



CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING - CLOSED SESSION
MONDAY, JUNE 22, 2020
5:00 pm
MINUTES

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that members of the Bell Gardens City Council will participate in meetings telephonically. The public may view the meeting online. The Council Chamber is closed to the public at this time.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting Jane Halstead, City Clerk by telephone at 562-806-7705 or via email to CityClerkDesk@bellgardens.org no later than one (1) hour before the scheduled meeting.

CALL TO ORDER – Mayor Cortez called the meeting to order at 5:07 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno and Barcena participated via teleconference; Mayor Pro Tem Flores and Mayor Cortez were present in the Council Chamber.

Absent: None

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Mayor Cortez opened the public comment period at 5:10 p.m. There were no speakers. Mayor Cortez closed the public comment period 5:11 p.m. The City Attorney announce the Closed Session items and announced that the Council would recess to discuss the two items posted on the agenda. The Council recessed to the Council Conference Room at 5:10 p.m. to discuss the following matters:

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1) - City of Bell Gardens vs. Bell Gardens Hospitality, Case No. 20STCV15440.

2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)- EXISTING LITIGATION

County of Los Angeles vs. City of Norwalk; City of Bell Gardens; City of Lynwood, Case No. 20STCP01480

ADJOURNMENT – Closed Session adjourned at 5:36 p.m.

Due to Executive Order N-25-20 Members of the Council may Teleconference into this meeting



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, JUNE 22, 2020, 6:00 PM
MINUTES**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that members of the Bell Gardens City Council will participate in meetings telephonically. The public may view the meeting online. The Council Chamber is closed to the public at this time.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting Jane Halstead, City Clerk by telephone at 562-806-7705 or via email to CityClerkDesk@bellgardens.org no later than one (1) hour before the scheduled meeting.

CALL TO ORDER – Mayor Cortez called the meeting to order at 6:08 p.m.

INVOCATION – No Invocation.

PLEDGE OF ALLEGIANCE – was led by City Manager, Michael O'Kelly.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno and Barcena participated via teleconference; Mayor Pro Tem Flores and Mayor Cortez were present in the Council Chamber.

Absent: None

CLOSED SESSION REPORT

City Attorney Rick R. Olivarez stated that the City Council met in closed session to discuss Items No. 1-2 as posted on the closed session agenda. He stated that with respect to Items No. 1-2, the City Council received briefings from outside Counsel, staff direction was given, with no final action taken.

PRESENTATIONS

- **Proclamation Declaring the Month of July 2020 as Parks Make Life Better Month**
Mayor Cortez presented and read the “Parks Make Life Better Month” Proclamation.
- **Proclamation Allowing the City of Bell Gardens Participation in the Network of Age-Friendly Communities**
Mayor Cortez presented and read the “Joining Network of Age-Friendly Communities” Proclamation.
- **Proclamation Recognizing LGBTQ Month**
Mayor Cortez called on Mayor Pro Tem Lisseth Flores to present and read the “LGBTQ Month” Proclamation.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Mayor Cortez opened the Public Comment period at 6:15 p.m. Due to the number of public speakers and emails to be read the Mayor announced the comments would be limited to 1 minute per speaker.

City Clerk, Jane Halstead called the speakers that requested to speak during the Public Comment period.

- Anonymous – stated she opposed the budget
- Ivan Medina - made comments regarding reallocating money from Police Department budget.
- Laura Cortez - commented on tabling the city budget item and defund the police department.
- Sheryl Posada - supports defunding the Bell Gardens Police Department.
- Christopher Leon - stated that he would like to start dialogue on how the police department is spending its money.
- Lillian Perez - commented on supporting the defunding of the Bell Gardens Police Department.
- Abraham Cadena - supports reallocating the Bell Gardens Police Department funds to other departments.
- Jocelyn Del Real - supports defunding the Bell Gardens Police Department and reallocating funds to other departments.
- Jennifer Rodriguez - commented on the limited time speakers were allowed to make comments.
- Sandra Garcia - made comments on the proposed budget and defunding the Bell Gardens Police Department.
- Michelle – supports defunding the Bell Gardens Police Department and reallocating money to other services for the community.

- Jorgel Chavez – commented on reallocating funds from the Bell Gardens Police Department budget to other areas in city.

Members of the public were able to submit comments via email. Mayor Cortez read out loud comments made by the following individuals.

