



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, APRIL 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 5:01 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Barcena, Rodriguez; Mayor Pro Tem Flores; 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 R. Olivarez to announce the Closed Session items. Interim City Attorney Rick R. 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 of the City Council minutes for report on Closed Session) at 5:02 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
2. **Closed Session Pursuant to Government Code Section 54957 - Public Employee Performance Evaluation**
Title of Employee: Interim City Manager
3. **Closed Session Pursuant to Government Code Section 54957.6 - Conference with Labor Negotiator**
City's Representative: Rick Olivarez, City Attorney
Unrepresented Employee: Interim City Manager
4. **Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a); 54956.9 (d)(2) and 54956.9(e)(1)**
To discuss facts and circumstances unknown to potential plaintiffs which may create exposure to litigation.
1 matter.

5. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a); and 54956.9 (d)(4)

To confer with and receive advice from counsel and decide whether to initiate litigation based on existing facts and circumstances.

1 matter.



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CALL TO ORDER – Mayor Cortez called the meeting to order at 6:07 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 R. Olivarez stated that he would not provide a closed session report at this time because the Council had not completed their closed session discussion, and would provide a Closed Session report after reconvening after the open session.

Interim City Attorney Rick R. Olivarez also requested to pull Discussion Item No. 11 regarding the Council Policy on Adding Items to the Agenda in order to make further adjustments to the policy.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

None

CONSENT CALENDAR (Items No. 1-9)

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to approve Items No. 1-9.

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

1. 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.

2. MINUTES OF THE MARCH 11, 2019 CITY COUNCIL CLOSED SESSION AND REGULAR MEETING

March 11, 2019 - Closed Session Minutes

March 11, 2019 - Regular Meeting Minutes

Recommendation:

It is staff recommendation that the City Council approve the minutes of the City Council Closed Session of March 11, 2019 and Regular City Council Meeting of March 11, 2019.

3. 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 02/26/19, 02/28/19, 03/05/19, 03/12/19, 03/14/19, and 03/19/19.

4. FEBRUARY 2019 TREASURER'S REPORTS

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 2019 Treasurer's Reports.

5. CLAIM REJECTION

A claim was filed with the City. Staff directed the claim 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 claim.

Recommendation:

It is staff recommendation that the City Council reject the following claim and the claimant and/or their representative be notified:

Raul Gomez v. City of Bell Gardens (DOE 06/14/18; DOR 12/12/18).

The City's general liability claims administrator, Carl Warren & Company, recommends that this claim be rejected. The claimant, subject to certain exceptions, shall have up to six months to file a court action subsequent to the City Council's rejection.

6. CONSIDERATION TO ADOPT MEMORANDA OF UNDERSTANDING WITH THE BELL GARDENS PUBLIC WORKS EMPLOYEES ASSOCIATION

For members of the Public Works Employees Association (PWEA), the City has tentatively agreed, subject to Council approval, to a status quo and no cuts agreement on all economic issues. No economic terms will be affected from the previous 2016-2018 PWEA MOU. Except for the term of the agreement, there are no changes to the PWEA MOU.

Recommendation:

It is staff recommendation that the City Council, by motion, approve Resolution No. 2019-14, adopting Memoranda of Understanding between the City of Bell Gardens and the Bell Gardens Public Works Employees Association for the period July 1, 2018, through June 30, 2019.

7. CALIFORNIA CITIES FOR SELF-RELIANCE JOINT POWERS AUTHORITY FUNDING REQUEST

The Board of Directors of the California Cities for Self-Reliance Joint Powers Authority voted unanimously to recommend a special assessment in the sum of \$33,000 from each City member to be used exclusively for consultants to counter the actions of the Bureau of Gambling Control.

Recommendation:

It is staff recommendation that the City Council, by motion, authorize the expenditure of \$33,000 to the California Cities for Self-Reliance Joint Powers Authority.

