



**PCITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, MAY 13, 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 5:02 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno, Barcena, Rodriguez; Mayor Pro Tem Flores;
Mayor Cortez
Absent: None

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 2 for report on Closed Session) at 5:03 p.m. to discuss the following matters:

CLOSED SESSION

1. Pursuant to Government Code Section 54957 - Public Employee Appointment/Employment
Title of Employee: City Manager and Interim City Manager
2. 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 6:03 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno, Barcena, Rodriguez; Mayor Pro Tem Flores;
Mayor Cortez
Absent: None

CLOSED SESSION REPORT

Interim City Attorney Rick Olivarez stated that the City Council recessed into Closed Session, all members being present to discuss items No. 1 and 2 on the Closed Session Agenda. He stated that with respect to both items the City Council received a briefing from legal counsel, direction was given and no final action was taken. He stated that there was no discussion in Closed Session regarding an Interim City Manager.

PRESENTATION

- **Proclamation Recognizing Robert Rene Salazar**
Captain Hubner introduced Police Officer Edward Roberts, Senior Advisor for Explorer Post, to recognize Lance Corporal Robert Rene Salazar. Mayor Cortez presented the proclamation in recognition of his service to the nation and to the community.
- **National Memorial Police Week Proclamation**
Mayor Cortez presented the proclamation to Captain Chris Hubner.
- **Mental Health Awareness Month Proclamation**
Mayor Cortez presented the proclamation to Dr. Sarah Church-Williams of the County of Los Angeles Department of Mental Health.
- **National Public Works Week Proclamation**
Mayor Cortez presented the proclamation to Director of Public Works Chau Vu.
- **Older American Month Proclamation**
Mayor Cortez presented the proclamation to Recreation Supervisor Ana Avalos. Recreation Coordinator Ramon Escobedo, who presented Ana Maria Sanchez with a plaque. Ms. Sanchez thanked the Council for supporting the seniors.

- **California 58th Assembly District Certificate of Recognition of Older American Month Honoree Ana Maria Sanchez**
Field Representative Evelyn Nuno presented the Certificate of Recognition to Ana Maria Sanchez.
- **Presentation of Proclamation to Del Records for its Community Involvement and Financial Generosity in Helping to Support Bell Gardens Youth Programs**
Mayor Pro Tem Flores introduced the Youth Employment Program and thanked Del Records and Brian Gutierrez, and presented him with a proclamation in recognition of their generosity to the Youth Employment Program.
- **Presentation of Financial Support by Del Records to the City Council for Youth Programs and Activities in the City of Bell Gardens**
Brian Gutierrez, Del Records Executive Vice President of External Affairs, presented an \$8,000 check to Mayor Pro Tem Flores for her Youth Employment Program.
- **CalFresh Awareness Month Proclamation**
Mayor Cortez presented the proclamation to Mr. Jose Martinez, Department of Public and Social Services CalFresh Program.
- **Montebello Unified School District Mothers' Day Art Competition Recognition**
Mayor Cortez honored first place winner Elizabeth Arriaza, second winner Alexandrina Silva and third place winner Melissa Jimenez of the Montebello Unified School District Mothers' Day Art competition.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

No comments.

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:

1. 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:

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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 CS(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.

Mayor Cortez announced that this item was continued from the meeting of April 22, 2019.

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

Council Member Rodriguez thanked Interim Community Development Director Morales for meeting with Council Member Barcena and herself. She stated that though notices were mailed out, she further requests that the Community Development Department mail out a letter in English and Spanish to the affected residents. She asked the Council to continue to postpone this item to properly notify the residents.

Mayor Cortez opened the public comment period at 6:53 p.m.

Laura Cortez stated that the back of her property is on Clara street in an industrial zone and asked if the ordinance would only apply to new buildings. She stated she was concerned about setbacks because of noise pollution. She stated that her tenant can hear industrial noise starting at 5:00 a.m. She asked if there would no longer be setback requirements then what kind of mitigation measures could be taken.

Interim Community Development Director Morales stated she would follow up with Ms. Laura Cortez.

Mayor Cortez asked the Council Members to vote on continuing the public hearing item to the Council meeting of June 10, 2019. The following roll call vote was taken.

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

Mayor Cortez announced that the public hearing would be continued to the next Council meeting.

CONSENT CALENDAR (Items No. 2-6)

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

Council Member Aceituno abstained from voting on Item No. 3.

Mayor Cortez made a motion to approve the consent calendar, with Council Member Aceituno's abstention on Item No. 3. Council Member Rodriguez seconded the motion.

The motion carried 5-0 with the following vote.

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AYES: Council Members Aceituno, Barcena, Rodriguez; Mayor Pro Tem Flores; Mayor Cortez
NOES: None
ABSENT: None
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. **APPROVAL OF CITY COUNCIL MINUTES**

April 18, 2019 - Special Closed Session Meeting Minutes

April 22, 2019 - Closed Session and Regular Meeting Minutes

April 25, 2019 - Special Closed Session Meeting Minutes

Recommendation:

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

The motion carried 4-0-1 with the following vote.

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

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 04/09/19, 04/11/19, 04/16/19, and 04/23/19.

