



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, JUNE 13, 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) 806-7706. 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

ROLL CALL OF CITY COUNCILMEMBERS

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

**a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a))**

One (1) Matter

Lindsay et al. v. City of Bell Gardens, Case No. 2:15-cv-09693-JFW-AJW

**b. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
(Government Code Section 54956.9(d)(4))**

One (1) Matter



**CITY OF BELL GARDENS
SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION
REGULAR MEETING
MONDAY, JUNE 13, 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 SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

- Priscilla Flores, Agency Member
- Jose Mendoza, Agency Member
- Maria Pulido, Agency Member
- Pedro Aceituno, Vice Chair
- Jennifer Rodriguez, Chair

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 SUCCESSOR AGENCY AGENDA ONLY. Submit a WHITE public comment card with the agenda item number you would like to discuss to the Successor Agency Secretary prior to the start of this period. Cards that are submitted with no agenda item listed will be moved to the final public comment 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 Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the Successor Agency from discussing any item not appearing on the posted Successor Agency Agenda.

CONSENT CALENDAR (Items No. 1-2)

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 Successor Agency to the Community Development Commission 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.

1. MINUTES

April 25, 2016 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the Successor Agency to the Community Development Commission approve the minutes for the Regular Successor Agency Meeting of April 25, 2016.

2. WARRANT REGISTERS AND WIRE TRANSFERS

Recommendation: It is staff's recommendation that the Successor Agency receive and file the following transactions.

Warrant register dated	4/26/16	Check #s	12776	\$	<u>3,927.00</u>
Warrant register dated	5/10/16	Check #s	12777	\$	<u>819.05</u>
			Total	\$	<u><u>4,746.05</u></u>

In approving the action of receiving and filing the warrant registers, the official minutes of the Bell Gardens Successor Agency to the Community Development Commission should state that each individual member of the Successor Agency 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 Successor Agency member, or pays for any costs or expenses, or otherwise benefits the same named Successor Agency member. Each Successor Agency member will not be participating, influencing, or voting on any such warrant bearing their name or which benefits the same named Successor Agency 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.

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE SUCCESSION AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION

(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 SUCCESSION AGENCY ONLY. Submit a PINK public comment card with the matter you would like to discuss to the Successor Agency Secretary 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 Chair and observe the Rules of Decorum appropriate to the Council Chamber. State law prohibits the Successor Agency from discussing any item not appearing on the posted Successor Agency Agenda.

SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBER COMMENTS

ADJOURNMENT



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING
MONDAY, JUNE 13, 2016, 6:00 P.M.
AGENDA**

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

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CALL TO ORDER

ROLL CALL OF CITY COUNCIL MEMBERS

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

CITY ATTORNEY REPORT ON CLOSED SESSION

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 CITY COUNCIL AGENDA ONLY. Submit a WHITE public comment card with the agenda item number you would like to discuss to the City Clerk prior to the start of this period. Cards that are submitted with no agenda item listed will be moved to the final public comment 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.

CONSENT CALENDAR (Items No. 1 – 7)

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.

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

May 9, 2016– Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of May 9, 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	04/26/16	Check #s	157439 - 157495		\$ 412,142.98
Warrant register	05/03/16	Check #s	157496 - 157588		
Wire transfers	04/28/16	Wire #s	1098 - 1099	\$ 376,658.19	
Payroll transfer	04/28/16		Net payroll	\$ 373,546.29	\$ 750,204.48
Warrant register	05/10/16	Check #s	157589 - 157661		\$ 156,335.90
Warrant register	05/17/16	Check #s	157662 - 157750		
Wire transfers	05/12/16	Wire #s	11000 - 1101	\$ 620,296.15	
Payroll transfer	05/12/16		Net payroll	\$ 363,607.36	\$ 983,903.51
Total =					\$ 2,302,586.87

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. **APRIL 2016 TREASURER'S REPORT**

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

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

6. **REJECTION OF CLAIM**

The City directed the original claim to Carl Warren & Company. Following an investigation by the City's claims management administrator, this claim is being presented for rejection.

Recommendation: It is staff's recommendation that the City Council reject the claim filed by Ricardo Gomez Escobar. The claim is being presented for rejection following a recommendation by the City's claims management administrator, Carl Warren & Company, and in a manner that allows the claimant, subject to certain exceptions, up to six months to file a court action on the claim.

