



**CITY OF BELL GARDENS
SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 26, 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 Successor Agency Secretary 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 SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

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

September 12, 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 September 12, 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	8/30/16	Check #s	12788	\$	344,808.37
				Total	\$ 344,808.37

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 6700-6932 EASTERN AVENUE TO PRIME/CRDF LOS JARDINES, LLC

Between 1991 and 2004, the former Community Development Commission ("CDC") utilized redevelopment funds to acquire multiple properties near the northeast corner of Eastern and Florence Avenues for the development of a 5.55 acre commercial shopping center. On June 27, 2002, the CDC entered into a Disposition and Development Agreement and Ground Lease with Prime/CRDF Los Jardines, LLC ("Primestor"). Primestor developed and constructed Los Jardines as a commercial shopping center. On February 1, 2012, the CDC was dissolved and a "Successor Agency" was created. The Successor Agency prepared the required LRPMP, which was approved with minor modifications by the California Department of Finance ("DOF") on December 22, 2015. Following the approval of the LRPMP by the DOF, the existence of a small strip of land approximately 700 square feet in size ("remnant parcel") was discovered. Upon approval by the DOF to sell this remnant parcel, it will be included as part of the parcels to be sold under the proposed Purchase and Sale Agreement. Parcel number 6328-012-048 is part of the Los Jardines shopping center, but was originally acquired, and currently owned by the City, thus is not a part of the approved LRPMP. The parcel will be sold to Primestor via a separate agreement with the City. Under the terms of the existing Ground Lease, Primestor holds a right of first refusal regarding the sale of the Los Jardines property. If adopted by the Successor Agency, the matter will then go before the Oversight Board for its approval. In the event the Oversight Board approves of the sale, the Successor Agency will no longer receive the annual ground lease rent of \$78,648 and all net proceeds from the \$1,500,000 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%.

Recommendation: It is staff's recommendation that the Successor Agency to the former Bell Gardens Community Development Commission ("Successor Agency") adopt Resolution No. 2016-04, approving a purchase and sale agreement, in a form approved by the City Attorney and consistent with the Resolution, by and between the Successor Agency and Prime/CRDF Los Jardines, LLC for the sale of the Los Jardines Shopping Center ("Los Jardines") located at 6700-6932 Eastern Avenue, Bell Gardens, California, subject to the approval of the Oversight Board in accordance with the approved Long Range Property Management Plan ("LRPMP").

4. APPROVING AND AUTHORIZING THE SALE OF REMNANT PARCEL LOCATED AT 6700-6932 EASTERN AVENUE (APN 6328-012-065)

Between 1991 and 2004, the City of Bell Gardens ("City") and the former Community Development Commission ("CDC") acquired multiple properties near the northeast corner of Eastern and Florence Avenues assembled for the development of a 5.55 acre commercial shopping center. To facilitate the assemblage of properties for the shopping center, the City vacated a public alley and the various parcels were conveyed to the

CDC. Among these parcels was a small remnant parcel (approximately 700 square feet) that had gone undiscovered by City staff. 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. Upon dissolution, all of its assets and real properties were transferred to the control of the Successor Agency for management, in accordance with Dissolution Act mandates. Because the Successor Agency seeks to continue winding down the former CDC pursuant to the mandates of the Dissolution Act, it seeks approval to sell the remnant parcel to a third party buyer at a fair market value and maximize value for taxing entities pursuant to Health and Safety Code Section 34181(a). If adopted by the Successor Agency, the matter will then go before the Oversight Board for its approval. 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 City will still receive its portion of the on-going property tax generated by the property and improvements as assessed by the Los Angeles County Assessor.

Recommendation: It is staff's recommendation that the Successor Agency to the former Bell Gardens Community Development Commission ("Successor Agency") adopt Resolution No. 2016-05, approving and authorizing the sale of a remnant parcel (APN 6328-012-065) located at 6700-6932 Eastern Avenue, Bell Gardens, California (as shown and depicted in Exhibits "B" and "C"), subject to the approval of the Oversight Board and the California Department of Finance.

