



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, AUGUST 13, 2018, 6:00 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 Pulido called the meeting to order at 6:03 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Council Members Aceituno, Flores, Rodriguez; Mayor Pro Tem
Mendoza; Mayor Pulido
Absent: Council None

PUBLIC HEARING (Item No. 1)

1. ORDINANCE PROHIBITING MARIJUANA USES AND RELATED ACTIVITIES

The City Council will consider Zoning Code Amendment No. 2018-047 and introduction of Ordinance No. 890 which proposes to amend Chapter 9.21, "Prohibited Uses," Section 9.21.010, "Medical marijuana dispensaries," by replacing Section 9.21.010 with a new section titled "Marijuana Related Uses and Activities" prohibiting outdoor cultivation and commercial and medical marijuana related uses and activities.

Recommendation:

It is staff recommendation that the City Council approve Zoning Code Amendment No. 2018-047 and introduce and waive first reading of Ordinance No. 890 amending the Bell Gardens Municipal Code Section 9.21.010 prohibiting all outdoor cultivation and all commercial marijuana related uses and activities in all land use zones and overlay districts.

Director of Community Development Abel Avalos gave a PowerPoint presentation.

Council Member Rodriguez asked if a future council could reverse the current council's actions on this item.

Assistant City Attorney John Lam stated that the ordinance before them was the strongest action the Council could take.

Council Member Rodriguez asked if there is any way to ensure that this has to be put on the ballot for residents to vote for or against and if there is a way to consider the odor from the smoke as a public nuisance.

Assistant City Attorney John Lam stated that the City currently has an ordinance that prohibits smoking at all parks and public buildings, including marijuana. He stated that it is improper and unlawful to tie future councils but residents can overturn any council action by initiative.

Council Member Rodriguez requested that the City Attorney look for a way to ban excessive use that effects neighbors, specifically for extreme cases.

Assistant City Attorney John Lam stated that adopting this ordinance was the first step to prohibit all commercial uses that would impact and create public nuisances and that the City could continue to look at residential prohibitions while being cognizant of resident constitutional rights.

Council Member Rodriguez asked the City Attorney to study the issue, look for a loophole to implement now to protect residents, and bring it back to the Council.

Assistant City Attorney John Lam stated that second hand smoke is an issue that has been and will continue to be studied by the City.

Mayor Pulido stated that this is a very difficult topic, which is the reason why the City has been in a state of moratorium. She assured everyone that the City Attorney and staff have been researching for a long time as well as monitoring the actions of surrounding communities. She acknowledged that future councils may or may not make amendments to the proposed ordinance, but that this ordinance is a step in the right direction and the Council is listening to what the community wants. She stated that the City must act within its legal limitations and that the Council will continue to work with the City Manager, and City attorney to keep the community safe and cannabis free.

There was continued back and forth discussion with Council Member Rodriguez requesting further study.

Assistant City Attorney John Lam confirmed that the research would be done.

Mayor Pulido opened the public comment period at 7:04 p.m.

Pastor Leal asked what the current law on marijuana is and if smoking at the park is allowed.

Assistant City Attorney John Lam stated that the City does not currently allow any medical or recreational use of marijuana and any type of smoking at the park is prohibited by City ordinance.

Maria Lorenzo introduced herself as a member of Neighborhood Watch. She thanked Council Member Rodriguez for her statements and stated that she has neighbors that smoke marijuana and their use affects her and her family. She asked the Council to consider this.

Aide Vargas stated that her daughter has asthma and that her neighbor smokes every day, which has negatively impacted her daughter. She stated that her daughter was in the hospital for one month and asked the Council to consider this and do what they can about it.

Alejandra thanked Council Member Rodriguez for supporting the residents. She stated that she lives upstairs and due to the heat she has to open her windows but when she does this the second hand marijuana smoke from her neighbors wafts in to her home. She asked the Council to consider this and think of a solution for residents.

Alma Garcia thanked Council Member Rodriguez for supporting the residents. She stated that as a parent, the legalization of marijuana troubles her and she worries about the future of the community's children. She asked the Council to do their best to find a solution and she thanked them for their support.

Diego thanked Mayor Pro Tem Mendoza for inviting him to attend the Council meeting. He expressed his frustration with issues such as homelessness, graffiti and gang members smoking marijuana in the park. He stated that more needs to be done to educate the community and warned the Council that there are two existing marijuana dispensaries in Bell Gardens. He asked the Council to do whatever they could to find a solution.

Mayor Pulido closed the public comment period at 7:17 p.m.

Mayor Pulido opened the Council Member comment period at 7:17 p.m.