- Graciela Pio - supports the Bell Gardens Police Department budget and programs.
- Jose Eustaquio – supports the Bell Gardens Police Department budget and the Explorer program.
- Kayden Rivera Perez - supports the Bell Gardens Police Department and the Explorer program.
- Moises J. Montana – opposes the defunding of the Bell Gardens Police Department and suggests police reform.
- Pedro Olmos - opposes the defunding of the Bell Gardens Police Department budget.
- Samantha Villalpando - supports the Bell Gardens Police Departments budget and the Explorer program.
- Michelle Villalpando - opposes defunding the Police Department budget and supports the Bell Gardens Police Department and the Explorer program.
- Perla Coronado - supports the Bell Gardens Police Department and their budget.
- Myriam Hinojosa – commented on the positive outcomes of the Explorer program.
- Jason Reyes - support for Bell Gardens Police Explorer program.
- Jesus Lomeli - supports the Bell Gardens Police Department budget.
- Mirka Santana - opposes defunding the Police Department.
- Marvella Coronado - opposing the defunding of the Police Department.
- Andrew Nunez - commented on the Explorer program.
- Erick Anzastiga - commented on the positive aspects of the Police Explorer.
- Rolando Ramirez – commented on the George Floyd incident and Police Officers.
- Khue Bui - supports reducing the Bell Gardens Police Department's proposed budget.
- Erick Silva-Barajas - commented on reallocating Police Department funds to Recreation and Community Services and Community Development.
- Lilith Dorado - supports defunding the Bell Gardens Police Department's proposed budget.
- Tania Bobadilla – commented on reducing the Bell Gardens Police Department budget and asked that more focus be put into Recreation and Community Services.
- Ruth Aguilar – commented on reallocating funding from Bell Gardens Police Department to youth programs.
- Carla Aguilar Jerez – commented on reallocating funds from Police Department to

Recreation and Public Works.

- Christopher Perez – supports defunding the Bell Gardens Police Department and allocating that money to other areas.
- Luz Castro – supports defunding the Bell Gardens Police Department and invest funds in youth and social services.
- Josue – supports reallocating Police Department funds to the Recreation and Community Services Department's budget.
- Julia Aguilar Jerez – supports reducing the Bell Gardens Police Department funds and reallocating to youth programs.
- Juan Herrera – supports the Bell Gardens Police Department budget.
- La Ban Hendricks – supports defunding Bell Gardens Police Department budget.
- Corine Rodriguez – opposes defunding the Bell Gardens Police Department.
- Fernando Zaragoza – support defunding the Bell Gardens Police Department.
- Monique Morales – commented on reallocating Bell Gardens Police Department funds.
- Brandy Macias – commented on reallocating Bell Gardens Police Department funds.
- Jessica Prieto –commented on the Bell Gardens Police Department and their budget.
- Wendy Centeno – supports the defunding of the Bell Gardens Police Department.
- Grissel Luna – commented on the Bell Gardens Police Department and the City budget graph.
- Laura Torres – commented on the Bell Gardens Police Departments budget being justifiable.
- Celso Barcena – commented on the Bell Gardens Police Department budget being excessive.
- Viviana Villanueva –supports defunding the Bell Gardens Police Department.
- Rocio Barcena – commented on reallocating funds from Police Department to Community Services.
- Azucena Garcia – supports defunding the Bell Gardens Police Department.
- Francisco Barcena – commented on reallocating Bell Gardens Police Department funds.
- Kristina Paulo – commented on User and Regulatory fees for non-resident fees.
- Rodolfo Siordia – opposes defunding the Police Department.
- Ernesto Ramirez – commented on systematic racism.
- Ivan Ramirez –commented on reallocating funds from Police Department to Community Services.
- Marco Rivera –supports the Bell Gardens Police Department.

Mayor Cortez closed public comments at 7:20 p.m., as there were no other comments

submitted.

Mayor Cortez called a 5-minute break.

The meeting resumed at 7:30 p.m.

CITY MANAGER'S REPORT

City Manager Michael O'Kelly reported on Wednesday he participated in the Census caravan. Census data for eight hundred residents was completed. He announced the food distribution event would take place tomorrow at Ford Park at 11:00 a.m., which is sponsored by Assembly Member Christina Garcia with participation by the City and Crescent Food Bank. He stated the skate park was opened last Monday. A few issues were resolved and it is running in a fashion that is safe and in accordance with the public health guidelines.

CONSENT CALENDAR (Items No. 1-9)

Mayor Pro Tem Flores pulled Items 6 and 7 for further discussion.

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to approve the consent calendar Items No. 1-9 with the exception of Items No. 6 and Item No. 7. The motion carried 4-0 with the following vote.

