



CITY OF BELL GARDENS
CITY COUNCIL / SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION
JOINT MEETING
MONDAY, JUNE 12, 2023, 6:00 PM
AGENDA

LOCATION: CITY COUNCIL CHAMBERS, 7100 GARFIELD AVENUE, BELL GARDENS, CA 90201

The meeting will be held at Bell Gardens City Hall in the Council Chambers. The public may attend the meeting in-person or virtually as instructed below. You may view the meeting live on the City's website at <https://www.bellgardens.org/i-want-to/watch-city-council-meetings>.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the City Clerk's office by telephone at 562-806-7704 or via email to CityClerkDesk@bellgardens.org no later than 72-hours before the scheduled meeting.

PUBLIC PARTICIPATION: The members of the public may address the City Council / Agency Members on any item listed on the agenda or on matters which are not listed on the agenda but are within the subject matter jurisdiction of the City Council / Successor Agency. Public comments are limited to three (3) minutes per person for each designated public comment period(s). Public comments for non-agenda items will be limited to a total of 30 minutes. Public comments can be made by any of the following ways:

IN-PERSON: Members of the public can provide in-person comments at the podium in the Council Chamber. Public comments are limited to three (3) minutes for each designated public comment period(s) per speaker, unless a different time is announced by the presiding chair. Speakers who wish to address the City Council / Agency Members should do so by submitting a "Public Comment Card" card by 5:00 p.m. for Closed Session items and by 6:00 p.m. for all other designated public comment periods as listed.

BY TELEPHONE: Phone Number: (669)900-9128 Webinar ID: 813 3236 4343# Passcode: 2021#
To address the City Council press *9 to raise your hand then *6 to unmute yourself when instructed.

VIRTUALLY LIVE: Members of the public may participate via Zoom by <https://zoom.us/join> and entering the Zoom Meeting ID: 813 3236 4343 Passcode: 2021
Comments may also be made via the Zoom app by using the "Raise Hand" feature when it is your turn to speak the host will unmute you. Comments will not be accepted in the QandA Chat function of the zoom app.

WRITTEN COMMENTS: Public comments may be emailed to PublicComments@bellgardens.org or mailed to: City Clerk's Office, 7100 Garfield Ave., Bell Gardens, CA 90201. To ensure distribution to the members of the City Council / Agency Members prior to consideration of the agenda, please submit comments no later than one (1) hour prior to the meeting. Those comments, as well as any comments

received after, will be distributed to the members of the City Council / Successor Agency and will be part of the official public record of this meeting.

For more information, you may contact the City Clerk's office during regular business hours 7:30 a.m. to 6:00 p.m., Monday through Thursday at (562) 806-7704.

PUBLIC HEARING: Public participation will be separately called for the public to provide comments at the time of each public hearing item. Speakers who wish to provide a comment should do so by submitting a "Public Comment Card" to the staff liaison, clerk, prior to the designated public comment period.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS / SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

Marco Barcena, Council Member / Agency Member
Jorgel Chavez, Council Member / Agency Member
Maria Pulido, Council Member / Agency Member
Francis De Leon Sanchez, Mayor Pro Tem / Vice Chair
Alejandra Cortez, Mayor / Chair

PRESENTATIONS

- **CERTIFICATE OF RECOGNITION FOR BELL GARDENS INTERMEDIATE DANCE INSTRUCTOR JOSE MENDOZA AND DANCE TEAM**
- **PROCLAMATION IN HONOR OF JUNETEENTH DAY OF OBSERVANCE**

PUBLIC HEARING (Item No. 1)

1. CONSIDERATION OF ORDINANCE NO. 934 REGULATING COMMERCIAL RETAIL CANNABIS ACTIVITY CITYWIDE

Ordinance No. 934 is proposed to establish provisions to allow and regulate commercial retail cannabis activity citywide.

It is recommended that the City Council:

1. Find the proposed ordinance (Exhibit 1) is exempt from the provisions of the California Environmental Quality Act ("CEQA"); and
2. Adopt the attached Resolution (Exhibit 2) recommending to the City Council approval of the procedures and requirements for a proposed Development Agreement in connection with a Conditional Use Permit for a cannabis retail use in the City of Bell Gardens; and
3. Waive full reading and introduce Ordinance No. 934, by title only.

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL / SUCCESSOR AGENCY

During this time, the members of the public may address the City Council / Successor Agency regarding any items within the subject matter jurisdiction of the City Council / Successor Agency. Public comments

are limited to 3 minutes per person subject to an overall 30-minute period for non-agenda items. Government Code Section 54590 prohibits the City Council / Successor Agency from taking action or engaging in discussion on a specific item unless it appears on the agenda.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

During this time, the members of the public may address the City Council / Agency Members regarding any items listed on the agenda. Public comments are limited to 3 minutes per person.

CITY MANAGER'S REPORT

CONSENT CALENDAR (Items Nos. 2 - 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 / Successor Agency 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 WAIVE FULL READING AND APPROVE ORDINANCES BY TITLE ONLY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36934

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. APPROVAL MINUTES OF MAY 22, 2023 CLOSED SESSION AND CITY / SUCCESSOR AGENCY JOINT MEETING

Approve the minutes of the May 22, 2023 Closed Session and City/Successor Agency Joint Meetings.

Recommendation:

It is staff's recommendation that the City Council approve the minutes of the May 22, 2023 Closed Session and City/Successor Agency Joint Meetings.

4. SECOND READING AND APPROVAL OF AN ORDINANCE ADDING CHAPTER 2.61 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) TO THE BELL GARDENS MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

Second reading and adoption of Ordinance No. 932 to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents online or electronically with the local filing officer.

Recommendation:

It is staff's recommendation that the City Council waive full reading and adopt Ordinance No. 935, by title only, to add Chapter 2.61 (Electronic Filing) to Title 2 (Administration and Personnel) of the Bell Gardens Municipal Code relating to electronic filing of campaign statements and statements of economic interests.

5. WARRANT REGISTERS AND WIRE TRANSFERS

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.

Recommendation:

It is staff's recommendation that the City Council receive and file the warrant registers, wire transfers, and net payrolls dated 05/04/23, 05/09/23 and 05/16/23.

6. APPROVAL OF RESOLUTION ESTABLISHING AND MEMORIALIZING COMPENSATION AND BENEFITS FOR THE NON-REPRESENTED FULL-TIME EXECUTIVE MANAGEMENT, MID-MANAGEMENT AND CONFIDENTIAL EMPLOYEES

The City commenced labor negotiations with the Non-Represented Full-Time Executive Management, Mid-Management and Confidential Employees in May 2023.

Recommendation:

It is staff's recommendation that the City Council, by motion, approve the attached Resolution establishing and memorializing compensation and benefits for the Non-Represented Full-Time Executive Management, Mid-Management and Confidential Employees commencing as of June 1, 2023, and continuing through May 31, 2026.

7. APPROVAL OF A COOPERATION AGREEMENT WITH THE LOS ANGELES URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEARS 2024-2026

Authorization and approval of a Cooperation Agreement with the Los Angeles Urban County Community Development Block Grant Program for fiscal years 2024-2026.

Recommendation:

It is staff's recommendation that the City Council:

1) Adopt the attached Resolution;

2) Authorize the City Manager to enter into a Cooperation Agreement, approved by the City Attorney as to form, with the Los Angeles Urban County Community Development Block Grant (CDBG) Program for the next three-year funding cycle, effective July 1, 2024 through June 30, 2027.

8. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONVENING OF A COMMUNITY PEDESTRIAN AND BICYCLIST SAFETY TRAINING WORKSHOP PLANNING COMMITTEE

The Community Pedestrian and Bicycle Training (CPBST) program works to help develop a community-driven implementation action plan to improve walking and biking safety in communities.

Recommendation:

It is recommended that the City Council:

1. Authorize the Bell Gardens Traffic and Safety Commission to convene a local Safety Planning Committee; and
2. Receive and file this report.

9. **APPOINTING A MEMBER AND ALTERNATE(S) TO THE GOVERNING BOARD OF THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY GOVERNING BOARD**

The Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) was formed in 2007 in response to the passage of two voter approved water bonds, Proposition 50 passed in 2002 and Proposition 84 passed in 2006. Priorities of the GWMA include stormwater and NPDES compliance, parks and open space planning, water conservation, and regional water planning projects. Each member of the GWMA has one board member on the governing board with one vote each and up to three alternate members. Since 2010, the Director of Public Works has served as the representative for the City of Bell Gardens and the Public Works Management Analyst as the alternate. Member agencies must also appoint Board Members by name and not by position or title; therefore, staff is recommending that the City Council approve the attached Resolution appointing the Member and Alternate.

Recommendation:

It is staff's recommendation that the City Council adopt the attached Resolution appointing a Member and Alternate to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) Governing Board.

10. **APPROVAL OF PROJECT NEUTRAL AGREEMENT WITH ERNEST BROWN & COMPANY AND ZUSSER COMPANY, INC. FOR THE RESOLUTION OF DISPUTES REGARDING THE JOHN ANSON FORD PARK INFILTRATION CISTERN PROJECT**

The John Anson Ford Park Infiltration Cistern Project ("Project") was originally scheduled to be completed by June 2022. The Project is behind schedule and is currently projected to be completed by Fall 2023. This has led to various dispute claims being submitted on the Project, which require the services of Ernest Brown & Company (Project Neutral) for a resolution.

Recommendation:

It is staff's recommendation that the City Council by motion adopt the attached Resolution approving a Project Neutral Agreement ("Agreement").

DISCUSSION (Item No. 11)

11. **PROPOSED FISCAL YEAR 2023-2024 BUDGET**

Staff is presenting, as a study session, to City Council the proposed annual budget for FY 2023-24 for the City Council's review and feedback.

Recommendation:

Staff Recommends that the City Council receive and file the proposed budget. Staff also recommends the City Council provide direction to staff on the proposed budget.

CITY COUNCIL / SUCCESSOR AGENCY MEMBER COMMENTS

ADJOURNMENT

Daisy Gomez, City Clerk

Agenda posted on June 8, 2023.



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item •

TO:	Honorable Mayor and City Council Members
FROM:	Michael B. O'Kelly, City Manager
BY:	
SUBJECT:	CERTIFICATE OF RECOGNITION FOR BELL GARDENS INTERMEDIATE DANCE INSTRUCTOR JOSE MENDOZA AND DANCE TEAM
DATE:	June 12, 2023

RECOMMENDATION:

It is staff's recommendation that the City Council

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 1.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Gustavo Romo, Community Development Director
SUBJECT: **CONSIDERATION OF ORDINANCE NO. 934 REGULATING COMMERCIAL RETAIL CANNABIS ACTIVITY CITYWIDE**
DATE: June 12, 2023

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed ordinance (Exhibit 1) is exempt from the provisions of the California Environmental Quality Act (“CEQA”); and
2. Adopt the attached Resolution (Exhibit 2) recommending to the City Council approval of the procedures and requirements for a proposed Development Agreement in connection with a Conditional Use Permit for a cannabis retail use in the City of Bell Gardens; and
3. Waive full reading and introduce Ordinance No. 934, by title only.

BACKGROUND/DISCUSSION:

On May 8, 2023, the City Council provided direction for staff to draft an ordinance that would regulate commercial retail cannabis activity citywide. On May 30, 2023 the Planning Commission held a duly noticed public hearing, whereby staff presented a report and proposed ordinance to the Planning Commission for the purpose of seeking a recommendation for the City Council to approve or deny Zoning Code Amendment No. 2023-040 / Commercial Cannabis Activity – Ordinance No. 934 (“Ordinance No. 934” or “Ordinance”). The Planning Commission recommended denial by a 4-1-0 vote, citing the need for greater community involvement in the zoning map and site selection requirements for potential commercial cannabis activity. As the Planning Commission is not a legislative body and pursuant to Government Code Section 65857, the City Council may adopt, deny, or modify the Planning Commission’s recommendation.

Council’s consideration of Ordinance No. 934 shall be the third opportunity for the public to comment and provide input on the proposed Ordinance. If adopted, Ordinance No. 934 would continue to provide opportunities for the community to provide public input and for the City to retain the discretion to deny such projects if the requisite findings cannot be made.

State Law and Regulation:

Commercial cannabis activity is regulated at the state level by the Department of Cannabis Control (“DCC”). The state issues licenses based on the type of commercial cannabis activity proposed. According to the DCC website, state law permits a “vibrant legal cannabis market” through compliance with different license types for safe and reliable access to consumers.

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), enacted in 2017, created a single

regulatory system for all commercial cannabis activity in California.

State law preserves a municipality's ability to regulate state licensed commercial cannabis activity, including what types of businesses may be permitted or prohibited, local zoning and land use requirements, business license requirements, and the reduction of exposure to secondhand smoke. Cal. Bus. & Prof. Code § 26200(a)(1). However, on September 18, 2022, the Governor approved the Medicinal Cannabis Patients' Right of Access Act (Senate Bill No. 1186), which will go into effect on January 1, 2024, prohibiting municipalities from enacting regulations that unreasonably restrict access to medicinal cannabis by delivery service to patients or their primary caregivers. Cal. Bus. & Prof. Code § 26322(a).

Legality of Cannabis Activities in the City of Bell Gardens:

Currently, the City of Bell Gardens prohibits all commercial cannabis activities through Ordinance Nos. 823U, 824U, 835U, 840, 873, and 890. However, persons aged 21 or over may cultivate up to six living cannabis plants at a private residence per California Health and Safety Code Sections 11362.1(a)(3), 11362.2(a)(3).

DISCUSSION/ANALYSIS:

Draft Ordinance No. 934:

The Ordinance would permit commercial retail sales of cannabis and cannabis products in the City's commercial and industrial zoning districts only. Pursuant to the discretion provided to municipalities, the proposed ordinance would regulate the use from a zoning and land use perspective, as well as its business regulations and operating standards as described in further detail below.

Opportunities for Public Comment and Community Input

Conditional Use Permits. All cannabis retail activities would be permitted by a conditional use permit. Conditional use permits would be subject to a consideration and approval by the Planning Commission, which would provide interested parties the opportunity to provide input. In addition, no conditional use permit would be approved unless the Planning Commission can make the requisite findings provided in BGMC Section 9.50.040. These findings include:

1. The use shall not be in substantial conflict with the general plan for the area and shall comply with the standards of this title unless appropriate findings for a variance can be made.
2. The use shall not jeopardize, adversely affect, endanger, or otherwise constitute a nuisance to the public health, safety, or general welfare.
3. The site for a proposed conditional use is adequate in size, shape, and topography to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as required by the commission as a condition in order to integrate said use with the uses in the neighborhood.
4. The site is served by the required utilities, including electricity, and water supply of qualities and pressures required by the fire codes to provide adequate fire protection.

These findings would ensure that the approval of the conditional use permit in conjunction with the appropriate conditions of approval, would fit within the context of the surrounding neighborhood. However, the City would retain the right to deny a conditional use permit if the Planning Commission could not make the foregoing findings. Interested parties would be able to appeal Planning Commission actions to the City Council.

Development Agreements. Any proposed development agreement would also provide several opportunities for public input. Because a development agreement would be approved by ordinance, a proposed development

agreement would be subject to consideration by the Planning Commission who would make a recommendation to the City Council on whether or not to approve the proposed ordinance. Public and community input would be received at both the Planning Commission and City Council levels.

Proposed Siting Requirements

The draft ordinance permits cannabis retail as a conditional use in commercial and zoning district only. However, additional siting requirements would prohibit a retail use within the Civic Center Overlay District (“CCOD”) irrespective of the underlying zoning. The CCOD is comprised of properties fronting Garfield Avenue between Florence Place and Gage Avenue. It also includes some of the properties located at the southeast corner of Garfield Avenue and Gage Avenue, and the properties on Florence Place between Toler Avenue and Granger Place. This area includes City Hall, the U.S. Postal Office, St. Gertrude the Great Catholic Church, and St. Gertrude School.

