

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



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, APRIL 13, 2020 5:00 P.M.
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 electrically 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 member of the Bell Gardens City Council will participate in meeting 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 (1) hour before the scheduled meeting.

CALL TO ORDER – Mayor Cortez called the meeting to order at 5:15 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno, Barcena; Mayor Pro Tem Flores; Mayor Cortez All members participated via teleconference. Mayor Cortez was present in the Council Chambers.

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 City Attorney Rick R. Olivarez to announce

the Closed Session items. City Attorney Rick R. Olivarez announced that all members were present and would recess to discuss Items No. 1 and 2. The Council then recessed (see page 2 of the City Council minutes for report on Closed Session) at 5:15 p.m. to discuss the following matters:

CLOSED SESSION: (Items No. 1-2)

**1. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54957.6.**

City-designated representative: Michael B. O'Kelly, City Manager; Will Kaholokula, Director of Finance and Administrative Services

Employee Organization: City Employees Association, Public Works Employees Association, Police Officers Association, Public Works Supervisors Association, and Police Management Association

**2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT
CODE SECTION 54956.9(d)(4)**

Discussion Regarding Initiation of Litigation

Closed Session adjourned at 5:50 p.m.



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, APRIL 13, 2020, 6:00 P.M.
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 electrically 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 member of the Bell Gardens City Council will participate in meeting telephonically. The public may view the meeting online. The Council Chamber is closed to the public at this time.

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CALL TO ORDER – Mayor Cortez called the meeting to order at 6:32 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno, Barcena; Mayor Pro Tem Flores; Mayor Cortez All members participated via teleconference. Mayor Cortez was present in the Council Chambers.

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 briefing from staff, no direction was given and no final action was taken.

PUBLIC HEARING (ITEMS NO. 1- 2)

1. CITY OF BELL GARDENS COMMERCIAL REHABILITATION PROGRAM POLICIES AND PROCEDURES

Approval of Commercial Rehabilitation Program Policies and Procedures to provide financial assistance to commercial property owners within blighted areas in need of renovation.

Recommendation:

It is staff's recommendation that the City Council approve The City of Bell Gardens Commercial Rehabilitation Program Policies and Procedures funded by the Community Development Block Grant (CDBG) by adopting the attached Resolution.

Mayor Cortez requested the item be moved to a future meeting.

A motion was made by Mayor Cortez, and seconded by Council Member Barcena, to move Item No. 1 to a future meeting.

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

2. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FY 2020-2021

Approval of Community Development Block Grant Program 2020-2021 Fiscal Year Budget upon consideration of public testimony and discussion.

Recommendation:

It is staff's recommendation that the City Council conduct a public hearing on the proposed budget for the Community Development Block Grant Program 2020-2021 Fiscal Year, and upon consideration of public testimony and discussion of relevant issues, approve the proposed budget by adopting the attached Resolution.

City Manager, Michael O'Kelly introduced the item. Mr. O'Kelly stated that the item had been approved by the City Council on February 10, 2020. This item was brought back a second time for approval in order to be in compliance with the Community Development Block Grant Program. He stated this item was approved prior to the COVID-19 for a \$200,000 Commercial Rehabilitation Program which may be brought back to Council to potentially reallocate monies to benefit the commercial sector during the COVID crisis.

Mayor Cortez opened public comment at 6:37 p.m.

No comments were made.

Mayor Cortez closed public comment at 6:37 p.m.

Mayor Cortez opened the floor for Council Member comments

No comments were made.

Mayor Cortez closed Council Member Comments.

A motion was made by Mayor Cortez, and seconded by Council Member Barcena, to approve the proposed budget by adopting Resolution No. 2020-24.

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

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None.

CITY MANAGER'S REPORT

City Manager, Michael O'Kelly commended staff for their additional effort during the COVID-19 crisis.

CONSENT CALENDAR (Items No. 3-13)

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to approve Items No. 1-7 and 10-13 on consent calendar. Mayor Pro Tem Flores abstained from Consent Calendar Items No. 8 and 9.

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

3. 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.

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 02/25/20, 02/27/20, and 03/03/20.

5. FEBRUARY 2020 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 February 2020 Treasurer's Report.

6. CLAIM REJECTION

Claims were filed with the City. Staff directed the claims 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 claims.

Recommendation:

It is staff recommendation that the City Council reject the following claims and the claimants and/or their representatives be notified:

- Krystal Zapata v. City of Bell Gardens (DOE 12/25/2019; DOR 01/2/2020)
- Lococo v. City of Bell Gardens (DOE 12/29/2019; DOR 12/30/2019)

The City's general liability claims administrator, Carl Warren & Company, recommends that these claims be rejected. The claimants, subject to certain

exceptions, shall have up to six (6) months to file a court action subsequent to the City Council's rejection.

7. APPROVE MINUTES OF THE MARCH 9, 2020 CITY COUNCIL REGULAR MEETING

March 9, 2020 - Closed Session and Regular City Council Meeting Minutes

Recommendation:

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

8. APPROVE MINUTES OF THE MARCH 17, 2020 SPECIAL MEETING

March 17, 2020 - Special City Council Meeting Minutes

Recommendation:

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

Mayor Pro Tem Flores abstained from Consent Calendar Items No. 8.

The motion carried 3-0 with the following vote.

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

9. APPROVE MINUTES OF THE MARCH 20, 2020 EMERGENCY CITY COUNCIL MEETING

March 20, 2020 - Emergency City Council Meeting Minutes

Recommendation:

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

Mayor Pro Tem Flores abstained from Consent Calendar Items No. 9.

The motion carried 3-0 with the following vote.

