



**CITY OF BELL GARDENS
 SUCCESSOR AGENCY TO THE COMMUNITY
 DEVELOPMENT COMMISSION
 REGULAR MEETING
 MONDAY, AUGUST 22, 2016, 6:00 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

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

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

August 08, 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 August 08, 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	08/02/16	Check #s	12784	\$	2,262.00
				Total	\$ 2,262.00

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, AUGUST 22, 2016, 6:00 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 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

ROLL CALL OF CITY COUNCIL MEMBERS

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

PRESENTATIONS

- **33rd Senate District Young Senators Program Presentation**
- **Greater Los Angeles County Vector Control District Presentation**

PUBLIC HEARING (Items No. 1-2)

1. ZONING CODE AMENDMENT NO. 2016-030; ORDINANCE NO. 874 (FILE NO. 2016-030) – LANDSCAPING

Approval of Zoning Code Amendment No. 2016-030 and the adoption of Ordinance No. 874 to amend Chapter 9.34, "Landscaping," in its entirety will allow the City to be in compliance with all applicable State Laws. Ordinance No. 874 will establish new regulations for landscaped areas in all zones, parkway landscaping, the use of artificial turf, and the use of drought tolerant and water efficient landscape materials, and water efficient irrigation systems.

Recommendation: It is the recommendation of the Planning Commission that the City Council approve Zoning Code Amendment No. 2016-030 and introduce and waive first reading of Ordinance No. 874 amending and replacing in its entirety the Bell Gardens Municipal Code Title 9 Zoning and Planning Regulations Chapter 9.34, "Landscaping," establishing new regulations for landscaped areas in all zones, parkway landscaping, the use of artificial turf, and the use of drought tolerant and water efficient landscape materials and water efficient irrigation systems.

2. ZONING CODE AMENDMENT NO. 2016-039; ORDINANCE NO. 879 (FILE NO. 2016-039) - MESSAGE ESTABLISHMENTS

In response to the directive provided to staff with the adoption of Emergency Ordinance No. 861-U, staff is proposing Zoning Code Amendment No. 2016-039 to change the land use regulations governing massage establishments contained in the Zoning Code. Ordinance No. 879 proposes that massage establishments be permitted in the C4 zone subject only to the requirements of Bell Gardens Municipal Code Chapter 5.46 (as amended), and that the current requirement for a conditional use permit and the special development regulations contained in Zoning Code Section 9.20.115 be eliminated. The conditional use permit and the development regulations contained in the Zoning Code

would no longer be necessary, as they would now be addressed within the new Municipal Code Chapter 5.46 (as amended). Approval of Zoning Code Amendment No. 2016-039 and adoption of Ordinance No. 879 would change "massage establishment" from a conditionally permitted use to a permitted use in the Heavy Commercial(C-4) zone, subject to the provisions contained in the Bell Gardens Municipal Code Chapter 5.46 (as amended), and will eliminate Section 9.20.115, "Massage Businesses-Conditional Use."

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

1. Approve Zoning Code Amendment No. 2016-039 and introduce and conduct first reading of Ordinance No. 879 amending the Bell Gardens Municipal Code Title 9 Zoning and Planning Regulations as follows:
 - a) Chapter 9.12, "Commercial Zones," Section 9.12.030 "Permitted Uses, Table 9.12.A: Commercial Land Use Matrix," to change "massage establishment" from a conditionally permitted use to a permitted use in the Heavy Commercial (C-4) zone, subject to the provisions contained in the Bell Gardens Municipal Code Chapter 5.46; and
 - b) Chapter 9.20, "Special Uses and Applicable Standards," eliminating Section 9.20.115, "Massage Businesses-Conditional Conditional Use."

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. 3 – 10)

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.

3. 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.

4. MINUTES

August 08, 2016 – Regular Meeting Minutes

Recommendation: It is staff's recommendation that the City Council approve the Regular City Council Meeting of August 08, 2016.