Ordinance No. 934 proposes restricting commercial cannabis retail activities with locational requirements consistent with state law to provide discretion as to what sites may be potentially eligible for commercial cannabis activity and opportunity for responsible business owners to operate and participate in public benefits. During the May 30th Special Planning Commission meeting, the option to adopt or modify the state’s minimum distances was considered. It was noted that the draft ordinance proposed to add other sensitive receptors and impose other development standards to allow more choice in the selection of conscientious business operators.

State law provides a default 600-foot distancing requirement from schools, youth centers, and daycares. Municipalities may increase or decrease these distancing requirements. The Ordinance proposes a 600 foot use from these sensitive uses, as well as from parks.

Figure 1: Schools and Parks Locations, illustrates the locations of schools and parks from which proposed commercial cannabis activity uses would be required to maintain a 600-foot distance per the proposed draft ordinance. **Please note that Figure 1 is provided for illustrative purposes only and is not to be relied upon for accuracy for future applicants. If Ordinance No. 934 is adopted, applicants will need to submit radius maps prepared by a professional surveyor to demonstrate compliance with the Ordinance’s siting requirements.** (See Exhibit 4)

Figure 2: Approximate Potential Commercial Cannabis Activity Locations based on Distancing and Siting Criteria Proposed in Ordinance No. 934, demonstrates where commercial cannabis activity could potentially be found to operate based on the locational and siting criteria presented in the proposed ordinance. However, the potential abundance of such uses would decrease since the ordinance also includes criteria that prohibits the proliferation of such use in near proximity to each other. The ordinance stipulates that commercial cannabis activity retail use shall not be located within 250 feet of another commercial cannabis activity retail use. **Please note that Figure 2 is provided for discussion and illustrative purposes only and is not to be relied upon for accuracy for future applicants. If Ordinance No. 934 is adopted, applicants will need to submit radius maps prepared by a professional surveyor to demonstrate compliance with the Ordinance’s siting requirements.** (See Exhibit 5)

Proposed Development and Design Standards

To aid with mitigating impacts, the draft ordinance, commercial cannabis activity retail use would be subject to certain development and design standards, including:

- Windows facing the street frontage must be clear glass with no tint, the use of mirrored, reflective, or tinted glass may only be used as decorative accents only;
- Decorative railings and grilles are subject to a seventy-five percent (75%) perpendicular view;
- Proposed signage would need to comply with the City’s Signage Ordinance located in Chapter 8.40 of the Bell Gardens Municipal Code; and

- Such uses must comply with parking requirements for general business as provided in Section 9.38.050 of the Bell Gardens Municipal Code.

Business Permit Requirement and Operating Standards

Strict adherence to state law and a business license would be required prior to operation of commercial cannabis activity retail. Businesses that fail to comply with the operating standards would be subject to suspension or revocation of the business license, conditional use permit, and state law enforcement. Serious violations or recurring issues would be addressed using DCC-issued citations and fines, transportation embargo preventions and other disciplinary actions.

The proposed ordinance would require all applicants to obtain a business regulatory permit. Such permits are also required for businesses including but not limited to adult entertainment businesses, billiard and pool halls, cocktail loungers, dance halls, head shops, pawnbrokers and pawn shops and street vendors. BGMC §5.12.015.

Ordinance No 934 would require cannabis retail sales to comply with the following operating standards or otherwise be subject to disciplinary action, including revocation of the business permit:

- Acquisition of a business regulatory permit for cannabis retail sales;
 - Provision of adequate security and lighting;
 - Provision of licensed security guards;
 - Strict compliance with all state laws and related regulations for commercial cannabis operations;
 - Installation of odor absorbing ventilation equipment;
 - Prohibition of on-site consumption of cannabis and cannabis products;
 - Prohibition of all other commercial cannabis activities, including cultivation, manufacturing, and laboratory testing;
 - Adequate signage, as specified;
 - Compliance with all conditions of approval associated with the conditional use permit;
 - Access to City enforcement offices for the purpose of determining compliance with operating standards;
- and
- Commencement of operations within one year of issuance of a business regulatory permit.

Development Agreements

Cannabis operators who wish to preserve their land use rights and assurances of certainty as it related to land use regulations would be able to request the negotiation and execution of a development agreement. In exchange for such assurances, the City may negotiate public benefits.

The attached Resolution provides the proposed procedures and minimum requirements for any development agreement. Proposed development agreements would be approved by ordinance; therefore, they would be subject to a public hearing before the Planning Commission and the full City Council and would be subject to specific findings. As proposed, no less than 80 percent of the monetary value of the public benefits would be dedicated to youth and educational programming, while the remaining public benefits would be dedicated to enforcement of the Ordinance's provisions. In addition to public benefits, any development agreement would be subject to the following terms:

- Maximum 10-year term;
- Full cost recovery for staff time and resources dedicated to the negotiation, preparation, and ultimate approval of the agreement;
- Submittal of an annual report demonstrating to the City that the applicant has complied with the development agreement's terms in good faith;
- The provision of terms for default, cure, modification and/or termination under the development agreement;
- Indemnification clause;

- City Council approval for the proposed transfer of rights under the development agreement to another party;
- Procedures for future amendments to a Development Agreement; and
- Attorneys' fees and costs in the event of a dispute

General Plan Consistency

If approved, Ordinance No. 934 would amend Titles 5 and 9 of the Bell Gardens Municipal Code to add licensing and permitting requirements in ways that promote the Bell Gardens blueprint for development.

Pursuant to General Plan Land Use Element ("Land Use Element") Policy No. 1, the Ordinance would encourage pride in the community, increase property values, and enhance the quality of life through development standards and conditions of approval commensurate with the unique proposals received. Through the use of negotiated development agreements and the public hearing process, the community would have the opportunity to achieve public benefits including direct monetary contributions, investment in the area, and stronger economic vitality. Required community input at various levels of individual project processing could result in unique circumstances like providing job opportunities, unique architectural features, and distinctive streetscapes fronting commercial cannabis activity projects to provide buffers from sensitive uses. The implementation of the ordinance would help to create community stability through the regulation and enforcement of provisions reflective of the diverse and unique community needs. Public benefits would be aimed at youth and educational programming as well as directing resources toward enforcement of the Ordinance.

General Plan Land Use Element Policies No. 3 and 5 for commercial area revitalization and community stability would be promoted since legal, attractive sites invite visitors and residents to spend locally and discourage patronizing illegal establishments. Environmentally compatible commercial development and unique identity would be encouraged through the implementation of design and development standards that apply to all commercial uses, as well as those development and design standards that would apply specifically to a cannabis retail use. Appropriate regulation would ensure a minimum of locational, development and design, and operating standards to safeguard residents and visitors to the area and would advance fairness and equity in business practices.

Regulated commercial cannabis activity proposed in industrial areas would be consistent with General Plan Land Use Element Policy No. 4 since private market forces would have the potential to invest in the industrial economic base while ensuring compliance with necessary environmental requirements.

ENVIRONMENTAL REVIEW

Cannabis retail operations often take place in existing commercial or industrial buildings, operate similarly to other retail businesses, and would be subject to more restrictive locational, development and design, and operating standards. All subsequent proposed commercial cannabis retail uses would be subject to obtaining discretionary land use approval and would be subject to comply with the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 et seq.). Because a cannabis retail use has similar impacts as other typical commercial uses and would be subject to the same or more restrictive development and operating standards, many subsequent projects for commercial cannabis retail sales may be eligible for a CEQA categorical exemption since existing structures are typically rehabilitated for use and operate similarly to other commercial retail uses.

Therefore, because it can be seen with certainty that there is no possibility that the adoption of this proposed ordinance regulating commercial cannabis activity would have a significant effect on the environment the recommended action would be exempt from CEQA under the common sense exemption set forth at California Code of Regulations, Title 14, § 15061(b)(3) ("CEQA Guidelines").

CONCLUSION:

Staff recommends the City Council waive full reading and introduce Ordinance No. 934 regulating conditionally

permitted commercial cannabis activity. A well-regulated industry consistent with state law could provide public benefit. Duly noticed public hearings occurred on the matter on the proposed standards of operation, including locational criteria, and other development and design standards on May 8, 2023 and May 30, 2023. The City Council retains the right to deny, approve or modify the Planning Commission’s recommendation. After the public hearing introduction of the matter on June 12, 2023 if the Council votes to approve the Ordinance, a second reading of the proposed draft ordinance would occur on or about June 26, 2023.

If the draft ordinance is approved, potential commercial cannabis activity would be subject to future public hearings post ordinance adoption through a discretionary review process.

FISCAL IMPACT:
Potential Revenue

State Taxation

Pursuant to the AUMA, businesses engaged in commercial cannabis activity are imposed a state excise tax of 15% on cannabis retail sales (<https://www.cdtfa.ca.gov/formspubs/L866.pdf>) and cannabis cultivation taxes of \$10.08 per ounce of dry-weight flowers, \$3.00 per ounce of dry-weight leaves, and \$1.41 per ounce of fresh cannabis plant (<https://www.cdtfa.ca.gov/formspubs/L720.pdf>). Medicinal cannabis products for eligible medical conditions are exempt from taxation.

Within Los Angeles County, during the 4th quarter of 2022, \$351,353,273 in taxable sales were generated (<https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=CannabisSalesByCounty>). State tax accounts for 15% excise tax, for approximately \$52,702,990.

Local Revenue

The Ordinance would permit applicants to seek a development agreement to preserve their development rights. The attached Resolution proposes the development agreement process to approve and adopt an agreement that includes public benefits in exchange for vested development rights for a specified grant term. Unlike conditions of approval, which oftentimes contain exactions that are subject to the limitations in the Mitigation Fee Act, cities may request benefits such as a host fee or other monetary contributions that would be of benefit to the City and may be used in the general fund or for a special purpose in lieu of a tax. A development agreement may also capture the recovery of costs, in the form of staff time and legal fees spent, to execute the agreement. Development exactions are received to lessen, offset, mitigate, or compensate for affected public interests.

Table 1: Sample of Commercial Cannabis Tax Rates in Surrounding Municipalities, provides a sample of local tax rates in surrounding municipalities. Similar to other retail businesses, gross sales are dependent upon location, notoriety, presentation, knowledge, cost, sales tax rates and other typical issues that impact general retail sales. Other cannabis activities that require licenses such as cultivation, manufacturing, delivery, and testing will generate much lower annual sales tax; generally, these activities in Los Angeles County are much smaller facilities as compared to many production platforms that are located in less populated areas where the larger growers and manufacturers are in operation. It is anticipated that these other cannabis activities, will generate approximately \$40,000 to \$80,000 per year in gross sales tax per activity and license.

Table 1. Sample of Commercial Cannabis Tax Rates in Surrounding Municipalities

City/County	Adult-Use Retail Tax Rate (of gross receipts)
Long Beach	8%

Bellflower	5%
Maywood	10%
Cudahy	15%
Lynwood	5% + 1%

Cities within Los Angeles County that permit commercial cannabis retail sales have fiscally benefitted, due to sales tax generation, fees, and other public benefits.

Grant Funding

To streamline the process for consumers to access legal, safe, and tested cannabis product, California allocated \$20 million in grant funding (Local Jurisdiction Retail Access Grant) to help local governments establish commercial cannabis activity regulations. DCC’s first \$10 million round of funding (Phase 1) is open, and local jurisdictions that plan to development and implement a cannabis retail licensing program are eligible to apply. The funding aims to reduce local barriers to access an already growing market, support the expansion of potential revenue, reduce the need for consumers to patronize the illegal operators, and reduce the size of the illicit market. Phase 1 awards will be announced by June 20, 2023.

In anticipation of direction to prepare an ordinance responsive to impending state legislation, Bell Gardens staff applied for grant funding that, if awarded, would provide resources to develop and implement cannabis retailer licensing programs. Awarded funding would be made available to cover the cost of staff time used in the preparation, introduction, and subsequent readings of the proposed draft ordinance. If awarded funds, the City Council will be presented with a Council Resolution to accept such funding. If no regulation is sought, any awarded funding would be declined.

ATTACHMENTS:

- Exhibit 1 - Ordinance No. 934 for CC Consideration
- Exhibit 2 - Resolution No. 2023-43
- Exhibit 3 - CC Public Hearing Notice
- Exhibit 4 - Schools and Parks Locations
- Exhibit 5 - Approximate Potential Commercial Cannabis Activity Locations

APPROVED ELECTRONICALLY BY:

- Michael B. O'Kelly, City Manager
- Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney
- Manuel Carrillo, Director of Finance and Administrative Services

ORDINANCE NO. 934

AN ORDINANCE OF THE CITY OF BELL GARDENS AMENDING TITLE 5 (BUSINESS LICENSES, REGULATIONS AND TAXES) OF THE BELL GARDENS MUNICIPAL CODE TO ADD LICENSING AND PERMIT REQUIREMENTS FOR CANNABIS RETAIL BUSINESS, AND AMENDING TITLE 9 (ZONING AND PLANNING REGULATIONS) TO CONDITIONALLY PERMIT A CANNABIS RETAIL USE IN COMMERCIAL ZONES

WHEREAS, the City of Bell Gardens (“City”) is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, the City’s General Plan (“General Plan”) articulates the community’s vision and is underscored by an effective Zoning Code in compliance with state law that protects the public health, safety and welfare, enacts regulatory and enforcement controls to defend safe neighborhood character and minimize potential for negative impacts on people, the community, and the environment;

WHEREAS, Chapter 9.21 (Prohibited Uses) of Title 9 (Zoning and Planning Regulations) of the Bell Gardens Municipal Code (“BGMC”) expressly prohibits all commercial cannabis activities within City limits;

WHEREAS, the City finds it necessary to amend the BGMC to remove certain prohibitions and add language to enact provisions that authorize appropriate use standards for commercial cannabis activities, specifically, cannabis retail activities through proposed Ordinance No. 934 (“Ordinance”);

WHEREAS, the proposed Ordinance establishes land use and zoning regulations for Cannabis Retail, as specified, that are legal within the state, subject to strict compliance with state and local laws and regulations;

WHEREAS, the proposed Ordinance would streamline review and processing of entitlement requests and promote accessibility and a convenient, safe, and sustainable way to connect customers to a desired commodified product and ensure community compatibility;

WHEREAS, the purpose of the Ordinance is to ensure the incorporation of regulations and development standards of such businesses in certain zones within the City through the use of the public hearing process for both conditional use permits and negotiated development agreements;

WHEREAS, the proposed Ordinance would be consistent with the General Plan;

WHEREAS, Policy No. 1 of the General Plan's Land Use Element emphasizes the City's commitment to open communication and seeking public input;

WHEREAS, the deliberation of the Ordinance has been subject to a public hearing process that has been duly noticed for the purpose of seeking public input and participation and community members will continue to provide public input for individual projects resulting from ordinance implementation and is therefore consistent with Policy No. 1;

WHEREAS, Policy No. 3 of the General Plan's Land Use Element promotes compatible commercial development to emphasize commercial identity and to enhance the appearance, potential economic vitality, and revitalization of commercial areas in the City;

WHEREAS, a cannabis retail use will be limited to commercial and industrial zones only and subject to certain development standards and other siting requirements to enhance the economic viability of the surrounding commercial areas and is therefore consistent with Policy No. 3;

WHEREAS, Policy No. 4 of the General Plan's Land Use Element asserts that the City shall encourage private investment in the City's industrial economic base while ensuring compliance with necessary environmental requirements;

WHEREAS, Ordinance No. 934 encourages investment by permitting a cannabis retail use that would be subject to a discretionary approval process and would be required to comply with all applicable state and local environmental requirements and is therefore consistent with Policy No. 4;

WHEREAS, Policy No. 5 of the General Plan's Land Use Element emphasizes the provision of an environment to stimulate local employment, property values, community stability, and the economic vitality of existing local businesses;

WHEREAS, the introduction of a new use will promote an economic diversity of the City's commercial and industrial zones and provide local employment opportunities while still regulating the use in order to ensure community stability and economic vitality of existing businesses and is therefore consistent with Policy No. 5;

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission conducted a duly noticed public hearing on this matter on May 30, 2023, wherein the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding the proposed Ordinance No. 934;

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend denial of the proposed ordinance by a 4-1-0 vote due to the desire to conduct

more public hearings and for further input on the properties that may potentially be zoned to conditionally permit a Cannabis Retail use;

WHEREAS, the City Council may approve, modify, or disapprove the Planning Commission's recommendation pursuant to Government Code Section 65857;

WHEREAS, on June 12, 2023, the City Council held a duly noticed public hearing regarding the proposed Ordinance, considered all public comments received before and during the public hearing, the presentation by City Staff, the relevant staff report inclusive of the Planning Commission's recommendation, and all other pertinent documents regarding the proposed ordinance;

WHEREAS, the proposed Ordinance would preserve the ability for the input and participation for any proposed Cannabis Retail use through the conditional use permit process and, if applicable, through the development agreement process; and

WHEREAS, cannabis retail operations often take place in existing commercial or industrial buildings, and operate similarly to other retail operations, and would be subject to the same development standards as other commercial operations, including but not limited to height, setbacks, and parking; but subject to more restrictive siting requirements and thus, it can be seen with certainty that the regulation of cannabis retail sales will not cause a direct or indirect impact on the environment pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 *et seq.*).

