



**CITY OF BELL GARDENS  
CITY COUNCIL  
REGULAR MEETING  
MONDAY, JANUARY 25, 2016, 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) 806-7706. 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 Rodriguez called the meeting to order at 6:29 p.m.

**ROLL CALL OF CITY COUNCIL MEMBERS**

Present: Flores, Mendoza, Pulido, Aceituno, Rodriguez  
Absent: 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. 1 – 8)**

Mayor Pro Tem Aceituno pulled Item #8 for further discussion.

A motion was made by Council Member Flores and seconded by Council Member Mendoza to approve Items No. 1-7 on the Consent Calendar. The motion carried 5-0 with the following vote.

AYES: Flores, Mendoza, Pulido, Aceituno, Rodriguez  
NOES: None  
ABSENT: None  
ABSTAIN: None

**1. 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.

**2. MINUTES**

January 11, 2016 – Regular Meeting Minutes

**Recommendation:** It is staff's recommendation that the City Council approve the Regular City Council Meeting of January 11, 2016.

**3. RECEIVE AND FILE THE LOCAL COMMISSIONS APPOINTMENT LIST**

The local appointments list includes the Bell Gardens Commissions and Commissioners. The City Council adopted Ordinance No. 825 on July 13, 2009 which consolidated the existing City Commissions and established minimum requirements for service. It should be noted that all Commission Members must reside within the City of Bell Gardens and may only serve on one Commission at a time. Once appointed, each Commissioner

must adhere to the requirements of the City's Conflict of Interest Code and state-mandated AB 1234 ethics training. Ordinance 825 allows each Council Member to nominate one (1) candidate per Commission, subject to the approval of the Council majority. The appointed Commission Member will serve a term that coincides with the term of the Council Member who made the original nomination.

**Recommendation:** It is staff's recommendation that the City Council receive and file the local commissions appointments list.

**4. WARRANT REGISTERS AND WIRE TRANSFERS**

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

Warrant register	01/05/15	Check #s	156227 - 156299	\$	<u>453,937.36</u>
<b>Total =</b>					<b>\$ <u>453,937.36</u></b>

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. SECOND READING OF ORDINANCE NO. 869 AMENDING SECTIONS 17.28.060 AND 17.28.200 AND REPEALING SECTION 17.28.070 OF CHAPTER 17.28**

The City Council introduced Ordinance No. 869 for first reading and adopted Resolution No. 2016-04 urging support and enactment of state legislation granting local government agencies greater authority to regulate registered sex offenders within their jurisdictions on January 11, 2016. In August 2015, draft Ordinance No. 869 repealing portions of the City's Sex Offender Ordinance was presented to the City Council. On December 21, 2015, the Cities of Bell Gardens and Gardena, along with 5 other southern California cities were sued by sex offender rights advocates similarly challenging the constitutionality of the cities' sex offender ordinances. On March 2, 2015, the Supreme Court of California, in *In re Taylor* (2015) 60 Cal.4th 1019, held that the California Department of Corrections and Rehabilitation's (the "CDDR") blanket enforcement of the Penal Code's residency restrictions (Penal Code section 3003.5(b)) on registered sex offenders was unconstitutional. Amending the City's ordinance eliminates section 17.28.060(a) and 17.28.070 of Chapter 17.28, which prohibits all sex offenders from residing within 2,640 feet of any sensitive use site. Even with this revision of the BGMC, the CDCR retains the authority to impose special parole conditions on sex offender parolees, including residency restrictions in relation to sensitive uses, as long as they are based on the fact specific circumstances of each individual parolee and case. The State's existing sex offender regulatory scheme currently imposes limitations on the places where registered sex offenders may visit and reside. The remaining portions of the City's sex offender ordinance will remain in place and continue to place restrictions on multiple sex offenders from living or occupying the same dwelling, unless legally related. If the City of Bell Gardens chooses not to amend section 17.28.060 of Chapter 17.28 of the Bell Gardens Municipal Code, the City could face a lawsuit challenging its legality under *In re Taylor*. Amending section 17.28.060 of Chapter 17.28 will not prevent the City from adopting a similar provision in the future, if circumstances are changed by future Court or state legislative action.