AYES: Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
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. **APPROVE MINUTES OF THE JUNE 8, 2020 CITY COUNCIL CLOSED SESSION AND REGULAR MEETING**

June 8, 2020 - Closed Session and Regular City Council Meeting Minutes

Recommendation:

It is staff's recommendation that the City Council approve the attached minutes.

3. **APRIL 2020 TREASURER'S REPORT**

The Treasurer's Report is a list of cash and investments held by the City.

Recommendation:

It is staff recommendation that the City Council receive, approve, and file the April 30, 2020, Treasurer's Report.

4. **WARRANT REGISTERS AND WIRE TRANSFERS**

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.

Recommendation:

It is staff recommendation that the City Council receive and file the warrant registers, wire transfers, and net payrolls dated 05/21/20, 05/26/20, and 06/02/20.

5. **CLAIM REJECTION**

A claim was filed with the City. Staff directed the claim to the City's general liability claims administrator Carl Warren & Company for processing, review, and investigation. Following the investigation, Carl Warren & Company and City staff determined that the City is not liable for the claim.

Recommendation:

It is staff recommendation that the City Council reject the following claim:

- State Farm ASO John Rickman v. City of Bell Gardens (DOE 1/5/2020; DOR 03/9/2020)

The City's general liability claims administrator, Carl Warren & Company, has recommended that this claim be rejected. The claimant, subject to certain exceptions, shall have up to six months to file a court action subsequent to the City Council's rejection. The claimant will be notified of the City's action.

6. **AWARD OF CONTRACT FOR THE OPERATION AND MAINTENANCE SERVICES OF THE CITY'S WATER SYSTEM TO LIBERTY UTILITIES CORPORATION**

In April, the City advertised the request for proposals for the Operation & Maintenance (O&M) of the City's Water System. The City received one bid from the incumbent operator, Liberty Utilities Corp.

After reviewing their proposal for annual basic O&M costs, optional savings, and their successful track record for the past 5 years, it is staff's recommendation to award the contract to Liberty Utilities Corporation for the period 2020 - 2025.

Recommendation:

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

Adopt the attached Resolution awarding the contract for the Operation and Maintenance (O&M) of the City's Water System for the period 2020 to 2025 to Liberty Utilities Corporation (formerly Park Water Company) and Authorize the City Manager to execute and enter into an O & M contract on behalf of the City in a form approved by the City Attorney with Liberty Utilities Corporation.

Mayor Pro Tem Flores requested a part-time position be added in spite, of it not being on the Request for Proposal. She also inquired if it was for a three-year contract with a two-year extension.

City Manager O'Kelly stated it is for a five-year contract. He had spoken with the Public Works Director Chau Vu and Liberty Utilities Corporation agreed to hire a paid internship or something

equivalent.

Mayor Pro Tem Flores requested in the future a clause could be included in the Request for Proposal if and when they would offer a job especially if it's a contract of this proportion for five years which would give the community an opportunity to benefit from the contract.

A motion was made by Mayor Pro Tem Flores, and seconded by Mayor Cortez, to Adopt Resolution No. 2020-47 awarding the contract for the Operation and Maintenance (O&M) of the City's Water System for the period 2020 to 2025 to Liberty Utilities Corporation (formerly Park Water Company) and Authorize the City Manager to execute and enter into an O & M contract on behalf of the City in a form approved by the City Attorney with Liberty Utilities Corporation.

The motion carried 4-0 with the following vote.

AYES: Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES: None
ABSENT: None
ABSTAIN: None

7. UPDATE FOR QUINN STREET ON-STREET PARKING SPACE MARKINGS ("T" MARKINGS) FROM EASTERN AVENUE TO GARFIELD AVENUE

Staff was directed by City Council to evaluate T-markings as a result of the parking study presented on December 9, 2019. In an effort to obtain feedback from the community, a survey was hand-delivered to 170 residences that fronted Quinn Street from Eastern Avenue to Garfield Avenue. The deadline for the survey is June 25, 2020.

Recommendation:

It is staff's recommendation that the City Council receive and file this update.

Mayor Pro Tem Flores asked the Public Works Director, Chau Vu how many residents had responded to the notifications that were sent out.

Director Chau Vu responded that one hundred seventy notices were sent out to the residents along Quinn Street. She stated the department had received thirty (30) responses by the June 25th deadline. She stated twenty (20) responses were "yes" in support and five (5) were "no" not in support of the "T" markings.