Council Member Flores commented on smoking in the community and stated that as elected officials they want to send the message that it will not be allowed. She stated that passing this ordinance is a step in the right direction and more needs to be done therefore the Council needs to work with the community to come up with creative solutions to become pioneers in taking a stand.

Council Member Aceituno stated his support for the City Manager and City Attorney studying the marijuana issue further to bring solutions to the City Council to implement.

Council Member Flores added that smoking marijuana in City parks is not legal and the City should look into issuing citations and increasing police presence at the parks.

Council Member Rodriguez stated that she believed this was the best ordinance the Council could pass but preferred a deadline for research to come back to the Council. She stated that the community needs to be more informed and commended the residents for attending the meeting and being active in the schools.

Mayor Pulido closed the Council Member comment period at 7:27 p.m.

A motion was made by Council Member Aceituno, and seconded by Mayor Pro Tem Mendoza, to approve Zoning Code Amendment No. 2018-047 and introduce and waive first reading of Ordinance No. 890 amending the Bell Gardens Municipal Code Section 9.21.010 prohibiting all outdoor cultivation and all commercial marijuana related uses and activities in all land use zones and overlay districts.

The motion carried 5-0 with the following vote.

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

PUBLIC COMMENTS ON AGENDA ITEMS ONLY
(Three minutes per person, subject to a total period of 30 minutes)

No comments.

CONSENT CALENDAR (Items No. 2-10)

A motion was made by Mayor Pro Tem Mendoza, and seconded by Council Member Flores, to approve Items No. 2-10 on the Consent Calendar.

The motion carried 5-0 with the following vote.

AYES: Council Members Aceituno, Flores, Rodriguez; Mayor Pro Tem Mendoza;
Mayor Pulido
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. MINUTES OF THE JULY 23, 2018 REGULAR CITY COUNCIL MEETING

July 23, 2018 - Regular Meeting Minutes

Recommendation:

It is staff recommendation that the City Council approve the minutes of the Regular City Council Meeting of July 23, 2018.

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 recommended that the City Council receive and file the warrant registers, wire transfers, and net payroll dated 06/21/18, 06/26/18, 07/03/18, 07/05/18, 07/10/18, 07/17/18, 07/19/18, and 07/24/18.

5. JUNE 2018 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 June 2018, Treasurer's Report.

6. ORDINANCE PROHIBITING UNAUTHORIZED USE OF CITY SEAL

The City Council will consider the adoption of an ordinance enacting Chapter 2.73 to the Bell Gardens Municipal Code titled "City Seal" prohibiting the unauthorized use of the City's official seal. The unauthorized use of the City seal may cause public confusion, enable fraudulent activity, and/or mislead the public generally.

Recommendation:

It is staff recommendation that the City Council introduce and waive first reading of the attached Ordinance enacting Chapter 2.73 titled "City Seal" prohibiting the unauthorized use of the City seal and other City logos.

7. **BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE**
California Government Code Section 87306.5 requires that local governments conduct a review of their Conflict of Interest Codes every two years. The City's Conflict of Interest Code determines which City officials and employee positions must file the Fair Political Practices Commission Statement of Economic Interest Form 700.
Recommendation:
It is staff recommendation that the City Council, by motion, direct staff to conduct the biennial review of the City of Bell Gardens Conflict of Interest Code and submit any proposed amendments no later than October 1, 2018, pursuant to Government Code Section 87306.5.
8. **DISSOLUTION OF CITY OF BELL GARDENS OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY DEVELOPMENT COMMISSION**
As of July 1, 2018, the City of Bell Gardens Oversight Board to the Successor Agency to the Former Community Development Commission officially transitioned to the Los Angeles County First District Consolidated Oversight Board, per SB 107 which provided for the creation of five oversight boards under the jurisdiction of Los Angeles County.
Recommendation:
It is staff recommendation that the City Council, by motion, receive and file this report.
9. **APPROVAL OF CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSULTANT SERVICES**
This item would authorize the City Manager to enter into a Consultant Services Agreement with Diana Cho and Associates. Under the Agreement, Diana Cho and Associates would provide CDBG administration services. The Agreement is for \$8,732 for FY 2018-19, with two (2) one year options to extend. The amount of the contract for the extensions would be based on 10% of the CDBG allocation at that time.
Recommendation:
It is staff recommendation that the City Council, by motion, adopt the attached Resolution approving and authorizing the contract by and between the City Of Bell Gardens and Diana Cho and Associates for CDBG consultant services.
10. **BELL GARDENS TODAY PRINTING SERVICE AGREEMENT**
The Recreation and Community Services Department (RCS) collaborates with the City Manager's Office for the production of the Bell Gardens Today. City staff performed an informal bid process in accordance with the City's purchasing ordinance for contracting professional services – printing companies. Three bids were submitted from Inter-Graphics Company, The Sauce Creative Services, and Quicksilver Printing and Graphics. Upon review, it was determined that Inter-graphics Company met the department's specification, turnaround time, and

delivery. The cost for the Bell Gardens Today for fiscal year 2018-2019 is \$30,516.38.

