



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, AUGUST 24, 2015, 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 6:06 p.m.

INVOCATION – was led by Pastor Raynaldo Leal.

PLEDGE OF ALLEGIANCE – was led by Ray Abassi.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Flores, Mendoza, Pulido, Rodriguez
Absent: Aceituno (Excused)

PRESENTATIONS

- Bell Gardens All Stars presentation – The Council congratulated the Bell Gardens All Stars softball team, coaches and parents, and presented certificates and medals to each player.
- County Sanitation Districts of Los Angeles County “Good Corporate Citizens” Certificates of Recognition – The Council congratulated local businesses Anitsa, Inc. dba Valet Services; Metal Surfaces, Inc.; Red’s Catering; and Wei-Chuan U.S.A., Inc. and presented certificates to awardees in attendance.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

No comments.

CONSENT CALENDAR (Items No. 1 – 10)

A motion was made by Councilmember Flores and seconded by Councilmember Mendoza to approve Items No. 1-10 on the Consent Calendar. The motion carried by a vote of 4-0 with Mayor Pro Tem Aceituno absent.

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

August 10, 2015 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the minutes for the Regular City Council Meeting of August 10, 2015.

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. **ORDINANCE NO. 870: EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

The Solar Rights Act (the "Act") gives consumers the right to install and operate solar energy technology. The Act was recently amended by Assembly Bill No. 2188 ("AB 2188") which requires cities to expedite and streamline their permitting process for small residential rooftop solar energy systems. Accordingly, every city must adopt, on or before September 30, 2015, an ordinance creating an expedited, streamlined permitting process for small residential rooftop solar energy systems. AB 2188 also requires cities to allow for electronic submittal of a permit application in lieu of a wet signature. AB 2188 allows cities unable to accept electronic signatures to opt-out by stating the reasons why they are unable to do so in their ordinance. To comply with AB 2188, City staff is proposing to add Chapter 6.30 entitled Expedited Review of Small Residential Rooftop Solar Energy System Permits to the Bell Gardens Municipal Code in accordance with State law. The ordinance proposes a streamlined plan review and permit process for small residential rooftop solar systems, which includes adoption of criteria for eligible solar systems and standardized forms to simplify review by staff and reduce the possibility of omitted information. Without the required technologies, the City cannot confirm the authenticity of the electronic documents submitted to the City. These technologies add complexity and expense to the requirement promulgated by Section 65850.5 and the City does not have sufficient funding nor does the City have the infrastructure to deploy such technology at this time. Accordingly, a finding is included in the ordinance stating the reasons the City cannot accept electronic submittals and signatures as authorized under Government 65850.5(g)(2).

Recommendation: It is staff's recommendation that the City Council of the City of Bell Gardens waive a second reading and adopt Ordinance No. 870 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, AMENDING TITLE 6 OF THE BELL GARDENS MUNICIPAL CODE TO ESTABLISH CHAPTER 6.30, TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS".

5. **WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant register	07/28/15	Check #s	154461 – 154488		\$ 124,802.68
Warrant register	07/28/15	Check #s	154489 – 154552		
Wire transfers	07/23/15	Wire #s	1056 – 1057	\$ 496,322.69	
Payroll transfer	07/23/15		Net payroll	\$ 403,113.17	\$ 899,435.86
Warrant register	08/03/15	Check #s	154553		\$ 1,800.00
Warrant register	08/04/15	Check #s	154554 – 154575		\$ 70,761.63
Warrant register	08/04/15	Check #s	154576 – 154629	\$ 221,041.09	
Transfer	7/30/15		GASB Fees	\$ 4,250.00	\$ 225,291.09
			Total =		\$ 1,322,091.26

6. APPROVAL OF JUNE 2015 TREASURER'S REPORT

The Treasurer's Report for Cash and Investments for the month of June 2015 is attached.

Recommendation: It is recommended that the City council receive, approve, and file the June 2015 Treasurer's Report.

