



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, NOVEMBER 14, 2016, 5:00 P.M.
AGENDA**

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 Successor Agency Secretary 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

ROLL CALL OF CITY COUNCIL MEMBERS

Priscilla Flores, Council Member
Maria Pulido, Council Member
Jennifer Rodriguez, Council Member
Jose J. Mendoza, Mayor Pro Tem
Pedro Aceituno, Mayor

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

This public comment period is for items listed on the CLOSED SESSION AGENDA ONLY. Submit a WHITE public comment card with the closed session agenda item number you would like to discuss to the City Clerk prior to the start of this period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Mayor and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the City Council from discussing any item not appearing on the posted City Council Closed Session Agenda.

CLOSED SESSION:

- (1) Conference with Legal Counsel – Potential Litigation**
Pursuant to Government Code Section 54956.9(d)(4)
One (1) Matter

- (2) Conference with Labor Negotiators**
Government Code Section 54957.6
City Negotiators: City Manager, Assistant City Manager, and Director of Finance and Administrative Services
Employee Organizations:
Bell Gardens Police Management Association



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, NOVEMBER 14, 2016, 6:00 P.M.
AGENDA**

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

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CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Priscilla Flores, Council Member
Maria Pulido, Council Member
Jennifer Rodriguez, Council Member
Jose J. Mendoza, Mayor Pro Tem
Pedro Aceituno, Mayor

CLOSED SESSION REPORT

PRESENTATION

- Law Enforcement Records and Support Personnel Day Proclamation

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

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

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PUBLIC HEARING (Item No. 1)

1. **ZONING CODE AMENDMENT NO. 2016-096 - ORDINANCE NO. 880**
(FILE NO. 2016-096) – VARIANCE FINDINGS

Bell Gardens Municipal Code ("BGMC") Chapter 9.50, "Variances and Conditional Use Permits," establishes procedures for the granting of a variance from the zoning development standards and requirements of the BGMC. The BGMC is authorized to provide for the granting of variances pursuant to California Government Code Section 65906, "Variances." Approval of Zoning Code Amendment No. 2016-096 and adoption of Ordinance No. 880 would amend BGMC Chapter 9.50, "Variances and Conditional Use Permits," Section 9.50.060 "Basis for approval or denial of a variance" to clarify that all five of the stated findings are required to be made by the Planning Commission prior to the granting of a variance consistent with the requirements of the Government Code.

Recommendation: It is the recommendation of the Planning Commission that the City Council take the following action:

1. Approve Zoning Code Amendment No. 2016-096 and introduce and waive first reading of Ordinance No. 880 amending the Bell Gardens Municipal Code Title 9 Zoning and Planning Regulations as follows:
 - a) Chapter 9.50, "Variances and Conditional Use Permits," Section 9.50.060 "Basis for approval or denial of a variance."

CONSENT CALENDAR (Items No. 2 – 6)

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate action. Items called for separate discussion will be heard as the next order of business.

2. GENERAL MOTION TO READ ALL ORDINANCES BY TITLE ONLY

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's 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

October 24, 2016 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of October 24, 2016.

4. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the City Council receive and file the following transactions:

Warrant register	10/11/16	Check #s	159410 - 159485		<u>\$ 180,734.54</u>
Warrant register	10/18/16	Check #s	159486 – 159565		
Wire transfer	10/13/16	Wire #s	1124 – 1125	\$ 380,197.18	
Payroll transfer	10/13/16		Net payroll	<u>\$ 366,803.11</u>	<u>\$ 747,000.29</u>
Warrant register	10/25/16	Check #s	159566 – 159639		<u>\$ 109,394.18</u>
			Total =		<u>\$ 1,037,129.01</u>

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.

5. SEPTEMBER 2016 TREASURER'S REPORT

The Treasurer's Report for Cash and Investments for the month of September 2016 is attached.

Recommendation: It is recommended that the City Council receive, approve, and file the September 2016 Treasurer's Report.

6. **SIDE LETTER AGREEMENT WITH CITY EMPLOYEES**

City Employees Association (CEA) reached out to the City to consider closing City Hall and other City facilities during the week after Christmas (12/26 – 12/30). During this week, Monday the 26th would be observed as a holiday and City employees would use their own leave time for the remainder of the work week (Tuesday, Wednesday and Thursday). For the three days that employees will be off, they will use approximately \$40,500 of their own leave time. There will be additional savings in regards to reduced overhead costs (utilities).