8. AWARD OF CONSTRUCTION CONTRACT FOR THE SLURRY SEAL ZONE 1 IMPROVEMENT PROJECT

Staff initiated a slurry seal program to extend the pavement life span of City streets by five (5) to ten (10) years. On March 11, 2019, the City received a total of four (4) bid proposals and staff is recommending the award of contract to the lowest bidder Doug Martin Contracting Co., Inc.

Recommendation:

It is staff recommendation that the City Council by motion:

1. Award a construction contract to Doug Martin Contracting Co., Inc., in the amount of \$118,376.40 for the Slurry Seal Improvement Zone 1, Phase 1 – C.I.P. No. 3872; and
2. Authorize staff to execute the agreement and approve change orders that may be necessary during construction to cover any unforeseen condition in an amount not to exceed 10% of the construction contract.

9. **MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA) REGARDING A CITYWIDE AMERICANS WITH DISABILITIES (ADA) TRANSITION PLAN**

Agreement with California Joint Powers Insurance Authority (CJPIA), to prepare a Citywide Americans with Disabilities (ADA) Transition Plan which consists of evaluating the City's Facilities, Parks, and Public Rights-of-Way, identifying barriers to access, and formulating a plan of action to remove these barriers. The total cost for this plan is \$80,235 which includes a contribution of \$21,500 from CJPIA.

Recommendation:

It is staff recommendation that the City Council authorize the City Manager to execute a Memorandum of Understanding with California Joint Powers Insurance Authority (CJPIA), which would allow CJPIA to prepare a Citywide ADA Transition Plan through DAC Consulting Firm, for a fee not to exceed \$80,235.

DISCUSSION (Items No. 10-13)

10. **RENT CONTROL AD HOC COMMITTEE**

At the Council meeting of March 11, 2019, the City Attorney's Office provided information about rent control to the City Council. It was proposed at that time to create an Ad Hoc Committee consisting of two Council Members to further study the topic and bring back their findings to the City Council.

Recommendation:

It is staff recommendation that the City Council create an Ad Hoc Committee to include two Council Members to provide the City Attorney's Office with direction regarding the potential development of a rent stabilization and dispute resolution ordinance and program.

Interim Assistant City Attorney Marc Tran gave an oral report.

Mayor Pro Tem Flores nominated Mayor Cortez and Council Member Rodriguez to the Rent Control Ad Hoc Committee.

Council Member Rodriguez accepted the nomination.

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

11. **COUNCIL POLICY ON ADDING ITEMS TO THE AGENDA**

The proposed policy regarding the placement of items on City Council meeting agendas by Council Members was drafted at the behest of the City Council.

Recommendation:

It is staff recommendation that the City Council adopt the attached resolution and utilize the included procedures in order to govern the calendaring of items for City Council meetings by the members of the City Council.

This item was pulled by Interim City Attorney Rick R. Olivarez, and was not discussed.

12. LOCAL COMMISSIONS APPOINTMENT LIST

The Local Commissions Appointments List outlines the City of Bell Gardens Commissions and Commissioners. Per the Bell Gardens Municipal Code, City Commissions consist of Bell Gardens residents appointed by each member of the City Council. Council Members may remove commissioners during any regular City Council meeting and may appoint commissioners following 10 days after the posting of the vacancy notice.

Recommendation:

It is staff recommendation that the City Council review the Commissions Appointments List and by motion, remove commissioners and/or make appointments to the posted vacancies.

City Clerk Kristina Santana gave an oral report.

Council Member Rodriguez nominated Amelia Amy Sanchez, and Mayor Pro Tem Flores nominated Diane Flores to the Planning Commission.

A motion was made by Mayor Cortez, and seconded by Mayor Pro Tem Flores, to approve the nominations of Amelia Amy Sanchez and Diane Flores to the Planning Commission.

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

After some discussion by Council, Mayor Pro Tem Flores stated that the rest of the commission openings would be left vacant because the Council is working on re-organizing the commissions and once that work is done appointments will be made.

13. CREATION OF COMMUNITY GARDEN AT VETERANS PARK

At the March 11, 2019 City Council Meeting, Council Member Rodriguez asked if the creation of a garden for people with special needs could be agendized for City Council Discussion.

