



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, APRIL 10, 2017, 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 Mendoza called the meeting to order at 6:06 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

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

PRESENTATIONS

- **National Public Safety Telecommunicators Week**
Lieutenant Brendan Kirkpatrick accepted the proclamation for National Public Safety Telecommunicators Week on behalf of the Police Department and recognized Nancy Fierro, Marisol Galvan and Lieutenant Weinrich.

**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 – 9)

A motion was made by Council Member Aceituno and seconded by Council Member Flores, to approve Items No. 1-9 on the Consent Calendar.

The motion carried 5-0 with the following vote.

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

1. **GENERAL MOTION TO WAIVE FULL READING AND APPROVE ORDINANCES BY TITLE ONLY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36934**
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 OF THE MARCH 13, 2017 REGULAR CITY COUNCIL MEETING

March 13, 2017 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of March 13, 2017.

3. WARRANT REGISTERS AND WIRE TRANSFERS

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 contained in this report.

Recommendation: It is staff's recommendation that the City Council receive and file the warrant registers dated 02/28/17, 03/01/17, 03/07/17, 03/13/17, 03/14/17, and 03/21/17.

4. FEBRUARY 2017 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 February 2017 Treasurer's Report.

5. CLAIM REJECTIONS

Claim Rejections

Recommendation: It is staff's recommendation that the City Council reject the following claims and the claimants and/or their representatives be notified:

- Angel, Mauricio v. City of Bell Gardens (DOE 2/17/17; Claim No. 1957840)
- Esparza, Robert v. City of Bell Gardens (DOE 2/17/17; Claim No. 1957335)
- Espinoza, Hernan v. City of Bell Gardens (DOE 2/17/17; Claim No. 1957326)
- Garcia, Lorena v. City of Bell Gardens (DOE 10/23/16; Claim No. 1957327)
- Preciado, Juan Jose v. City of Bell Gardens (DOE 2/17/17; Claim No. 1958047)
- Trujillo, Fernando v. City of Bell Gardens (DOE 4/1/16; Claim No. 1949412)

The City's general liability claims administrator, Carl Warren & Company, recommends that these claims be presented for rejection. The claimants, subject to certain exceptions, shall have up to six months to file a court action subsequent to the City Council's rejection.

6. RENEWAL OF GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES

Renewal of General Services Agreement with the County of Los Angeles.

Recommendation: Staff recommends that the City Council adopt City Council Resolution No. 2017- 11 approving the General Services Agreement by and between the City of Bell Gardens and the County of Los Angeles and authorize the City Manager to execute the Renewal of the General Services Agreement and ancillary documents on behalf of the City.

7. APPROVAL OF TRANSFER OF CASINO INTEREST FOR LIMITED PARTNER SHIRLEY KUNISAKI TO THE KUNISAKI REVOCABLE LIVING TRUST

For estate planning purposes, Casino Pointholder Shirley Kunisaki (Limited Partner) created a living trust and would like to transfer her interest to the trust, which requires City Council approval.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2017-12 approving the transfer of casino interest to the Kunisaki Revocable Living Trust.

8. PARTICIPATION IN THE STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PROGRAM

The State California, on an annual basis, provides funding to law enforcement agencies for the purpose of assisting with Jail Management Training Programs. The Bell Gardens Police Department has requested funding for FY17-18 and was awarded \$10,455.00.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2017-13 to accept funds from the State of California to be used towards the police department's Jail Management Training Program.

9. RCS REPLACEMENT OF WORK VEHICLE

The current truck utilized by the Recreation and Community Services Department is a used 1988 Ford Ranger which was purchased 20 years ago. The vehicle is in dilapidated condition. The City of Bell Gardens had hoped to acquire funds from the AQMD to purchase a replacement vehicle, unfortunately, no basic pick-ups are available through the AQMD program.

Recommendation: It is staff's recommendation that the City Council by motion adopt Resolution No. 2017-14 authorizing the City of Bell Gardens to purchase a new 2017 Dodge Ram work pick-up truck for use by the Recreation and Community Services Department and allocate \$21,393.79 from the general fund for the purchase of the vehicle.

DISCUSSION (Items No. 10-12)

10. SALE OF THE PROPERTY LOCATED AT 6911-13 1/2 EMIL AVENUE AND 6544-6550 1/2 SPECHT AVENUE

The proposed sale of the residential property located at 6911-13 1/2 Emil Avenue and 6544-6550 1/2 Specht Avenue.

