



**CITY OF BELL GARDENS  
CITY COUNCIL  
REGULAR MEETING – CLOSED SESSION  
MONDAY, APRIL 22, 2019, 5:00 P.M.  
MINUTES**

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

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7704. 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** – Mayor Cortez called the meeting to order at 5:00 p.m.

**ROLL CALL OF CITY COUNCIL MEMBERS**

Present: Council Members Barcena, Rodriguez; Mayor Pro Tem Flores (arrived at 5:01 p.m.); Mayor Cortez  
Absent: Council Member Aceituno

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Mayor Cortez opened the public comment period. There were no speakers. Mayor Cortez closed the public comment period and asked Interim City Attorney Rick Olivarez to announce the Closed Session items. Interim City Attorney Olivarez announced that the Council would recess to discuss the items posted on the agenda. The Council then recessed to the Council Conference Room (see page 3 for report on Closed Session) at 5:01 p.m. to discuss the following matters:

**CLOSED SESSION**

1. **Closed Session Pursuant to Government Code Section 54957 - Public Employee Appointment/Employment**  
Title of Employee: City Manager and Interim City Manager
2. **Closed Session Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator**  
City's Representative: Rick Olivarez, City Attorney  
Unrepresented Employee: City Manager and Interim City Manager



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**CALL TO ORDER** – Mayor Cortez called the meeting to order at 6:00 p.m.

**INVOCATION** – was led by Police Lieutenant Paul Camacho.

**PLEDGE OF ALLEGIANCE** – was led by Council Member Barcena.

**ROLL CALL OF CITY COUNCIL MEMBERS**

Present: Council Members Barcena, Rodriguez; Mayor Pro Tem Flores; Mayor Cortez  
Absent: Council Member Aceituno

**CLOSED SESSION REPORT**

Interim City Attorney Rick R. Olivarez stated that the City Council recessed into Closed Session, all members being present with the exception of Council Member Aceituno, to discuss items No. 1 and 2 on the Closed Session Agenda. He stated that with respect to both items the City Council was briefed by legal counsel, direction was given and no final action was taken on any of the items.

**PRESENTATION**

- **National Donate Life Month Proclamation**  
Mayor Cortez presented a proclamation to Eva Perez and both spoke on the importance of organ donation.

**PUBLIC HEARING (Item No. 1)**

**1. ZONING CODE AMENDMENT NO. 2017-060- ORDINANCE NO. 884 COMMERCIAL BUILDING SETBACKS**

The City Council will consider Zoning Code Amendment No. 2017-060 and introduction of Ordinance No. 884 which proposes to amend Chapter 9.12, "Commercial Zones," Section 9.12.040, "Development Standards," Table 9.12.B. "Commercial Development Standards Matrix," eliminating the requirement for a rear yard and a side yard building setback in the C-S (Commercial Service and Professional), C-3 (Medium Commercial), C-4 (Heavy Commercial), and CM (Commercial Manufacturing) zoning districts where properties with the above said zoning abut existing nonconforming residential or open space uses.

**Recommendation:**

It is the recommendation of the Planning Commission that the City Council take the following action:

Approve Zoning Code Amendment No. 2017-060 and introduce and waive first reading of Ordinance No. 884 amending the Bell Gardens Municipal Code Title 9 Zoning and Planning regulations as follows:

- a. Amend Chapter 9.12, "Commercial Zones," Section 9.12.040, "Development Standards," Table 9.12.B. "Commercial Development Standards Matrix," eliminating the requirement for a rear yard and a side yard building setback in the C-S (Commercial Service and Professional), C-3 (Medium Commercial), C-4 (Heavy Commercial), and CM (Commercial Manufacturing) zoning districts where properties with the above said zoning abut existing nonconforming residential or open space uses.

Interim Community Development Director/City Planner Carmen Morales gave a PowerPoint presentation.

Council Member Rodriguez asked why this item was added to the agenda.

Interim Community Development Director/City Planner Carmen Morales stated that the Planning Commission approved the item in the previous month and the passage of the ordinance would allow property owners to move forward with certain projects.

Council Member Rodriguez asked if the ordinance would affect new or existing developments.

Interim Community Development Director/City Planner Morales stated that it would affect new developments.

Council Member Rodriguez asked if there were any current projects that this ordinance would apply to.

Interim Community Development Director/City Planner Morales stated that there are two projects, one on Garfield Avenue and one on Eastern Avenue.

Council Member Rodriguez stated that she would prefer to see the list of projects that this ordinance would apply to.

Interim Community Development Director/City Planner Morales stated that the City has been in conversation with the applicants, but the projects have not been brought forward to the Planning Commission yet.

Council Member Rodriguez stated that she wanted to see the potential projects and asked to table the discussion and continue the public hearing to the next council meeting.

Mayor Cortez opened the public comment period at 6:24 p.m.

There were no public comments.

Interim City Attorney Rick Olivarez stated that the Council would continue the item to the next regular City Council meeting, and members of the public would also have an opportunity to comment then.

#### **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Dr. Suely Saro introduced herself as staff member with California Senate District 33, and thanked the Council and City staff for their support of the proposed Lower LA River Recreation and Park district. She stated that Mark Stanley of the Rivers and Mountains Conservancy stated that he looks forward to working with the City of Bell Gardens.

#### **CONSENT CALENDAR (Items No. 2-9)**

A motion was made by Council Member Rodriguez, and seconded by Mayor Pro Tem Flores, to approve the consent calendar.

The motion carried 4-0 with the following vote.