Mayor Pro Tem Flores inquired what the consensus was for those that responded.

Director Chau Vu stated there were twenty (20) that responded with a "yes" in support so far.

A motion was made by Mayor Pro Tem Flores, and seconded by Mayor Cortez, to approve the item to receive and file the report.

The motion carried 4-0 with the following vote.

AYES: Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES: None
ABSENT: None
ABSTAIN: None

8. **APPROVAL OF THE CITY'S STATEMENT OF INVESTMENT POLICY**

On an annual basis, the City Council must approve the City's Statement of Investment Policy and delegate authority to invest all funds held by the City to the Director of Finance and Administrative Services as the City's Treasurer for a period of one (1) year (Government Code 53607).

Recommendation:

It is staff recommendation that the City Council by motion approve Resolution No. 2020-48, adopting the Fiscal Year 2020-21 Statement of Investment Policy and delegating the authority to invest all public funds in accordance with such policy to the Director of Finance and Administrative Services as the City's Treasurer for a period of one (1) year effective July 1, 2020.

9. **ADOPTION OF RESOLUTION APPROVING SUBMITTAL OF MOBILE HOME PARK REHABILITATION AND RESIDENT OWNERSHIP PROGRAM GRANT**

Staff is proposing to apply for the Mobile Home Park Rehabilitation and Resident Ownership Program (MPRROP) available from the State Department of Housing and Community Development (HCD) in order to help the City's mobile home park residents with home improvements as well as home ownership. As part of the submittal package, a resolution from the City Council authorizing submittal of the application is required.

Recommendation:

It is staff's recommendation that the City Council approve No. 2020-49 authorizing the submission of an application to HCD for funding under the Mobile Home Park Rehabilitation and Resident Ownership Program (MPRROP); authorize the City Manager to execute a Standard Agreement with HCD if selected to receive MPRROP funding and any amendments thereto; and authorize the City Manager to execute and file any related documents necessary to participate in the MPRROP.

DISCUSSION (Items No. 10-14)

10. **RATIFICATION OF EXECUTIVE ORDER NO. 2020-01 AUTHORIZING THE ALLOWANCE OF TEMPORARY OUTDOOR DINING CITYWIDE WITHOUT DISCRETIONARY LAND USE ENTITLEMENTS**

At the June 8, 2020, Council Meeting, staff received a request from Mayor Pro Tem Flores and Council direction to provide options to accommodate and allow for outdoor dining. At the direction of the City Council and pursuant to the City's Local Emergency Declaration, the City Manager, serving as Director of Emergency Service, is proposing an executive order to assist local restaurants by authorizing the allowance of temporary outdoor dining citywide without discretionary land use entitlements subject to identified standards in light of the COVID-19 pandemic. Pursuant to Chapter 2.34 of the Bell Gardens Municipal Code, the City Council must ratify the order for it to be in full force and effect.

Recommendation:

It is staff's recommendation that the City Council ratify the Director of Emergency Services Executive Order No. 2020-01 authorizing the allowance of temporary outdoor dining citywide without discretionary land use entitlements subject to identified standards.

City Manager, Michael O'Kelly introduced the item. He stated that restaurants in the City of Bell

Gardens are currently only able to hold a 60% capacity indoors, thus, causing financial suffering for restaurant during the pandemic. With the approval of the executive order, it would offer more capacity. He stated that as long as the current Emergency Declaration is in place, it would allow outdoor dining for restaurants to be used in parking lots and sidewalks, however, it will be subject to traffic and safety concerns. No permit costs would take place and all health standards will still apply.

Mayor Pro Tem Flores inquired if an individual wanted to apply to practice leniency for the restaurant and if there would be an additional fee.

Community Development Director Gustavo Romo, replied that there would be no fees. If it is encroaching to the sidewalk, then they will need an encroachment permit but there would be no fee for the encroachment permit. If they were planning to do it anywhere else, there would be a site plan review before the Planning Commission to ensure safety is met.

Mayor Pro Tem Flores inquired what the percentage of parking spaces a restaurant could use for this purpose. She asked If they have 20 spaces are they allowed to use all 20 spaces or are they allowed to use all spaces?

Community Development Director Gustavo Romo responded if it is a single tenant property it is twenty-five percent of the parking maximum, and they cannot obstruct any of the driveways. If its multi-tenant like a shopping center with several restaurants, then it is ten percent, but it has to be adjacent to the restaurant.

Mayor Pro Tem Flores also mentioned a particular section near Toys R Us and if it would meet the qualifications.

