



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, FEBRUARY 22, 2016, 5:00 P.M.
AGENDA**

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

ROLL CALL OF CITY COUNCILMEMBERS

Priscilla Flores, Council Member
Jose Mendoza, Council Member
Maria Pulido, Council Member
Pedro Aceituno, Mayor Pro Tem
Jennifer Rodriguez, Mayor

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

This public comment period is for items listed on the CLOSED SESSION AGENDA ONLY. Submit a WHITE public comment card with the closed session agenda item number you would like to discuss to the City Clerk prior to the start of this period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Mayor and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the City Council from discussing any item not appearing on the posted City Council Closed Session Agenda.

CLOSED SESSION:

- a. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
One (1) matter
Lindsay et al. v. City of Bell Gardens, Case No. 2:15-cv-09693-JFW-AJW
Pursuant to Government Code Section 54956.9(a)



**CITY OF BELL GARDENS
 SUCCESSOR AGENCY TO THE COMMUNITY
 DEVELOPMENT COMMISSION
 REGULAR MEETING
 MONDAY, FEBRUARY 22, 2016, 6:00 P.M.
 AGENDA**

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

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CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

- Priscilla Flores, Agency Member
- Jose Mendoza, Agency Member
- Maria Pulido, Agency Member
- Pedro Aceituno, Vice Chair
- Jennifer Rodriguez, Chair

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

(Three minutes per person, subject to a total period of 30 minutes)

This public comment period is for items listed on the SUCCESSOR AGENCY AGENDA ONLY. Submit a WHITE public comment card with the agenda item number you would like to discuss to the Successor Agency Secretary prior to the start of this period. Cards that are submitted with no agenda item listed will be moved to the final public comment period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the Successor Agency from discussing any item not appearing on the posted Successor Agency Agenda.

CONSENT CALENDAR (Items No. 1-2)

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Successor Agency to the Community Development Commission request specific items to be removed from the Consent Calendar for separate action. Items called for separate discussion will be heard as the next order of business.

1. MINUTES

February 8, 2016 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the Successor Agency to the Community Development Commission approve the minutes for the Regular Successor Agency Meeting of February 8, 2016.

2. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the Successor Agency receive and file the following transactions.

Warrant register dated	1/26/16	Check #s	12769	\$	5,523.00
				Total	\$ 5,523.00

In approving the action of receiving and filing the warrant registers, the official minutes of the Bell Gardens Successor Agency to the Community Development Commission should state that each individual member of the Successor Agency 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 Successor Agency member, or pays for any costs or expenses, or otherwise benefits the same named Successor Agency member. Each Successor Agency member will not be participating, influencing, or voting on any such warrant bearing their name or which benefits the same named Successor Agency 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.

DISCUSSION (Item No. 3)

3. PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE PROPERTY LOCATED AT 5700 FLORENCE AVENUE TO PRIMESTOR EL PORTAL, LLC

Between 1987 and 2001, the former Community Development Commission ("CDC") utilized redevelopment funds to acquire multiple properties near the southeast corner of Florence and Eastern Avenues. The various properties were assembled for the development of a 6.58 acre commercial shopping center, which would be known as Village Square. On October 11, 2004, the CDC entered into a Disposition and Development Agreement and a Ground Lease with Primestor El Portal, LLC ("Primestor"). The ground lease term is for fifty-five (55) years, with three tenant options to extend, and the annual lease payment is \$121,944. On February 1, 2012, the CDC was dissolved by way of AB 1x26 and the California Supreme Court's ruling in *California Redevelopment Association v. Matosantos* (2011) 53 Cal. 4th 231. AB 1x26 (as subsequently amended by AB 1484, the "Dissolution Act"). Upon dissolution, all of its assets and real properties, including Village Square, were transferred to the control of the Successor Agency for management. Under the Dissolution Act, all successor agencies were required to prepare a Long Range Property Management Plan, providing for the disposition and use of the real properties controlled by the successor agencies. The Successor Agency prepared the required LRPMP, which was approved with minor modifications by the California Department of Finance ("DOF") on December 22, 2015. Regarding Village Square, the DOF's approval of the LRPMP stated that the property "will be sold at fair market value and the proceeds of the sale will be used to pay enforceable obligations." Under the terms of the existing Ground Lease, Primestor holds a right of first refusal regarding the sale of the Village Square property. Primestor has expressed its desire to acquire the property and continue to operate it as a commercial shopping center. Primestor has extensive expertise as both a developer and operator of commercial centers. Along with its history in the City, and its proven track record of adding value to our downtown commercial district, they are the logical choice to purchase this property. The firm of CBRE, Inc. prepared an appraisal of the property. The appraisal analyzed the discounted cash flow derived from the annual lease payments and concluded that the leased fee interest in the underlying land, which is encumbered by the long-term ground lease, is \$2,200,000. Successor Agency staff and its consultant reviewed the appraisal and concluded that while the \$2,200,000 appraised value of the leased fee interest represents a fair market value, a more equitable purchase price for the property is \$2,500,000. In the event the Oversight Board approves of the sale, the Successor Agency will no longer receive the annual ground lease rent of \$121,944 and all net proceeds from the \$2,500,000 sale shall be distributed to the various taxing entities or used to repay enforceable obligations, as required by the Dissolution Act. As one of the taxing entities, the City of Bell Gardens' percentage of the one-time net sales proceeds distribution will be approximately 9.2%. The remaining 90.8% would be distributed to the state educational funds, the local school districts, the County of Los Angeles, special districts, and numerous other small taxing entities. The City will still receive its portion of the on-going property tax generated by the property and improvements as assessed by the County Assessor. With respect to the Successor