Recommendation:

It is staff recommendation that the City Council provide direction on the creation of a new community garden.

Acting City Manager Chris Daste gave an oral report.

Council Member Rodriguez directed staff to search for sponsorships for the proposed community garden from City vendors.

A motion was made by Mayor Cortez, and seconded by Council Member Rodriguez, to direct staff to search for sponsorships for the proposed community garden from City vendors.

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

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

Mike Lemington inquired about Council full time employment and requested an update by the next Council meeting.

Interim City Attorney Rick R. Olivarez advised that the public comment period is a one way communication period and an opportunity to comment on issues people may have with the City.

Buddy Nolan asked for an update on the lawsuit regarding Jennifer Rodriguez and the FPPC investigation.

Interim City Attorney Rick R. Olivarez reiterated that the public comment period is a one way communication period and stated that the FPPC has a website to search for such information.

Mike Salazar, Executive Director the City of Bell Gardens Chamber of Commerce, invited the Council to the Grand Opening of the new Verizon store, and to the International Trade Connections event. Lastly, he offered to connect the City with a local business that could potentially support the proposed community garden.

Victor Ambriz introduced himself as a real estate agent for Keller Williams in Downey and commented on Agenda Item No. 10. He stated that property values would drop if a rent control program was adopted and he asked the Council to consider both sides of the issue before making a decision.

CITY COUNCIL MEMBER COMMENTS

Council Member Aceituno thanked everyone that attended the Council meeting. He commented on the transparency of Council Members and lamented the Council's decision to not place a Council Member with real estate experience on the Rent Control Ad Hoc Committee.

Council Member Rodriguez commented on the Council's intent to study and evaluate ways to protect families whose rents are being increased exponentially. She shared an anecdote from a resident who was evicted due to a lack of renter protections. She commented on the Council's interest in justice for the community. She further commented on the composition of the Rent Control Ad Hoc Committee and feeling disheartened about a Council Member's efforts to diminish the work of the new Council instead of contributing to their ideas and vision. At this point Interim

City Attorney Rick R. Olivarez asked the members of the audience to refrain from making comments and talking to people next to them during the Council comments. She thanked the new Council and encouraged Council Member Aceituno to contribute to this effort. She encouraged any resident interested in serving on the Rent Control Ad Hoc Committee to contact the City Council or City Hall.

Mayor Pro Tem Flores thanked everyone for attending the Council meeting. She commented on the Rent Control Ad Hoc Committee and the Council's vision for helping the community. She commented on Council Member Aceituno's lack of support, bullying and intimidation. She compared the work output for Council Members, and she thanked everyone for their support.

Mayor Cortez thanked everyone for attending the Council meeting. She thanked Chief of Police Scott Fairfield for his contributions to the community and for his support. She commented on proclaiming April as Donate Life Month and invited everyone to join the donor campaign by taking a flyer or registering to become an organ donor through www.registerme.org.

Interim City Attorney Rick R. Olivarez stated that the Council would recess back into Closed Session to discuss the Items on the Closed Session Agenda. He stated that he would provide a report at the end of the Closed Session.

Mayor Cortez recessed the City Council meeting to Closed Session at 6:34 p.m.

CLOSED SESSION REPORT

Interim City Attorney Rick R. Olivarez stated that the City Council recessed into Closed Session with all members being present with the exception of Council Member Aceituno, to discuss Items No. 1-5 as posted on tonight's agenda. With respect to Item No. 1 the City Council discussed the process and procedures to be followed as part of a search for a new City Manager. City Council gave direction to city staff on this item but did not take any final action on this item in Closed Session. With respect to Item No. 2 and No. 3, the City Council discussed these items in Closed Session, direction was given to staff, and no final action was taken. With respect to Item No. 4, the City Council received a briefing from legal counsel but no final action was taken. Finally, with respect to Item No. 5, the City Council also received a briefing from legal counsel, the City Council gave direction to legal counsel but did not take any final action in Closed Session.

ADJOURNMENT – Mayor Cortez adjourned the City Council meeting at 7:41 p.m.



Kristina Santana
City Clerk