5. 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.

6. WARRANT REGISTERS AND WIRE TRANSFERS

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

Warrant register	07/26/16	Check #s	158465 – 158510		\$	<u>66,495.74</u>
Warrant register	07/26/16	Check #s	158511 – 158575			
Wire transfer	07/21/16	Wire #s	1110 – 1111	\$	304,980.58	
Payroll transfer	07/21/16		Net payroll	\$	<u>407,058.43</u>	\$ <u>712,039.01</u>
Warrant register	08/02/16	Check #s	158576 – 158646		\$	<u>299,928.43</u>
Warrant register	08/02/16	Check #s	158647 – 158671		\$	<u>229,959.74</u>
Total =						\$ <u>1,308,422.92</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.

7. REJECTION OF CLAIMS

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

Recommendation: It is staff's recommendation that the City Council reject the claim filed by Jose Daniel Hernandez Adame. 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.

8. ADOPTION OF ORDINANCE NO. 875 MASSAGE ESTABLISHMENTS (FILE NO. 2016-071)

On August 8, 2016, the City Council introduced Ordinance No. 875 and waived first reading of the ordinance. On October 27, 2014, the City of Bell Gardens City Council adopted Urgency Ordinance No. 861-U, an Interim Urgency Ordinance, declaring and imposing a citywide moratorium on the establishment, expansion, or relocation of massage therapy establishments for 45 days. The City subsequently extended the moratorium two consecutive times to allow staff sufficient time to formulate a comprehensive "massage ordinance." In response to the directive provided to staff with the adoption of Emergency Ordinance No. 861-U, staff is proposing Ordinance No. 875 which would establish new regulations governing massage establishments in the City.

Recommendation: It is staff's recommendation that the City Council waive second reading and adopt Ordinance No. 875, repealing Urgency Ordinance No. 871-U, repealing Bell Gardens Municipal Code Chapter 5.46 "Physical Therapy Massage" in its entirety and adopting a new Chapter 5.46 "Massage Establishments," to establish comprehensive regulations governing massage establishments.

9. **PARTICIPATION IN THE STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PROGRAM**

The Bell Gardens Police Department operates a Type I jail facility, which is defined as a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. The State of California Board of State and Community Corrections Program provides funding to law enforcement agencies for the training of all newly hired employees, supervisors, and/or managers of Type I detention facilities. The State of California Corrections Standards Authority has certified our jail as a Type I detention facility, qualifying the City to receive these funds, which are designated strictly for training of personnel who are employed to perform duties in the jail. City Council approval as a program participant is required prior to issuance of these funds. Based on our population, it is estimated that the City of Bell Gardens will receive \$11,440.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-31 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS APPROVING PARTICIPATION IN THE STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS PROGRAM AND ACCEPTING FUNDS FOR USE TOWARD THE POLICE DEPARTMENT'S JAIL MANAGEMENT TRAINING PROGRAM."

10. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AND PAYMENT OF INVOICE FOR B.A. INVESTIGATIONS**

On June 14, 2016, the City Manager entered into a Professional Services Agreement with B.A. Investigations to conduct a confidential administrative investigation for the police department. On August 8, 2016, the confidential investigation was concluded and the Chief of Police received a detailed report with the investigator's findings. Given the unanticipated amount of information collected and length of time needed to conclude a thorough investigation, costs exceeded the City Manager's approval authority of \$10,000. Therefore, this item is being presented to City Council for the purpose of approving the Professional Services Agreement with B.A. Investigations and authorizing payment of the invoice submitted by the investigator. Funds are maintained in the police department's FY2016-17 Operating Budget under contract services for this purpose. The total cost of the investigation to include transcripts is \$11,430.

Recommendation: It is staff's recommendation that the City Council adopt Resolution No. 2016-32 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH B.A. INVESTIGATIONS AND AUTHORIZING PAYMENT OF FINAL INVOICE."

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