Recommendation: It is staff's recommendation that the City Council by motion adopt Resolution No. 2017-15 authorizing the sale of property located at 6911-13 1/2 Emil Avenue and 6544-6550 1/2 Specht Avenue, Bell Gardens, California.

City Manager Phil Wagner gave a brief introduction to this item.

City Attorney Arnold Alvarez-Glasman announced that out of an abundance of caution, Council Member Aceituno would not be participating in this item and had recused himself. Council Member Aceituno stepped away from the dais and left the Council Chamber. City Attorney Arnold Alvarez-Glasman further announced that Council Member Aceituno has no economic interest in this item but he is a member of the brokerage company involved, though not as a principal or officer.

Director of Community Development Department Abel Avalos gave a PowerPoint presentation.

Council Member Rodriguez stated that she would be abstaining from voting on this item.

After some discussion, a motion was made by Mayor Pro Tem Flores, and seconded by Council Member Pulido, to adopt Resolution No. 2017-15 authorizing the sale of property located at 6911-13 1/2 Emil Avenue and 6544-6550 1/2 Specht Avenue, Bell Gardens, California.

A roll call was taken and the motion carried 3-0 with the following vote.

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

Council Member Rodriguez announced during the roll call that she was abstaining because she believed there may be a conflict.

Aceituno returned to the dais at this point.

11. **5 YEAR CAPITAL IMPROVEMENT PROGRAM PLAN FOR CITY INFRASTRUCTURE AND APPROPRIATION REQUEST TO APPROVE FUNDING FOR CRITICAL PROJECTS**

The City of Bell Gardens' Capital Improvement Program (CIP) plan is a community planning and fiscal management tool used to identify the type of projects, timing and financing of needed, vital capital improvements over a five (5) year period. Capital improvements refer to major, non-recurring expenditures for projects such as Streets, public buildings, parks, public infrastructure and equipment. The CIP prepared for the City Council consideration is a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, and an estimate of project costs and financing sources. This CIP plan is a culmination of inspections, discussions, meetings and numerous reiterations of information and planning strategy. The CIP is a working document and should be reviewed and updated annually to reflect changing community needs, priorities and funding resources and opportunities. Preparation of the CIP and annual budget are closely linked. The first year of the CIP, known as the capital budget, outlines specific projects and appropriates funding for those projects. It is typically adopted in conjunction with the City's annual operating budget. Projects and financing sources outlined for subsequent years are not authorized until the annual budget for those years is legally adopted. The subsequent years serve as a guide for future planning and are subject to further review and modification. The City Council-appointed Ad-hoc Committee met with staff on March 14, 2017 and reviewed each proposed project in detail. Feedback to staff was positive with a consensus to recommend and request City Council's approval to move forward with utilizing Bond funding for some of the first (1st) year capital projects with the most pressing needs. Those projects have been identified as the following: HVAC and Building Controls replacement for various city facilities Synthetic Turf Replacement for Soccer Fields at Bell Gardens Sports Center(BGSC) Ford Park Gymnasium Basketball Court Hardwood Floor Replacement.

Recommendation: That the City Council by motion, respectively;

1. Receive and file the Five-Year CIP for City Infrastructure; and
2. Approve appropriation of Infrastructure Bond Funding utilization in the amount of \$1,870,000 and \$305,000 in General Funds to address critical first (1st) year CIP Projects;
 - HVAC System Replacements for various city facilities
 - Building Controls replacement for various city facilities
 - Synthetic Turf Replacement for Soccer Fields at Bell Gardens Sports Center
 - Ford Park Gymnasium Basketball Court Hardwood Floor Replacement

City Manager Phil Wagner introduced the item and City Engineer Sid Mousavi, who gave a PowerPoint presentation.

After some discussion, a motion was made by Council Member Aceituno and seconded by Mayor Pro Tem Flores, to receive and file the Five-Year CIP for City Infrastructure presentation.

City Manager Phil Wagner noted that the second part of the recommendation was to approve appropriation of Infrastructure Bond Funding utilization in the amount of \$1,870,000 and \$305,000 in General Funds to address critical first (1st) year CIP Projects.