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

2. **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 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 OF THE APRIL 8, 2019 CITY COUNCIL CLOSED SESSION AND REGULAR MEETING**

April 8, 2019 - Closed Session and Regular Meeting Minutes

**Recommendation:**

It is staff recommendation that the City Council approve the minutes of the City Council Closed Session and Regular City Council Meeting of April 8, 2019.

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 03/26/19, 03/28/19, and 04/02/19.

**5. APPROVAL OF AGREEMENT WITH CPS HR FOR CITY MANAGER RECRUITMENT SERVICES**

The City would like to enter into an agreement with CPS HR for City Manager recruitment services.

**Recommendation:**

It is staff recommendation that the City Council, by motion, approve the attached agreement with CPS HR for City Manager Recruitment Services.

**6. FORMATION OF AND INCLUSION IN THE LOWER LOS ANGELES RIVER RECREATION AND PARKS DISTRICT**

In September of 2016, California Senate Bill 1374 created the "Lower Los Angeles River Recreation and Parks District". Although the district exists by law, in order for it to actually take shape, it needs to go through a process with LAFCO. The City of South Gate has been asked to serve as the primary applicant for this process and the City of Bell Gardens is one of the fourteen cities listed in the legislation to be part of the district.

**Recommendation:**

It is staff recommendation that the City Council, by motion, approve Resolution No. 2019-16 in support of the formation of and inclusion in the Lower Los Angeles River Recreation and Parks District.

**7. REQUEST PURCHASE ORDER FOR VIRTUAL SOFTWARE**

As part of the ongoing network infrastructure maintenance, the Police Department has a need to upgrade its Virtual software licensing to maintain our current Virtual servers. This software purchase will enable the Police Department to upgrade our current Virtual servers to the recommended industry standard.

**Recommendation:**

It is staff recommendation that the City Council adopt Resolution No. 2019-17, waiving the formal bidding process and authorizing the purchase of equipment from and through Lan Wan Enterprises, Inc. for the acquisition of Virtual software licensing for the Police Department servers infrastructure.

**8. MOU FOR REIMBURSEMENT OF PERSONNEL AND EQUIPMENT COSTS ASSOCIATED WITH INVESTIGATIONS OF VIOLENT CRIMINAL STREET GANGS**

The Police Department would like to enter into a Memorandum of Understanding with the United States Department of Homeland Security Investigations (HSI) to cooperate with the investigation and suppression of criminal street gangs operating within the City of Bell Gardens. Any overtime, of up to \$15,000 (annually), will be reimbursed to the City.

**Recommendation:**

It is staff recommendation that the City Council, by motion, approve the Resolution No. 2019-18.

**9. ADOPTION OF RESOLUTION FOR SB1 FUNDING PROJECT LIST**

In 2017, the Governor signed Senate Bill 1 (SB 1), Road Repair and Accountability Act of 2017, to address transportation funding shortfalls. SB1 established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund. A portion of the

RMRA funds are distributed on a monthly basis to the City for basic road maintenance, rehabilitation and critical safety projects on local streets and road systems. It is estimated that the City will receive \$682,660 in Fiscal Year (FY) 2019-2020 in RMRA funds. In order for the City to receive said RMRA funding, City Council must adopt a resolution and must submit a list of proposed street repairs to the California Transportation Commission.

**Recommendation:**

It is staff recommendation that the City Council by motion, adopt Resolution No. 2019-19 approving the Fiscal Year 2019-2020 project list for Senate Bill 1, the Road Repair and Accountability Act of 2017; and authorize staff to submit the resolution with the list of streets to the California Transportation Commission (CTC) website.

**DISCUSSION (Item No. 10)**

**10. UPDATE ON CITY'S SIDEWALK POLICY**

The sidewalk maintenance program is intended to prevent trip and fall incidents due to the deterioration of aging sidewalks, expansion of roots, and ground settlements. Sidewalks serve as the "streets and highways" for pedestrians who travel through our community. In order to limit the harm to pedestrians and the liability to the City, we have implemented an effective program for our sidewalks.

**Recommendation:**

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

Director of Public Works Chau Vu gave a PowerPoint presentation.

After some discussion, Council Member Rodriguez directed staff to conduct their survey as soon as possible and to highlight the lifted sidewalks immediately.

After further discussion, Mayor Cortez thanked staff for the presentation.

A motion was made by Mayor Cortez, and seconded by Council Member Rodriguez, to receive and file this update on the City's Sidewalk Policy.

The motion carried 4-0 with the following vote.

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

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

Andrew Leon expressed his hope that everyone had a great Easter weekend and he reminded the Council of services available to help families and community members and extended his support to them. He thanked the Police Department for doing a great job.

**CITY COUNCIL MEMBER COMMENTS**

Council Member Rodriguez wished everyone a happy belated Easter and thanked staff for their work and dedication.

Regular City Council Meeting  
Minutes April 22, 2019

Mayor Pro Tem Flores thanked everyone for attending the Council meeting, wished everyone a happy belated Easter, commented on Earth Day, and wished Council Member Barcena a happy birthday.

Mayor Cortez wished everyone a happy Easter, commented on Earth Day, and wished Council Member Barcena a happy belated birthday. She also gave direction to staff to conduct a fee study, a sales tax increase report, and water rate increase report for an upcoming meeting.

**ADJOURNMENT** – Mayor Cortez adjourned the City Council meeting at 6:46 p.m. in memory of Montebello Police Officer Kenneth Utsinger.

  

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Kristina Santana  
City Clerk

