



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, JULY 25, 2016, 6:00 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 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

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

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

PUBLIC HEARING (Item No. 1)

1. **EXTENSION FOR TENTATIVE TRACT MAP NO. 67931, 5842 – 5848 QUINN STREET AND 5829 MULLER STREET, BELL GARDENS (FILE NO. 2016-023)**

On July 2, 2007, the Planning Commission approved Conditional Use Permit No. 2007-044 to allow the development of a 10 unit residential condominium project at 5842 – 5848 Quinn Street and 5829 Muller Street. On July 23, 2007, the City Council approved Tentative Tract Map No. 67931 to allow the merger of two lots and subdivide for 10 residential condominium units. Pursuant to Bell Gardens Municipal Code (BGMC) Section 9.76.100, a Tentative Tract Map shall expire twenty-four (24) months from the date of its approval, unless the Planning Commission grants an extension. In recognition of the difficulty developers were having in obtaining construction financing for entitled projects, Senate Bill No. 1185 (SB 1185) was enacted in July 2008 which automatically extended the life of subdivision maps by 12 months. Assembly Bill No. 333 (AB 333) was enacted in July 2009 which automatically extended the life of subdivision maps by an additional 24 months. Assembly Bill No. 208 (AB 208) was enacted in July 2011 which automatically extended the life of subdivision maps by 24 additional months. Assembly Bill No. 116 (AB 116) was enacted in July 2013 which automatically extended the life of subdivision maps by 24 additional months. Based on the aforementioned State enactments, Tentative Tract Map No. 67931 was scheduled to expire on July 23, 2016. On June 1, 2016, Steven Senemar, the new property owner, submitted a written request to the City for a twelve (12) month extension of Tentative Tract Map No. 67931. The Applicant's request for an extension does not involve any changes to the Tract Map approved by the City Council. Once the Project is completed, it will be more productive by, among other things, increasing the property tax allocation to the City.

Recommendation: It is staff's recommendation that the City Council approve a twelve (12) month extension for Tentative Tract Map No. 67931 by adopting Resolution No. 2016-24.

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 CITY COUNCIL AGENDA ONLY. Submit a WHITE public comment card with the agenda item number you would like to discuss to the City Clerk 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 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 Agenda.

CONSENT CALENDAR (Items No. 2-13)

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 City Council 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.

2. 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.

3. MINUTES

June 27, 2016– Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of June 27, 2016.

4. 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.

5. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant register	06/14/16	Check #s	157960 – 158052		
Wire transfers	06/09/16	Wire #s	1104 – 1105	\$ 526,303.11	
Payroll transfer	06/09/16		Net payroll	\$ 365,580.70	\$ 894,883.81
Warrant register	06/21/16	Check #s	158053 – 158124		\$ 147,634.56
Warrant register	06/28/16	Check #s	158125 – 158220		
Wire transfer	06/23/16	Wire #s	1106 – 1107	\$ 554,713.98	
Payroll transfer	06/23/16		Net payroll	\$ 388,715.92	\$ 943,429.90
Total =					\$ 1,985,948.27

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.

6. MAY 2016 TREASURER'S REPORT

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

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

7. REJECTION OF CLAIM

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

Recommendation: It is staff's recommendation that the City Council reject the claim filed by Luz Maria Bernal. The claim is 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.

8. GRANTING OF EASEMENTS TO SOUTHERN CALIFORNIA EDISON AT THE BELL GARDENS MARKETPLACE SHOPPING CENTER

On December 22, 1988, the Planning Commission approved Site Plan Review No. 279 for the development of the Bell Gardens Marketplace Shopping Center ("Marketplace") at 6801-7131 Eastern Avenue. The Marketplace currently consists of a 169,815 square foot multi-tenant shopping center and associated surface level parking lot. The Subject Site consists of 15 parcels. On January 20, 2016, the Planning Commission approved Conditional Use Permit No. 2015-052 to formally allow and legalize the operation of the existing legal nonconforming 2,400 square foot drive-through pad building located at 6801 Eastern Avenue (APN 6328-014-058) in the Bell Gardens Marketplace Shopping Center. The project consisted of interior and exterior upgrades to convert the existing pad building to a "Jack in the Box" restaurant. The building is currently being remodeled. During this remodeling process, the project manager determined that the existing power provided to the Subject Site will no longer allow for Jack in the Box to upgrade to a 600 amps electrical meter which is required for their restaurants. The project manager met with Southern California Edison (SCE) and it was determined by SCE that they will need to install a new transformer along Lubec Street that will technically be located on a separate parcel (APN 6328-014-057). In doing so, an easement is needed by SCE to place their utility equipment underground. Upon granting of the easement, Jack in the Box will be able to proceed with the remodeling.