NOW THEREFORE, the people of the City of Bell Gardens do ordain as follows (unless otherwise noted, changes are shown in **bold** or ~~striketrough~~ text):

SECTION 1. The recitals set forth above are true and correct and are hereby incorporated by reference in full herein.

SECTION 2. Chapter 9.21 (Prohibited Uses) of Title 9 (Zoning and Planning) of the Bell Gardens Municipal Code is repealed in its entirety.

SECTION 3. The alphabetical list of definitions provided in Chapter 9.04 (Definitions) of Title 9 (Zoning and Planning Regulations) of the BGMC, is amended to add the following definitions:

Section 9.04.030 "C" definitions.

"Cannabis" shall mean all parts of the plant Cannabis Sativa Linnaeus, Cannabis Indica, or Cannabis Ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture,

salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis Cultivation” shall have the same meaning as Section 26001(m) of the Business and Professions Code, and includes any commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. Cannabis Cultivation, as defined herein, does not include the personal cultivation at a private residence of up to six (6) plants as authorized by state law for personal use.

“Cannabis Manufacturing” shall have the same meaning as Section 26001(aj) of the Business and Professions Code, and includes activities that compound, blend, extract, infuse, package, label or otherwise make or prepare a cannabis product.

“Cannabis Products” shall have the same meaning as in Section 11018.1 of the Health and Safety Code, and includes such products that are intended for use on, or consumption by, an animal. Cannabis products are not considered food, as defined by Section 109935 of the Health and Safety Code, a drug, as defined by Section 109925 of the Health and Safety Code, or a cosmetic, as defined by Section 109900 of the Health and Safety Code.

“Cannabis Retail” shall have the same meaning as Section 26001(av) of the Business and Professions Code, and includes a person who is engaged in the retail sale and delivery of cannabis or cannabis products to customers. Delivery of Cannabis and Cannabis Products shall also include the use of a technology platform by a Cannabis Retailer to conduct the commercial transfer of Cannabis and Cannabis Products.

“Cannabis State Licensee” shall have the same meaning as Section 26001(ac) of the Business and Professions Code, and includes a person holding a license pursuant to the Medical and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) whether the holder of an A-license or M-license, as defined in Section 26001 of the Business and Professions Code.

“Cannabis Testing Laboratory” shall have the same meaning as Section 26001(ax) of the Business and Professions Code, and includes a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is: (a) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and (b) licensed by the California Department of Cannabis Control, or statewide body charged with regulating commercial cannabis activities.

Section 9.04.250 “Y” definitions.

“Youth center” shall have the same meaning as Section 11353.1(e)(2) of the Health and Safety Code, and includes any public or private facility that is primarily used to host recreation or social activities for minors, including but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

SECTION 4. The alphabetical list of land uses in Table 9.12A of Section 9.12.030 (Permitted land uses) of Chapter 9.12 (Commercial Zones) of Title 9 (Zoning and Planning Regulations) of the BGMC is amended to add the following new land use categories to the alphabetical list to read as follows:

Table 9.12A: Commercial Land Use Matrix

Uses	M-U Zone	C-S Zone	C-3 Zone	C-4 Zone	C-M Zone	Special Requirements
Cannabis Cultivation¹						
Cannabis Manufacturing						
Cannabis Retail²	C	C	C	C	C	<p>Refer to BGMC, Chapter 9.20 for additional development standards for Cannabis Retail.</p> <p>Refer to BGMC, Chapter 5.12 for business regulatory permit and operating standards for Cannabis Retail.</p>
Cannabis Testing Laboratory						

SECTION 5. The alphabetical list of land uses in Table 9.14A of Section 9.14.030 (Permitted land uses) of Chapter 9.14 (Industrial Zones) of Title 9 (Zoning and Planning

¹ This use excludes the cultivation of up to six (6) cannabis plants, as permitted by state law, for personal use.

² A Cannabis Retail use is prohibited within the Civic Center Overlay District (“CCOD”) as indicated on the City’s Zoning Map, irrespective of the underlying zoning.

Regulations) of the BGMC is amended to add the following new land use categories of the alphabetical list to read as follows:

Table 9.14A: Industrial Land Use Matrix

<u>Uses</u>	M-1	Special Requirements
Cannabis Cultivation¹		
Cannabis Manufacturing		
Cannabis Retail²	C	Refer to BGMC, Chapter 9.20 for additional development standards for Cannabis Retail. Refer to BGMC, Chapter 5.12 for business regulatory permit and operating standards for Cannabis Retail.
Cannabis Testing Laboratory		

SECTION 6. Section 9.20.160 of Chapter 9.20 (Special Uses and Applicable Standards) of Title 9 (Zoning and Planning Regulations) of the BGMC, is added to read:

Chapter 9.20 Special Uses and Applicable Standards

9.20.160 Cannabis Retail – Conditional use.

In addition to compliance with all other state and local statutes, ordinances and regulations, the following regulations shall apply to Cannabis Retailers where they are permitted by conditional use permit:

A. Location. The following locational requirements shall apply to all Cannabis Retailers:

- 1. Use Prohibited in the Civic Center Overlay District.** A Cannabis Retail use shall not be permitted within the Civic Center Overlay District (“CCOD”), as indicated on the City’s Zoning Map, irrespective of the underlying zoning.
- 2. Proximity to Sensitive Uses.** A Cannabis Retail use shall not be located within a 600-foot radius of a day care center, youth center, school, or parks

¹ This use excludes the cultivation of up to six cannabis plants, as permitted by state law, for personal use.

² A Cannabis Retail use is prohibited within the Civic Center Overlay District (“CCOD”) as indicated on the City’s Zoning Map, irrespective of the underlying zoning.

as defined in Chapter 9.04 of the BGMC, that is existing at the time an application for a conditional use permit is submitted.

3. Proximity to Cannabis Retailers. A Cannabis Retailer shall not be located within a 250-foot radius of another Cannabis Retailer that is existing at the time an application for a conditional use permit is submitted.

B. Additional Development and Design Standards for Cannabis Retailers. The following development and design standards shall apply to all Cannabis Retailers unless more restrictive conditions are imposed as a condition of approval:

1. Parking. A Cannabis Retail use shall be subject to the “Business general” parking requirements, as set forth in Section 9.38.050(C)(2) of the BGMC.

2. Signage. All signage shall comply with the requirements set forth in Chapter 9.40 of the BGMC.

3. Windows. Windows facing the street frontage shall be clear untinted glass. Mirrored, reflective, or tinted glass shall only be permitted as an architectural or decorative accent and shall not comprise more than twenty percent (20%) of the window.

4. Decorative Railings and Grilles. Decorative railings and grilles that are placed in front of or behind windows shall be at least seventy-five percent (75%) open to perpendicular view and no more than six (6) feet in height. Security gates and grilles shall be prohibited on the exterior of any structure.

C. Additional Application Requirements. Applications for a conditional use permit to permit a Cannabis Retail use shall also provide the following documentation, in addition to the requirements set forth in Section 9.50.030 of the BGMC:

1. A copy of the state Cannabis Retail license (Type 9 or Type 10, as defined in the California Code of Regulations) issued by the Department of Cannabis Control (“DCC”).

2. A signed affidavit stating that upon a conditional approval of the Cannabis Retail use, that applicant will apply for and obtain a business regulatory permit for Cannabis Retailer, pursuant to Chapter 5.12 of the BGMC, prior to commencing operations of the Cannabis Retail use.

3. A radius map indicating the location of all Cannabis Retailers, day care centers, youth centers, and schools existing within a one thousand five hundred (1,500) foot radius of the subject site at the time of application submittal. Radius maps must be generated within thirty (30) days of submittal to the City.

D. Duration. The life of a conditional use permit shall not exceed eighteen (18) months from the date of issuance of the first building permit. For the purposes of this section, a “building permit” shall mean a permit issued by the Building and Safety Division for the development of a property or structure, inclusive of demolition; grading; building; electrical, plumbing, or mechanical upgrades; or change of occupancy. An applicant who wishes to obtain an approval for a Cannabis Retail use in exceedance of eighteen (18) months may request a development agreement.

E. Upon consideration of the conditional use permit, the planning commission may also impose additional conditions of approval.

SECTION 7. The alphabetical list of definitions provided in Section 5.12.015 (Permit – Designation of business requiring) of Chapter 5.12 (Permits – Issuance and Revocation) of Title 5 (Business Licenses, Regulations and Taxes) of the BGMC, is amended to add the following definitions:

G. Cannabis Retail. As defined in Section 9.04.030 of the Bell Gardens Zoning Code;

H. Cannabis Products. As defined in Section 9.04.030 of the Bell Gardens Zoning Code;

K. Head shop. A business is deemed to be a head shop if it sells or displays for the purpose of sale any device, contrivance, instrument or paraphernalia for smoking or injecting, or consuming ~~marijuana~~ **cannabis**, hashish, PCP or any controlled substance, as defined in the Business and Professions Code or the Health and Safety Code of the state of California, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing;

SECTION 8. Section 5.14.010 (Application) of Chapter 5.14 (Business Regulations Generally) of the BGMC is amended to read:

The following regulations in Chapters 5.22 through 5.60 **and 5.64 of the BGMC**, in addition to any other regulations imposed by this code or by state law, shall apply to all business licenses and trades licensed under the provisions of the business license law.

SECTION 9. Chapter 5.64 (Retail Cannabis Business Permit) is added to Title 5 (Business Licenses, Regulations and Taxes) of the BGMC to read:

5.64.010 Purpose and intent.

It is the purpose and intent of this Chapter to regulate the operations of Cannabis Retail businesses, which may pose public safety risk and quality of life concerns if not properly regulated. It is the City’s goal to address concerns related to the business aspect of commercial cannabis activities through the

City's police powers. Therefore, the City imposes the following objective standards for applications, approvals, denials, and permit revocations, as well as terms for security, odor, inspection, and grounds for revocation of a Cannabis Retail business regulatory permit.

5.64.020 Retail Cannabis Permit Required.

A. All Cannabis Retail businesses are subject to the business regulatory permit requirements of this Chapter and Chapter 5.12 of the BGMC, as well as all other applicable ordinances of the City and laws of the state of California.

B. It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any Cannabis Retail within the City unless the person first obtains, and continues to maintain in full force and effect, a Cannabis Retail business regulatory permit, as required herein.

5.64.030 Permit Application Contents.

In addition to the application requirements in Section 5.12.020, an application for a Cannabis Retailer permit shall submit:

A. A planning commission Resolution and associated conditions of approval, and development agreement (if applicable), for a Cannabis Retailer use at the location proposed for the Cannabis Retailer business regulatory permit.

B. A site plan and floor plan for the associated approved conditional use permit.

C. A valid license (Type 9 or Type 10, as defined in the California Code of Regulations, Title 4, Division 19) issued by the Department of Cannabis Control ("DCC"), accompanied by a statement signed under penalty of perjury, affirming that the license is valid and is in good standing with the DCC, and is not subject to pending or active enforcement action, including but not limited to including unpaid fines, outstanding citations, license suspension, or license revocation.

D. A security plan indicating the Cannabis Retailer shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times in conformance with the security plan.

E. A permit application shall not be processed until all of the foregoing documentation and application requirements set forth in BGMC Section 5.12.020 and this Section 5.64.030 have been satisfied.

5.64.040 Operating Standards.

All Cannabis Retail businesses in the City shall operate in conformance with the following operating requirements ("Operating Standards"):

A. No Cannabis Retailer may commence operations without obtaining a business regulatory permit required by this Chapter; a conditional use permit

for a Cannabis Retailer use pursuant to Chapter 9.50 of the BGMC; the issuance of a certificate of occupancy, finalized Building Job Card, or equivalent document signed by the Building Official; the appropriate state licenses issued by the DCC; and any other applicable governmental agency approvals. In the event that a Cannabis Retailer does not request a building permit, the Cannabis Retailer shall not commence operations until the Planning Department has inspected the site to confirm that all applicable conditions of approval and/or applicable terms within an executed development agreement have been satisfied.

B. Cannabis Retail businesses shall provide adequate security and lighting on site to ensure the safety of persons and protect the premises from theft at all times in conformance with the security plan submitted with the business license application.

C. All security guards employed by a Cannabis Retail business shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times.

D. Cannabis Retailer shall strictly comply with the state requirements, including but not limited to the Medical and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”) and related regulations as enacted by the DCC and amended from time to time.

E. An odor absorbing ventilation and exhaust system shall be installed so that odor generated inside the business is not detected inside the business.

F. Cannabis Retailers shall not engage in Cannabis Cultivation, Cannabis Manufacturing, Cannabis Laboratory Testing, as defined in Chapter 9.04 of the BGMC. All such business uses are strictly prohibited within City limits and are subject to enforcement action pursuant to Section 5.64.060 of the BGMC.

G. On-site consumption of Cannabis and Cannabis Products shall be prohibited.

H. Cannabis Retail businesses shall post a notice in a conspicuous location, readily visible to persons entering the premises notifying patrons that entry onto the premises by persons under the age of twenty-one (21) is prohibited.

I. Cannabis Retail businesses shall comply with all conditions of approval stated in the conditional use permit permitting the Cannabis Retail use issued pursuant to Chapter 9.50 of the BGMC.

J. City Code Compliance Officers, the Bell Gardens Police Department, Los Angeles County Fire Department staff, or other agents and employees of the City shall be granted access to the site for the purpose of determining compliance with the Operating Standards contained herein.

K. A Cannabis Retail business shall commence operations within one year of issuance of a business regulatory permit.

5.64.050 Suspension or Revocation – Grounds.

A. In addition to the grounds in Chapter 5.12 of the BGMC, a permit may be suspended or revoked if any of the following conditions exist:

- 1. Failure to comply with the Operating Standards contained in Section 5.64.040 of the BGMC.**
- 2. Failure to pay all applicable taxes and fees to the City for a consecutive three-month period.**
- 3. The assignment or attempt to assign or transfer any business regulatory permit issued pursuant to this Chapter.**
- 4. Failure to obtain and/or maintain all of the required state permits for a Cannabis Retail business, including but not limited to licenses from the Department of Cannabis Control and a seller’s permit from the State Department of Tax and Fee Administration.**
- 5. Failure to maintain and post all state- and locally-issued licenses and permits in a conspicuous place.**

B. The hearing and appeal procedures for a suspension or revocation of a permit shall be in accordance with the procedures pursuant to Chapter 5.12 of the BGMC.