Community Development Director Romo stated they could look at it and make something work for the store. We would be assisting them to get outdoor spacing.

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to ratify the Director of Emergency Services Executive Order No. 2020-01 authorizing the allowance of temporary outdoor dining citywide without discretionary land use entitlements subject to identified standards.

The motion carried 4-0 with the following vote.

AYES:	Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES:	None
ABSENT:	None
ABSTAIN:	None

11. **REQUEST FOR DIRECTION CONCERNING CODE AMENDMENT TO ALLOW LED SIGNS FOR MEDICAL USES**

Staff is seeking direction regarding electronic display signs for properties developed with medical facilities based on a request from a local medical clinic who desires to modify their existing pylon sign.

Recommendation:

It is staff's recommendation that the City Council direct staff to take one of the following actions, with the first being staff's preferred alternative:

1. Prepare an ordinance amending Title 9 of the Bell Gardens Municipal Code (BGMCM) related to Sections 9.40.055 (Electronic Display Signs Matrix) to include development standards for electronic display signs on properties developed solely with a medical facility; or
2. Return with additional information to consider a more comprehensive amendment considering more land uses; or
3. Take no further action on a code amendment pertaining to Electronic Display Signs at this time.

City Manager, Michael O'Kelly introduced the item. He stated that staff received a request from the Family Health Care Centers of Greater Los Angeles medical clinic on Garfield Avenue to allow for the installation of a LED sign in their existing LED sign cabinet. He stated the current zoning code has a limitation to electronic display signs on two specific zones, but none of which apply to this specific property. He stated staff's recommendation to Council is to give direction to prepare an ordinance to allow for such LED signs for medical facility subject to comment concerns regarding residential neighborhoods and brightness of the light. He stated they could also come back with additional information.

Mayor Pro Tem Flores inquired for the particular site, if the City was only going to allow for this clinic or would the ordinance apply to other health clinics.

Community Development Director, Gustavo Romo responded that they had identified all clinics. He stated they have the option of modifying the recommendation to just include that additional property. He also stated if that were the case, the property boundaries could be expanded to include that site.

City Manager Michael O' Kelly stated that the property site would be for the corner of Garfield and Gage and added that if the ordinance was written to the specific site, it would be written to be applicable to medical clinic facilities subject to some limitations that we would recommend to Council that could potentially include other clinics.

Mayor Pro Tem Flores stated perhaps the adoption of the ordinance with the particular address could deter others.

Mayor Cortez agreed that a resolution could be brought back due to the concern with areas that are residential areas and limit to a case by case basis, addressing each issue as it comes forward.

Community Development Director, Gustavo Romo asked for clarification regarding the Mayor's statement of a case by case basis and to identify a certain entitlement. He stated when the City was looking at a code amendment we were also looking at development standards that would provide additional buffer between residential zones and these types of signs. A code amendment could prohibit this type of signs even for a medical clinic, when it is adjacent or within a certain number of feet of residential.

Mayor agreed with the Community Director, Gustavo Romo.

There was a consensus among Council on the direction given and no motion was necessary for the item.

12. USE OF FORCE REVIEW, TRANSPARENCY & ACCOUNTABILITY, & DIVERSITY WITHIN THE DEPARTMENT

Due to the recent murder of George Floyd by a Minnesota police officer, several cities across the country experienced numerous protests and riots. The protests have initiated a public discussion related to abuse of power, police reform and a movement to defund public safety entities. Therefore, the Bell Gardens Police Department's mission is to inform Mayor Cortez and members of the City Council and its residents on the current Use of Force policies and procedures, training, and statistical data of the Bell Gardens Police Department.

Recommendation:

It is staff recommendation that the City Council receive and file this report.

City Manager, Michael O'Kelly introduced the item. He stated that this item was a result from a discussion with Mayor Pro Tem Flores during the June 8, 2020 Council Meeting. He stated this item is to discuss numerous issues including: use of force, transparency, accountability, and diversity of hiring within the department.

Police Chief, Scott Fairfield gave a PowerPoint presentation in regards to discussions pertaining to the Police Department and their procedures and policies on transparency, accountability, use of force, and hiring.

Chief Fairfield reviewed the policies in depth:

1. Requiring officers to intervene to stop another officer from using excessive force.
2. Restricting, or prohibiting, the use of chokeholds, strangleholds, and carotid restraints.
3. Requiring officers to do de-escalate situations, when possible, before using force.
4. Using Force continuum or Matrix that defines and limits the types of force that can be used to respond to specific kinds of resistance.
5. Requiring officers to give a verbal warning before using deadly force.
6. Prohibiting officers from shooting at people in moving vehicles unless the person poses a deadly threat by means other than the vehicle.
7. Requiring officers to exhaust all other reasonable alternatives before resorting to using deadly force.
8. Requiring comprehensive reporting that includes both uses of force and threats of force.