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE SUCCESSION 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, SEPTEMBER 26, 2016, 6:00 P.M.
AGENDA**

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

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CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS

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

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 – 4)

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.

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

September 12, 2016– Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of September 12, 2016.

3. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant register	08/23/16	Check #s	158855 - 158939	
Wire transfer	08/18/16	Wire #s	1114 - 1115	\$ 548,018.34

Payroll transfer	08/18/16		Net payroll	<u>\$ 393,771.34</u>	<u>\$ 941,789.68</u>
Warrant register	08/23/16	Check #s	158940 - 158951		<u>\$ 3,926.67</u>
Warrant register	08/30/16	Check #s	158952 - 159012		<u>\$ 460,990.33</u>
Warrant register	08/30/16	Check #s	159013 - 159014		<u>\$ 36.16</u>
Total =					<u>\$ 1,406,742.84</u>

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.

4. EMERGENCY REPAIRS FOR POLICE DEPARTMENT BASEMENT SEWER LINES

The existing sump pump in the basement of the Police Station facility was originally installed when the building was built, well over 40 years ago. This system was designed to handle and send the waste generated from the basement showers, toilets, lavatories and sinks and pump with enough pressure up to the sewer main lines and to exit the facility in an efficient, safe and sanitary manner in accordance with all applicable health, safety and building codes. These lines were recently inspected by a flush test due to foul odors. Midtown Plumbing ("Contractor") conducted the test and discovered pin holes and leaks. Re-piping is necessary of all drain lines in the basement including the men's and women's restroom, evidence room, men's locker room and pump room. Under BGMC 3.04.100, the City can dispense with formal bidding process "when an emergency, as determined by purchasing officer, requires that the purchase or sale be completed within a period of time which will not permit normal bidding or quotation procedures". This exception applies because the sewer pipe leaks may pose an imminent health and safety threat to Police Department personnel if repairs are not immediately implemented. There are sufficient funds in the FY 2016-2017 budget to complete the emergency repairs (110-4551-3500).

Recommendation: It is staff's recommendation that the City Council by motion: Approve the emergency repairs for the re-piping of sewer lines in the amount of \$13,976 by Midtown Plumbing, Inc. In accordance with BGMC 3.04.100, the City can dispense with the formal bidding process when an emergency exists.

DISCUSSION (Items No. 5-7)

5. EXCLUSIVE NEGOTIATION AGREEMENT OF THE PROPERTY LOCATED AT 6700-6932 EASTERN AVENUE TO PRIME/CRDF LOS JARDINES, LLC

Between 1991 and 2004, the former Community Development Commission ("CDC") utilized redevelopment funds to acquire multiple properties near the northeast corner of Eastern and Florence Avenues. The various properties were assembled for the development of a 5.55 acre commercial shopping center, which would be known as Los Jardines. Prime/CRDF Los Jardines, LLC ("Primestor") developed and constructed Los Jardines as a commercial shopping center with a mix of large and small retailers and restaurants. As part of the termination of redevelopment in California, the CDC was dissolved and replaced with a "Successor Agency" and all existing real properties, including Los Jardines, were ordered to be sold in accordance with an approved Long Range Property Management Plan ("LRPMP"). The Successor Agency prepared the required LRPMP, which was approved with minor modifications by the California Department of Finance ("DOF") on December 22, 2015. The DOF's approval stated that property "will be sold at fair market value and the proceeds of the sale will be used to

pay enforceable obligations.” Regarding Los Jardines, the DOF’s approval of the LRPMP confirmed that the majority of the parcels that make up the site are owned by the Successor Agency, however there is one parcel that is owned by the City. Parcel number 6328-012-048 is part of the Los Jardines shopping center, but was originally acquired, and currently owned by the City, thus is not a part of the approved LRPMP. Because it is owned by the City, this parcel is not included in the LRPMP and must be sold under a separate purchase and sale agreement. Under the terms of the existing Ground Lease, Primestor holds a right of first refusal regarding the sale of the Los Jardines property. Primestor has expressed its desire to acquire the property and continue to operate it as a commercial shopping center. The ENA provides Primestor with the opportunity to exclusively negotiate with the City for the purchase of the Los Jardines parcel.