5. **MARCH 2019 TREASURER'S REPORT**

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

Recommendation:

It is staff recommendation that the City Council receive, approve, and file the March 2019 Treasurer's Report.

6. RESOLUTION OPPOSING CHANGES TO CURRENT STATE CARD CLUB REGULATIONS

The Office of the Attorney General of the State of California through its Bureau of Gambling Control has announced its intention to revoke its approval of games currently played in most California Card Clubs on the tenuous basis that they resemble the game known as "Blackjack" or "21" prohibited under California law. These actions and policies of the Attorney General will impose severe restrictions on the play of card games in our local card club and will lead to the reduction of revenues for the casino and the City.

Recommendation:

It is staff recommendation that the City Council adopt Resolution No. 2019-21 to counter measures against the policies and actions of the Bureau of Gaming Control and the Office of the Attorney General.

At this point, Mayor Cortez and Interim City Attorney Olivarez stated that the Council would recess back into Closed Session to discuss the two items on the Closed Session agenda for which they previously met at 5:00 p.m. The Council recessed back into Closed Session at 6:58 p.m.

The City Council reconvened at 7:04 p.m. and Interim City Attorney Olivarez stated that the Council recessed back into closed session under the 5:00 p.m. meeting agenda and discussed the two items on the agenda pursuant to Government Code Section 54957. He stated that he gave a brief presentation to the City Council, received direction and no final action was taken on the two items.

DISCUSSION (Item No. 7)

7. CITY MANAGER EMPLOYMENT AGREEMENT

On April 25, 2019 the City Council selected Michael B. O'Kelly to serve as the City Manager and further directed the Interim City Attorney to negotiate an employment agreement.

Recommendation:

It is staff recommendation that the City Council approve, by motion, the City Manager Employment Agreement by and between the City of Bell Gardens and Michael B. O'Kelly and direct the Mayor to execute the Agreement on behalf of the City.

Interim City Attorney Olivarez announced the following revisions to the City Manager Agreement:

With respect to section 1.2, the TERM OF THE AGREEMENT shall be 2 years. The City Council will have the option, but not the obligation, to extend the Agreement for an additional two year period upon no less than 6 months' notice.

With respect to section 2.1, EMPLOYEE shall receive an annual CPI increase, but in any event, not greater than 3 percent annually.

With respect to section 2.3 B, the credited 80 hours of vacation leave and 48 hours of sick the leave such amount shall not be convertible to cash subject to applicable local, state and federal law. In addition, commencing on December 1, 2019, EMPLOYEE shall begin to accrue vacation leave at a rate of 13.3 hours per month.

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With respect to section 2.7, EMPLOYEE shall receive a \$650 automobile allowance which shall be tied to the amount currently paid to Directors of the City and may be adjusted from time to time as deemed necessary and appropriate.

A motion was made by Mayor Cortez, and seconded by Council Member Rodriguez, to approve the agreement subject to the revisions read by the City Attorney.

The motion carried 4-1 with the following vote.

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

Mayor Cortez invited Mr. O'Kelly to sit at the dais with the Council.

Mr. O'Kelly thanked the Council for the opportunity to serve the City of Bell Gardens.

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

Laurence Smith introduced himself as an employee of the Los Angeles County Sanitation District and commented on labor negotiations. He asked the City's representatives on the District to approve the proposed contract.

Rogelio Rodriguez commented on promises made during the campaign season, pertaining to parking and complaints about the Police Department. He asked for a public audit of every department. Lastly he commented on the Police Department's response time in the community.

Francisco Moreno commented on the City's annual Fiestas Patrias event and asked the Council why his organization had not received a response regarding their application to commence planning for the event.

CITY COUNCIL MEMBER COMMENTS

Council Member Aceituno commented on the Fiestas Patrias event and asked staff for a follow up regarding the denial of Mr. Moreno's application.

Council Member Rodriguez recognized the City of Bell Gardens Chamber of Commerce President Mike Salazar as an asset to the community and thanked him for his participation with the Council's Mothers' Day event. She commented on the Fiestas Patrias event and offered to meet with Mr. Moreno. Lastly, she expressed her confidence in Mr. O'Kelly's ability to move the City forward and thanked him for being there.

Council Member Barcena welcomed Mr. O'Kelly and offered the Council's full support to help move the City forward.

Mayor Pro Tem Flores thanked everyone for attending the Council meeting. She thanked Mayor Cortez for reading all of the proclamations. She welcomed Mr. O'Kelly and expressed her excitement to work with young talent. Lastly, she commented on the Council's efforts to be transparent in following the proper process for hiring a new City Manager and assured the audience of the Council's concern for transparency.

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Mayor Cortez welcomed Mr. O'Kelly and commented on the process the Council took to find a new City Manager. She expressed her confidence in Mr. O'Kelly's ability to balance the City's budget and asked staff to work with Mr. O'Kelly. She thanked the Interim City Attorney Rick Olivarez for his support and wished an early Happy Birthday to baby Aristotle and Mayor Pro Tem Flores.

ADJOURNMENT – Mayor Cortez adjourned the City Council meeting at 7:27 p.m. and invited everyone to a reception in the patio in honor of our new City Manager Michael B. O'Kelly.



Kristina Santana
City Clerk