7. ENGINEERING CONSULTANT SERVICES CONTRACT EXTENSION WITH INFRASTRUCTURE ENGINEERS

In August 2012, the City underwent a competitive Request for Proposals (RFP) process where five qualified engineering firms were evaluated, scored and interviewed. Infrastructure Engineers was selected as the most qualified firm based on their high scores from the panel, low cost, and their work history with Bell Gardens. Throughout the last 3 years, IE has exceeded the City's expectations by achieving results such as: ensuring the City's ongoing compliance with the reporting and program requirements related to transportation and environmental regulations; securing \$802K for FY15/16 Active Transportation Program; securing \$348K for FY 15/16 Florence Avenue/Eastern Widening project Metro I-710 Early Action Funding; securing \$2.2M for FY 16/17, 17/18 Florence Avenue/Eastern Widening Metro Call For Projects; securing \$873K for FY 16/17, 17/18 Florence Avenue/Eastern Widening Metro I-710 Early Action Funding; securing \$900,000 for FY18/19 Florence/Jaboneria/Ira Intersection Imps Metro Call For Projects; and securing \$258,000 for FY20/21 Florence/Jaboneria/Ira Intersection Imps I-710 Early Action Funding. Their 3-year contract is set to expire on November 26, 2015 and the firm has submitted a request to extend another two years at the same rate schedule used since 2012.

Recommendation: It is staff's recommendation that the City Council by motion: Approve a 2-year contract extension with Advanced Applied Engineering, dba Infrastructure Engineers (IE) for engineering consultant services.

8. LEASING OF CITY'S PUMPING WATER RIGHTS TO GOLDEN STATE WATER COMPANY

Since 1991 the City has owned a water system that has 1,650 connections and serves the northerly portion of the City. The main source of supply since 1998 has been Water Well No. 1. To use the Well, the City has 1,914 acre-feet of Groundwater Pumping Rights in the Central Groundwater Basin pursuant to a Court Adjudication of the Basin.

Generally the City only uses approximately 50% of those annual rights and frequently attempts to lease unused water rights to other Basin pumpers with revenue going to the Water Fund. For FY 2015-2016 the City has the annual rights of 1,914 acre-feet, and additional carryover rights from prior years; thereby making 1,000 acre-feet available for leasing to other pumpers. Four pumpers submitted bids on July 29, 2015 and Golden State Water Company was the successful bidder at \$230 per acre-foot. Bids were also

solicited for lease of potentially unused rights in FY 2016-2017. Award thereof will be withheld until results are known for certain that the needs of the water system are met. Golden State Water Company was also the successful bidder at \$200 per acre-feet.

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

1. Award a One-Year Lease Agreement for 1,000 acre-feet of Central Basin Groundwater (Fiscal Year ("FY") 2015-2016) Annual Pumping Rights with flex rights to the Golden State Water Company for \$230 per acre-feet for a total of \$230,000.
2. Authorize the City Manager to execute the Lease Agreement on behalf of the City of Bell Gardens with the Golden State Water Company and have staff file a copy with the Central Basin Watermaster. AND;
3. Authorize the City Manager to extend One-Year Lease Agreement option to include award to Golden State Water Company for Year Two (FY 2016-2017) for unused rights at \$200 per acre-feet based on the city's water operating needs.

9. **WATER PRESSURE WASHERS PURCHASE**

The Public Works Department is requesting to replace two water pressure washers. The current pressure washers are over 8 years old, deteriorated and repairs are getting excessive. These pressure washers are vital to the maintenance of both parks and facilities in compliance with the Public Health and Safety Code. They are used to pressure wash all facilities, remove graffiti from block walls, concrete surfaces and walkways. Staff has received the following 3 bids: Steamx LLC, Signal Hill - \$10,808.97/each; M Hara Lawnmower Center - \$16,350.00/each; and Hydro Tek Systems Inc. - \$17,093.17/each.

Recommendation: It is staff's recommendation that the City Council by motion: Approve the purchase of 2 Water Pressure Washers from Steamx LLC in the amount of \$21,517.94.

10. **AWARD OF THE CONSTRUCTION CONTRACT FOR THE ILLUMINATED STREET NAME SIGNS REPLACEMENT PROJECT**

The Fiscal Year (FY) 2014-2015 Capital Improvement Program (CIP) budget includes \$407,000 of funding for the completion of the Citywide Illuminated Street Name Signs Replacement Project. The scope of work consists of replacing all of the City's internally illuminated street name signs on the traffic signal poles. The engineers cost estimate including a 5% contingency is \$299,670. On May 11, 2015, City Council authorized staff to solicit bids and the Notice Inviting Bids was advertised in various construction industry publications, as well as the City's local newspaper on May 21, 2015. On June 3, 2015, the City received only one (1) bid proposal for this project. Because the contractor's bid exceeded the amount budgeted in FY2014-2015 for this project and failed to provide a Bidder Information Sheet and acknowledge Addendum Number 1, the City Council rejected the bid and authorized staff to re-solicit bids. On June 23, 2015, staff advertised the project for the second time. On July 15, 2015, the City received a total of seven (7) bid proposals for this project. Staff conducted a review of the apparent lowest bidder, and it has been determined that PTM General Engineering Services, Inc. is the lowest, responsive and responsible bidder.