Chief Fairfield also reviewed the historical view of the police department budget and department staffing levels.

Council Member Barcena inquired what the budget was for fiscal year 2017-18.

City Manager Michael O' Kelly provided Council Member Barcena's question regarding the budget for 2017-18; 49% of the general fund and 29% of all the City's budget.

Mayor Pro Tem Flores thanked Chief Fairfield for his presentation and stated at the last City Council meeting she suggested it be looked at. She inquired about the policies and which ones were in practice.

Chief reviewed the policies and stated, Policy No. 4 is outdated but the department has met with legislators and is in compliance with SB 230; Policy No. 6 the city is not in complete compliance, but the department is following the California Police Chief guidelines and is also in compliance with SB 230.

Mayor Pro Tem Flores stated that she was conflicted on Policy No. 6 and felt she would not be able to be in a position to support Policy No. 6 on the Police Department's behalf, but supported

the rest of the policies. She spoke about implementing a Police Oversight Committee, and wanted to make sure that the City is in compliance. Further clarifying that she does not want to restrict an officer from making the right decision at that time. She is open to have dialogue with the Chief.

Police Chief Fairfield thanked Mayor Pro Tem Flores for her comments. He stated he is open to dialogue; He feels it is the best solution and appreciates the opportunity. He wants to do right by the community, and his police officers. He further elaborated that providing the officers with the necessary tools and options so they can go home at night.

Mayor Pro Tem Flores inquired if the Chief would be willing to bring the item to the Police Department Oversight Committee once formed

Police Chief Fairfield stated that he supports open dialogue and is willing to sit down with anyone.

Mayor Cortez thanked the Police Chief Fairfield for his comprehensive report. She added that she is very proud of the Police Department and all the work they do in the community. She appreciates the open dialogue with the community and Council, the Chief is willing to do. She is happy that most of the policies are in place.

City Manager Michael O'Kelly advised that currently there was no Oversight Committee.

Mayor Pro Tem Flores stated that she gave direction that an Oversight Committee be created at the last meeting.

Mayor Cortez stated that the item could be brought back to Council and a decision could be made regarding an Oversight Committee.

Mayor Pro Temp Flores spoke on diversity employed at the City and asked various departments if any African Americans are employed at the City. She encouraged diversity in the workforce in the future.

A motion was made by Mayor Cortez, and seconded by Council Member Barcena, to receive and file the report.

The motion carried 4-0 with the following vote.

AYES:	Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES:	None
ABSENT:	None
ABSTAIN:	None

13. USER AND REGULATORY FEE STUDY OUTCOMES AND RECOMMENDATIONS

The City provides many services to residential, commercial, and other community members. ClearSource Financial has completed user fee study that calculated the total costs to the City to provide these services along with recommendation fee adjustments. The City has not updated the fee schedule since 2009. Tonight, the results of the study are presented to City Council along with recommendations.

Recommendation:

It is staff's recommendation that the City Council direct staff to schedule a Public Hearing to formally consider adjustments of user and regulatory fees.

City Manager, Michael O'Kelly introduced the item. He stated that this item was not seeking approval to adopt any fee changes, but rather, it describes the results and recommendations of a fee study that has been performed. He explains that most agencies perform fee studies in a three to five-year range in order to determine cost recovery and understand where there may be a city subsidy for certain services. City Manager Michael O' Kelly called on ClearSource consultant, Terry Madsen, to discuss results for the performed fee study for the City of Bell Gardens. Ultimately, staff anticipates bringing the item back to Council to consider making such adjustments.

Mr. Madsen gave a PowerPoint presentation regarding fee-related services. He reviewed the following fees: current planning fees; public works fees; building fees; recreation & facilities fees; police fees and administrative fees.

Mr. Madsen explained that fee studies are typically performed every several years in compliance with statutory allowance and limits. Fees are reviewed and evaluated to see if the full cost of service is calculated. The City can then determine the amount of cost in the final fee amount.

Mr. Madsen also reviewed new fees that are proposed: technology upgrade fee, General Plan update fee and credit card transaction processing fees. These are collected by other communities. Mr. Madsen stated a public hearing would be conducted in the future if that is the direction Council would like to take.