Agency, Dissolution Law authorizes the Successor Agency to recoup employee costs associated with work on specific project implementation activities, including, but not limited to, construction inspection, project management or actual construction shall be considered project-specific costs and shall not constitute administrative costs pursuant to Health & Safety Code Section 34171(b)(5). Under the proposed Purchase and Sale Agreement, the Successor Agency will be reimbursed for reasonable staff time and professional services fees for independent appraisal peer review and legal services associated with the preparation of the Purchase and Sale Agreement. The reimbursement will be paid via escrow at the closing of escrow. Broker's commission, if any, is to be paid by Primestor.

Recommendation: It is staff's recommendation that the Successor Agency to the former Bell Gardens Community Development Commission ("Successor Agency") adopt Resolution No. 2016-03, approving a purchase and sale agreement, by and between the Successor Agency and Primestor El Portal, LLC for the sale of the Village Square Shopping Center ("Village Square") located at 5700 Florence Avenue, Bell Gardens, California, subject to the approval of the Oversight Board in accordance with the approved Long Range Property Management Plan ("LRPMP").

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION

(Three minutes per person, subject to a total period of 30 minutes)

This public comment period is for items UNDER THE SUBJECT MATTER JURISDICTION OF THE SUCCESSOR AGENCY ONLY. Submit a PINK public comment card with the matter you would like to discuss to the Successor Agency Secretary prior to the start of this period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the Successor Agency from discussing any item not appearing on the posted Successor Agency Agenda.

SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

ADJOURNMENT



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, FEBRUARY 22, 2016, 6:00 P.M.
AGENDA**

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CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS

Priscilla Flores, Council Member
Jose Mendoza, Council Member
Maria Pulido, Council Member
Pedro Aceituno, Mayor Pro Tem
Jennifer Rodriguez, Mayor

CLOSED SESSION REPORT

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

(Three minutes per person, subject to a total period of 30 minutes)

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CONSENT CALENDAR (Items No. 1 – 6)

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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

February 8, 2016 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of February 8, 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	01/26/16	Check #s	156418 - 156502		
Wire transfers	01/21/16	Wire #s	1084 - 1085	\$ 433,638.04	
Payroll transfer	01/21/16		Net payroll	\$ 367,638.16	\$ 801,276.20
Warrant register	02/02/16	Check #s	156503 - 156575		\$ 417,923.79
Total =				\$ 1,219,199.99	

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. **REQUEST FOR CITY COUNCIL APPROVAL FOR TRANSFER OF POINTS/INTEREST IN THE BICYCLE CASINO**

One transaction and one transfer were recently approved by the California Gambling Control Commission and now require approval by the City of Bell Gardens: 1. Limited Partner Robert Gilbert created the Robert Gilbert Trust for the sole purpose of holding his partnership interests in The Bicycle Hotel & Casino for estate planning purposes. On December 10, 2015 the Commission approved a state gambling license for The Robert Gilbert Trust, approved current limited partner Savannah Farris-Gilbert as Trustee and further approved the transfer of Mr. Gilbert's interests into the Trust. Mr. Gilbert died in October of 2015. Ms. Farris-Gilbert is Mr. Gilbert's daughter and will serve as the Trustee until Mr. Gilbert's widow, Valerie Wildman, obtains a state gaming license. Accordingly, The Casino is now requesting the City's approval to license the Trust and transfer 2.754% previously held by Robert Gilbert to The Robert Gilbert Trust. 2. Limited Partner Douglas Ayres and Community Interest Holder Pam Ayres held 0.872% interest in The Bicycle Hotel & Casino. While Mr. and Mrs. Ayres had created the Ayres Bicycle Casino Revocable Trust for estate planning purposes, Mr. Ayres passed away while the application for licensure was pending with the Bureau of Gambling Control. While that application is still active and the background investigation moving forward, we wanted to inform you of Mr. Ayres' passing and that Mrs. Ayres is now the sole limited partner of that interest. Pursuant to *Bell Gardens Municipal Code Section No. 5-25*, the Bicycle Casino has requested that the City Council approve the transactions and transfers; the transfer has been reviewed by the State of California Division of Gambling Control and Licensing and found to be lawful at this time.