**Recommendation:** It is recommended that the City Council of the City of Bell Gardens read by title only, waive reading and adopt Ordinance No. 869 amending sections

17.28.060 and 17.28.200 and repealing section 17.28.070 of Chapter 17.28 of the Bell Gardens Municipal Code entitled "Local Regulation of Sex Offenders."

6. **SECOND READING OF ORDINANCE NO. 873 (FILE NO. 2015-118) – MEDICAL MARIJUANA USES, ADOPTING ZONING CODE AMENDMENT NO. 2015-118**

The City Council introduced Ordinance No. 873 for first reading on January 11, 2016. In 2007 the City Council adopted a comprehensive Zoning Code Update establishing land use and development regulations prohibiting medical marijuana dispensaries in the City. The City's Zoning Code is silent regarding the regulation of mobile marijuana dispensaries and the cultivation of medical marijuana. On October 9, 2015 Governor Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA set up a State licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities. The MMRSA contains language that requires the City to prohibit marijuana cultivation uses by March 1, 2016, either expressly or otherwise under the principles of permissive zoning, or the City will lose its regulatory authority, and the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other types of commercial medical marijuana activities. On December 16, 2015, the Bell Gardens Planning Commission approved Resolution #PC 2015-08 recommending City Council approval of Zoning Code Amendment No. 2015-118 and adoption of Ordinance No. 873. The approval of Zoning Code Amendment 2015-118 and adoption of Ordinance No. 873 would amend Chapter 9.21, "Prohibited Uses," Section 9.21.010, "Medical marijuana dispensaries," in its entirety to prohibit all commercial medical marijuana activities in the City including permanent and mobile marijuana dispensaries and marijuana cultivation. Adoption of Ordinance No. 873 would not prevent the City from amending the Zoning Code in the future to allow for more permissive regulations for medical marijuana activities if the City desired to do so.

**Recommendation:** It is staff's recommendation that the City Council of the City of Bell Gardens read by title only, waive reading and adopt Ordinance No. 873 approving Zoning Code Amendment No. 2015-118 amending the Bell Gardens Municipal Code Title 9 Zoning and Planning Regulations as follows:

- a) Chapter 9.21, "Prohibited Uses," Section 9.21.010, "Medical marijuana dispensaries," in its entirety to prohibit all commercial medical marijuana activities in the City including permanent and mobile marijuana dispensaries and marijuana cultivation.

7. **TRANSFER OF TITLE TO GOVERNMENTAL PURPOSE PROPERTIES FROM THE SUCCESSOR AGENCY TO THE FORMER BELL GARDENS COMMUNITY DEVELOPMENT COMMISSION TO THE CITY OF BELL GARDENS**

This matter is brought before the Successor Agency and City Council as the first steps by the Successor Agency to implement the use and disposition plan of Successor Agency real property assets in accordance with an approved Long Range Property Management Plan ("LRPMP"). Pursuant to Health & Safety Code Section 34191.5(b) the Successor Agency approved the amended LRPMP on November 23, 2015, which was subsequently submitted to and approved by the Oversight Board of the Successor Agency on December 3, 2015. The LRPMP was thereafter submitted to the Department of Finance (the "DOF") for its review on December 3, 2015 as required by Dissolution Law. The DOF approved the City's LRPMP on December 22, 2015 with minor modifications.

The first steps of implementing the approved LRPMP shall be to dispose of the Properties that have been identified as governmental purpose. The amended LRPMP identified two properties as having a governmental purpose: Public Parking Lot - 6547 Eastern Avenue (APN# 6328-006-900); and Public Parking Lot – No Situs, Clara & Priory (APN# 6227-012-900 thru 918 and 6227-013-900 thru 906, which are identified as Parcel No. 1 and Parcel No. 12 respectively in the approved LRPMP. Each of these properties provides public parking to support the City's downtown commercial shopping district. The amended LRPMP was submitted to the State Department of Finance for its review and on December 22, 2015, the City of Bell Gardens was issued a final letter of approval approving the disposition of the Properties as a governmental use. Therefore, consistent with the approved LRPMP, staff requests that the Successor Agency transfer title of the Properties to the City and that the City accept title to same. In order to complete the transfer of the properties to the City, the Successor Agency must execute a grant deed conveying title and the City must formally accept title to the Properties and record the City's acceptance. A grant deed and a certificate of acceptance in compliance with Government Code has been prepared by the City Attorney's Office. Upon the City's acceptance of title, the grant deed and certificate of acceptance will be filed and recorded in the County Recorder's Office. The City's acceptance is accomplished by adopting draft City Council Resolution No. 2016-05. The City's acceptance of the properties would not result in any financial impact due to the fact that the City has maintained the properties as City properties for many years prior to this action.