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

10. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO SOLICIT BIDS FOR THE GARFIELD AVENUE AT MULLER STREET

TRAFFIC SIGNAL PROJECT

The City's Capital Improvement Program includes Prop C funds and Gas Tax funds for the Garfield Avenue at Muller Street Traffic Signal Project. The project scope of work consists of furnishing all materials, equipment, tools, labor, and incidentals as required by the Plans, Specifications, and Contract documents to construct a fully operational traffic signal at the intersection of Garfield Avenue and Muller Street. Once City Council approves plans and specifications for this project, staff will advertise the Notice Inviting Bids.

Recommendation:

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

1. Approve the plans and specification for the Garfield Avenue at Muller Street Traffic Signal Project (CIP# 3885); and
2. Authorize staff to solicit bids.

11. LOS ANGELES COUNTY FLOOD CONTROL DISTRICT USE AND MAINTENANCE AGREEMENT FOR THE CONSTRUCTION OF THE JOHN ANSON FORD PARK INFILTRATION CISTERN PROJECT

On November 10, 2019 the City awarded the John Anson Ford Park Infiltration Cistern Project to Zusser Company. The project is to capture trash, nutrients, heavy metals, bacteria, reduce toxicity from the watershed by installing storm water and dry weather flow diversion, pre-treatment, retention and infiltration facility that will capture and infiltrate water diverted from the regional storm drain system prior to it reaching the Rio Hondo Channel. Construction of project requires the modification of LA County Flood Control District Storm Drain No. 539. Line A Station 2-40.79. The City applied for a permit to modify and construct a diversion structure to this storm drain and as part of the permit the City needs to enter into the Use and Maintenance Agreement with the Los Angeles County Flood Control District.

Recommendation:

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

1. Adopt the attached Resolution approving a Use and Maintenance Agreement with the Los Angeles County Flood Control District for the Construction of the John Anson Ford Park Infiltration Cistern Project; and
2. Authorize staff to execute the agreement.

12. RESOLUTION DESIGNATING AUTHORIZED AGENTS OF THE CITY OF BELL GARDENS FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) PUBLIC ASSISTANCE GRANTS

Cal OES requires a Designation of Sub-recipient's Agent Resolution for Non-State Agencies to be on file for the purpose of obtaining certain federal

financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval or if changes are required to the name and/or title of authorized agents. The attached resolution designates the City Manager, the Director of Finance & Administrative Services and Senior Management Analyst as authorized agents for the City of Bell Gardens.

Recommendation:

It is staff's recommendation that the City Council adopt the California Governor's Office of Emergency Services (Cal OES) Resolution designating the City Manager, the Director of Finance & Administrative Services and the Senior Management Analyst as authorized agents to execute applications on behalf of the City of Bell Gardens for the purpose of obtaining post-disaster public assistance grants from Cal OES and FEMA.

13. APPROVAL OF AGREEMENT WITH HERK EDWARDS, INC. FOR THE PURCHASE OF BLEACHERS; AND AUTHORIZE THE USE OF MEASURE A GRANT FUNDING

The basketball gymnasium is the most heavily utilized indoor facilities, which is used on a daily basis. The City conducts athletic events, tournaments, community meetings, and award ceremonies in this facility which currently lacks the appropriate seating amenities. Staff is proposing to purchase two (2) banks of bleachers which would provide adequate seating for all events.

Recommendation:

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

1. Approve an agreement between the City and Herk Edwards, Inc. for the purchase of bleachers; and
2. Use Los Angeles County Measure A grantfunding

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

Salvador Rojas provided comments telephonically. Mr. Rojas commented on the eviction moratorium from the property management prospective.

Doris Serrano provided comments telephonically. Ms. Serrano commented on her concern with the Quality Inn COVID-19 patient placement.

Mayor Cortez read four emails that were received by the City Clerk. The individuals that submitted emails were:

Laura Cortez commented on the commercial eviction moratorium; isolation, testing and ICE.

Susana Bizarro commented on ICE.

Jessica Prieto commented on community stability; COVID-19 health; Testing Centers and ICE

Sandra Garcia commented on State of Emergency for the COVID-19 pandemic and ICE.

CITY COUNCIL MEMBER COMMENTS

Council Member Aceituno thanked staff and all those involved working to address concerns; wished everyone to stay safe.

Council Member Barcena thanked staff for working hard; thanked the residents for forwarding their concerns; has spoken with City Manager and Police Chief regarding ICE situation

Mayor Pro Tem Flores thanked the callers; appreciates donation to City; thanked Detective Patrick Jimenez; also commented on the notification of the information regarding the Quality Inn; and inquired if the County had provided funding. She also inquired about having an officer at the location to ensure patients were coming in and out of the facilities. She asked for support from her colleagues and was supported by the Mayor Cortez and Council Member Barcena.

City Manager, Michael O'Kelly stated that the City was notified indirectly the day of the opening of the Quality Inn Center and the County did not provide funds other than equipment for the police department in case it was needed.

Mayor Pro Tem Flores inquired about the location of the distribution of meals. She had concerns with the location.

Recreation and Community Services Director Rozanne Adanto responded that another site could be found.

Chief Scott Fairfield stated that police officers could be placed in the same location so the area could provide security and would not need to be moved.

Mayor Pro Tem Flores thanked the staff, residents and colleagues; she also inquired about social distancing in stores.

Mayor Cortez thanked staff and residents. She stated that the City Council is here to keep the City safe. She also stated she went to the center to ask questions.

ADJOURNMENT – Mayor Cortez adjourned the City Council meeting at 7:18 p.m.



Jane Halstead
City Clerk

