



**CITY OF BELL GARDENS  
CITY COUNCIL  
REGULAR MEETING – CLOSED SESSION  
MONDAY, JULY 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 5:04 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 \_ 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
3. **Public Employee Discipline/Dismissal/Release Pursuant to Government Code Section 54957**  
One (1) matter

**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:
  - 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.

Mayor Cortez announced the Public Hearing Item No. 1 and stated that this item was continued from the July 8, 2019 City Council Meeting.

At this point (6:26 p.m.) Council Member Aceituno left the dais.

City Manager O'Kelly announced this is the sixth time this item has come back to Council.

Acting Community Development Director/City Planner Carmen Morales gave a brief summary and PowerPoint Presentation.

Mayor Cortez opened the public comment period at 6:29 p.m.

There were no public comments.

Mayor Cortez closed the public comment period at 6:29 p.m.

There were no Council Member comments.

No action was taken on this item.

AYES:	None
NOES:	None
ABSENT:	None
ABSTAIN:	None

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Mayor Cortez announced a letter was submitted from Josephina Huerta expressing her support to Item No. 8 – ADOPTION OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AMENDING CHAPTER 16.40 TO PROHIBIT THE SALES AND USE OF ALL FIREWORKS WITHIN THE CITY. Interim City Attorney Rick Olivarez read the letter aloud. Original letter attached.

**DISCUSSION (Items No. 6-8)**

**6. AMENDMENT WITH KOA CORP FOR PARKING STUDY PROPOSAL**

Staff was directed by Council to evaluate parking demand and capacity within the southern portion of the City. KOA Corp offered the best pricing for this project for \$41,890 which will result in a parking study analysis documenting existing parking supply, demand, vehicle origin, residential density as well as recommended actions.

**Recommendation:**

It is staff's recommendation that the City Council approve Resolution 2019-38 authorizing the City Manager to execute an agreement with KOA Corp. to conduct a parking study in two neighborhoods in the southern part of Bell Gardens.

City Manager Michael O'Kelly introduced the item.

Director of Public Works Chau Vu provided a PowerPoint Presentation.

Council Member Rodriguez asked for a breakdown of the specific items that would be studied.

Director of Public Works Chau Vu introduced KOA Corp Senior Planner Carlos Velasquez to provide further detail.

After further discussion, a motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to approve Resolution No. 2019-38 authorizing the City Manager to execute an agreement with KOA Corp. to conduct a parking study in two neighborhoods in the southern part of Bell Gardens.

The motion carried 4-0 with the following vote.

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

**7. DISCUSSION ON BGPD POLICY 413 IMMIGRATION VIOLATIONS**

Briefing on Bell Gardens Police Department policy and procedure regarding immigration violations and recent history of participation in U.S Customs Enforcement (ICE) Operations and ICE Detainers.

**Recommendation:**

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

City Manager Michael O'Kelly introduced the item.

Chief of Police Fairfield gave PowerPoint presentation.

After further discussion, a motion was made by Mayor Cortez, and seconded by Mayor Pro Tem, to receive and file this report.

The motion carried 4-0 with the following vote.

Mayor Pro Tem Flores thanked everyone for attending the Council meeting. She directed staff to install banners on Eastern Avenue and Garfield Avenue honoring the active men and women of the military. She also requested recycle bins to be installed throughout the City. She asked staff to look into placing soap dispensers and changing stations outside of the men and women's restrooms at the parks. She also directed the City Manager to move forward with the efforts to beautify the City through a new art competition held among Bell Gardens High School Students that would allow them to paint the City's electrical boxes. She emphasized this would help create City pride among Bell Gardens residents. She also mentioned bringing a farmers market and in this way promoting a healthier lifestyle throughout the City. She provided an update on the Aquatics Center Ad Hoc Committee and commented on their efforts to provide accessible transportation to nearby aquatics facilities. She also directed the City Attorney to provide Council with a review of the nepotism ordinance that was previously passed during the next council meeting. Lastly, she thanked everyone for attending and thanked the City Manager for doing a great job. She dedicated the meeting to the U.S. women's soccer team for their win.

Mayor Cortez thanked everyone for attending the Council meeting. She thanked Council Member Barcena for bring up the possibility of residents legally parking in front of their driveways. She also commented on the banners and asked the City Manager if banners could be placed for the students during graduation day. She thanked Mayor Pro Tem Flores and expressed her excitement for bringing a farmers market to the City.


#### **CLOSED SESSION REPORT**

Interim City Attorney Rick Olivarez stated that the City Council recessed into Closed Session with all members being present to discuss items No. 1 through 3 on the Closed Session Agenda. He stated with respects to item No. 1 City Council received a briefing from staff to determine this matter, but no final action was taken in Closed Session. He stated there was nothing further to report at this. He stated with respects to item No. 2 the City Council continued the evaluating of the City Clerk from the previous City Council meeting and no final action was taken. He also stated with respects to item No. 3 the City Council agreed to accept the resignation of the City Clerk with a 4-1 vote with Council Member Aceituno voting no. He further stated that the City Clerk, in exchange for a total of 6 months' severance, partial being paid by the City's JPIA, would agree to enter into a separation release agreement with terms, which would be negotiated with the City Attorney and the City Clerk. He also stated that the agreement would be brought back to Council for approval at a later date.

#### **CITY COUNCIL MEMBER COMMENTS (Continued)**

Mayor Cortez announced "The Devil We Know" documentary screening on Thursday, August 29, 2019 at 5:30 p.m. at Bell Gardens High School hosted by the Assembly member Cristina Garcia's office and the City and asked everyone to save the date.

**ADJOURNMENT** – Mayor Cortez adjourned the City Council meeting at 7:51 p.m.

  
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Vanessa Quiroz  
Acting City Clerk

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**Josefina Huerta: letter** To be read during public comment at the council meeting on July 22, Bell Gardens City Hall.

Good evening thank you for reading my letter. I'm sorry I couldn't attend in person. I just want to thank the council for your work and for finally getting rid of the fireworks that has tormented my family and I for years. I have a 16-year-old daughter with severe autism and she is a victim of the firework abuse in this city. For example two days ago she was sleeping when in the middle of the night a firework went off and she woke up and started banging her head against her bed, she was screaming the noise is so loud that it pushed her to become violent. My daughter doesn't stop shaking until hours later because of a single firework. On Fourth of July I usually have to escape Bell Gardens somewhere near the beach and get a hotel because it is impossible for my daughter to be in the city with fireworks like this are going on all day, week and month. I used to call the police every time my neighbors would be lighting up illegal fireworks so that the police can come and cite them but police never came. I will no longer waste my energy and time calling the police department frustrated asking them to please come and cite my neighbors who I am watching with my own eyes burn illegal fireworks. The police hasn't done nothing to support us or help us I am happy that you guys are taking action upon yourself. For my family, and neighbors it's heartbreaking to watch my daughter have to break down every time these fireworks go off. And I also like to point out that I have a husky and a Labrador who howl at the fireworks and shake and shiver because these noises are abnormal to animals. Again, I just want to thank you for doing the job that everyone has ignored for years. And please police department I hope that after this new law comes in you finally start doing your job and stop being so lazy or hire new people who want to actually follow a firework and find out where it's coming from. Because what's happening right now is not working so we must change the way you are doing things. And I will not disclose my address because I wanted to be as honest as possible without police retaliation. Thank you council and good luck with other new laws that you will bring.

Sincerely, Josefina Huerta a Bell Gardens resident of 19 years.