



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, JULY 8, 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 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 three items posted on the agenda. The Council then recessed to the Council Conference Room (see page 2 for report on Closed Session) at 5:00 p.m. to discuss the following matters:

CLOSED SESSION

1. **Conference with Legal Counsel – Anticipated Exposure to Litigation Pursuant to Government Code Section 54956.9 Subdivisions (d)(2) and (e)(1)**
One potential case.
2. **Closed Session Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation**
Title of Employee: City Clerk
2. **Conference with Labor Negotiators Pursuant to Government Code Section 54957.6**
City-Designated Representatives: Michael B. O’Kelly,
Rick Olivarez
Will Kaholokula
Nicholas Razo

Employee Organizations: City Employees Association
Public Works Employees Association
Public Works Supervisors Association
Police Officers Association
Police Management Association



**CITY OF BELL GARDENS
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REGULAR MEETING
MONDAY, JULY 8, 2019, 6:00 P.M.
MINUTES**

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

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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, 2 and 3 as posted on the Closed Session Agenda. He stated that with respect to all the items the City Council received a briefing from staff, the City Council gave direction and no final action was taken.

CALL TO ORDER – Mayor Cortez called the meeting to order at 6:02 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

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

INVOCATION – was led by Director of Finance and Administration Will Kaholokula.

PLEDGE OF ALLEGIANCE – was led by Administrative Services Manager Nicholas Razo.

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 staff recommendation that the City Council continue the Public Hearing to the Council Meeting of July 22, 2019.

Mayor Cortez announced that the public hearing would be continued to the Council meeting of July 22, 2019.

Interim City Attorney Rick Olivarez stated that the item would be continued but if anyone wished to speak on the item they would open the public hearing at this time. No members of the public wished to speak and the item was continued to July 22, 2019.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

John Kelly, Vice President of TNT fireworks, expressed his opposition to Item No. 9 – AN ORDINANCE OF THE CITY COUNCIL OF BELL GARDENS AMENDING CHAPTER 16.40 TO PROHIBIT THE SALES AND USE OF ALL FIREWORKS WITHIN THE CITY.

Laura Cortez expressed her support for Item No. 9 – AN ORDINANCE OF THE CITY COUNCIL OF BELL GARDENS AMENDING CHAPTER 16.40 TO PROHIBIT THE SALES AND USE OF ALL FIREWORKS WITHIN THE CITY.

Victor expressed his support for Item No. 9 – AN ORDINANCE OF THE CITY COUNCIL OF BELL GARDENS AMENDING CHAPTER 16.40 TO PROHIBIT THE SALES AND USE OF ALL FIREWORKS WITHIN THE CITY. He also commented on the Police Department's response times to fireworks disturbance calls.

CONSENT CALENDAR (Items No. 2-8)

Council Member Barcena pulled Item No. 7 for further discussion.

A motion was made by Council Member Rodriguez, and seconded by Mayor Pro Tem Flores, to approve all Consent Calendar items except for Item No. 7.

Council Member Aceituno abstained from voting on Item No. 6.

The motion carried 5-0 with the following vote.

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 JUNE 24, 2019 CITY COUNCIL MINUTES

June 24, 2019 - Regular Meeting Minutes

Recommendation:

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

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 06/06/19, 06/11/19, and 06/18/19.

5. REQUEST TO PURCHASE MOTOROLA PORTABLE AND MOBILE RADIOS

The Bell Gardens Police Department's current radio communication infrastructure and equipment are in need of an upgrade. The replacement and upgrade of our portable and vehicles radios are essential to public safety. Motorola is a trusted name in Law Enforcement, and acquiring these new radios will improve the accuracy and reliability of communications, as well as the ultimate safety of both citizens and police officers. The Bell Gardens Police Department recommends the City Council approve the purchase of nine (9) new Motorola APX-8000 Portable radios and six (6) APX-8500 Mobile (Vehicle) radios. This purchase will be funded via the Department's Asset Forfeiture Account but will later be reimbursed through the 2017 State Homeland Security Program Grant.

Recommendation:

It is staff recommendation that the City Council approve Resolution No. 2019-34 waiving the formal bid process pursuant to Bell Gardens Municipal Code Section 3.04.100A. and authorizing the Bell Gardens Police Department to purchase nine (9) new Motorola APX-8000 Portable radios and six (6) APX-8500 Mobile (Vehicle) radios.