7. **CONSIDERATION OF ORDINANCE NO. 878 AMENDING SECTIONS 17.28.060 AND 17.28.100 OF CHAPTER 17.28 AND RESOLUTION NO. 2016-19 EXPRESSING SUPPORT FOR STATE LEGISLATION TO GRANT LOCAL GOVERNMENT AGENCIES GREATER AUTHORITY TO REGULATE REGISTERED SEX OFFENDERS**

On October 26, 2009, the City Council adopted Ordinance No. 828, adding Chapter 17.28 to Title 17 of the Bell Gardens Municipal Code, which prohibited sex offenders, regardless of whether that person is on parole or probation, from being within 300 feet of facilities and locations where children regularly gather, subject to certain narrow exemptions. 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 on registered sex offenders was unconstitutional. On January 25, 2016, the City Council adopted Ordinance 869, to conform to the precedent set by *In re Taylor*. In December 2015, a lawsuit was filed against the City by a sex offender advocacy group challenging portions of the City's remaining sex offender ordinance. As part of a proposed global settlement, the proposed ordinance would repeal portions of the City's sex offender ordinance. Even with this revision of the BGMC, the CDCR retains the authority to impose special parole conditions on sex offender parolees, as long as they are based on the fact specific circumstances of each individual parolee and case. The remaining portions of the City's sex offender ordinance will continue to place restrictions on multiple sex offenders from living or occupying the same dwelling, unless legally related by blood, marriage or adoption. Amending section 17.28.060 of Chapter 17.28 does not prevent the City from adopting a similar provision in the future, if circumstances are changed by a future Court or state legislative action. City Staff has included a draft City Council resolution for consideration, which if adopted, urges state law makers to enact state legislation that would grant local government agencies greater authority to regulate registered sex offenders within their jurisdictions. Once adopted, the resolution will be sent to local state lawmakers.

Recommendation: It is recommended that the City Council do the following: (1) Introduce and waive first reading of draft Ordinance No. 878, amending sections 17.28.060 and 17.28.100 of Chapter 17.28 of the Bell Gardens Municipal Code entitled "Local Regulation of Sex Offenders," and direct staff to bring back Ordinance No.878 for approval and waiver of second reading at the next regularly scheduled City Council meeting; and (2) Adopt draft City Council Resolution No. 2016-19 expressing support and urging state legislation granting local government agencies greater authority to regulate registered sex offenders within their jurisdictions.

DISCUSSION (Item No. 8-12)

8. **INTRODUCE AND WAIVE FIRST READING OF ORDINANCE NO. 876 AMENDING CHAPTER 16.20 OF THE BELL GARDENS MUNICIPAL CODE, RELATING TO MAINTENANCE OF PROPERTY**

The Maintenance of Property Ordinance ("Ordinance") was originally enacted to define conditions and uses of land that are detrimental to the public health, safety and welfare, or which reduce property values in the City. Said regulations were developed to promote the sound maintenance of property, and enhance conditions of appearance, habitability, and safety of all structures and premises in the City by enacting minimum property maintenance standards. Amendments to the Ordinance were enacted in 1998 and 2002. The proposed draft ordinance will remove unenforceable citation provisions, and Officers will be able to rely on updated, and newly created, remedy and penalty provisions. The proposed amendment would allow Officers to give a shorter compliance deadline than ten (10) days, including a twenty-four (24) deadline, if emergency

circumstances demand immediate corrective action by property owners. The proposed amendment also prohibits graffiti that is visible from any real property, public street, sidewalk, alley, or other public right-of-way. The proposed amendments will clarify the property maintenance regulations for the public, and will allow Officers to enforce the City's laws in a more efficient and effective manner.

Recommendation: It is staff's recommendation that the City Council introduce and waive first reading of Ordinance No. 876 entitled "An Ordinance of the City Council of the City of Bell Gardens Amending Chapter 16.20 of Title 16 of the Bell Gardens Municipal Code, Relating to the Maintenance of Property." The proposed amendments include: 1) elimination of citation provisions that are not enforceable under the existing Municipal Code; 2) creation of remedy and penalty provisions that are enforceable and consistent with the existing Municipal Code; 3) modification of the enumerated property maintenance offenses to provide additional clarification; and 4) addition of a specific property maintenance offense related to the abatement of graffiti.

9. **AMENDMENT TO THE CITY'S CARD CLUB LICENSE REGULATIONS ORDINANCE**

The City enacted the Card Club License Regulations Ordinance in 1982 (the "Ordinance"), adding Chapter 5.25 to the BGMC. The licensing requirements and regulations provide for the public health, safety, and welfare of the community. When the Ordinance was adopted the State's gambling industry was almost completely unregulated, and the Ordinance, and subsequent amendments, were necessary to protect the interests of the City and the public. Since the City adopted the Ordinance, the State has taken on the burden of regulating, reviewing, investigating, and approving card clubs and card club employees, mainly through the Gambling Control Act (the "Act"). Under the Act there are two State entities that regulate gambling as it relates to card clubs, the Gambling Control Commission (the "Commission") and the Bureau of Gambling Control (the "Bureau"). With the State regulations in place, some of the City's regulations have become outdated and require updates to reflect changes in State law and general nomenclature. Additionally, with the addition of a hotel to the Bicycle Casino, consideration was necessary to make certain amendments to the Ordinance to address ambiguities that have arisen. The proposed changes to the Ordinance would update outdated portions of the Ordinance to reflect changes in State law, address ambiguities that have arisen as a result of the addition of a hotel to the Bicycle Casino, and clean-up portions of the Ordinance identified by City Staff. The proposed amendment can be made to the Ordinance without jeopardizing the public's health, safety, or welfare. The City provided a copy of the proposed ordinance to the Bureau, and on April 18, 2016, the Bureau sent its determination that the proposed changes are in compliance with the Gambling Control Act. The City is required to provide the Bureau with a signed, certified copy of the amendment upon approval.