5.64.060 Unauthorized Cannabis Operations – Enforcement.

A. Any person or entity engaged in a Cannabis Retailer operation, as defined in Chapter 9.04 of the BGMC, without a regulatory business permit, shall be considered a nuisance per se and shall be subject to enforcement action, including but not limited to prosecution of a misdemeanor.

B. Any person or entity, including a licensed Cannabis Retailer, engaged in Cannabis Cultivation, Cannabis Manufacturing, or Cannabis Laboratory Testing, as defined in Chapter 9.04 of the BGMC, shall be considered a nuisance per se and shall be subject to enforcement action, including but not limited to prosecution of a misdemeanor.

5.64.070 Violations.

A. Each and every violation of the provisions of this Title 5 of the BGMC is hereby deemed unlawful and a public nuisance and may be prosecuted as a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense.

B. The remedies provided herein are not to be construed as exclusive remedies. The remedies set forth in Title 5 of the BGMC shall be in addition to any other remedies for violations of the Municipal Code, including but not limited to Title 6 and Title 9 of the BGMC.

5.64.080 City Fees.

The City Council may adopt fees related to the review, issuance, and enforcement of Cannabis Retail business regulatory permits.

SECTION 10. In accordance with CEQA and CEQA Guidelines Section 15061(b)(3), it can be seen with certainty that the adoption of Ordinance No. 934 would not result in a significant environmental impact and is therefore exempt from CEQA.

SECTION 11. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional.

SECTION 12. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause this Ordinance to be published and/or posted as required by law, which shall take full force and effect thirty days from its adoption.

[Signatures on the following page]

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk

RESOLUTION NO. 2023-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, ADOPTING THE PROCEDURES AND REQUIREMENTS FOR A PROPOSED DEVELOPMENT AGREEMENT IN CONNECTION WITH A CONDITIONAL USE PERMIT FOR A CANNABIS RETAIL USE IN THE CITY OF BELL GARDENS

WHEREAS, the City of Bell Gardens (“City”) is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, on June 12, 2023, the City Council held a duly noticed public hearing regarding proposed Ordinance No. 954 - Zoning Code Amendment No. 2023-040 (“Ordinance”) which would regulate commercial cannabis activities citywide;

WHEREAS, the Ordinance would conditionally permit a cannabis retail use in the City’s commercial and industrial zoned properties that meet specified siting requirements and development standards upon the approval of a conditional use permit;

WHEREAS, the City Council considered all public comments received both before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents relating to the Ordinance;

WHEREAS, developers have historically found that the lack of certainty in the approval of development projects may have the effect of discouraging investment and development;

WHEREAS, development agreements are a tool that allow developers to establish some assurances and certainty with respect to what rules, regulations, and policies will apply to a project in return for public benefits to the City in the form of capital improvements, monetary contributions, and other obligations;

WHEREAS, cities are expressly granted the authorization to enter into a development agreement with a developer pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7, commencing with Section 65864 of the California Government Code (“State Development Agreement Law”);

WHEREAS, a developer who seeks the approval of a conditional use permit for a cannabis retail use may also request a development agreement at the time of project application submittal;

WHEREAS, pursuant to Development Agreement Law, the City Council may establish and adopt procedures for the negotiation and execution of a development agreement through the adoption of a resolution;

WHEREAS, the establishment and adoption of the procedures and requirements for the proposed development agreements set forth in this Resolution would be consistent with or supplement the requirements set forth in State Development Agreement Law;

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act (“CEQA”) (Pub. Res. Code § 21000 *et seq.*) and CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 *et seq.*), the City is the Lead Agency for the level of review required for any project subject to CEQA;

WHEREAS, cannabis retail operations often take place in existing commercial or industrial buildings and are subject to the same development standards as other commercial uses including but not limited to height, setbacks, and parking; but subject to more restrictive siting requirements and it can be seen with certainty that the regulation of cannabis retail sales will not cause a direct or indirect impact on environment;

WHEREAS, the City has determined that a cannabis retail use is similar to other commercial uses and therefore, it can be seen with certainty that the establishment of procedures and requirements related to the adoption of a proposed development agreement for the vested rights of a cannabis retail use would not directly or indirectly result in a significant environmental impact.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The recitals set forth above are true and correct and are hereby incorporated by reference in full herein.

SECTION 2. The City hereby adopts the following procedures and requirements for any proposed development agreements for a cannabis retail use:

- A. Request for a Development Agreement. A developer who has a legal or equitable interest in real property for the development of the property and desires to vest their rights may do so by requesting a development agreement in conjunction with a conditional use permit for a cannabis retail use.
- B. Public Noticing and Hearing Requirements. A proposed development agreement shall be subject to public notice and hearing requirements pursuant to Government Code Section 65867.
- C. Public Hearing Requirement. In accordance with Government Code Section 65867, a proposed development agreement shall be subject to a public hearing by the Planning Commission and City Council. Notice of intention to adopt a development agreement shall be provided in accordance with Government Code Sections 65090 and 65091 in addition to any other required notice.

- D. Consideration of a Proposed Development Agreement. A proposed development agreement shall be considered by the City Planning Commission who shall make a recommendation to the City Council to approve or disapprove the development agreement through the adoption of a resolution. The City Council may accept, deny, or modify the Planning Commission's recommendation.
- E. Adoption by Ordinance. Pursuant to Government Code Section 65867.5 subdivision (a), any proposed development agreement shall be approved by the City Council through the adoption of an ordinance.
- F. Required Findings. When approving a development agreement, the City Council shall find that the proposed development agreement:
1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan.
 2. Promotes the public health, safety, and general welfare.
 3. Is just, reasonable, fair, and equitable under the circumstances.
 4. Provides sufficient benefit to the community to justify entering into the agreement.
- G. Recordation. Pursuant to Government Code Section 65868.5, the City Clerk shall record the development agreement with the County Recorder within 10 days of City Council approval.
- H. Negotiation of the Development Agreement. Development agreements shall be negotiated by the City Manager, Community Development Director, and City Attorney, but shall contain the terms provided below:
1. Term. Development Agreements shall not exceed a term of 10 years.
 2. Developer Assurances. Consistent with the requirements of Government Code Section 65865.2, development agreements shall specify what uses are permitted at the subject property, intensity of use, and applicable development standards. Pursuant to Government Code Section 65866, a proposed development agreement shall describe what zoning and land use regulations shall be "frozen" upon execution of the agreement.

3. Public Benefits. In exchange for assurances to a developer, the City shall receive public benefits. Public benefits may include capital improvements, facilities, and financial contributions dedicated to youth and educational programming and enforcement of the Ordinance's provisions. No less than eighty percent (80%) of the monetary value of the public benefits shall be dedicated to youth and educational programming. Public benefits for youth and educational programming shall be dedicated to the City's Recreation and Community Services Department and shall be utilized for but not limited to youth programs, after-school programs, sports programming, personal enrichment classes or capital improvements on City-owned properties.
4. Cost Recovery. Pursuant to Government Code Section 65865 subdivision (d), development agreements shall contain provisions for full cost-recovery. Developers who wish to enter into a development agreement must make an initial deposit with the City. The City will provide accounting for staff time spent on the negotiation and preparation of the document and ultimate approval of the agreement, including contracted parties who represent the City. All development agreements shall require the developer to pay within ninety (90) days of City Council's approval of the ordinance adopting the development agreement. Failure to comply with this term shall be considered a default by the developer pursuant to the development agreement.
5. Annual Review. Pursuant to Government Code Section 65865.1, all development agreements shall contain a provision that requires an annual review to ensure compliance with the terms contained therein. The developer shall be required to submit a written report to the City demonstrating good faith compliance with the terms of the agreement. The City Council shall retain the right to hold a public hearing regarding the developer's good faith compliance with the terms of the development agreement. If the City Council finds, based on substantial evidence, that the developer has failed to comply with the development agreement in good faith, the City Council may modify or terminate the agreement. If there is substantial evidence indicating that good faith compliance has not occurred, the City Council may modify or terminate the agreement.

6. Default, Cure, Modification, and/or Termination. Proposed development agreements shall also contain provisions specifying procedures for notice, opportunity to cure, and termination or modification procedures for a development agreement in the event of default by either party.
7. Indemnification. Development agreements shall contain provisions that require the developer to indemnify, defend, and hold harmless from any liability the City may incur as a result of entering into a development agreement.
8. Assignment. Development agreements shall include a provision which prohibits the assignment or transfer of the rights, obligations, or interests afforded under the development agreement without a majority vote of the City Council.
9. Future Amendments. Development agreements shall contain a procedure for future amendments. Subsequent amendments shall be executed upon mutual agreement of both parties and shall be subject to the same requirements and procedures provided for the initial execution and approval of a development agreement.
10. Attorneys' Fees and Costs. In the event of a dispute, the prevailing party shall be entitled to recoup costs and reasonable attorneys' fees.

SECTION 3. In adopting procedures and requirements set forth in this Resolution, the City Council finds that this Resolution serves the public health, safety, and welfare of the residents and businesses within the City by establishing procedures and requirements for any proposed development agreement.

SECTION 4. The City further finds that the foregoing procedures and terms will promote the community's needs and allow the City to receive greater community benefits than can otherwise be achieved through the land use regulatory process.

SECTION 5. This Resolution and the procedures and regulations contained herein shall only become effective upon the City Council's approval and adoption of Ordinance No. 934.

SECTION 6. In accordance with CEQA and CEQA Guidelines Section 15061(b)(3), it can be seen with certainty that the adoption of this Resolution would not result in a significant environmental impact and is therefore exempt from CEQA.

SECTION 7. The provisions of this Resolution are severable. If any provision, clause, sentence, word or part thereof is found to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impact any of the remaining provisions, clauses, sentences, sections, words, or parts thereof the Resolution or their applicability to other persons or circumstances.

SECTION 8. The City Clerk shall certify as to the adoption of this Resolution and that the same shall be in full force and effect.

[Signatures on the following page]

PASSED, APPROVED, and ADOPTED this 12th day of June 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk



PUBLIC NOTIFICATION

NOTICE OF PUBLIC HEARING

CONSIDERATION OF ADOPTION OF ORDINANCE NO. 934 TO AMEND THE BELL GARDENS MUNICIPAL CODE TITLE 5 (BUSINESS LICENSES, REGULATIONS AND TAXES) TO ADD LICENSING AND PERMIT REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY, AND TO AMEND TITLE 9 (ZONING AND PLANNING REGULATIONS) TO REGULATE COMMERCIAL CANNABIS ACTIVITY IN CERTAIN ZONES

NOTICE IS HEREBY GIVEN, the City Council of the City of Bell Gardens will conduct a public hearing to consider the adoption of an amendment to Title 5 (Business Licenses, Regulations and Taxes) of the Bell Gardens Municipal Code to add licensing and permit requirements for commercial cannabis activity and amendment to Title 9 (Zoning and Planning Regulations) to regulate and conditionally permit commercial cannabis activity within Bell Gardens. Copies of the proposed changes are available for review at Bell Gardens City Hall and on our website at <https://www.bellgardens.org/government/city-departments/public-notifications>.

DATE OF HEARING: Monday, June 12, 2023

TIME OF HEARING: 6:00 P.M., or as soon thereafter as possible.

ENVIRONMENTAL DETERMINATIONS: Proposed Ordinance No. 934 is exempt from the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 *et seq.*) under the common sense exemption set forth at California Code of Regulations, Title 14, § 15061(b)(3) ("CEQA Guidelines") because it can be seen with certainty that there is no possibility that the adoption of this proposed resolution recommending approval of an ordinance regulating commercial cannabis retail activities would have a significant effect on the environment.

INVITATION TO BE HEARD/PUBLIC PARTICIPATION: The public hearing will be held before the City of Bell Gardens City Council on Monday, June 12, 2023, at 6:00 p.m. The public may attend the meeting in person or may view the meeting online. The meeting will be recorded and live streamed on the City's website at <https://www.bellgardens.org/i-want-to/watch-city-council-meetings>. Public comments for the public hearing are limited to three (3) minutes per person. Members of the public can access and participate in the meetings as follows:

IN-PERSON: Members of the public can provide in-person comments at the podium in the Council Chamber. The Council Chamber will have seating available for members of the public to attend the meeting in-person. Public comments for the public hearing are limited to three (3) minutes per speaker. Speakers who wish to address the City Council should do so by submitting a "Public Comment Card" to the City Clerk.

BY TELEPHONE: Phone Number: (669) 900-9128 Webinar ID: 892 6467 1097# Passcode: 2021# to address the City Council press *9 to raise your hand then *6 to unmute yourself when instructed.



PUBLIC NOTIFICATION

VIRTUALLY LIVE: Members of the public may participate via Zoom by clicking here and entering the **Zoom Meeting ID: 892 6467 1097** **Passcode: 2021** Comments may also be made via the Zoom app by using the "Raise Hand" feature when it is your turn to speak the host will unmute you. Comments will not be accepted in the Q and A Chat function of the Zoom app.

WRITTEN COMMENTS: Public comments may be emailed to PublicComments@bellgardens.org or mailed to the City Clerk's Office. To ensure distribution to the members of the City Council prior to consideration of the agenda, please submit comments no later than one (1) hour prior to the meeting. Those comments, as well as any comments received after, will be distributed to the members of the City Council and will be part of the official public record of this meeting.

The City Council staff report will be available no later than Friday, June 9, 2023, and will be posted on the City's website at <https://www.bellgardens.org/i-want-to/view-agendas>. If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Planning Division by telephone at (562) 806-7722 or via email to planning@bellgardens.org or City Clerk's Office no later than 72-hours before the scheduled meeting.

For more information, you may contact the City Clerk's Office located at 7100 Garfield Avenue, Bell Gardens, CA 90201 during regular business hours 7:30 a.m. to 6:00 p.m., Monday through Thursday at (562) 806-7704 or via email to CityClerkDesk@bellgardens.org.

A handwritten signature in cursive script that reads "Daisy Gomez".

