

**CITY OF BELL GARDENS
PLANNING COMMISSION REGULAR MEETING
WEDNESDAY, OCTOBER 16, 2019
MINUTES**

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

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 – Chairperson Rivera called the meeting to order at 6:00 p.m.

INVOCATION – was led by City Planner, Carmen H. Morales

PLEDGE OF ALLEGIANCE – was led by Planning Intern, Adrian Flores

Assistant City Attorney, Marc Tran indicated that at the last Planning Commission meeting, the reorganization for the Vice-Chairperson position was tabled and would be tabled again to discuss until later in the meeting.

ROLL CALL OF PLANNING COMMISSIONERS

Present: Commissioner Flores, Commissioner Ramirez, Commissioner Villalobos, and Chairperson Rivera

Absent: Commissioner Chavez

Staff Present: Marc Tran, Assistant City Attorney, Carmen H. Morales, City Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

PUBLIC COMMENT ON NON-AGENDA ITEMS

Mr. Hailes Soto, Senior Management Analyst approached the podium and informed the Commission that the City has become more engaged in social media and invited the Commission, as well as the public to follow their Instagram page @City of Bell Gardens. Mr. Soto further indicated that staff is working on a Facebook and Twitter page, as well which is not open yet to the public.

With no one wishing to speak, Chairperson Rivera closed public comment.

PUBLIC HEARING (ITEM NO. 1-2)

1. **CONDITIONAL USE PERMIT NO. 2019-054**
LA CIEBA RESTAURANT
7908 EASTERN AVENUE (FILE NO. 2019-054)

Mr. Flores gave the presentation on Conditional Use Permit No. 2019-054.

Ms. Morales informed the Commission that for the record, a modification had been made to the first page of the staff report under the Surrounding Land Uses Table. Ms. Morales indicated that the land use on the north side of the subject site is residential use not commercial use, as indicated in the staff report and stated in the presentation by Mr. Flores.

Prior to commencing discussion on this item, Chairperson Rivera welcomed the new Commissioner, Jorgel Chavez to the Planning Commission.

Mr. Tran stated that Commissioner Chavez had arrived at 6:07 p.m.

Chairperson Rivera asked the Commission if there were any comments for staff on this Public Hearing Item.

With no questions for staff from the Commission, Chairperson Rivera opened the public hearing.

Ms. Elizabeth Mendoza, owner of the business approached the podium stating this approval would not only bring in additional business to the City but it would also help increase business for the restaurant. Ms. Mendoza further indicated there would not be any problems with the sale of alcohol at the restaurant because she currently has another business that operates with an alcohol license in which there has not been any issues.

Commissioner Villalobos asked Ms. Mendoza if she was in agreement with all the conditions of approval listed in Resolution #PC 2019-09. Ms. Mendoza indicated she believed so and if she had any questions she would reach out to the person assisting her with the approval process.

Commissioner Ramirez asked Ms. Mendoza the hours of operation for the sale of alcohol at her other business location. Ms. Mendoza indicated the hours were from 9:00 a.m. – 12:00 midnight.

Commissioner Chavez asked Ms. Mendoza which city the other restaurant was located and how much restaurant experience she had. Ms. Mendoza indicated her other business was located in Compton, CA. She further indicated that she has been operating at that location for nine years with an alcohol license.

Ms. Mendoza also indicated she had just transferred another one of her business to another owner, a grocery store, in which she also had an alcohol license.

Chairperson Rivera asked Ms. Mendoza how many staff members they typically have on a daily basis. Ms. Mendoza indicated she typically has two staff members working daily. Chairperson Rivera further indicated that he had been at the restaurant on a week day and had only seen one staff member cooking and serving. Ms. Mendoza indicated during the week it can get slow therefore, during the week she only has one staff member and on the weekends there are two.

Hearing no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Villalobos and seconded by Commissioner Flores to approve Conditional Use Permit No. 2019-054 by adopting Planning Commission Resolution No. 2019-09. After a roll call vote, the motion was passed with a 5-0 vote.

2. FINDING OF GENERAL PLAN CONSISTENCY VACATION OF CLARA STREET SEGMENT (FILE NO. 2019-093)

Ms. Morales gave the presentation on the Finding of General Plan Consistency Vacation of Clara Street Segment (File No. 2019-093).

Commissioner Ramirez asked Ms. Morales if she knew the height of the proposed sign compared to the Bicycle Casino sign. Ms. Morales indicated she did not know exact height of the Casino sign but did mention that the proposed sign would exceed the height of the Bicycle Casino sign.

Chairperson Rivera asked the Commission if there were any comments for staff on this item and opened the public hearing.

With no one else wishing to speak, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Ramirez and seconded by Commissioner Chavez to approve Finding of General Plan Consistency Vacation of Clara Street Segment by adopting Resolution #PC 2019-10. After a roll call vote, the motion passed with a 5-0 vote.