Recommendation: It is staff's recommendation that the City Council approve the transfer of interest between existing partners and adopt Resolution No. 2016-09, "A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS
APPROVING THE TRANSFER OF POINT HOLDER INTEREST.”

6. RESOLUTION NO. 2016-10 REQUESTING LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY (LAMTA) TO FUND ECO-RAPID TRANSIT AND ITS MEMBERS TO ENGAGE IN PREDEVELOPMENT AND TRANSIT INFRASTRUCTURE PLANNING

As a member of Eco-Rapid Transit (formerly the Orangeline Development Authority), the city has participated in a number of studies leading to the current environmental impact studies for the West Santa Ana Branch transit corridor. Eco-Rapid Transit (ERT) has explored various routes, transit technologies, environmental justice issues, Transit Oriented Development Guidelines and station area plans. The ERT objective continues to be the creation of a transit corridor that creates healthy, sustainable communities by conducting multi-jurisdictional urban development planning efforts that integrate housing, economic development, and sustainable infrastructure that enables corridor jurisdictions to adopt land development practices that integrally links transit. Eco-Rapid Transit, building on the Los Angeles County Economic Development Strategy and the Eco-Rapid Design Guidelines, will work directly with the communities along the corridor to develop a consistent set of development standards, practices, and sustainability objectives to encourage and incentivize new transit oriented developments throughout the West Santa Ana Branch transit corridor. This work will improve the ability of corridor jurisdictions to attract other funding to carry out identified public infrastructure improvements. Eco-Rapid Transit will manage the preparation of local development plans and policies to incorporate specific Sustainable Development targets including an evaluation of existing systems—electric, water, storm water, sewage, fiber (data) to identify opportunities to modify existing facilities to create state-of-the art infrastructure that addresses the needs of disadvantaged areas. Additionally, the project will identify opportunities in existing transport facilities to identify changes within the corridor that could support increased mode share shifts from vehicles to transit and related design changes in housing, economic development, parking that better supports achieving the sustainability targets. Building the West Santa Ana Branch transit corridor will be a \$4 billion investment. It is important for agencies to work together within our communities, Metro, our utilities, developers and investors to ensure that we each achieve our goals. The residents of our city, along with the other Los Angeles County voters, passed Measure R, in order to generate long term funding for transit improvements. The West Santa Ana Branch transit corridor was identified in the funding plan. This transit line could become a model of how to create transit communities that benefit all the voters. The Los Angeles County Metropolitan Transit Authority (Metro) is initiating the Environmental Studies required to construct the West Santa Ana Branch Transit Line. These studies are very focused on the transit line itself. These studies will require staff participation, community involvement and decisions about the potential impacts. This can create an unfunded liability to the city. The goals are not only to have transit that serves our community but to leverage the transit to create a sustainable, equitable corridor that creates jobs and healthy communities. In order to accomplish our goals and ensure that our city has the ability to work with Metro in the analysis, planning and implementation of the transit corridor and station areas, we need additional funding. Therefore, staff is requesting that Metro provide funding to Eco-Rapid Transit and its members to undertake these activities.

Recommendation: It is staff’s recommendation that the City Council adopt Resolution No. 2016-10 requesting Los Angeles County Metropolitan Transit Authority (Metro) to fund Eco-Rapid Transit and its members to engage in predevelopment and transit infrastructure planning.

DISCUSSION (Item No. 7)

7. BUDGET APPROPRIATION OF MEASURE R FUNDS FOR FISCAL YEAR 2016

Measure R funds are restricted funds that must be used for transportation purposes. Measure R is a ½-cent sales tax that Los Angeles County voters approved in November of 2008. The City of Bell Gardens has received between \$424,000 and \$462,000 annually over the last few years. The City primarily uses Measure R funds for street improvements and is using a portion of Measure R funds for the illuminated street name sign project in FY2016. At the end of FY2015, the city had an additional \$480,000 of Measure R funds available that had not been appropriated for FY2016. The primary reason why these funds were not appropriated during the FY2016 budget process is because it was expected that certain projects would have been completed in FY2015 and the funds would not be available in FY2016. In order to expend these funds in FY2016, the city council will need to approve a budget appropriation. Appropriating these funds will allow the progress of street and alley repaving projects to continue in FY2016. Currently, the city is in need of appropriated funding for alley improvements which will later be brought to council for authorization to approve the plans, specs and advertisement.

Recommendation: It is staff's recommendation that the City Council approve Resolution No. 2016-11, appropriating \$480,000 of available Measure R funds for fiscal year (FY) 2016.

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

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CITY COUNCIL MEMBER COMMENTS

ADJOURNMENT