Recommendation:

It is staff's recommendation that the City Council:

- 1) Award a construction contract to PTM General Engineering Services, Inc. in the amount of \$327,027 for the Citywide Illuminated Street Name Signs Replacement Project; and
- 2) Authorize staff to approve change orders that may be necessary during construction to cover any unforeseen condition in an amount not to exceed 5% of the construction contract.

DISCUSSION (Items No. 11-13)

11. PARKING RESOLUTION NO. 2015-57 WHITE CURB INSTALLATION AT BELL GARDENS HIGH SCHOOL

The Public Works Department received a request from a Bell Gardens High School student regarding the designated drop off zone in front of the high school. The request stated that the drop off zone is relatively small allowing only 2-3 vehicles to pull in, resulting in students getting dropped off at un-designated areas including the middle of the street, causing a safety risk. Currently there is an 80 foot long white curb along the front of the main gates at Bell Gardens High School, located at 6119 Agra Street. The traffic engineer reviewed the request and the following recommendations were made: the installation of an additional 80 feet of white curb in front of the Bell Gardens High School's front gate therefore making a total of 160 feet of white curb; the installation of no parking signs with the designated hours of 7:15am to 8:00am and 2:45pm to 3:30pm during school days (Street parking is permitted outside of these restrictions); and the increased presence of the Police Department to provide enforcement. Staff made contact with the Principal of the High School, who supported the recommendations. Staff also passed out notices to all residences in the entire block advising them of staff's recommendation to the Traffic and Safety Commission and inviting them to attend the meeting on August 4, 2015. At the Commission meeting, the Commission voted unanimously to approve the recommendations for City Council consideration.

Recommendation: It is staff's recommendation that the City Council by motion: Adopt Parking Resolution No. 2015-57 authorizing parking restrictions in the City of Bell Gardens in accordance with the Bell Gardens Municipal Code; and authorize the installation of 160 feet of white curb "passenger loading and unloading" at Bell Gardens High School, 6119 Agra Street.

Director of Public Works Chau Vu gave a presentation on Discussion Item No. 11.

Mayor Rodriguez asked for clarification about how neighbors were notified about the proposed change.

Director of Public Works Chau Vu explained that residents were notified prior to the Traffic Commission agenda item and that staff hand delivered notices in English and Spanish to each house on the block.

Mayor Rodriguez asked for clarification about the location of the white curb.

Director of Public Works Chau Vu confirmed that the white curb would only be installed in front of the school.

A motion was made by Councilmember Flores and seconded by Councilmember Mendoza to adopt Resolution No. 2015-57 authorizing parking restrictions in the City of Bell Gardens in accordance with the Bell Gardens Municipal Code; and authorizing the installation of 160 feet of white curb "passenger loading and unloading" at Bell Gardens High School, 6119 Agra Street. The motion carried by a vote of 4-0 with Mayor Pro Tem Aceituno absent.

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

12. **CITY OF BELL GARDENS WITHDRAWAL FROM THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM JOINT POWERS AUTHORITY**

In 2009, the Los Angeles Regional Interoperable Communication System ("LA-RICS") Joint Powers Authority was established by the City of Los Angeles, County of Los Angeles, and numerous municipalities within greater Los Angeles County area to establish a land mobile radio network and an LTE broadband data communications system for public safety first responders. On February 24, 2009, the City officially joined LA-RICS Authority. There was no initial cost to the City. On May 28, 2014, the LA-RICS Authority governing board adopted and promulgated a funding plan. City Staff determined that continued participation was not cost effective for the City and significant cost uncertainties still remain. Preliminary draft funding plan estimated that the City's annual operation and maintenance costs would be approximately \$8,000 in FY 2015/16 and increasing each year to approximately \$30,000 in FY 2031/32. The potential benefits to the City of Bell Gardens do not justify the projected annual cost outlay. This is especially true considering that a viable, alternative interoperable communication system exists at considerably less expense such as the Interagency Communications Interoperability System. In addition, the LA-RICS funding plan failed to provide the City with a reliable cost estimate because the final cost could substantially increase if other member agencies have opted out of the LA-RICS Authority. As of June 2015, approximately 15 out of 88 cities have opted-out. Since that time, City staff is aware of numerous other public agencies that have since opted-out. More cities are likely to opt-out as November 24, 2015 opt-out deadline approaches. Pursuant to the terms of the Joint Powers Agreement, there is no cost to the City for opting-out.