Daisy Gomez
City Clerk

Posted: June 1, 2023
Bell Gardens City Hall
Bell Gardens John Anson Ford Park
Bell Gardens Veterans Park - Ross Hall Auditorium
Bell Gardens Department of Public Works
Daily Journal Corporation (Bell Gardens News Paper) – General Circulation

Figure 1: Schools and Parks Locations

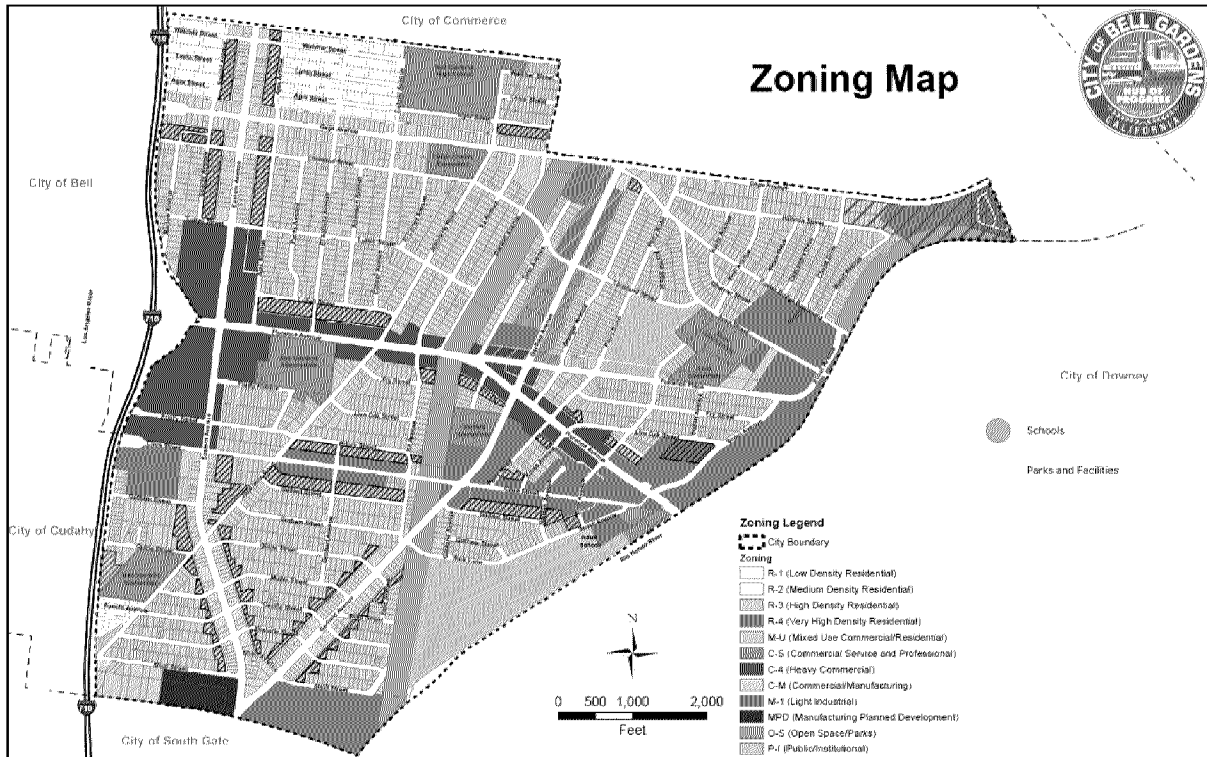


Figure 1 - This depiction demonstrates areas known to have sensitive receptors that currently exist, excluding day care centers and youth centers, which would restrict locations where commercial cannabis activity could potentially occur.

Figure 2: Approximate Potential Commercial Cannabis Activity Locations based on Distancing and Siting Criteria Presented in Exhibit 1

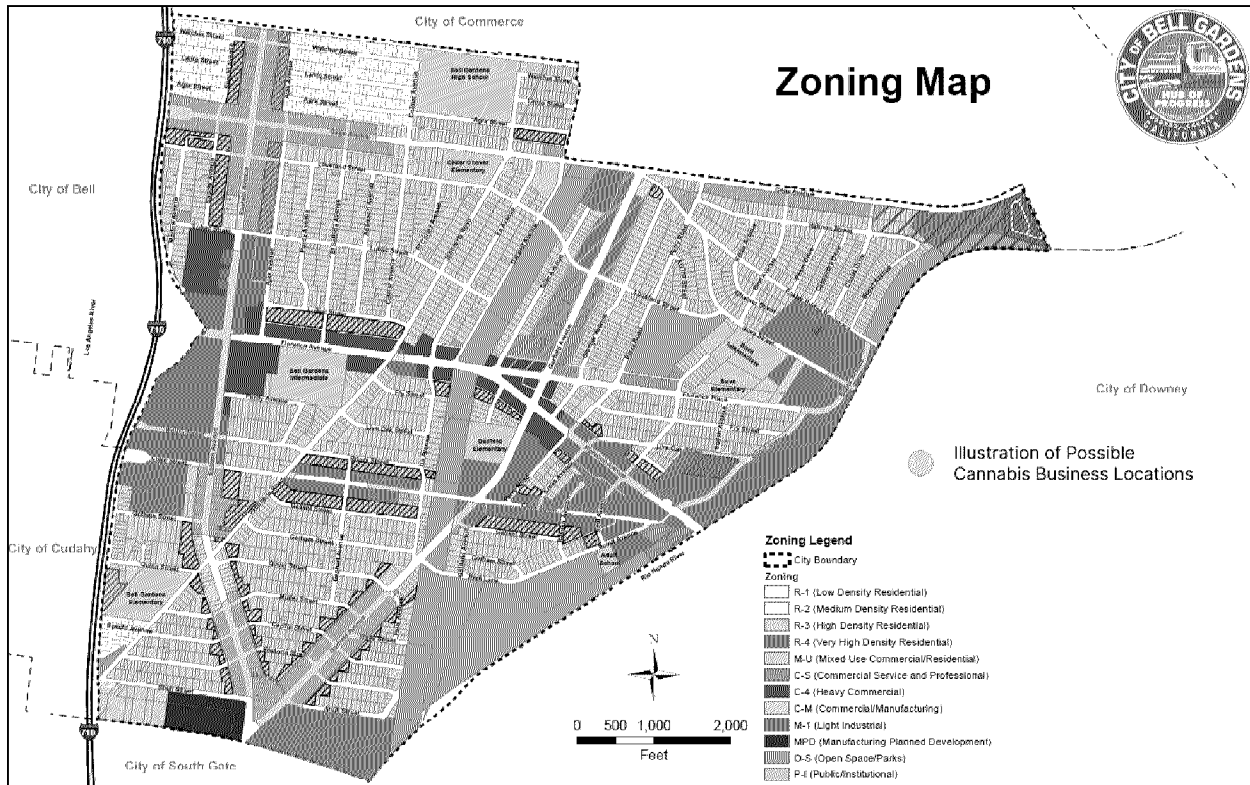


Figure 1 is an Illustration of potential commercial cannabis activity locations with approximate distance and zoning criteria considered.



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 2.

TO:	Honorable Mayor and City Council Members
FROM:	Michael B. O'Kelly, City Manager
BY:	Daisy Gomez, City Clerk
SUBJECT:	GENERAL MOTION TO WAIVE FULL READING AND APPROVE ORDINANCES BY TITLE ONLY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36934
DATE:	June 12, 2023

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.

BACKGROUND/DISCUSSION:

In order to expedite the conduct of business at Council meetings, California State Law (California Government Code Section 36934) allows Ordinances to be read by title if a majority of the Council supports the motion waiving the full reading. Most California cities adopt a standard motion at the beginning of each meeting in order to effectuate this waiver.

Since most of the Ordinances introduced and adopted consist of multiple pages of technical language, reading by title only allows the Council to eliminate the communication of redundant information and attend to other matters during the meetings. Otherwise, the entire Ordinance language will have to be read in full.

CONCLUSION:

Allowing ordinances to be read by title only, according to California State Law, will expedite the conduct of business at Council Meetings.

FISCAL IMPACT:

No fiscal impact.

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager
Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney
Manuel Carrillo, Director of Finance and Administrative Services



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 3.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O’Kelly, Executive Director
BY: Daisy Gomez, City Clerk
SUBJECT: **APPROVAL MINUTES OF MAY 22, 2023 CLOSED SESSION AND CITY / SUCCESSOR AGENCY JOINT MEETING**
DATE: June 12, 2023

RECOMMENDATION:

It is staff’s recommendation that the City Council approve the minutes of the May 22, 2023 Closed Session and City/Successor Agency Joint Meetings.

BACKGROUND/DISCUSSION:

Every Closed Session and City/Successor Agency Joint Meetings the City Clerk documents the actions made by the Agency Members/City Council.

CONCLUSION:

If approved, the minutes of the Closed Session and City/Successor Agency Joint Meetings will be archived in the City Clerk’s Office.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

Exhibit 1 - Minutes of May 22, 2023 Regular City Council/Successor Agency Joint Meeting

Exhibit 2 - Minutes of May 22, 2023 Regular Closed Session

APPROVED ELECTRONICALLY BY:

Michael B. O’Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services



CITY OF BELL GARDENS
CITY COUNCIL / SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION
JOINT MEETING
MONDAY, MAY 22, 2023, 6:00 PM
MINUTES

LOCATION: CITY COUNCIL CHAMBERS, 7100 GARFIELD AVENUE, BELL GARDENS, CA 90201

PUBLIC PARTICIPATION: The members of the public may address the City Council / Agency Members on any item listed on the agenda or on matters which are not listed on the agenda but are within the subject matter jurisdiction of the City Council / Successor Agency. Public comments are limited to three (3) minutes per person for each designated public comment period(s). Public comments for non-agenda items will be limited to a total of 30 minutes. Public comments can be made by any of the following ways:

IN-PERSON: Members of the public can provide in-person comments at the podium in the Council Chamber. Public comments are limited to three (3) minutes for each designated public comment period(s) per speaker, unless a different time is announced by the presiding chair. Speakers who wish to address the City Council / Agency Members should do so by submitting a "Public Comment Card" card by 5:00 p.m. for Closed Session items and by 6:00 p.m. for all other designated public comment periods as listed.

BY TELEPHONE: Phone Number: (669)900-9128 Webinar ID: 813 3236 4343# Passcode: 2021#
To address the City Council press *9 to raise your hand then *6 to unmute yourself when instructed.

VIRTUALLY LIVE: Members of the public may participate via Zoom by <https://zoom.us/join> and entering the Zoom Meeting ID: 813 3236 4343 Passcode: 2021
Comments may also be made via the Zoom app by using the "Raise Hand" feature when it is your turn to speak the host will unmute you. Comments will not be accepted in the QandA Chat function of the zoom app.

WRITTEN COMMENTS: Public comments may be emailed to PublicComments@bellgardens.org or mailed to: City Clerk's Office, 7100 Garfield Ave., Bell Gardens, CA 90201. To ensure distribution to the members of the City Council / Agency Members prior to consideration of the agenda, please submit comments no later than one (1) hour prior to the meeting. Those comments, as well as any comments received after, will be distributed to the members of the City Council / Successor Agency and will be part of the official public record of this meeting.

For more information, you may contact the City Clerk's office during regular business hours 7:30 a.m. to 6:00 p.m., Monday through Thursday at (562) 806-7704.

CALL TO ORDER

The Council Members of the City of Bell Gardens City Council/Successor Agency held a Joint Regular meeting on May 22, 2023, in the Council Chambers, 7100 Garfield Avenue, Bell Gardens, CA with Mayor Alejandra Cortez presiding. Mayor Alejandra Cortez called the joint meeting to order at 6:05 p.m.

INVOCATION

The invocation was given by Elizabeth Nava, Executive Director of Recreation and Community Services.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scout Troop # 2543.

ROLL CALL OF CITY COUNCIL MEMBERS / SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION MEMBERS

Present:

Marco Barcena, Agency Member/Council Member
Jorgel Chavez, Agency Member/Council Member
Maria Pulido, Agency Member/Council Member
Francis De Leon Sanchez, Vice Chair/Mayor Pro Tem
Alejandra Cortez, Chair/Mayor

Absent:

None

PRESENTATIONS

- **CERTIFICATE OF RECOGNITION FOR BELL GARDENS INTERMEDIATE DANCE INSTRUCTOR JOSE MENDOZA AND DANCE TEAM**

Tabled to a future meeting.

- **PROCLAMATION RECOGNIZING LGBTQ+**

Councilwoman Maria Pulido read the certificate of recognition.

- **CERTIFICATE OF RECOGNITION FOR SENIOR CENTER STAFF**

Councilmember Marco Barcena read the certificate of recognition.

PUBLIC COMMENTS ON NON-AGENDA ITEMS UNDER THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL / SUCCESSOR AGENCY

Michael Sandoval requested speed bumps on Scout Avenue.

Lee Squire spoke in support of celebrating Mother's Day and Memorial Day.

Bruce Crow spoke in support of assisting those with mental illness and various topics.

City Clerk Daisy Gomez announced that three (3) written comments were received from one person and was distributed to the City Council.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Bruce Crow spoke in opposition to item number 8.

CITY MANAGER'S REPORT

City Manager Michael O'Kelly provided a brief report.

CONSENT CALENDAR (Item Nos. 1 - 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 / Successor Agency 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.

A motion was made by Mayor Alejandra Cortez, seconded by Councilmember Barcena to approve Consent Calendar Item Nos. 1 - 10, with the exception of Item No. 9.

The motion carried 5-0 with the following vote:

AYES: Barcena, Chavez, Pulido, De Leon Sanchez, Cortez
NOES: None
ABSENT: None
ABSTAIN: None

1. GENERAL MOTION TO WAIVE FULL READING AND APPROVE ORDINANCES BY TITLE ONLY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36934

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. APPROVAL MINUTES OF MAY 8, 2023 CLOSED SESSION AND CITY / SUCCESSOR AGENCY JOINT MEETING

Approve the minutes of the May 8, 2023 Closed Session and City/Successor Agency Joint Meetings.

Recommendation:

It is staff's recommendation that the City Council approve the minutes of the May 8, 2023 Closed Session and City/Successor Agency Joint Meetings.

3. WARRANT REGISTER SUCCESSOR AGENCY

In approving the action of receiving and filing the warrant registers, the official minutes of the Successor Agency 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.

Recommendation:

It is staff's recommendation that the Successor Agency Members receive and file the warrant register dated 05/02/23.

4. WARRANT REGISTERS AND WIRE TRANSFERS

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.

Recommendation:

It is staff's recommendation that the City Council receive and file the warrant registers, wire transfers, and net payrolls dated 04/20/23, 04/25/23 and 05/02/23.

5. ADOPTION OF MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE BELL GARDENS CITY EMPLOYEE'S ASSOCIATION (CEA)

The City commenced labor negotiations with the CEA in March 2023. After several negotiations sessions, the City has now reached a tentative agreement with the CEA on successor Memoranda of Understanding (MOU) for the period commencing on June 1, 2023 continuing through May 31, 2026, subject to City Council approval.

Recommendation:

That the City Council, by motion, approve the attached resolution adopting Memoranda of Understanding between the City of Bell Gardens and the Bell Gardens City Employees Association (CEA) commencing on June 1, 2023, and continuing through May 31, 2026.

Resolution No. 2023-33 was approved.

6. ADOPTION OF MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE BELL GARDENS PUBLIC WORKS EMPLOYEE'S ASSOCIATION (PWEA)

The City commenced labor negotiations with the PWEA in March 2023. After several negotiations sessions, the City has now reached tentative agreements with the PWEA on successor Memoranda of Understanding (MOU) for the period commencing on June 1, 2023, and continuing

through May 31, 2026, subject to City Council approval.

Recommendation:

That the City Council, by motion, approve the attached resolution adopting Memoranda of Understanding between the City of Bell Gardens and the Bell Gardens City Public Works Employee's Association (PWEA) commencing on June 1, 2023, and continuing through May 31, 2026.

Resolution No. 2023-34 was approved.

7. APPROVAL OF REIMBURSEMENT AGREEMENT RENEWAL FOR SHELTER BEDS WITHIN THE SALVATION ARMY BELL SHELTER

Approve and authorize the City Manager to execute a Reimbursement Agreement Renewal for shelter beds within the Salvation Army Bell Shelter with the cities of Bell, Commerce, Cudahy, Huntington Park, Maywood, South Gate and Vernon, collectively referred to as the Local Coordinating Alliance 1 (LCA1) at an estimated cost of \$31,379 for a term beginning July 1, 2023 and ending on June 30, 2024.

Recommendation:

It is staff's recommendation that the City Council approve a Reimbursement Agreement Renewal for Shelter Beds within the Salvation Army Bell Shelter, with the understanding that the final cost will be updated in a final agreement to reflect the actual parties that will be participating in the program and subject to the final form approved by the City Attorney and City Manager.