6. ACCEPTANCE OF CONSTRUCTION CONTRACT FOR THE VARIOUS STREETS IMPROVEMENT (SB 1 LIST) PROJECT

On November 12, 2018 the City Council awarded the Various Streets Improvement Project to Shawnan Inc. The scope of work consists of concrete repairs of the curb, gutters, cross gutters, and sidewalks, installation of ADA access ramps, pavement grinding and asphalt paving, signing and striping improvements along various street segments. On March 26, 2019, Shawnan completed the construction improvements for the Various Streets Improvement (SB-1 List) Project. The Project Inspector conducted their final inspection, reviewed the project documents and determined that the project was completed satisfactorily and in conformance with the project's plans and specifications.

Recommendation:

It is staff recommendation that the City Council by motion:

1. Accept the construction contract for the Various Streets Improvement (SB-1 List) as complete; and
2. Authorize staff to file the Notice of Completion.

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

7. AWARD OF CONTRACT FOR HEATING, VENTILATION AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICES TO THOMSON INC.

The City released a Request for Proposals (RFP) seeking a professional high-level heating-ventilation-air conditioning (HVAC) preventative maintenance and repair services for City facilities. The work outlined in the RFP included the inspection, preventative maintenance, repair and programming necessary for a well maintained HVAC system. A total of 3 proposals were received and based on their expertise, costs and quality service, Thompson Inc. is being recommended for award of the HVAC Maintenance Services Contract for three years with the option of two one-year renewals.

Recommendation:

It is staff recommendation that the City Council, by motion, adopt Resolution No. 2019-35 awarding a contract to Thomson Inc. to provide heating, ventilation and air conditioning (HVAC) services at City facilities.

Council Member Barcena asked if there was a reason why the current company's bid was so high.

City Manager O'Kelly stated that the current vendor's proposal was \$45,000 and the recommended vendor's proposal was \$20,000. He stated that this was standard in the RFP process.

A motion was made by Council Member Barcena, and seconded by Mayor Cortez, to adopt Resolution No. 2019-35 awarding a contract to Thomson Inc. to provide heating, ventilation and air conditioning (HVAC) services at City facilities.

The motion carried 5-0 with the following vote.

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

8. STOP SIGN INSTALLATION ON LOVELAND STREET AT GRANGER AVENUE

City personnel received a request to conduct a traffic safety analysis and examine the feasibility of installing stop sign at uncontrolled approaches at the intersection of Loveland St. and Granger Ave. The traffic engineer completed a warrant analysis for the intersection and is recommending the installation of stops on Loveland Street, eastbound and westbound at Granger Ave. creating an all-way stop.

Recommendation:

It is staff recommendation that the City Council, by motion:

1. Adopt Resolution No. 2019-36, authorizing the installation of stop signs at Loveland Street in eastbound and westbound at Granger Avenue approaches creating an all-way stop intersection; and
2. Authorize the installation of appropriate striping and pavement legends.

DISCUSSION (Items No. 9-15)

9. AN ORDINANCE OF THE CITY COUNCIL OF BELL GARDENS AMENDING CHAPTER 16.40 TO PROHIBIT THE SALES AND USE OF ALL FIREWORKS WITHIN THE CITY

Fireworks Ordinance banning all fireworks, including Safe and Sane Fireworks, in the City of Bell Gardens by the amendment of chapter 16.40 (Fireworks) of the City of Bell Gardens Municipal Code.

Recommendation:

It is staff recommendation that the City Council introduce and waive first reading of Ordinance No. 894 amending Section 16.40.010 to Section 16.40.100 of Chapter 16.40 of Title 16 of the City of Bell Gardens Municipal Code in order to implement a total ban of all fireworks, including those referred to as "safe and sane" fireworks.

City Manager O'Kelly introduced the item. Interim City Attorney Olivarez asked Interim Assistant City Attorney Marc Tran to provide an oral report.

After some discussion by the Council, Council Member Aceituno asked if the Council would consider continuing this item to the next Council meeting to give staff time to notify the residents who would be impacted by the ban.

After further discussion by the Council, Interim City Attorney Olivarez stated that after the first reading of the ordinance, it would come back to the City Council for second reading and if approved then, would go into effect thirty days later.

After further discussion, a motion was made by Mayor Pro Tem Flores, and seconded by Council Member Barcena, to introduce and waive first reading of Ordinance No. 894 amending Section 16.40.010 to Section 16.40.100 of Chapter 16.40 of Title 16 of the City of Bell Gardens Municipal Code in order to implement a total ban of all fireworks, including those referred to as "safe and sane" fireworks.

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 announced that the item passed first reading would be on the next City Council agenda for second reading at which point any interested member of the public may provide a comment.

10. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

The League of California Cities Annual Conference is scheduled for October 16-18, 2019 in Long Beach, California. The Annual Business Meeting is scheduled for 12:30 p.m. on Friday, October 18, 2019. Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the City Council. The voting delegate and alternate must be registered to attend the conference.