Council Member Aceituno amended his motion to include the approval of appropriation of Infrastructure Bond Funding utilization in the amount of \$1,870,000 and \$305,000 in General Funds to address critical first (1st) year CIP Projects;

- HVAC System Replacements for various city facilities
- Building Controls replacement for various city facilities
- Synthetic Turf Replacement for Soccer Fields at Bell Gardens Sports Center
- Ford Park Gymnasium Basketball Court Hardwood Floor Replacement

Mayor Pro Tem Flores agreed to the amended motion.

The motion carried 5-0 with the following vote.

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

12. PARKING RESTRICTIONS ON EASTERN AVENUE FOR STREET SWEEPING

The City intends to perform street sweeping on an increased schedule to comply with National Pollutant Discharge Elimination System (NPDES) permit requirements. The increased street sweeping schedule will require parking restrictions along Eastern Avenue once per week on each side of the street. It is proposed to conduct street sweeping and restrict parking on the east side of Eastern Avenue on Fridays from 6:00am to 8:00am. It is also proposed to conduct street sweeping and restrict parking on the west side of Eastern Avenue on Mondays from 6:00am to 8:00am.

Recommendation: It is staff's recommendation that the City Council by motion adopt Resolution No. 2017-16:

- 1) authorizing parking restrictions along certain portions of Eastern Avenue in the City of Bell Gardens; and
- 2) authorizing staff to install appropriate signage on Eastern Avenue between north city limit and the south city limit for street sweeping services.

City Manager Phil Wagner introduced the item and Director of Public Works Chau Vu, who introduced Ana LeNoue to give the PowerPoint presentation.

After some discussion, a motion was made by Council Member Aceituno and seconded by Council Member Flores, to adopt Resolution No. 2017-16:

- 1) authorizing parking restrictions along certain portions of Eastern Avenue in the City of Bell Gardens; and
- 2) authorizing staff to install appropriate signage on Eastern Avenue between north city limit and the south city limit for street sweeping services.

The motion carried 5-0 with the following vote.

AYES: Aceituno, Pulido, Flores, Rodriguez, Mendoza
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)

Alberto Bernal introduced himself as the Secretary for the Club Deportivo Amistad Los Reyes Michoacan De Los Angeles California. He presented the Council with a formal invitation to an event on May 26-29, 2017 in commemoration of the club's 43rd anniversary of "El Dia De La Amistad." He thanked the Council and the Parks and Recreation department for providing Ross Hall, Field #5 and transportation for the event.

Sergio Martinez commented on a recurring parking problem where he lives on the 7500 block of Purdy Avenue. Mayor Mendoza asked Mr. Martinez to stay after the Council meeting so that he could take down more information and help him resolve the problem.

CITY COUNCIL MEMBER COMMENTS

Mayor Pro Tem Flores commented on accusations made against her at the last City Council meeting. She stated that she wants an investigation from the City Attorney into Council Member Rodriguez's use of City facilities including how much was paid for the use, Council Member Rodriguez's nonprofit's economic interest reporting information, and lastly, she requested an investigation into her own residency to be submitted to the Council by the next council meeting.

Council Member Aceituno welcomed Director of Public Works Chau Vu back from maternity leave. He thanked staff for their great work and thanked everyone involved in the CIP projects ad hoc committee. He also thanked Mr. Albert Bernal for inviting the Council to their event.

Council Member Rodriguez responded to the comments made by Council Member Flores, and commented on her recent illness. She stated she would be submitting a letter asking for a formal investigation into several actions. She extended an invitation to visit her childrens' program. She thanked everyone for attending and for their support.

Council Member Rodriguez left the meeting at 7:37 p.m.

Council Member Pulido thanked everyone involved in Student Government Day.

Mayor Pro Tem Flores encouraged those who did not attend the last Council Meeting to watch the video and stated that she was just defending herself. She also stated that she has evidence of Council Member Rodriguez's collection of funds for her nonprofit organization.

Mayor Mendoza stated that he was a part of the beginning stages of Council Member Rodriguez's nonprofit and later removed himself due to complaints from parents. He commented on Council Member Rodriguez's comments. He welcomed Director of Public Works Chau Vu back from maternity leave. He encouraged everyone to spread kindness. He thanked Mr. Alberto Bernal for the invitation and Mr. Sergio Martinez for staying to speak with him after the meeting.

ADJOURNMENT – Mayor Mendoza adjourned the City Council meeting at 7:40 p.m. with the Council's thoughts and prayers for the parents and family of students and teachers at San Bernardino Elementary School.

Kristina Santana
City Clerk