8. ADOPTION OF RESOLUTION FOR SB1 FUNDING PROJECT LIST

In 2017, Senate Bill 1, Road Repair and Accountability Act of 2017 was signed, to address transportation funding shortfalls statewide, SB1 increases the per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years. SB1 established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund. Beginning in January 2018, the State Controller deposited funds generated from increased fuel taxes and vehicle registration fees in the RMRA. A portion of the RMRA funds are distributed to cities for basic road maintenance, rehabilitation and critical safety projects on local streets and road systems. City Council must adopt a resolution, to receive its estimated \$974,373 in Fiscal Year (FY) 2023-2024. Additionally, each City must submit a list of proposed street repairs to the CTC before the deadline of July 1, 2023.

Recommendation:

It is staff's recommendation that the City Council by motion:

1. Adopt the attached Resolution approving the Fiscal Year 2023-2024 project list for Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017; and
2. Authorize staff to upload the Resolution with the list of streets to the California Transportation Commission (CTC) website.

Resolution No. 2023-35 was approved.

9. AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR FORD PARK AQUATICS CENTER CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES

Adoption of resolution and award of professional services agreement for construction management and inspection services to the most qualified proposer for the Ford Park Aquatics Center Project.

Recommendation:

It is staff's recommendation that the City Council:

1. Adopt the attached resolution; and
2. Authorize the City Manager to execute a Professional Services Agreement for construction management and inspection services with the most qualified proposer for the Ford Park Aquatics Center Project, subject to approval by the City Attorney.

Elizabeth Nava, Executive Director of Recreation and Community Services, provided a presentation.

A motion was made by Mayor Pro Tem Frances de Leon Sanchez, seconded by Councilmember Barcena to approve staff's recommendation.

The motion carried 4-0-1 with the following vote:

AYES: Barcena, Chavez, De Leon Sanchez, Cortez
NOES: Pulido
ABSENT: None
ABSTAIN: None

Resolution No. 2023-36 was approved.

10. EXTENSION OF PROFESSIONAL SERVICES AGREEMENTS FOR ENGINEERING AND PROJECT AND CONSTRUCTION MANAGEMENT SERVICES

The purpose of the John Anson Ford Park Infiltration Cistern Project (the "Project") is to comply with stormwater regulations set forth by the Los Angeles Regional Water Quality Control Board (LARWQCB) under the Municipal Separate Stormwater Sewer System, the MS4 Permit. The Project will capture trash, nutrients, heavy metals, bacteria, and reduce toxicity in the urban runoff from the watershed by installing stormwater and dry weather flow diversion pre-treatment, retention, and infiltration facilities that will capture and infiltrate the stormwater runoff prior to it reaching the Rio Hondo. The project has had various change order and due to a delay in completion, John L. Hunter and Associates, who provide project and construction management services and CWE Corporation, the engineer of record providing engineering support since the start of the project, will require extensions to their existing agreements.

Recommendation:

It is staff's recommendation that the City Council by motion:

1. Extend the existing Agreement with John L. Hunter and Associates (JLH) through September 30, 2024, and approve additional appropriations of \$658,000 to allow for completion of the John Anson Ford Park Infiltration Cistern Project; and
2. Extend the existing Agreement with CWE Corporation (CWE) through September 30, 2024, and approve additional appropriations of \$75,000 to allow for completion of the John Anson Ford Park Infiltration Cistern Project.

DISCUSSION (Items Nos. 11 - 12)

11. INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 2.61 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) TO THE BELL GARDENS MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

California Government Code Section 84615 allows local government agencies to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents online or electronically with the local filing officer. Implementation of an electronic filing system and requiring filers to file online or electronically will promote transparency and make it more convenient for filers to comply with reporting obligations and provides the public with the information in a more accessible and consistent format the City is proposing all filers file statements, reports, or other documents required under the Fair Political Reform Act online or electronically.

Recommendation:

It is staff's recommendation that the City Council waive full reading and introduce Ordinance No. 935 by title only, to add Chapter 2.61 (Electronic Filing) to Title 2 (Administration and Personnel) of the Bell Gardens Municipal Code relating to electronic filing of campaign statements and statements of economic interests.

Daisy Gomez, City Clerk, provided a presentation.

A motion was made by Mayor Alejandra Cortez, seconded by Councilmember Jorgel Chavez to approve staff's recommendation.

The motion carried 5-0 with the following vote:

AYES: Barcena, Chavez, Pulido, De Leon Sanchez, Cortez
NOES: None
ABSENT: None
ABSTAIN: None

12. RESOLUTION APPROVING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR JULIAASMUS PARK AND HANNON PARK

The City submitted an application for the Clean California Local Grant Program (CCLGP) on January 31, 2022, and was successfully awarded \$510,067 for the "BG Keep Parks Clean Beautification Project". The grant will renovate Julia Russ Asmus Park and Hannon Park by replacing existing playgrounds and adding new ADA rubber surfacing; replacing and adding new picnic tables and trash receptacles; installing new anti-litter signs, artwork, and signage about the history and culture of the community; and planting of trees. Under Section 3.04.100(E) of the Bell Gardens Municipal Code, the City's purchasing policy allows for an exception to the purchasing policy when the supplier offers the same or better price, terms and conditions as a supplier offered as the lowest responsible bidder under a competitive procurement conducted by another city or public agency. Bell Gardens is a member of Sourcewell (formerly National Joint Powers Alliance NJPA) and membership entitles the City to access competitively bid national contracts. Sourcewell issued a Request for Proposals for Playground and Water Play Equipment with Related Accessories and Services and on February 15, 2021, PlayPower, Inc. was awarded a Solicitation Contract. Staff obtained quotes for the demolition, disposal of existing and replacement of the two playgrounds for Asmus Park and Hannon Park from Miracle Recreation Equipment Company, a

subcompany of PlayPower, Inc.

Recommendation:

It is staff's recommendation that the City Council by motion:

1. Adopt the attached Resolution approving an agreement with Miracle Recreation Equipment Company, a subcompany of a PlayPower, Inc. company for the purchase of two playgrounds including installation for a total cost of \$440,230.98; and
2. Appropriate a not to exceed amount of \$67,000.

Elizabeth Nava, Director of Recreation and Community Services, provided a presentation.

A motion was made by Mayor Alejandra Cortez, seconded by Councilmember Marco Barcena approve staff's recommendation.

The motion carried 5-0 with the following vote:

AYES: Barcena, Chavez, Pulido, De Leon Sanchez, Cortez

NOES: None

ABSENT: None

ABSTAIN: None

Resolution No. 2023-37 was approved.

CITY COUNCIL / SUCCESSOR AGENCY MEMBER COMMENTS

Members of the Council and Successor Agency made community announcements, comments, and requested that items be added to a future agenda.

ADJOURNMENT

Mayor Alejandra Cortez adjourned the meeting with a moment of silence for Memorial Day and in memory of former mayor of Cudahy Chris Garcia at 7:12 p.m.

Daisy Gomez, City Clerk

Agenda posted on May 18, 2023.



**CITY OF BELL GARDENS
CITY COUNCIL
REGULAR MEETING – CLOSED SESSION
MONDAY, MAY 22, 2023
5:00 PM
MINUTES**

LOCATION: CITY COUNCIL CHAMBERS, 7100 GARFIELD AVENUE, BELL GARDENS, CA 90201

The meeting will be held at Bell Gardens City Hall in the Council Chambers. The public may attend the meeting in person or virtually as instructed below. You may view the meeting live on the City's website at <https://www.bellgardens.org/i-want-to/watch-city-council-meetings>.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the City Clerk's office by telephone at 562-806-7704 or via email to CityClerkDesk@bellgardens.org no later than 72-hours before the scheduled meeting.

PUBLIC PARTICIPATION: The members of the public may address the City Council / Agency Members on any item listed on the agenda or on matters which are not listed on the agenda but are within the subject matter jurisdiction of the City Council / Successor Agency. Public comments are limited to three (3) minutes per person for each designated public comment period(s). Public comments for non-agenda items will be limited to a total of 30 minutes. Public comments can be made by any of the following ways:

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BY TELEPHONE: Phone Number: [\(669\)900-9128](tel:(669)900-9128) Webinar ID: [813 3236 4343#](#) Passcode: [2021#](#)
To address the City Council press *9 to raise your hand then *6 to unmute yourself when instructed.

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WRITTEN COMMENTS: Public comments may be emailed to PublicComments@bellgardens.org or mailed to: City Clerk's Office, 7100 Garfield Ave., Bell Gardens, CA 90201. To ensure distribution to the members of the City Council / Agency Members prior to consideration of the agenda, please submit comments no later than one (1) hour prior to the meeting. Those comments, as well as any comments received after, will be distributed to the members of the City Council / Successor Agency and will be part of the official public record of this meeting.

For more information, you may contact the City Clerk's office during regular business hours 7:30 a.m. to 6:00 p.m., Monday through Thursday at (562) 806-7704.

CALL TO ORDER

The Council Members of the City of Bell Gardens City Council held a regular meeting on May 22, 2023, in the Council Chambers, 7100 Garfield Ave, Bell Gardens, CA with Mayor Alejandra Cortez presiding. Mayor Alejandra Cortez called the meeting to order at 5:10 p.m.

ROLL CALL OF CITY COUNCIL MEMBERS

Present: Marco Barcena, Council Member
Jorgel Chavez, Council Member
Maria Pulido, Council Member
Francis De Leon Sanchez, Mayor Pro Tem
Alejandra Cortez, Mayor

Absent: None

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

There were no public comments made.

CLOSED SESSION (Item Nos. 1 - 2):

City Attorney Stephanie Vasquez announced that the Closed Session item is listed on the agenda. The City Council recessed into closed session at 5:12 p.m. to discuss the item listed on the agenda.

1. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Designated Representatives: Michael B. O'Kelly, City Manager
Manuel Carrillo, Director of Finance

Employee Organizations: City Employees Association (CEA)
Public Works Employees Association (PWEA)
Public Works Supervisors Association (PWSA)
Non-Represented

2. CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54956.9(d)(4) - CONFERENCE WITH

**LEGAL COUNSEL REGARDING POTENTIAL LITIGATION – ONE (1)
CLOSED SESSION REPORT**

The City Council reconvened to open session at 6:04 p.m., City Attorney Stephanie Vasquez announced that there was no reportable action.

ADJOURNMENT

Mayor Alejandra Cortez adjourned the meeting at 6:05 p.m.

Daisy Gomez, City Clerk
Agenda Posted on May 18, 2023.



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 4.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O’Kelly, City Manager
BY: Daisy Gomez, City Clerk
SUBJECT: **SECOND READING AND APPROVAL OF AN ORDINANCE ADDING CHAPTER 2.61 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) TO THE BELL GARDENS MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS**
DATE: June 12, 2023

RECOMMENDATION:

It is staff’s recommendation that the City Council waive full reading and adopt Ordinance No. 935, by title only, to add Chapter 2.61 (Electronic Filing) to Title 2 (Administration and Personnel) of the Bell Gardens Municipal Code relating to electronic filing of campaign statements and statements of economic interests.

BACKGROUND/DISCUSSION:

On May 22, 2023, the City Council waived full reading and introduced Ordinance No. 935 to require an elected officer, candidate, committee, or other person required to file Political Reform Act documents online or electronically with the City Clerk provided that a legislative finding is made that the online or electronic filing system will operate securely and effectively and will not unduly burden filers.

The City Clerk’s office processes approximately, 100 statements of economic interests on an annual basis and 10 open committees that file campaign statements on bi-annual basis. In election years, campaign statements fluctuate depending on the number of candidates and committees and the additional pre-filings. The filers will receive reminders and amendments.

Government Code Section 84616 now requires local government agencies to post campaign statements and reports on the City’s website within 72 hours of each filing deadline. Redaction of street name and building number, bank account number of the person or representative listed on the statement is required and is automatically done with an e-file system.

In order for the City Clerk to accept electronically filed statements, the City Council must adopt an ordinance permitting the use of an on-line filing system and designate the filings received electronically by the City Clerk’s Office, as the filings of record for the City. The ordinance must demonstrate a legislative finding that the system will operate securely and effectively, be of no cost to the filers, be available to the public to view filings, not place an undue burden on the filer and include procedures for filers to comply with the requirements that they sign statements and reports under penalty of perjury.

CONCLUSION:

If adopted, Ordinance No. 935 will become effective 30 calendar days from June 12, 2023.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

Exhibit 1 - Ordinance No. 935

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

ORDINANCE NO. 935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) TO ADD CHAPTER 2.61 - ELECTRONIC FILING SYSTEM, TO THE BELL GARDENS MUNICIPAL CODE APPROVING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS

WHEREAS, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the State of California; and

WHEREAS, California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditures each total less than Two Thousand Dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, the City will enter into an agreement with a vendor certified by the Secretary of State for campaign disclosure documents that meets the requirements set by Government Code Section 84615; and

WHEREAS, the City Council finds that the electronic filing system will operate securely and effectively and will not unduly burden filers; will be available free of charge to filers and the public for viewing filings; and will include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL GARDENS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporate them herein.

SECTION 2. The City Council finds that the online or electronic filing system will operate securely and effectively and will not unduly burden filers.

SECTION 3. The City Council hereby approves the addition of Chapter 2.61 — Electronic Filing System, to read as follows:

2.61 – ELECTRONIC FILING SYSTEM

2.61.010 Required Use of Electronic Filing System.

Ordinance No. 935

A. Except as set forth in 2.61.020, any elected officer, candidate, committee, or other person required to file specified statements, reports, forms, or other documents with the City Clerk as required by Chapter 4 (commencing with Section 84100 of Title 9 of the California Government Code, also known as the Political Reform Act), and that has received contributions or made expenditures of \$2,000 or more in a calendar year, may electronically file such statements using the City's online system according to procedures established by the City Clerk. However, to ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, committee, or other person, all future statements, reports, forms, and other documents filed on behalf of that officer, candidate, committee, or other person must be filed electronically.

B. An elected officer, candidate, committee, or other person may choose not to use the electronic filing system by filing all original statements, reports, forms, or other documents in paper format with the City Clerk, until such time as the City Council determines that electronic filing is mandatory for all filers.

2.61.020 Paper Filing Not Required After Electronic Filing. Any elected officer, candidate, committee, or other person who has electronically filed a statement, report, form, or other document using the City's online system is not required to also file a copy of that document in a paper format with the City Clerk.

2.61.030 Filing Options When a Copy Must be Filed with City Clerk. In any instance in which an original statement, report, form, or other document must be filed with the Secretary of State or other agency, and a copy of that document is required to be filed with the City Clerk, the filer may electronically file a copy with the City Clerk or may file in a paper format.

2.61.040 Paper Filing When Electronic Filing Unavailable. If, for technical reasons, the City's system is not capable of accepting a particular type of statement, report, form or other document, an elected officer, candidate, committee, or other person shall timely file that document in paper format with the City Clerk.

2.61.050 Internet Posting of Data. The City Clerk shall ensure that the City's system makes all electronically filed statements, reports, forms, or other documents available on the internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt/deadline. The data made available on the internet shall not contain the street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall also make a complete, unredacted copy of the statement, report, form, or other document available to the Fair Political Practices Commission for Government Code Section 87200 filers.

2.61.060 Records Retention. The City Clerk's office shall maintain records according to the City's records retention schedule and applicable State law.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause this Ordinance to be published and/or posted as required by law, which shall take full force and effect thirty days from its adoption.

PASSED, APPROVED AND ADOPTED this 12th day of June, 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 5.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Manuel Carrillo, Director of Finance & Administrative Services
SUBJECT: **WARRANT REGISTERS AND WIRE TRANSFERS**
DATE: June 12, 2023

RECOMMENDATION:

It is staff's recommendation that the City Council receive and file the warrant registers, wire transfers, and net payrolls dated 05/04/23, 05/09/23 and 05/16/23.