**Recommendation:** It is staff's recommendation that the Successor Agency to the former Bell Gardens Community Development Commission ("Successor Agency") take the following action:

- 1) Adopt Successor Agency Resolution No. 2016-02 approving the transfer of two governmental purpose properties to the City of Bell Gardens pursuant to the approved Long Range Property Management Plan.

It is further recommended that the Bell Gardens City Council take the following action:

- 1) Adopt City Council Resolution No. 2016-05 accepting title to the transfer of two governmental purpose properties from the Successor Agency.

8. **AUTHORIZE LETTER OF SUPPORT FOR L.A. COUNTY'S PHARMACEUTICALS AND SHARPS COLLECTION AND DISPOSAL STEWARDSHIP ORDINANCE**

On August 11, 2015, the Los Angeles County Board of Supervisors (BOS) adopted a motion directing Los Angeles County staff ("County") to develop and draft an ordinance addressing the collection and disposal of unused/unwanted pharmaceutical and sharps waste. The County formed a Pharmaceutical Working Group comprised of various county agencies. Specifically, the ordinance would require manufacturers and producers of prescription and nonprescription drugs and sharps to develop product stewardship take-back programs to collect and dispose of unused/unwanted pharmaceutical and sharps waste from county residents. In this way, the costs for disposal of hard to manage products are incorporated into the cost of a product, and producers have an incentive to improve the design of those products to make them easier to collect and recycle, less toxic and more environmentally friendly. The County also reviewed policies from around the world as well as local ordinances developed by other Counties throughout California in order to identify best practices. The County's Pharmaceutical Working Group is requesting letters from cities to the BOS supporting the adoption of the draft ordinance be sent by January 29, 2016 because the BOS is expected to consider adoption of the draft ordinance at its February 16, 2016 Board Meeting. If adopted, cities in Los Angeles County would have the ability to "opt in" to the program and have the County administer the program by passing their own city resolutions. This would ensure the same safe, convenient and sustainably financed collection and disposal options are made available to city residents.

**Recommendation:** That the City Council, by motion, approve and authorize the City Manager to sign and send a letter of support to the Los Angeles County Board of Supervisors urging the adoption of a Pharmaceuticals and Sharps Collection and Disposal Stewardship Ordinance; which would require the development of a program to address the collection and disposal of unwanted/unused pharmaceuticals and sharps waste generated by residents.

Mayor Pro Tem Aceituno asked for more information.

City Manager Phil Wagner provided an oral report.

A motion was made by Mayor Pro Tem Aceituno and seconded by Councilmember Flores to approve and authorize the City Manager to sign and send a letter of support to the Los Angeles County Board of Supervisors urging the adoption of a Pharmaceuticals and Sharps Collection and Disposal Stewardship Ordinance. The motion carried 5-0 with the following vote.

AYES: Flores, Mendoza, Pulido, Aceituno, Rodriguez  
NOES: None  
ABSENT: None  
ABSTAIN: None

**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 Flores thanked everyone for attending the Council meeting and wished everyone a great evening.

Council Member Mendoza wished everyone a great evening.

Council Member Pulido thanked everyone for attending the Council meeting.

Mayor Pro Tem Aceituno asked for updates on the golf course and on the Rio Hondo Bike Trail gate. Recreation and Community Services Director Chris Daste and City Manager Phil Wagner gave updates on the golf course, the Rio Hondo Bike Trail gate, and on the new Marlow Park playground equipment.

**ADJOURNMENT** – Mayor Rodriguez adjourned the City Council meeting at 6:36 p.m.



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Kristina Santana  
City Clerk