Recommendation: Staff recommends that the City Council adopt Resolution No. 2015-58 exercising the City of Bell Gardens' (the "City") authority to withdraw and opt-out of the Los Angeles Regional Interoperable Communications System Joint Powers Authority.

City Manager Phil Wagner gave a presentation on Discussion Item No. 12.

A motion was made by Mayor Rodriguez and seconded by Councilmember Flores to adopt Resolution No. 2015-58 exercising the City of Bell Gardens' (the "City") authority to withdraw and opt-out of the Los Angeles Regional Interoperable Communications System Joint Powers Authority. The motion carried by a vote of 4-0 with Mayor Pro Tem Aceituno absent.

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

13. **ASSEMBLY BILL (AB) 109 AND PROPOSITION 47 – OVERVIEW AND IMPACT ON CRIME IN BELL GARDENS**

AB109 also known as the Public Safety Realignment Act became law on October 5, 2011. This bill was intended to reduce the number of inmates in the state's 33 prisons to 137.5 percent of original design capacity by June 27, 2013, as ordered by the United States Supreme Court. This law allows a category of offenders to serve their sentences in county jail instead of state prison and assigns responsibility over their release to the local level. To comply with this law, the Bell Gardens Police Department formed a regional team with LA County Probation, Bell and Vernon Police Departments to monitor individuals on post-release supervision. The police department receives funding from the state to cover personnel costs related to deployment of this team. Bell Gardens currently has on average, 40-45 individuals reported to us monthly by the probation department

on post-release supervision. The second law expected to have a long-term impact on public safety was enacted on November 5, 2014 after being approved by voters. Proposition 47, known as 'The Safe Neighborhoods and Schools Act' reduced seven property and drug possession felonies to straight misdemeanors. Any direct impact from these two laws on Bell Gardens is yet to be recognized. Part I violent crime has decreased each of the last four years and Part I property crime has decreased three of the last four years. Although the City of Bell Gardens has yet to see sustained increases in crime resulting from these two laws, their effects are anticipated for a number of reasons. AB109 reduces probation/parole from 3-5 years down to a minimum of 6 months if the offender does not violate terms and conditions of their release. Further, the effect of Proposition 47 which significantly reduces time served of previous felony crimes puts these offenders back on the street sooner. Given that future funding for the AB109 regional team is not a guarantee from the state, several factors make AB109 and Proposition 47 a challenging issue moving forward for City officials and the police department.

Recommendation: The purpose of this agenda report is to provide the City Council with an overview of Assembly Bill (AB) 109 and Proposition 47 and their impact on crime in the City of Bell Gardens.

Chief of Police Robert E. Barnes gave a presentation on Discussion Item No. 13.

A motion was made by Councilmember Mendoza and seconded by Councilmember Flores to receive and file the report. The motion carried by a vote of 4-0 with Mayor Pro Tem Aceituno absent.

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL

Erica Garcia, Gladys Coda and other team moms, representing the Wolves basketball team, asked the Council for their support to continue practicing at the Boys and Girls Club or help locating another safe practice facility.

Mayor Rodriguez asked City Manager Phil Wagner to provide some information regarding the Boys and Girls Club facility.

City Manager Phil Wagner stated that the Boys and Girls Club facility belongs to the City and though it is going through a transition period, if the Wolves team complies with state requirements they will be able to continue to use the facility.

CITY COUNCIL MEMBER COMMENTS


Councilmember Flores thanked everyone for attending the Council meeting and commented on the inspiration for a brighter future exhibited through the youth in attendance.

Councilmember Mendoza thanked staff and law enforcement for putting together a fun carnival and commented on the start of school year.

Councilmember Pulido thanked staff for their continued support and wished everyone a good night.

Mayor Rodriguez thanked all the parents for staying involved in the community to help make it a better place.

ADJOURNMENT – Mayor Rodriguez adjourned the City Council meeting at 6:57 p.m.



Kristina Santana
City Clerk