BACKGROUND/DISCUSSION:

The attached warrant registers, wire transfers, and net payrolls are for 05/04/23, 05/09/23 and 05/16/23. The warrant registers, wire transfers, and net payrolls reflect the financial obligations of the City for the above referenced dates.

CONCLUSION:

If the recommendation to the City Council is approved, then the warrant registers, wire transfers, and net payrolls dated 05/04/23, 05/09/23 and 05/16/23 will be received and filed.

FISCAL IMPACT:

Wire transfer	05/04/23	1804 - 1807	\$251,621.32
Warrant register	05/09/23	185793- 185848	\$61,995.05
		Total Bank	\$313,616.37
Net payroll transfer	05/04/23	-	\$478,516.38
		Total Voucher	\$792,132.75
Warrant register	05/16/23	185849- 185941	\$565,952.49
		Total Voucher	\$565,952.49
		Grand Total Vouchers	\$1,358,085.24

ATTACHMENTS:

Exhibit 1- Warrant Register

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager
Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney
Manuel Carrillo, Director of Finance and Administrative Services

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
1804-WIRE	5/4/2023	003359 BANK OF THE WEST	Ben590260		FEDERAL INCOME TAX: PAYMENT	78,629.84
					Total :	78,629.84
1805-WIRE	5/4/2023	003358 BANK OF THE WEST	Ben590264		STATE INCOME TAX: PAYMENT	24,399.15
					Total :	24,399.15
1806-WIRE	5/4/2023	001725 CALPERS	Ben590262		P/R 05/04/23	125,536.47
					Total :	125,536.47
1807-WIRE	5/4/2023	009439 MASS MUTUAL	Ben590266		MASS MUTUAL: PAYMENT	23,055.86
					Total :	23,055.86
185793	5/9/2023	007599 4IMPRINT, INC	24937630/979439		RCS PROMOTIONAL ITEMS ARPA	987.55
					Total :	987.55
185794	5/9/2023	008604 ACCOUNT 6746022400, U.S. BANK PARS	Ben590250		PARS: PAYMENT	5,296.40
					Total :	5,296.40
185795	5/9/2023	000060 ADAMSON POLICE PRODUCTS	INV395272		PD PATROL&SOT SPONGE ROUND	992.23
					Total :	992.23
185796	5/9/2023	000098 ALIN PARTY SUPPLY	686401		RCS SWING INTO SPRING DANCE	275.58
					Total :	275.58
185797	5/9/2023	000148 AMTECH ELEVATOR SERVICES	151401160411		PD ELEVATOR MAINT MAY 2023	232.35
					Total :	232.35
185798	5/9/2023	010727 AQUA PATCH ROAD MATERIALS	231510111		PW COLD PATCH CITY STREETS	1,066.34
					Total :	1,066.34
185799	5/9/2023	010641 ARAMARK	2570158205		RCS AQUATICS SRVCS	78.48
					Total :	78.48
185800	5/9/2023	009752 ARTE PRINTING, SAEED RADMEHR	29870		PD FOUND PROPERTY RECEIPT F	814.63
					Total :	814.63
185801	5/9/2023	000284 ASSOC., BELL GARDENS POLICE	Ben590256		NON-SWORN POA MEMBER-DUES,	2,705.00

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185801	5/9/2023	000284 000284 ASSOC., BELL GARDENS PC (Continued)				Total : 2,705.00
185802	5/9/2023	000302 BLUE DIAMOND MATERIALS	3109568		PW CONCRETE/ASPHALT DUMP FE	800.00
					Total :	800.00
185803	5/9/2023	010542 BROWN, CLARK	APR2023		PD TRNG CHILD ABUSE 4/3-7TH	99.61
					Total :	99.61
185804	5/9/2023	006331 BSN SPORTS, LLC	921299136		RCS SOCCER EQUIPMENT	851.99
					Total :	851.99
185805	5/9/2023	001447 CHARTER COMMUNICATIONS	3506041623		CABLE SRVCS CH APRIL 2023	121.02
					Total :	121.02
185806	5/9/2023	006056 DASH MEDICAL GLOVES	INV1285530		PD PRISONER MAINT GLOVES	325.89
					Total :	325.89
185807	5/9/2023	008098 DIRECTV, INC.	057628772X230420		RCS GC SRVCS 4/18-5/18	51.24
					Total :	51.24
185808	5/9/2023	010736 DZIDA, JOSEPH S.	42723		PW REIM FOR APPRAISAL 7100 EA	5,000.00
					Total :	5,000.00
185809	5/9/2023	009540 ELLAS	0511		RCS SENIOR CNTR MOTHERS DAY	1,500.00
					Total :	1,500.00
185810	5/9/2023	000849 FLORES, MIRIAM C.	043023		CCL AGENDA TRANSL SRVCS 4/10,	250.00
					Total :	250.00
185811	5/9/2023	006521 FRANCHISE TAX BOARD	Ben590252		GARNISHMENT: PAYMENT	533.71
					Total :	533.71
185812	5/9/2023	006112 GALLS LLC	024092689		PD EXPLORER UNIFORM L.GUILLE	29.72
			024092690		PD EXPLORER UNIFORM L.GUILLE	17.10
			024092693		PD EXPLORER UNIFORM L.GUILLE	10.48
			024104332		PD SOT UNIFORM OFFICER R. PEE	74.89
			024104351		PD SOT UNIFORM OFFICER R.PEE	80.90
			024135778		PD EXPLORER UNIFORM A QUIROZ	31.36
			024161240		PD SOT UNIFORM OFFICER D.SALI	7.03

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185812	5/9/2023	006112 GALLS LLC	(Continued) 024161262 024161263 024161264		PD OST UNIFORM OFFICER D.SALI PD SOT UNIFORM OFFICER D.SALI PD SOT UNIFORM OFFICER D.SALI Total :	143.19 71.60 13.34 479.61
185813	5/9/2023	002092 GOLDEN STATE WATER COMPANY	01744100007-04252: 21744100005-04252: 22744100003-04252: 40584200006-04202: 49644100007-04252: 50744100004-04252: 52151200004-04252: 52744100000-04252: 59644100006-04252: 81145100004-04252:		PW 6458 FLORENCE IRRIG PW 6221 FLORENCE AVE. PW 8327 GARFIELD AVE. PW 8323 GARFIELD AVE PW CLARA ST/IN SIDEWK IRRIG PW N/E/C AJAX/FLORENCE IRRIG PW 5856 LUDELL ST PW GARFIELD AVE/EASTERN AVE PW EASTERN S/O LIVE OAK IRRIG PW S/SIDE PK LANE GILLAND Total :	217.28 69.01 291.71 215.93 71.27 223.66 237.93 297.02 206.66 32.24 1,862.71
185814	5/9/2023	000938 GRAINGER	9672355378		PW FACILITIES SUPPLIES Total :	514.81 514.81
185815	5/9/2023	009785 GREENTECH LANDSCAPE INC.	55558	05083	PW CITYWIDE LANSCAPE Total :	9,607.83 9,607.83
185816	5/9/2023	001025 HOME DEPOT	6343146		RCS CFSC OFFICE SUPPLIES Total :	284.16 284.16
185817	5/9/2023	001102 IIMC	04112023		IIMC ANNUAL MEMBERSHIP D.GOM Total :	250.00 250.00
185818	5/9/2023	008569 JCL TRAFFIC	119131 119132		PE VARIOUS ST NAME SIGNS PW VARIOUS ST NAME SIGNS Total :	724.45 994.23 1,718.68
185819	5/9/2023	009008 KAY PARK-REC CORP	198665	05338	PW A.D.H. DOME CYLINDER TYPE Total :	4,680.47 4,680.47
185820	5/9/2023	005455 LA COUNTY SHERIFF'S DEPT	232664BL		PD PRISONER MAINT MEALS MARC Total :	367.70 367.70

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185820	5/9/2023	005455	005455 LA COUNTY SHERIFF'S DEP (Continued)			Total : 367.70
185821	5/9/2023	007252 LEAF	14671455		RCS HP L365 COPIER SYSTEM	388.97
						Total : 388.97
185822	5/9/2023	008684 LGP EQUIPMENT RENTALS INC	126396 126728 126730		PW GENIE BOOM DUAL FUEL PW GENIE BOOM DUAL FUEL PW GENIE BOOM DUAL FUEL	988.50 872.62 687.96
						Total : 2,549.08
185823	5/9/2023	001695 LIBERTY UTILITIES CORP	140020-042023 140130-042023 141075-042023 143030-042023 143990-042123 144765-042023		PW 6218 EASTERN AVE. PW IRRIG EASTERN/WATCHER PW 6820 FOSTER BRIDGE BLVD PW 6902 HANNON ST PW 6662 LOVELAND ST PW IRRIG SCOUT/SUVA	343.33 309.12 196.22 98.56 383.76 196.22
						Total : 1,527.21
185824	5/9/2023	001318 LOOMIS	13225053	05074	FA ARMORED SERVICES FY22-23	237.28
						Total : 237.28
185825	5/9/2023	001395 MANAGED HEALTH NETWORK	PRM080209		FA MHN INS 5/23	493.24
						Total : 493.24
185826	5/9/2023	001474 MIDTOWN PLUMBING, INC.	INV00057157		PW REPAIR GALVANIZED LINE DAN	514.99
						Total : 514.99
185827	5/9/2023	001491 MOBILE MINI INC.	90174444256		PD CONTRACT SRVCS 4/18-5/15	78.28
						Total : 78.28
185828	5/9/2023	010561 NWESTCO,LLC	INV453925		PW ANNUAL MONITORING CERTIF	670.08
						Total : 670.08
185829	5/9/2023	002293 OF SO. CALIF., UNDERGRND SRVC ALER	222303649 420230057		PW CA STATE FEE REG COSTS PW UNDERGRND SRVC FEE APRIL	29.44 53.75
						Total : 83.19
185830	5/9/2023	008044 PAL PROGRAM	Ben590254		PAL PROGRAM: PAYMENT	255.00

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185830	5/9/2023	008044 008044 PAL PROGRAM	(Continued)			Total : 255.00
185831	5/9/2023	001697 PARKHOUSE TIRE, INC.	1010919119		PW TIRES DISPOSAL	281.00
						Total : 281.00
185832	5/9/2023	008666 PARS	52908		PARS TRUST ADMIN SRVCS 2/28	899.03
						Total : 899.03
185833	5/9/2023	004661 QUILL CORPORATION	31889197		PD OFC SUPPLIES DEPT	190.17
						Total : 190.17
185834	5/9/2023	009049 RAMIREZ-MARIN, ELVIRA	1008981.002		RCS SHELTER DEP REFUND	125.00
						Total : 125.00
185835	5/9/2023	002884 RESERVE ACCOUNT	10889251-APRIL 23		POSTAGE ALL DEPTS APRIL 23	1,083.59
						Total : 1,083.59
185836	5/9/2023	001868 RIO HONDO COLLEGE	2223RGBELLGRD76		PD RANGE FEES FEB2023	1,600.00
						Total : 1,600.00
185837	5/9/2023	008861 SHARE CORPORATION	231615		PW JANITORIAL SUPPLIES	1,002.12
						Total : 1,002.12
185838	5/9/2023	007642 SKYLINE SAFETY & SUPPLY, PATRICIA SC 7559			PW SAFETY SUPPLIES	851.58
						Total : 851.58
185839	5/9/2023	002063 SMART & FINAL	177211-042623		RCS CFSC OFFICE SUPPLIES	203.59
						Total : 203.59
185840	5/9/2023	002088 SOCALGAS	03560611000-042823 09650638001-042823		PW 8327 GARFIELD AVE. PW 5856 LUDELL ST	135.16 16.06
						Total : 151.22
185841	5/9/2023	000594 STATE DISBURSEMENT UNIT	Ben590258		GARNISHMENT: PAYMENT	326.76
						Total : 326.76
185842	5/9/2023	003784 SUAREZ, GEORGE	315189		CD CODE CHECK BOOKS	222.00
						Total : 222.00

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185843	5/9/2023	010710 SUNSET STUDIO CLEANERS CORP.	1386 2551		RCS CFSC LINEN SRVC RCS CFSC LINEN SRVC	44.00 72.00 Total : 116.00
185844	5/9/2023	002169 SUPER A FOODS	1853-042123		RCS EARTH DAY SUPPLIES	148.28 Total : 148.28
185845	5/9/2023	009775 THOMSON INC.	45630134 45633846 45636789		PW PREV MAINT CITY HALL PW PREV MAINT VETERANS PARK PW PREV MAINT BG SENIOR CIRC	624.00 585.00 635.00 Total : 1,844.00
185846	5/9/2023	003821 US ARMOR CORPORATION	41389 41390 41721 41722 41816		PD SAFETY VEST E.PEREZ PD OUTER CARRIER E.PEREZ PD OUTER CARRIER D.TORRES PD SAFETY VEST D.TORRES PD SAFETY VEST OFFICER LOPEZ	874.06 430.95 491.73 874.06 840.91 Total : 3,511.71
185847	5/9/2023	010582 VENAVER EVENTS	2		RCS SUPPLIES	234.49 Total : 234.49
185848	5/9/2023	005583 WEST COAST ARBORISTS INC.	199001	05091	PW TREE PRUNNING N/S OF CITY	659.20 Total : 659.20
60 Vouchers for bank code : common						Bank total : 313,616.37
TRANSFER	5/4/2023	BANK OF THE WEST	P/R		NET PAYROLL	478,516.38
60 Vouchers in this report						Total vouchers : 792,132.75

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185849	5/16/2023	007599 4IMPRINT, INC	24919632/979439		RCS CFSC PROMOTIONAL SUPPLI	966.03
					Total :	966.03
185850	5/16/2023	000060 ADAMSON POLICE PRODUCTS	INV395273		PD PATROL & SOT SPONGE ROUNI	992.23
					Total :	992.23
185851	5/16/2023	006561 ADAPT CONSULTING INC.	23528B	05359	PW DO IT YOURSELF OIL CHANGE	1,874.57
					Total :	1,874.57
185852	5/16/2023	010275 ALADDIN LOCK & KEY, BENITO ROBERTC	32956		PW LOCK KEYPAD/KEY DUPLICATE	539.09
					Total :	539.09
185853	5/16/2023	008623 ALAN'S LAWN & GARDEN CENTER	1156896		PW RED FUEL PREMIX	132.26
					Total :	132.26
185854	5/16/2023	008481 ALTA LANGUAGE SERVICES INC	IS650391		BILINGUAL SPEAKING TEST	242.00
					Total :	242.00
185855	5/16/2023	010693 ALVARADO, HUGO ISAIAS	50223		PW TRAFFIC/SAFETY MTG 5/2	100.00
					Total :	100.00
185856	5/16/2023	000148 AMTECH ELEVATOR SERVICES	151401160895		PW MNTHLY SRVC FEE MAY 2023	224.92
					Total :	224.92
185857	5/16/2023	000150 ANAYA'S SERVICE CENTER	38261		CD VEH REP CE UNIT C. SUAREZ	51.49
					Total :	51.49
185858	5/16/2023	010742 ANGULO, VIANNEY RAMIREZ	0446153		RCS MOTHERS DAY FLOWERS 5/1	450.00
					Total :	450.00
185859	5/16/2023	010641 ARAMARK	2570160244		RCS AQUATICS SRVCS	78.48
					Total :	78.48
185860	5/16/2023	006800 ATHENS SERVICES	52321115	05135	IT RESIDENTIAL TRASH SERVICE (287,746.81
					Total :	287,746.81
185862	5/16/2023	004626 BANKCARD CENTER	0206-042823		RCS EXPENSES APRIL 23	3,503.40