Recommendation: It is staff's recommendation that the City Council approve Resolution No. 2016-50, approving a side letter of agreement with Bell Gardens City Employees Association.

DISCUSSION (Items No. 7-12)

7. **AWARD OF CONTRACT FOR CATCH BASIN MAINTENANCE SERVICES**

The City of Bell Gardens maintains approximately 339 storm drain catch basins within its boundaries. These catch basins are required to be regularly inspected and cleaned to ensure proper operation of the drainage system and protect water quality. On September 22, 2016 staff solicited Requests for Proposals to three companies that specialize in catch basin cleaning contracts for public agencies and also advertised in the local newspaper. On October 13, 2016 staff received 2 bids. Based on the bids received, RMI is the lowest, responsible, and responsive bidder. RMI is also the current contractor for this service and performing satisfactory work for the last 5 years. Maintenance of the new storm drain catch basin units is estimated to cost \$45,000 a year. There are funds available in FY16/17 Budget from Commercial Waste Hauler Funds (250).

Recommendation: It is staff's recommendation that the City Council by motion adopt Resolution No. 2016-51 awarding a 3-year contract to Ron's Maintenance Inc. (RMI) for the maintenance and cleaning of all storm drain catch basin units and approving an agreement by and between the City and RMI for catch basin maintenance services in a form approved by the City Attorney. The proposed agreement would authorize two (2) one year extensions approved by the City Manager.

8. **FIRST READING AND INTRODUCTION OF ORDINANCE NO. 881 TO AMEND THE CITY OF BELL GARDENS MUNICIPAL CODE TO CHANGE GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH STATEWIDE GENERAL ELECTIONS IN NOVEMBER OF EVEN-NUMBERED YEARS**

On September 1, 2015, Governor Brown signed into law Senate Bill 415 "Voter Participation" which prohibits local governments, beginning January 1, 2018, from holding an election on any date other than on a statewide election date if doing so has resulted in low voter turnout. On October 24, 2016, the City Council directed staff to proceed with synchronization of the City's general municipal elections to statewide election dates of November in even numbered years, beginning with the statewide election date of November 2018 and then November 2020. In accordance with the City's synchronization plan, City staff has prepared an ordinance for the City Council's consideration that would amend Section 2.60.010 of the Bell Gardens Municipal Code to reflect the change in the General Municipal Election date in compliance with SB 415.

Recommendation: It is recommended that the City Council introduce and waive first reading of Ordinance No, 881, amending section 2.60.010 of the Bell Gardens Municipal Code entitled "Municipal Election Date," and direct staff to bring back Ordinance No. 881 for approval and waiver of second reading at the next regularly scheduled City Council Meeting.

9. **CONFLICT OF INTEREST CODE UPDATE**

The Political Reform Act requires a biennial review of the City's adopted Conflict of Interest Code in even-numbered years. The City Council approved and filed the 2016 Local Agency Biennial Notice stating that an amendment to the Conflict of Interest Code was required, on October 10, 2016. As directed by Council, the Code was reviewed to determine whether the designated employee position classifications and/or disclosure categories remain appropriate. Appendix A "Designated Positions" was amended to add the position of "Dispatch Supervisor". Appendix B "Disclosure Categories" was updated to reflect the most current schedules used in the Form 700.

Recommendation: It is staff's recommendation that the City Council approve Resolution No. 2016-52, rescinding Resolution No. 2015-64 and amending the Conflict of Interest Code for the City of Bell Gardens City Council, the Successor Agency to the Community Development Commission, the Financing Authority Board, and the Oversight Board of the Successor Agency to the Community Development Commission.