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

- 1) Approve the granting of one easement within the Bell Gardens Marketplace Shopping Center; and
- 2) Authorize the Mayor to execute the easement on behalf of the City.

9. PURCHASE OF BMW MOTORCYCLE FOR POLICE DEPARTMENT'S TRAFFIC UNIT

The Police Department (PD) has two budgeted motorcycle officer positions. Currently we utilize a 2013 BMW motorcycle for enforcement purposes, and also own a 2003 Honda motorcycle that is only used for training purposes. Staff located a 2015 BMW police motorcycle being sold by Long Beach BMW, which was used as a 'demo' and has only 1,800 miles and all pre-installed emergency equipment, except the communications

equipment. The dealership is selling the motorcycle for \$23,009.70. Staff conducted an informal bid process with three BMW dealers in the area to obtain comparison quotes for a 2015 BMW R1200-RT-P police motorcycle that also included pre-installed emergency equipment. No dealers had any similar motorcycles available, only 2016 models. The 2016 models were not comparable as they did not include the pre-installed emergency equipment. A quote was obtained from Long Beach BMW for a 2016 BMW motorcycle model without emergency equipment for \$26,914.89. There is an overall cost savings of \$7,000 to purchase the 2015 BMW model versus the 2016 BMW model. Furthermore, staff recommends a trade-in of our 2003 Honda motorcycle to Long Beach BMW. The trade-in value would be deducted from the overall purchase price of the 2015 BMW motorcycle, and determined as soon as they are able to personally examine our trade-in. The only additional equipment needed for purchase would be the police radio communications equipment that will be obtained after acquisition of the motorcycle. The funds for the purchase are allocated in the police department's FY2016-2017 operating budget's Asset Forfeiture Spending Plan.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-25 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS WAIVING THE FORMAL BID PROCESS AND AUTHORIZING THE PURCHASE OF A 2015 BMW MOTORCYCLE TO BE USED BY THE POLICE DEPARTMENT FOR TRAFFIC ENFORCEMENT."

10. **WHITE CURB SUVA ELEMENTARY SCHOOL (FLORENCE PL SIDE) RESOLUTION NO. 2016-26**

Parents and staff of Suva Elementary School expressed concerns about traffic safety due to double or triple parking when parents drop off their kids at the school's southern entrance on Florence Place. Staff completed a site investigation. The school's primary entrance is on Suva Street, however there is a secondary entrance on Florence Place. Currently, there are no white curbs for loading/unloading zone on Florence Place in the vicinity of the school. After careful review, it was staff's recommendation for the Traffic and Safety Commission to approve for City Council consideration the installation of 200' feet of white curb, which signifies Passenger Loading/Unloading along Florence Place in the vicinity of the Suva Elementary School entrance. On June 7th the Commission voted unanimously to approve this for City Council consideration. The cost for installing 200' feet of white curb and signage is approximately \$900 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. 2016-26 authorizing parking restrictions in the City of Bell Gardens modifying the Bell Gardens Municipal Code; and
- 2) Authorize staff to install 200' feet of white curb, which authorizes limited parking for passenger loading and unloading for Suva Elementary School, on the Florence Place southern entrance to the school.

11. **ON STREET DISABLED PERSONS PARKING AT 6142 GOTHAM STREET RESOLUTION NO. 2016-27**

In accordance with the City of Bell Gardens' Policy for On-Street Parking for Disabled Persons in Residential Areas and the municipal code, the City prudently strives to accommodate the public parking needs of the community. "On-Street Parking for Disabled Persons" designated parking spaces does not constitute personal reserved parking. Any person with a valid "disabled persons" license plate may legally park in such locations. The City prefers that parking for disabled person be located off-street whenever feasible and appropriate. The City only considers On-Street Parking for Disabled Persons in special hardship cases where all guidelines in the policy are met. As required by Policy, Ms. Juana Tortoledo, mother of Sebastian Sanchez, submitted an application for her handicapped son in front of her residence at 6142 Gotham Street. The application

included the submittal of a written medical diagnosis from his doctor and a copy of the disabled person placard. Staff completed a site investigation. Her home is located at the south side of Gotham Street. After careful review, it was staff's recommendation to the Traffic and Safety Commission to approve for City Council consideration the installation of 20' feet of blue curb and signage. On July 5, 2016 the Commission approved staff's recommendation unanimously. The cost for installing blue curb and signage is approximately \$800 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. 2016-27 authorizing parking restrictions in the City of Bell Gardens modifying the Bell Gardens Municipal Code; and
- 2) Authorize staff to install 20' feet of blue curb on street disabled person parking at 6142 Gotham Street.