3. UPDATE RESOLUTION NUMBERS

Mr. Tran indicated this report was in reference to two recently-passed resolutions containing duplicative numbering and the sequencing and numbering of resolutions which should be updated. Mr. Tran gave a brief description on the previously approved resolutions with duplicate numberings and indicated that staff recommended to change Resolution No. 2019-03 to Resolution No. 2019-07, and Resolution No. 2019-05 to Resolution 2019-08. Mr. Tran further mentioned that the update on the numbering of the aforementioned resolutions does not otherwise affect any actions previously taken by the Planning Commission.

A motion was made by Commissioner Villalobos and seconded by Commissioner Flores to update the resolution numbers. After a roll call vote, the motion passed with a 5-0 vote.

PLANNING COMMISSION REORGANIZATION

Mr. Tran indicated this item was brought back before the September 18, 2019 Planning Commission meeting to appoint a Vice- Chairperson.

Chairperson Rivera stated that at the September 18, 2019 meeting, the following nominations were made for Vice-Chairperson:

- Commissioner Flores voted for Commissioner Flores
- Commissioner Villalobos voted for Commissioner Ramirez
- Commissioner Rivera voted for Commissioner Flores
- Commissioner Ramirez voted for Commissioner Ramirez

Chairperson Rivera asked for nominations from the Commission for Vice-Chairperson. The following nominations were made:

Commissioner Villalobos nominated Commissioner Ramirez
Chairperson Rivera nominated Commissioner Flores
Commissioner Chavez nominated himself

Mr. Tran suggested that every Commissioner that was nominated give a small statement giving a reason they would like to take the role of Vice-Chairperson.

Brief statements were given by the three Commissioners that were nominated.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Ramirez. After a roll call, it was a 1 yes and 3 no vote.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Flores. After a roll call, it was a 1 yes, 3 no vote.

Chairperson Rivera asked for a roll call on the nomination for Commissioner Chavez. After a roll call, it was a 4 no vote.

The nominees did not vote for themselves during this roll call.

Mr. Tran stated there was a tie on the nomination for Vice-Chairperson and suggested to re-open the nominations to gain consensus on this item, continue this item to the next Planning Commission meeting or proceed without a Vice-Chairperson. Although, Mr. Tran strongly recommended that a Vice-Chairperson be selected in the event that the Chairperson would be absent, the Vice-Chairperson would be able to conduct the meeting.

Commissioner Chavez asked if the Commission could take a recess and have one on one conversations with the nominees. Mr. Tran stated due to the Brown Act, its best this action not be taken.

Mrs. Gutierrez asked Mr. Tran if the Chairperson could make the determination to break the tie and appoint the Vice-Chairperson. Mr. Tran indicated if the Commission would like to take a recess, he would be able to research if that could be done.

The Commission agreed to take a five minute recess to give Mr. Tran the opportunity to research that option suggested by Mrs. Gutierrez.

Mr. Tran indicted that pursuant to the Bell Gardens Municipal Section 2.28.050, it states that the Commission as a whole is to select the Vice-Chairperson.

Ms. Morales advised the Commission that role of the Vice-Chairperson would only be to run the meeting in the event the Chairperson was absent from a meeting with no additional assignments for the position.

Chairperson Rivera and Commissioner Villalobos gave a brief explanation on their nominees as to reason they felt these nominees would be suitable for the position of Vice-Chairperson.

Ms. Gutierrez suggested taking a new roll call on three Commissioners that were nominated after statements were made from each of the nominees.

A roll call was done for Commissioner Ramirez with a 3 yes, 2 no vote.

A roll was done for Commissioner Flores with a 1 yes, 4 no vote.

Commissioner Chavez asked if he could withdraw his nomination. With that said there was a majority vote for Commissioner Ramirez for Vice-Chairperson.

All Commissioners congratulated Vice-Chairperson Ramirez.

SUBSTANDARD PROPERTIES – NONE

STAFF COMMENTS – Ms. Morales welcomed Commissioner Chavez to the Planning Commission and congratulated the new Vice-Chairperson Ramirez. Ms. Morales also commended Mr. Flores for his first staff report presentation to the Planning Commission and lastly, congratulated Mr. Hailes Soto for his new position as a Senior Management Analyst position in the City Manager's Office.

Mr. Tran also thanked Mr. Soto for all his great work and indicated it was a pleasure working with him on the Planning Commission staff reports and also congratulated Mr. Flores on a job well done with his first staff report presentation.

COMMISSION INFORMATION ITEMS – NONE

ADJOURNMENT – Commissioner Chavez moved to adjourn the meeting and was seconded by Commissioner Ramirez at 7:20 p.m.

RECORDED BY:



ERIKA GUTIERREZ, PLANNING SECRETARY