A motion was made by Mayor Cortez to schedule a Public Hearing for the item.

Motion died due to a lack of a second.

A motion was made by Council Member Barcena, and seconded by Mayor Cortez, to receive and file the report and table the proposed public hearing for another date.

The motion carried 4-0 with the following vote.

AYES:	Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES:	None
ABSENT:	None
ABSTAIN:	None

14. ADOPTION OF THE FISCAL YEAR 2020-21 OPERATING AND CAPITAL IMPROVEMENT BUDGETS, COMPENSATION PLAN, AND ESTABLISHING THE APPROPRIATIONS LIMIT

Presented for adoption is the July 1, 2020 - June 30, 2021 Operating and Capital Improvement Budgets and Compensation Plan; and GANN Appropriations limit for FY 2020-2021 pursuant to Article XIII-B of the California State Constitution.

Recommendation:

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

1. The attached Resolution adopting the fiscal year July 1, 2020 to June 30, 2021 (FY 2020-21) Operating and Capital Improvement Budgets and Compensation Plan; and
2. The attached Resolution establishing the GANN Appropriations limit for FY 2020-21 pursuant to Article XIII-B of the California State Constitution.

City Manager, Michael O'Kelly introduced the item. He stated the financial landscape due to the

COVID-19 pandemic and a shortfall of 6 million dollars projected for next fiscal year, based on the economic condition is what currently exists. The Bicycle Casino is 45% of City revenues. Other challenges that are affecting the City is the allocation of resources specifically the Police Department which does not address this issue. He stated they are continuing to work to come up with ways to address the issue.

Finance Director, Will Kaholokula gave a PowerPoint presentation. He stated the total budget is \$48,580,000. COVID-19 has affected the City finances and certain programming; new community benefit programs have been added; FY 2020-21 the Casino Revenue is \$6 million less than the previous budget; general fund budget is projected to have a multi-million-dollar deficit; and the water fund is running at a deficit. Included in the PowerPoint presentation was a detailed historical Bicycle casino revenue.

Finance Director, Will Kaholokula stated that, all City funds are services provided to the residents. For Fiscal Year 20-21 the services being offered are: Small Essential Business Assistance Grant; Residential Tenant Rental Assistance Grant; Child Care Subsidies; Emergency Utility Assistance Grant; Grab and Go Supper Meal Programs; Expand Community Family Service Center at Bell Gardens Park, Ford Park Aquatic Center; New Outdoor Family Fitness Programming; Recreation Facility Improvements and implemented online registration; Graduation celebration for Bell Gardens employees; school violence prevention activities and Medical Taxi Service.

Finance Director, Will Kaholokula added that the entire city is made up of all City Funds which were displayed as a pie chart. The largest portion of the pie chart was public safety and public works which only come from city government. The General Fund is where all unrestricted money is held. Some of the items listed for Revenue generators for the future fiscal 2020-21: 1) Sales Tax Measure could potentially generate \$500,000 in revenue.; 2) program advance repayments from CIP Fund to General Fund - \$820,000; 3) Fee Study adjustments - \$250,000; 4) Food Program Reimbursement - \$225,000 and 5) CARES money - \$550,000. Expenditure items listed: 1) temporarily defund multiple positions - \$780,000; 2) Fund 75% of Code Enforcement positions with CDBG funds - \$168; 3) Due to COVID-19, lower recreation and community services programming - \$624,000 and 4) Additional city-wide expenditure cuts - \$422,000.

Finance Director, Will Kaholokula concluded that the General Fund has a budget deficit of \$2,856,000. The total City-wide budget is \$48,580,000. Factors that have impacted the budget are: COVID-19 impacted the budgeted; casino revenue is lower by nearly \$5,932,000; General Fund Revenues are lower by \$3,842,000 and new community programs have been added.

Council Member Barcena commented that the challenges faced with the budget include: COVID-19, with an estimated revenue drop of \$3.5 million dollars this year and an estimated drop of \$6 Million dollars for next year is a huge concern. In addition to the unemployment and the businesses that are losing income day after day from this COVID pandemic. Also, the social health and well-being of the residents and potential evictions that are looming in the shadows and homelessness here in our city. The water fee and the user fee study that could double the fees of the City. Council Member Barcena stated that there is a potential sales tax increase and there are a lot of issues to address. Residents will need rent subsidies; the business community will need support in order to succeed; community support for their physical and mental health. These are extremely difficult times for residents in Bell Gardens who are already low-income. He appreciates the City's effort for putting the budget together. The COVID-19 response fund consists of the CARES Act grant which currently has \$624,000 and CDBG funds intended for our pool. Council Member Barcena concluded that he is looking at the budget with resident's concerns of overfunding of the police. It is 51% of our budget. \$15.5 million dollars of the general fund, half of our entire general fund.