Recommendation: It is staff’s recommendation that the City Council of the City of Bell Gardens (“City”) adopt Resolution No. 2016-38, approving an Exclusive Negotiation Agreement (“ENA”), by and between the City and Prime/CRDF Los Jardines, LLC for the sale of the property located at 6700-6932 Eastern Avenue, Bell Gardens, California.

6. **CONSIDERATION TO ADOPT MEMORANDUMS OF UNDERSTANDING WITH THE BELL GARDENS CITY EMPLOYEES ASSOCIATION, PUBLIC WORKS EMPLOYEES ASSOCIATION, AND PUBLIC WORKS SUPERVISORS ASSOCIATION**

In August 2014, the City entered into agreements with all five city bargaining units. Those agreements expired as of June 30, 2016, and City management has been negotiating with the bargaining units on new agreements. The City and three of the recognized bargaining units have now reached tentative agreements on Memorandums of Understanding (MOU) for the period July 1, 2016 through June 30, 2018, subject to City Council Approval. For members of the CEA, PWEA and PWSA, the City has tentatively agreed, subject to Council approval, to provide a 5% salary increase in year one of the contracts and a 4% salary increase in year two of the contracts. The members of the PWSA agreed to a third year where they would receive a salary increase of 3%. More specific information regarding the changes to each individual MOU can be found in the proposed resolutions. The fiscal impact in the first year of the agreement (fiscal 2016/2017) for the items provided to the bargaining groups is estimated to be \$470,200. The fiscal impact in year two of the agreement (fiscal 2017/2018) is estimated to be an additional \$421,200. The fiscal impact for the third year of the agreement (fiscal 2018/2019) is approximately \$8,000 as it only pertains to the PWSA.

Recommendation: That the City Council, by motion, approve Resolution No. 2016-39, 2016-40, and 2016-41 adopting Memorandums of Understanding between the City of Bell Gardens and the City Employees Association (CEA), Public Works Employees Association (PWEA), and Public Works Supervisors Association (PWSA) for the period July 1, 2016 through June 30, 2018, and Resolution No. 2016-42 amending the FY 16/17 annual budget, amending the existing employee classifications and compensation schedule for the 2016/2017 fiscal year, and appropriating funds necessary to implement the agreements.

7. **APPROVE RESOLUTION NO. 2016-43 AND THE PROGRAM SUPPLEMENT AGREEMENT NO. 015-F; AWARD OF THE CONSTRUCTION CONTRACT 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. On July 25, 2016, City Council authorized staff to solicit bids for the project. On August 25, 2016, the project was advertised in multiple construction industry publications. On September 1, 2016, the Notice of Inviting Bids was advertised in the City's local newspaper Eastside Sun. On September 6, 2016 at 11:00 a.m. a mandatory pre-bid meeting was held at the Bell Gardens City Hall. On September 14, 2016, the City Clerk received five (5) bid proposals. Staff conducted a review of the apparent lowest bidder EBS General Engineering, Inc. EBS General Engineering, Inc. license is current and active and reference checks revealed that the contractor's prior work was completed satisfactorily and no change orders were initiated by the contractor in previous projects. It has been determined that EBS General Engineering is the lowest, responsive and responsible bidder. Approval of the agreement and adoption of a resolution is necessary to obtain reimbursement for the construction cost 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 this project.

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

- 1) Adopt Resolution No. 2016-43, approving the Program Supplement Agreement No.015-F and authorizing the City Manager or his designee to execute said agreement on behalf of the City of Bell Gardens, and
- 2) Award a construction contract to EBS General Engineering, Inc. in the amount of \$242,420.00 for the Street Rehabilitation Project on Suva Street from Emil Avenue to Scout Avenue, and
- 3) Authorize staff to approve change orders that may be necessary during construction to cover any unforeseen condition in an amount not to exceed 10% of the construction contract.

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

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CITY COUNCIL MEMBER COMMENTS

ADJOURNMENT