12. **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR THE STREET REHABILITATION PROJECT ON SUVA STREET FROM EMIL AVENUE TO SCOUT AVENUE**

The City of Bell Gardens receives an annual allocation of Surface Transportation Program-Local (STPL) funds each year through the Transportation Equity Act. These funds are set aside for the maintenance and upgrading of local streets. The Fiscal Year 2015-16 Capital Improvement Program budget includes a total of \$244,000 of funds to complete the Street Rehabilitation Project on Suva Street from Emil Avenue to Scout Avenue. The construction documents for this project are now complete. The scope of work includes cold milling of existing AC pavement overlay Asphalt Rubber Hot Mix, reconstruction of driveway approaches, sidewalk curb and gutter, and striping and markings. Under Section 6004 (d)(1) and Section 15301 (c) of the CEQA Guidelines (Class 1, Existing Facilities) it has been determined that the project is exempt from NEPA and CEQA pursuant to categorical exemptions. As a result, clearance was approved by Caltrans Division of Environmental Planning Department. Upon authorization by the City Council, staff will proceed with the bid phase of the project. The City's FY 2015/2016 CIP budget includes \$224,000 of STPL and \$20,000 of Measure R funds for this project. The FY 2015/2016 budget of \$244,000 is available for the construction, construction inspection and management services to complete the project.

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

- 1) Approve the plans and specifications for the Street Rehabilitation Project on Suva Street from Emil Avenue to Scout Avenue; and
- 2) Authorize staff to solicit bids for the construction of the project.

13. **FIFTH AMENDMENT JOINT EXERCISE OF POWERS AGREEMENT FOR THE ORANGELINE DEVELOPMENT AUTHORITY (ECO-RAPID) RESOLUTION NO. 2016-28**

Eco-Rapid Transit's goal is to pursue development of a transit system that moves as rapidly as possible, seeks appropriate grade separations, and is environmentally friendly and energy efficient. The system is designed to enhance and increase transportation options for riders of this region using safe, advanced transit technology to maximize ridership and expand economic growth that will benefit Southern California. The City of Bell Gardens is currently a member of Eco-Rapid Transit. Nearby cities that are members include Cudahy, Bell, Maywood, South Gate, Huntington Park, Vernon and Downey. At the meeting of Eco-Rapid Transit's Board of Directors on January 13, 2016, the Board of Directors approved the fifth amendment to the joint exercise of powers agreement. This amendment adds authority for the city members to appoint Alternates who are either city employees or residents, and would no longer be limited to other elected officials. This Amended and Restated JEPA incorporates all previous amendments. The amendment also corrects Section 3.2(d) of the Agreement by replacing City of Bell with City of Bell Gardens as the alternate city for establishing the limitations on JEPA. Finally, the amendment eliminates

references to Eco-Rapid Transit being a transit "operator" and links the Statement of Purpose to transit improvements. Annual membership fee is based on population, track miles and stations. The Board voted this year to increase the dues 15% based on anticipated work load and project commitments. The cost for the City of Bell Gardens is \$3,386.75, which is currently budgeted from Measure R funds.

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

- 1) Adopt Resolution No. 2016-28 approving the Orangeline Development Authority, dba Eco-Rapid Transit Fifth Amended Joint Exercise of Powers Agreement ("Agreement"); and
- 2) Authorize the City Manager or designee to execute the Agreement.

DISCUSSION (Items No. 14-15)

14. CITY COUNCIL APPOINTMENTS TO EXTERNAL COMMITTEES

The City of Bell Gardens resides within a larger geo-political environment with a variety of complex issues and concerns. Council Members are typically appointed as representatives on various external boards, commissions, and committees who serve the larger geo-political region. The Council typically makes revisions to the list yearly following the annual Council reorganization.

Recommendation: It is staff's recommendation that the City Council make changes, reappointments, or appointments as necessary to the attached, revised matrix of Council Appointments to External Regulatory and Advisory Boards, Commissions, and Committees.

15. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE ON OCTOBER 5 – 7, 2016 IN LONG BEACH, CALIFORNIA

The League of California Cities Annual Conference is scheduled for October 5 – 7, 2016 in Long Beach, California. An important part of the Annual Conference is the Annual Business Meeting scheduled for 12:00 p.m. on Friday, October 7 at the Long Beach Convention Center. Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the City Council. The voting delegate and alternate must be registered to attend the conference.

Recommendation: It is staff's recommendation that the City Council designate a voting delegate and alternates to attend the League of California Cities Annual Business Meeting, scheduled for 12:00 p.m. on Friday, October 7, 2016 at the Long Beach Convention Center.

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)

This public comment period is for items UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL ONLY. Submit a PINK public comment card with the matter 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 Agenda.

CITY COUNCIL MEMBER COMMENTS

ADJOURNMENT