10. **PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE PROPERTY LOCATED AT 6700-6932 EASTERN AVENUE FROM THE CITY OF BELL GARDENS TO PRIME/CRDF LOS JARDINES, LLC**

Between 1991 and 2004, the former Community Development Commission ("CDC") utilized redevelopment funds to acquire multiple properties near the northeast corner of Eastern and Florence Avenues. The various properties were assembled for the development of a 5.55 acre commercial shopping center. Prime/CRDF Los Jardines, LLC ("Primestor") developed and constructed Los Jardines as a commercial shopping center. As part of the termination of redevelopment in California, the CDC was dissolved and replaced with a "Successor Agency" and all existing real properties, including Los Jardines, were ordered to be sold in accordance with an approved Long Range Property Management Plan ("LRPMP"). The Successor Agency prepared the required LRPMP, which was approved with minor modifications by the California Department of Finance ("DOF") on December 22, 2015. Parcel number 6328-012-048 is part of the Los Jardines shopping center, but was originally acquired, and currently owned by the City, thus is not a part of the approved LRPMP. Because it is owned by the City, this parcel is not included in the LRPMP and must be sold under a separate purchase and sale agreement. City staff and Primestor have agreed on a sale price of \$1,500,000, which falls within the broker's opinion of value. The City will receive all proceeds from the sale of the property, less a 3% broker commission paid to Tierra West Advisors. The costs will be paid via escrow at the closing of escrow and placed in the City's General Fund.

Recommendation: It is staff's recommendation that the City Council of the City of Bell Gardens adopt Resolution No. 2016-53, approving a purchase and sale agreement by and between the City and Prime/CRDF Los Jardines, LLC for the sale of the property located at 6700-6932 Eastern Avenue, Bell Gardens, California.

11. **CONSIDERATION TO ADOPT A MEMORANDUM OF UNDERSTANDING WITH THE BELL GARDENS POLICE OFFICERS ASSOCIATION AND AMENDING THE FY 16/17 ANNUAL BUDGET RELATED THERETO**

In August 2014, the City entered into agreements with all five city bargaining units. Those agreements expired as of June 30, 2016, and City management has been negotiating with the bargaining units on new agreements. The City and Bell Gardens Police Officers Association (POA) have now reached a tentative agreement on a successor Memorandum of Understanding (MOU) for the period July 1, 2016 through June 30, 2018, subject to City Council Approval. The POA and the City have tentatively agreed, subject to Council approval, to provide a 5% salary increase in year one of the contracts and a 5% salary increase in year two of the contract. More specific information regarding the changes to the MOU can be found in the attached resolutions. The fiscal impact in the first year of the agreement (fiscal 2016/2017) for the items provided to the

Police Officers Association is estimated to be \$322,400. The fiscal impact in year two of the agreement (fiscal 2017/2018) is estimated to be an additional \$344,950.

Recommendation: That the City Council, by motion, approve:

- (1) Resolution No. 2016-54 adopting a Memorandum of Understanding between the City of Bell Gardens and the Bell Gardens Police Officers Association for the period July 1, 2016 through June 30, 2018, and
- (2) Resolution No. 2016-55 amending the FY 16/17 annual budget, amending the existing employee classifications and compensation schedule for the 2016/2017 fiscal year, and appropriating funds necessary to implement the agreements.

12. APPROVAL OF GALLANT PARK PLAYGROUND PROJECT AGREEMENT

Gallant Park has been identified as the park next in line for new play equipment. The City of Bell Gardens was challenged in that we had a limited budget (\$65,000) and needed to replace both the play structure and swing set. The City of Bell Gardens applied for a grant from GameTime and was awarded \$8,828.02 towards the project. Additionally, the City of Bell Gardens Public Works Department will take out the existing equipment and surfacing, saving the City of Bell Gardens \$10,040. Staff intends to contract with GameTime for the purchase and installation of the new playground equipment pursuant to the "piggy-backing" purchasing provisions contained in Bell Gardens Municipal Code Section 3.04.100(E) through the U.S. Communities Government Purchasing Alliance System ("U.S. Communities"). The project will be funded by Public Works, \$35,000 from Operations account and \$30,000 from Capital Improvement Project.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-56 approving a contract for playground equipment purchase and installation with GameTime.

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)

This public comment period is for items UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL ONLY. Submit a PINK public comment card with the matter you would like to discuss to the City Clerk prior to the start of this period. There will be no further cards accepted once the public comment period has started. Comments are limited to three (3) minutes per person, subject to an overall thirty (30) minute period. Please direct your comments to the Mayor and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the City Council from discussing any item not appearing on the posted City Council Agenda.

CITY COUNCIL MEMBER COMMENTS

ADJOURNMENT