Recommendation:

It is staff recommendation that the City Council designate a voting delegate and up to two alternates to attend the League of California Cities Annual Business Meeting, scheduled for 12:30 p.m. on Friday, October 18, 2019 at the Long Beach Convention Center.

City Clerk Kristina Santana gave an oral report.

A motion was made by Mayor Pro Tem Flores, and seconded by Mayor Cortez, to appoint Mayor Pro Tem Flores as delegate and Council Member Barcena and Mayor Cortez as alternates.

The motion carried 5-0 with the following vote.

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

11. CENSUS PARTNERSHIPS AND PLAN OF ACTION

Discussion on Census Partnerships and Plan of Action to bring awareness and highlight the importance of completing the 2020 Census questionnaire to the residents of the City of Bell Gardens.

Recommendation:

It is staff recommendation that the City Council adopt Resolution No. 2019-37, collaborating with the philanthropic partners, community-based organizations, Southeast Los Angeles Collaborative, County of Los Angeles, State of California, and the U. S. Census Bureau for 2020 Census through the implementation of a plan of action to ensure a complete count of the residents.

Acting Director of Community Development Carmen Morales gave a PowerPoint presentation.

Mayor Cortez thanked staff for putting the action plan together and nominated herself to serve as the Council designee.

Council Member Rodriguez stated that she would like to be involved as well.

Council Member Rodriguez requested that staff set up a Census booth at the City's big event in September, and she directed staff to work with the promoter to encourage census activities at the event.

A motion was made by Mayor Cortez, and second by Mayor Pro Tem Flores, to appoint Mayor Cortez and Council Member Rodriguez as designees to work with staff on Census activities.

The motion carried 5-0 with the following vote.

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

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to adopt Resolution No. 2019-37, partnering with the philanthropic partners, community-based organizations, Southeast Los Angeles Collaborative, County of Los Angeles, State of California, and the U. S. Census Bureau for 2020 Census through the implementation of a plan of action to ensure a complete count of the residents.

The motion carried 5-0 with the following vote.

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

12. CITY OF BELL GARDENS WATER SYSTEM

Since 1994, the City of Bell Gardens has owned and operated a potable water system to distribute retail water service to approximately 1,640 metered customers, which is about 30% of the City area in the northerly part of the City. The water rates and service charges of the City-Owned Water System have not been increased or adjusted over the past 25 years. During that time, the cost to operate the system has skyrocketed. The Water Enterprise Fund is operating at a deficit and is presently losing money annually. Additionally, back in January 2018, the City Council approved a grant agreement from the State Water Resources Control Board with conditions to prepare a water rate study and conduct Prop 218 process for water rate adoption. Staff presented this report on June 24 and was directed to provide an outreach plan to inform the community. Staff will be launching an outreach campaign prior to completing the water rate study which will include information on water billing inserts, a public meeting to be scheduled in September, and social media.

Recommendation:

It is staff recommendation that the City Council by motion;

1. Authorize staff to complete the water rate study, and
2. Bring the rate study report back for City Council consideration.

City Manager O'Kelly gave a brief introduction.

City Engineer Sid Mousavi gave a PowerPoint presentation and Andre Dupre and Luis Rodriguez Jr. gave a presentation regarding community outreach.

After some discussion by the Council, Council Member Rodriguez asked that staff target the affected area with increased community outreach efforts. She also requested that the Neighborhood Watch Program assist with outreach efforts.

Mayor Cortez offered her help in connecting the City's outreach efforts with the school district.

A motion was made by Mayor Cortez, and seconded by Council Member Barcena, to authorize staff to complete the water rate study, and bring the rate study report back for City Council consideration.

The motion carried 5-0 with the following vote.

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

13. DISCUSSION AND UPDATE ON THE HOMELESS AND MENTALLY ILL

Update on the Police Departments efforts to assist the Homeless and Mentally ill populations.

Recommendation:

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

Chief of Police Scott Fairfield gave a PowerPoint presentation.

Mayor Pro Tem Flores asked staff to look into using CDBG funding for homeless services.

Council Member Barcena asked that homeless resources be promoted on the Police Department's social media.

After some discussion, City Manager O'Kelly stated that information about homeless resources would be put up on the City's website.

After further discussion by the Council, a motion was made by Mayor Cortez and seconded by Council Member Rodriguez, to receive and file the report.

The motion carried 5-0 with the following vote.

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

14. DISCUSSION AND UPDATE ON PARKING ISSUES WITHIN THE CITY

The Bell Gardens Police Department implemented a few strategies due to the increased number of inquiries and concerns regarding parking issues throughout the City. Staff will discuss the steps taken by the Police Department and the Public Works Department to address parking issues within the City.

Recommendation:

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

Chief of Police Scott Fairfield gave a PowerPoint presentation.