Council Member Barcena added that he does not believe in getting rid of the police department

and wants to make it clear. He thinks the police are doing a decent job and thinks there is some budget misbalance in the funding.

Council Member Barcena made a motion to conduct a neutral/independent police spending study; reallocate immediately 8% of the police budget into the community and things that are extremely necessary as we have heard from our Finance Director and community. 4% that would go into the COVID and the other 4% would go into the fee study and community benefit programs.

Motion died due to a lack of a second.

Mayor Pro Tem Flores inquired what 8% of the money was.

Council Member Barcena stated that the current police budget is \$1.2 million dollars as the amount of police overtime spent, which is 94% of all City overtime.

Mayor Pro Tem Flores asked for clarification on the timeframe of the overtime.

Council Member Barcena stated the overtime is for \$1.2 million for this fiscal year and the proposed is a little under \$1 million for the next fiscal year.

Mayor Pro Tem Flores stated that the budget looked different than the first time it was presented. The deficit was previously lower. She does not feel comfortable approving the budget and feels the budget should be restructured; one that doesn't cancel twenty-five events. Mayor Pro Tem would like to allocate money for the Youth commission. She explained that each Council Member would get two commissioners; stipends and a sense of being involved with their government. Views public safety as investing in our youth so one day they don't need policing.

Mayor Pro Tem Flores stated she would like to table the budget to a future meeting and research the budget. She appreciates the work Council Member Barcena has done on the budget. She would like to go behind closed doors and does not feel comfortable with the budget.

Mayor Cortez stated that she didn't feel comfortable in restructuring the budget and moving 8% without knowing what the consequences and pitfalls would be. She stated they need to look at a realistic picture of what Bell Gardens has been and what it is now. She said she have dealt with families with people coming to Bell Gardens Police Department asking for help. She is cognizant of residents on-line that do not want to defund our police. She feels comfortable tabling the item and looking at the numbers to see where we can shave off money, if they can. She expressed her view on not being guided by emotions and that careful assessment be made of what the community really is and the crime that we have or don't have. She stated until they have those numbers and data, she can't support taking 8% and moving that money.

A motion was made by Mayor Pro Tem Flores, and seconded by Mayor Cortez, to table the budget to a future meeting and research the budget.

The motion carried 4-0 with the following vote.

AYES:	Council Members Aceituno, Barcena; Mayor Pro Tem Flores, Mayor Cortez
NOES:	None
ABSENT:	None
ABSTAIN:	None

City Manager, Michael O'Kelly, stated that staff would schedule meetings with the Council and would schedule a Special Meeting prior to June 30.

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

City Clerk, Jane Halstead called the speakers that requested to speak during the Public Comment Period.

- Jennifer Rodriguez – there was no response when the call was placed.
- Juan Paniagua – there was no response when the call was placed.
- Kristina Paulo – email regarding Council credit card usage and accountability.

Due to no other comments submitted, Mayor Cortez closed public comments on non-agenda items.

CITY COUNCIL MEMBER COMMENTS

Council Member Aceituno thanked members of the public that participated by giving public comment. He wished everyone a Happy belated Father's Day and looked forward to see staff soon this week to continue the budget discussions.

Council Member Barcena thanked members of the public that participated by giving public comment. He also thanked the Police Department for the great job they do; He stated he has no malice towards the Police Department and thanked the Police Chief, Scott Fairfield and the police officers.

Mayor Pro Tem Flores thanked members of the public that participated by giving public comment. She stated that the City has an ordinance that bans fireworks. Mayor Pro Tem Flores suggested a live line platform be created, giving the public more opportunity to speak. She commended the explorers that called in. She also requested that a future agenda be introduced to implement art within our streets and thanked the public for listening in.

Mayor Cortez thanked all the residents for their participation; Asked the public to respect her opinions and decisions as an elected individual in the community. She ran for elected office with a notion of one term, and feels if she does a good job, she will run for re-election. Thanked staff for their hard work since March, she has been at City Hall and staff has been here every day and I am sure that staff is tired; encouraged compassion be extended to staff. Thanked the public for their participation and support.

ADJOURNMENT – There being no further business the meeting was adjourned at 10:17 p.m.