Recommendation: Staff recommends that the City Council introduce and waive first reading of Ordinance No. 877 amending Chapter 5.25 of the Bell Gardens Municipal Code ("BGMC") regulating card clubs located in the City by updating outdated sections of Chapter 5.25 to reflect changes in State law, addressing ambiguities created by the opening of the hotel at the Bicycle Casino, and cleaning-up the Chapter.

10. **ACCEPTANCE OF THE ILLUMINATED STREET NAME SIGNS REPLACEMENT PROJECT**

The Fiscal Year (FY) 2014-2015 Capital Improvement Program (CIP) budget included \$407,000 of funding for the completion of the Citywide Illuminated Street Name Signs Replacement Project. On June 3, 2015, the City received only one (1) bid proposal for this project. Because the contractor's bid exceeded the amount budgeted in FY2014-2015 for this project and failed to provide a Bidder Information Sheet and acknowledgement of Addendum Number 1, the City Council rejected the bid and authorized staff to re-solicit bids. On June 23, 2015, staff advertised the project for the

second time. On July 15, 2015, the City received a total of seven (7) bid proposals for this project. Upon determining the apparent lowest, responsive and reasonable bidder, staff made a recommendation to City Council for an award of contract. On August 24, 2015, City Council awarded a construction contract to PTM General Engineering Services, Inc., in the amount of \$ 327,027. The improvements consisted of replacing 127 street name signs with new state of the art signs that utilize LED (Light emitting diode) technology for lighting. On April 26, 2016, PTM General Engineering Services, Inc. completed the installation of all signs. Both the City Engineer and the Inspector have conducted their final inspection, reviewed the project documents and both have determined that the project was completed satisfactorily and in conformance with the project's plans and specifications. During construction, two (2) change orders (CO) were needed due to unforeseen field conditions and approved in the amount of \$4,660.43. Liquidated damages were assessed for two (2) days in the amount of \$500. The final construction contract cost of the project is \$398,732.43.

Recommendation: It is staff's recommendation that the City Council: 1) Accept the construction contract for the Citywide Illuminated Street Name Signs Replacement Project as complete and; 2) Authorize staff to file the Notice of Completion.

11. CITY COUNCIL APPOINTMENTS TO EXTERNAL COMMITTEES

The City of Bell Gardens resides within a larger geo-political environment with a variety of complex issues and concerns. Council Members are typically appointed as representatives on various external boards, commissions, and committees who serve the larger geo-political region.

Recommendation: It is staff's recommendation that the City Council make changes, reappointments, or appointments as necessary to the attached, revised matrix of Council Appointments to External Regulatory and Advisory Boards, Commissions, and Committees.

12. APPROVAL OF FISCAL YEAR 2016/17 OPERATING AND CAPITAL IMPROVEMENT BUDGETS AND COMPENSATION PLAN; AND ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016/17

In the upcoming FY16/17, after contributing \$200,000 to reserves, the General Fund is estimated to have a surplus of \$854,000 with projected revenues of \$29,561,000 and estimated expenditures of \$28,707,000. With the additional \$200,000 contribution to reserves, the balance committed to contingencies will be \$2,700,000 or 9.1% of General Fund expenditures. Annually, the City of Bell Gardens adopts a budget consisting of projected revenues and proposed expenditures. The proposed expenditures specify the spending plan for the upcoming fiscal year, while the projected revenues address the resources expected to be available to fund the expenditures. Depending on the difference between the proposed expenditures and projected revenues, there will be a deficit, surplus or a balanced budget. Once approved by the City Council, the proposed expenditures are considered appropriated (at the fund level) and become available to be spent. The process to formulate the proposed expenditures begins with the city manager instructing each city department to prepare budget worksheets which detail their respective department's spending plans for the upcoming fiscal year. The budget worksheets are reviewed by the finance department. Budget meetings are then held with each respective department, finance department and the city manager's office to review and discuss the proposed spending plans and make adjustments as necessary. Projected FY16/17 revenues are developed by the finance department along with input from other city departments. The process to project the upcoming fiscal year's revenues include taking into consideration economic conditions, historical analysis, the state budget, assistance from third-parties and future expectations.

Recommendation: It is recommended that the City Council approve Resolution No. 2016-20, adopting the fiscal year July 1, 2016 to June 30, 2017 (FY16/17) Operating

and Capital Improvement Budgets and Compensation Plan; and approve Resolution No. 2016-21, establishing the Appropriations Limit for FY16/17.

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)

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CITY COUNCIL MEMBER COMMENTS

ADJOURNMENT