Recommendation:

It is staff recommendation that the City Council adopt the attached resolution authorizing an agreement, in a form to be approved by the City Attorney, with Inter-Graphics Company for four (4) editions for the printing and delivery of the Bell Gardens Today Brochure in the amount of \$30,516.38 for fiscal year 2018/2019.

DISCUSSION (Items No. 11-12)

City Manager Phil Wagner asked the Council to remove Item #12 from the agenda because the group scheduled to make the presentation was unable to attend the meeting.

11. FIRST AMENDMENT TO FIESTA TAXI AGREEMENT (MEDICAL DIAL-A TAXI PROGRAM)

The contract with Fiesta Taxi is not due to expire until December 8, 2019. However there has been an increase in ridership and the City's costs have exceeded the amount of \$30,000 previously approved by the City Council. Based on their satisfactory service of the medical taxi program, it is recommended that the City Council adopt a Resolution, amending the agreement's not-to-exceed amount to \$40,000 in order to meet increased demand and continue providing Medical Dial-a-Taxi services for seniors/disabled residents.

Recommendation:

It is staff recommendation that the City Council by motion approve the First Amendment to the Dial-a-Taxi agreement with Fiesta Taxi to amend the annual not-to-exceed amount from \$30,000 to \$40,000 in order to accommodate increased users of Medical Dial-a-Taxi services for the senior/disabled residents of the City of Bell Gardens.

Director of Public Works Chau Vu gave a PowerPoint presentation.

After some discussion by Council, a motion was made by Mayor Pro Tem Mendoza, and seconded by Council Member Flores, to approve the First Amendment to the Dial-a-Taxi agreement with Fiesta Taxi to amend the annual not-to-exceed amount from \$30,000 to \$40,000 in order to accommodate increased users of Medical Dial-a-Taxi services for the senior/disabled residents of the City of Bell Gardens.

The motion carried 5-0 with the following vote.

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

12. ADOPTION OF RESOLUTION SUPPORTING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S EFFORTS TO DEVELOP A MULTI-TIERED PROPOSAL FOR REDUCING THE RISK OF AN ACCIDENTAL RELEASE OF MODIFIED HYDROFLUORIC ACID AT TWO SOUTH BAY REFINERIES

A Resolution in support of the South Coast Air Quality Management District's (SCAQMD) efforts to develop a multi-tiered proposal for reducing the risk of an accidental release of modified hydrofluoric acid at two South Bay refineries.

Recommendation:

It is staff recommendation that the City Council approve the attached Resolution in support of the South Coast Air Quality Management District's efforts to develop a multi-tiered proposal for reducing the risk of an accidental release of modified hydrofluoric acid at two South Bay refineries.

This item was not discussed.

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

(Three minutes per person, subject to a total period of 30 minutes)

No comments.

CITY COUNCIL MEMBER COMMENTS

Council Member Rodriguez congratulated the residents for being active and making a difference. She thanked the residents for attending the Council meeting. She also commented on getting the school district involved with a ban on marijuana.

Council Member Flores thanked everyone for attending the meeting. She commented on the success of National Night Out and collaborating and working together to get things done. She encouraged everyone to continue moving forward and requested that the Council form a committee and possibly meet with the Neighborhood Watch to tackle the marijuana issue.

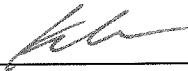
Council Member Aceituno thanked the residents for attending the Council meeting. He commented on National Night Out and thanked staff, residents, colleagues and commissioners for participating.

Mayor Pro Tem Mendoza thanked everyone for attending the Council meeting. He commented on the marijuana issue and stated that the community must work together to find solutions. He thanked the Chief of Police for a great National Night Out event and reminded everyone that together they can achieve more.

Regular City Council Meeting
Minutes August 13, 2018

Mayor Pulido thanked everyone for staying until the end of the meeting and encouraged residents to communicate any suggestions they may have with the City.

ADJOURNMENT – Mayor Pulido adjourned the City Council meeting at 7:45 p.m.



Kristina Santana
City Clerk

