service and performing satisfactory work for the last 5 years. Maintenance of the new storm drain catch basin units is estimated to cost \$45,000 a year. There are funds available in FY16/17 Budget from Commercial Waste Hauler Funds (250).

Recommendation: It is staff's recommendation that the City Council by motion adopt Resolution No. 2016-63 awarding a 3-year contract to Ron's Maintenance Inc. (RMI) for the maintenance and cleaning of all storm drain catch basin units and approving an agreement by and between the City and RMI for catch basin maintenance services in a form approved by the City Attorney. The proposed agreement would authorize two (2) one year extensions approved by the City Manager.

City Manager Phil Wagner gave a presentation.

A motion was made by Council Member Flores and seconded by Mayor Pro Tem Mendoza, to adopt Resolution No. 2016-63 awarding a 3-year contract to Ron's Maintenance Inc. (RMI) for the maintenance and cleaning of all storm drain catch basin units and approving an agreement by and between the City and RMI for catch basin maintenance services in a form approved by the City Attorney. The proposed agreement would authorize two (2) one year extensions approved by the City Manager.

The motion carried 4-0 with the following vote.

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

16. BELL GARDENS TODAY PRINTING SERVICE AGREEMENT

The Recreation and Community Services Department collaborates with the City Manager's Office for the production of the quarterly Bell Gardens Today. City staff performed an informal bid process seeking printing companies and solicited three bids from Inter-graphics Company, SGX Media, and The Sauce Creative Services. Upon review, it was determined that Inter-graphics Company was the lowest responsible bidder and was able to meet the department's specification, turnaround time, and delivery. The cost for the remaining two editions of the Bell Gardens Today is \$16,469. The Recreation and Community Services Department has allocated these funds in the 2016-2017 Fiscal year budget.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-64 authorizing an agreement with Inter-graphics Company, for the printing and delivery of the Bell Gardens Today for the remaining editions in fiscal year 2016-2017, in an amount not to exceed \$16,469.

City Manager Phil Wagner gave a presentation.

After brief Council discussion, a motion was made by Mayor Pro Tem Mendoza and seconded by Council Member Flores, to adopt Resolution No. 2016-64 authorizing an agreement with Inter-graphics Company, for the printing and delivery of the Bell Gardens Today for the remaining editions in fiscal year 2016-2017, in an amount not to exceed \$16,469.

The motion carried 4-0 with the following vote.

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

17. CITY COUNCIL REORGANIZATION

The City Clerk will call for nominations and voting for Mayor/Chair and Mayor Pro Tem/Vice Chair of the City of Bell Gardens City Council and Successor Agency to the Community Development Commission.

Recommendation: It is staff's recommendation that the City Council nominate and vote for Mayor/Chair and Mayor Pro Tem/Vice Chair of the City of Bell Gardens City Council and Successor Agency to the Community Development Commission.

City Clerk Kristina Santana opened the floor for nominations for the position of Mayor.

A motion was made by Council Member Flores, and seconded by Mayor Pro Tem Mendoza, to move this item to the City Council Meeting of January 9, 2017.

The motion carried 4-0 with the following vote.

AYES: Flores, Pulido, Mendoza, Aceituno
NOES: None
ABSENT: Rodriguez
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)**

Gloria Acosta and Veronica Velon of the Bell Gardens Football Touchdown Club thanked the Council for allowing the group to have their Freshman Banquet at Ross Hall. Student athletes handed the Council gifts and invited the Council to their banquet on December 19, 2016.

CITY COUNCIL MEMBER COMMENTS

Council Member Pulido wished everyone a happy holiday season.

Council Member Flores wished everyone a happy holiday season. She thanked the football club, and thanked staff for making 2016 a great year.

Mayor Pro Tem Mendoza congratulated the recipients of the Beyond Award, he thanked the football club, and he thanked staff for a great year. He wished everyone a safe and happy holiday season.

Mayor Aceituno wished everyone a happy and safe Christmas. He commented on the work for the City in the year ahead and his appreciation for staff. He thanked the football club for attending the council meeting and stated that he looked forward to continuing to work with the community.

CLOSED SESSION:

Assistant City Attorney John Lam stated that the following closed session items would not be discussed and would be brought back to a different Council meeting at another time.

- (1) Conference with Legal Counsel – Potential Litigation**
Pursuant to Government Code Section 54956.9(d)(4)
One (1) Matter

(2) Conference with Labor Negotiators

Government Code Section 54957.6

City Negotiators: City Manager, Assistant City Manager, and Director of Finance and Administrative Services

Employee Organizations:

Bell Gardens Police Management Association

ADJOURNMENT – Mayor Aceituno adjourned the City Council meeting at 6:27 p.m.



Kristina Santana
City Clerk