Mayor Pro Tem Flores directed staff to implement parking permits for Gage Avenue and Clara Street.

Council Member Rodriguez asked that Specht Street be added as well.

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

The motion carried 5-0 with the following vote.

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

15. SIDEWALK SURVEY UPDATE

Staff provided a presentation on the City's sidewalk policy on April 22, 2019. Sidewalk inspections, in accordance with this program, are done approximately every twelve months. Public Works is currently conducting an annual sidewalk survey which will take 6 weeks to complete.

Recommendation:

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

Engineer Doug Benash gave a PowerPoint presentation.

Council Member Rodriguez thanked City Manager O'Kelly for taking immediate action on this item and she asked that the area on Clara Street between Eastern Avenue and the bridge be added to the list.

After further discussion, a motion was made by Mayor Pro Tem Flores, and seconded by Council Member Rodriguez, to receive and file the report.

The motion carried 5-0 with the following vote.

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

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

Araceli Bobadilla commented on issues that residents living along Kress Avenue are facing. She asked for the Council's support to curtail the dangerous speeding by automobiles on Kress Avenue.

Ignacio Gonzalez spoke on behalf of Southern California Resource Services, a local nonprofit offering free services assisting people with disabilities. He provided packets of information to the City Council and asked for their support in promoting the free services to the residents.

Maria Morales requested a meeting in regards to enforcement against people who are drinking alcohol in the parks. She also asked if street vendors will be permitted in the City.

Jocelyn Del Real commented on parking problems in the City and suggested that the Council look into a project she participated in called "Empty Lots to Useful Spots" in the City of Commerce, which tallied empty lots in the City.

Victor asked for the Council's support for traffic enforcement at the intersection of Garfield Avenue and Eastern Avenue.

CITY COUNCIL MEMBER COMMENTS

Council Member Rodriguez asked staff to set up a meeting with the residents of Kress Avenue, the Police Department and the Traffic Engineers, to discuss what traffic possibilities exist for that street. She expressed her interest in touring Mr. Gonzalez's nonprofit organization. She asked the Chief of Police to enforce the laws regarding the consumption of alcohol at the parks, and she asked the City Manager to make sure that residents are informed that the laws will be enforced. She inquired about what the current fines are and if Council could increase them.

Chief of Police Fairfield stated that the City has ABC grants that will be utilized for enforcement at the parks, and Lieutenant just finished a tobacco grant for vaping at the parks.

Council Member Rodriguez asked Engineer Benash what could be done to prevent accidents at the intersection of Eastern Avenue and Garfield Avenue.

Engineer Benash stated that the City received I-710 funding to make that intersection a proper T intersection. Upon further questioning, he stated that this would be completed in approximately two years. City Manager O'Kelly asked what calming measures could be taken sooner than that and City Engineer Sid Mousavi stated that they would look for shorter term solutions.

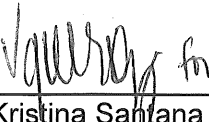
Council Member Rodriguez commended staff for getting so much done and listening to the residents' concerns. She asked that the community be informed of Council's progress on these issues on the next City newsletter and on social media. She thanked everyone who attended the meeting and expressed her desire to see them more often.

Council Member Barcena thanked everyone for attending the meeting, his colleagues, directors, and everyone who is working really hard to improve the City.

Mayor Pro Tem Flores directed staff to post an emergency plan for earthquake preparedness on the City's website and to schedule a Red Cross presentation at the next Council meeting. She stated that Senate Bill 946 allows street vending in California. She thanked Mr. Gonzalez for offering resources to the City of Bell Gardens residents. She commented on previously meeting with Ms. Bobadilla and working with Council Member Rodriguez to implement traffic signs on Kress Avenue. She directed the Director of Public Works and the City Manager to look into implementing a speed bump on Kress Avenue. She also asked the Chief of Police to increase traffic enforcement in that area. She announced her appointment of Jocelyn Del Real to the I-710 Local Advisory Committee. Lastly, she thanked everyone for attending the Council meeting and expressing their opinions and wished everyone a good night.

Mayor Cortez thanked everyone for attending the Council meeting. She thanked staff for the progress being made and for adapting to the Council's style. She stated that she would be meeting with the Red Cross and would update the Council on options for the community. She stated that she would connect the Chief of Police with the school district to discuss underage tobacco consumption. She encouraged staff to become mentors at the high school. She invited everyone to attend a workshop geared toward undocumented families on July 10, 2019 at 5:00 p.m. She thanked everyone for attending the meeting and encouraged anyone who wanted more information to see her after the meeting.

ADJOURNMENT – Mayor Cortez adjourned the City Council meeting at 8:16 p.m.



Kristina Santana
City Clerk