Voucher List
CITY OF BELL GARDENS

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185862	5/16/2023	004626 BANKCARD CENTER	(Continued)			
			0730-042823		CC EXPENSES APRIL 2023	825.00
			0754-042823		CD EXPENSES APRIL 2023	47.96
			0755-042823		RCS EXPENSES APRIL 2023	5,684.17
			3107-042823		RCS EXPENSES APRIL 2023	2,220.61
			3416-042823		HR EXPENSES APRIL 2023	90.99
			4936-042823		PW EXPENSES APRIL 23	3,363.97
			5081-042823		CCL EXPENSES APRIL 2023	704.95
			5470-042823		RCS EXPENSES APRIL 2023	832.53
			5946-042823		FA EXPENSES APRIL 23	480.44
			6535-042823		CC EXPENSES APRIL 2023	2,644.14
			7243-042823		PD PREPAID EXPENSE TRAINING	6,566.70
			7899-042823		CM CONF,MTGS,TRAVEL EXPENSE	980.81
			9117-042823		RCS EXPENSES APRIL 23	-7.66
			9532-042823		PD EXPENSES APRIL 23	2,230.25
					Total :	30,168.26
185863	5/16/2023	010231 BARRERA, CARLOS	50223		PW TRAFFIC/SAFETY COMM 5/2/23	100.00
					Total :	100.00
185864	5/16/2023	010738 BEST-VIP CHAUFFEURED WORLDWIDE	1297329		RCS SENIOR CTR TRANSP 5/20/23	1,455.17
					Total :	1,455.17
185865	5/16/2023	000299 BLAUVELT SIGNS, LARRY BLAUVELT	6428		PW MATTE BLK NAME PLATES	110.00
					Total :	110.00
185866	5/16/2023	000302 BLUE DIAMOND MATERIALS	3123626		PW CONCRETE/ASPHALT DUMP FE	400.00
					Total :	400.00
185867	5/16/2023	005910 BRIGHTVIEW LANDSCAPE SRVCS INC	8382981	05100	RCS SPORT CENTER LANDSCAPE	6,593.83
					Total :	6,593.83
185868	5/16/2023	000313 BRITE WHITE, ELISEO RODRIGUEZ	25559		PW FLAT REP RT TRAILER TIRE	35.00
			25562		PW FLAT REPAIR UNIT CU1	30.00
					Total :	65.00
185869	5/16/2023	010714 CARSON TRAILER, INC.	276877 reissue		PW UTILITY TRAILER &RAMP GATE	2,656.80
					Total :	2,656.80

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185870	5/16/2023	009266 CHARTER COMMUNICATIONS	127241301050123		VOIP SRVCS CITY HALL 5/2023	1,150.00
					Total :	1,150.00
185871	5/16/2023	005399 CHUNG & CHUNG ACCOUNTANCY CORP	15279	05375	FA PROFESSIONAL SERVICES - JE	2,681.25
					Total :	2,681.25
185872	5/16/2023	005424 CITY OF BELL	005	05282	IT IMPLEMENTATION OF THE GATE	7,460.00
					Total :	7,460.00
185873	5/16/2023	005242 CODE PUBLISHING INC.	GC0010592		1 MUNICIPAL CODE WEB UPDATE	710.50
					Total :	710.50
185874	5/16/2023	010731 COMMERCE CASINO	050923	05398	RCS SENIOR CENTER PROM VENL	1,008.29
					Total :	1,008.29
185875	5/16/2023	000580 CORONA, RAYMUNDO	050323		RCS TRNG MILEAGE REIM	33.41
					Total :	33.41
185876	5/16/2023	004807 DAPEER,ROSENBLIT & LITVAK	21364		CD LEGAL MUNICODE 3/2023	1,435.40
					Total :	1,435.40
185877	5/16/2023	003917 DIAL COMMUNICATIONS	52553		PW 5 AIRTIME MT. WILSON MCS M	190.00
					Total :	190.00
185878	5/16/2023	010331 DIMEX PROFESSIONAL, ISRAEL HERNAN	1198		RCS CFSC JANITORIAL SRVCS 4/5-	288.00
			1199		RCS FP JANITORIAL 4/5-26TH	166.00
			1200		RCS SPRT CTR JANITORIAL SRVC	300.00
			1201		RCS SR CTR JANITORIAL SRVC 4/5	136.00
			1202		RCS GC JANITORIAL SRVC 4/5-26T	136.00
			1203		RCS NYC JANITORIAL SRVC 4/5-26	136.00
			1204		RCS FP ADDTL WORK	120.00
			1205		RCS SPRT CTR ADDTL WORK	300.00
			1206		RCS GC ADDTL WORK	125.00
			1207		RCS SR CTR ADDTL WORK	125.00
			1208		RCS NYC ADDTL WORK	125.00
			1209		RCS CDFC ADDTL WORK	320.00
			1210		RCS AUDITORIUM ADDTL WORK	40.00
					Total :	2,317.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185879	5/16/2023	010428 DOLLFACE ENTERTAINMENT,INC	050923	05399	RCS MEMORIAL DAY EVENT ENTEI	1,600.00
					Total :	1,600.00
185880	5/16/2023	008258 ECOFERT, INC	5588		PW FIELD FERTIGATION MAY	724.00
					Total :	724.00
185881	5/16/2023	006944 ENTERPRISE FLEET MANAGEMENT	FBN4746477	05104	PD MONTHLY LEASE FOR PD & DE	2,833.83
					Total :	2,833.83
185882	5/16/2023	000807 FAIRFIELD, BRADLEY SCOTT	050223		PD TRNG EXPENSES REIM	1,123.78
					Total :	1,123.78
185883	5/16/2023	000815 FEDEX	811454301 811484960		PD POSTAGE DELIVERY FA DELIVERY EXPENSES	59.98 40.47
					Total :	100.45
185884	5/16/2023	006264 FIERRO, NANCY	SESSION 5 5/22-24T		PD TRAINING REIMBURSEMENTS	453.53
					Total :	453.53
185885	5/16/2023	009101 FILE KEEPERS, LLC	24470		PW ONSITE SHREDDING SRVC API	119.54
					Total :	119.54
185886	5/16/2023	001481 FINANCIAL SERVICES, INC., DE LAGE LAI	79833682		PD COPIER LEASE MAY 2023	358.41
					Total :	358.41
185887	5/16/2023	009084 FRONTIER COMMUNICATIONS	2091195514051455- 5 56219712940224225		PD UPGRADE FRAME RELAY PD IIT CH/PD INTERNET MAY2023	1,113.00 1,190.00
					Total :	2,303.00
185888	5/16/2023	008132 GAVILANES, JAYSON	50223		PW TRAFFIC/SAFETY COMM 5/2/23	100.00
					Total :	100.00
185889	5/16/2023	009809 GLOBAL URBAN STRATEGIES INC.	351	05385	CM GRANT WRITING SERVICES FC	1,320.00
					Total :	1,320.00
185890	5/16/2023	009734 GOLD COAST K9, K-9 SERVICES LLC	BGPD 180		PD K9 MAINT TRNG 4/12	175.00
					Total :	175.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185891	5/16/2023	002092 GOLDEN STATE WATER COMPANY	01627100009-04242: 31145100009-04242: 32916100004-04242: 56943418386-04212: 57319200002-04282: 76132100009-04242: 81916100001-04242:		PW GARFIELD AVE/PK LANE PW 8000 SCOUT IRRIG PW 8000 SCOUT IRRIG PW 6626 MARLOW PW GAGE AVE. & SPECHT PW 5856 LUDELL ST PW 8000 SCOUT IRRIG FDPK	710.59 1,915.65 1,961.39 44.89 176.61 70.11 2,057.92 Total : 6,937.16
185892	5/16/2023	006354 GONZALEZ, FREDDIE	APRIL 2023 MARCH2023		CARPOOLING REIM APRIL 2023 CARPOOLING REIM MARCH 2023	35.00 35.00 Total : 70.00
185893	5/16/2023	010366 GRIMCO, INC.	3027825502	05172	RCS WIDE FORMAT PRINTER SUPI	260.36 Total : 260.36
185894	5/16/2023	010202 HEREDIA, DAVID E.	50223		PW TRAFFIC/SAFETY COMM MTG	100.00 Total : 100.00
185895	5/16/2023	001025 HOME DEPOT	002999/0023644 0074054 0074055 0092198 025873/7023212 027036/5537405 1080284		PW FACILITIES SUPPLIES RC SSTAR PRGM MAY MTG RCS CFSC OFC SUPPLIE S RCS BGVP SUPPLIE S PW STREET CREW SUPPLIE S PW MAT FOR CITY HALL RCS SUPPLIES	94.71 159.27 76.67 45.96 138.51 75.90 506.42 Total : 1,097.44
185896	5/16/2023	009818 IBE DIGITAL	454633		RCS BGVP 2ND COPIER LEASE	503.41 Total : 503.41
185897	5/16/2023	009818 IBE DIGITAL	454730		PD COPIER LEASE 4/15-5/14	407.83 Total : 407.83
185898	5/16/2023	009818 IBE DIGITAL	4544462 4544454 4544455 4544456		RCS FORD COPIER LEASE 4/6-5/5 FA COPIER LEASE 4/6-5/5 CD COPIER LEASE 4/6-5/5 CCL COPIER LEASE 4/6-5/5	84.87 168.98 160.36 14.10

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185898	5/16/2023	009818 IBE DIGITAL	(Continued)			
			454457		PD DISPATCH COPIER LEASE 4/6-5	85.63
			454458		PD BASEMENT BRIEFING COPIER	27.91
			454459		RCS SENIOR CTR COPIER LEASE	6.10
			454460-050623		RCS NYC COPIER LEASE 4/6-5/5	4.32
			454461		RCS BGVP COPIER LEASE 4/6-5/5	27.19
			454491		PD RECORDS COPIER LEASE 4/6-5	60.10
			454492-050823		PW COPIER LEASE 4/7-5/6	127.27
					Total :	766.83
185899	5/16/2023	005177 INFRASTRUCTURE ENGINEERS	28470		PW NPDES MANAGMNT PRGM APF	5,936.75
			28489	04676	PW UPGRADE WATER WELL #1 PU	555.00
			28490	05272	PW CITYWIDE STRIPING PROJ API	277.50
			28491	05347	PW INDUST/COMM FACIL PRGM AF	325.00
			28492	05352	PW SLURRY SEAL IMPROVEMENT	2,557.50
			28499		CD B&S PLAN CHECK 4/23	6,145.94
			28513	04951	PW ARTERIAL ST IMPROV APRIL E	500.00
			28514	04663	PW VET PK YARD COMP MARCH/AI	330.00
			28515	05353	PW VARIOUS RESIDENTIAL STREE	480.00
					Total :	17,107.69
185900	5/16/2023	010658 JONES, STEVEN	MAR2023		CARPOOLING REIM 3/2023	35.00
			MARCH2023		CARPOOLING REIM 4/2023	35.00
					Total :	70.00
185901	5/16/2023	007675 JULIO MACIAS, JULIO'S JUMPERS	042723		RCS SENIOR SRVCS LINEN RENTA	90.00
					Total :	90.00
185902	5/16/2023	007868 LA CONSERVATION CORPS	241584MAR23	04864	PW TREES FOR BG PLANTING PRG	5,610.00
					Total :	5,610.00
185903	5/16/2023	006145 LAN WAN ENTERPRISE, INC.	73662		IT DESK PAD MOUSE PAD DESK M/	21.54
			73829		IT LENOVO THINKPAD AC AP	199.99
			73830		IT DELL 24 MONITORS X2	958.18
			73833		IT LOGITECH WIRELSS KEYBOAR	382.71
			73900		IT 50FT LANDLINE/LAPTOP CASE	117.44
			73923	05138	IT COUNCIL CHAMBER AUDIO VIDE	53.22
			74061	05138	IT COUNCIL CHAMBER AUDIO VIDE	398.27

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185903	5/16/2023	006145 LAN WAN ENTERPRISE, INC.	(Continued)			
			74062	05138	IT COUNCIL CHAMBER AUDIO VIDE	12,613.11
			74076	05073	IT NETWORK/TECH SUPPORT FY2	9,600.00
			74085	05108	PD MAINT CONTRACT 4/24-27TH	4,800.00
			74110		IT MNTHLY LIC/WARRANTIES MAY	5,863.70
			74124	05108	PD MAINT CONTRACT 5/1-4TH	4,800.00
					Total :	39,808.16
185904	5/16/2023	007926 LEON'S FLOWER SHOP & PARTY, LIZETTI	042423		RCS MEMORIAL DAY CEREMONY 5	350.00
					Total :	350.00
185905	5/16/2023	008684 LGP EQUIPMENT RENTALS INC	126138-042823		RCS SPRING FESTIVAL GENERATC	410.00
			126718		PW COMPRESSOR REPAIR	974.22
					Total :	1,384.22
185906	5/16/2023	001695 LIBERTY UTILITIES CORP	140600-042123		PW 6423 FLORENCE PL	258.42
			141815-042123		PW IRRIG GAGE/GARFIELD AVE	39.42
			141820-042123		PW IRRIG GAGE/GARFIELD AVE	39.42
			141850-042123		PW 6400 GAGE AVE MEDIAN	309.12
			141940-042123		PW 7000 GARFIELD AVE	309.12
			141960-042123		PW 7100 GARFIELD AVE.	473.95
			141965-042123		PW 7100 GARFIELD AVE.	52.40
			143985-042123		PW 6662 LOVELAND ST	837.05
			143995-042123		PW 6662 LOVELAND ST	675.33
					Total :	2,994.23
185907	5/16/2023	001695 LIBERTY UTILITIES CORP	138015-050823		RCS M.GONZALEZ 5810 AGRA ST	56.70
			138185-050823		T.VILLALVAZO 5837 AGRA ST	128.23
			138690-050823		E.GUZMAN 6224 AGRA ST	51.93
			138995-050823		C.FARIAS 6730 ALVINA ST	40.39
			139050-050823		A.PEZA 6753 ALVINA ST	99.17
			139660-050823		RCS JN ANAYA 6646 CHALET DRIV	105.12
			139760-050823		L.ZUNIGA 6661 CHARNER ST	48.36
			140235-050823		R.GUTIERREZ 6512 EMIL AVE	41.73
			140870-050823		RCS T.ZAMORA 6608 FOSTER BRIC	71.81
			140915-050823		I.GUTIERREZ 6644 FOSTER BRIDG	42.63
			141500-050823		C.BELTRAN 6440 GAGE AVE	60.33
			141580-050823		RCS E.RODRIGUEZ 6558 GAGE AVI	77.62

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185907	5/16/2023	001695 LIBERTY UTILITIES CORP	(Continued)			
			142115-050823		J.PARRA 6720 GRANGER AVE.	66.08
			142190-050823		R.VARGAS 6816 GRANGER AVE.	60.75
			142595-050823		RCS A.RUBIO 6515 HANNON ST	77.54
			142710-050823		RCS C.FANDINO 6616 HANNON ST	39.07
			142905-050823		RCS J.CASTILLO 6818 HANNON ST	91.81
			143270-050823		RCS A.CASTILLO 5526 LANTO ST	75.74
			143380-050823		D.VENER 5807 LANTO ST	44.85
			143575-050823		RCS T.LOPEZ 5900 LANTO ST	46.20
			143620-050823		RCS M.RETEGUIN 5928 LANTO ST	40.44
			143640-050823		B.JESALVA 5944 LANTO ST	64.31
			143645-050823		RCS R.BARAJAS 5951 LANTO ST	118.40
			143740-050823		RCS E. TOSCANO 5968 LANTO ST	52.85
			144645-050823		K.ORDONEZ 6533 PRIAM DRIVE	52.32
			144650-050823		RCS D.ORDONEZ 6535 PRIAM DR	49.71
			145235-050823		Y.DAVILA 6559 SUVA ST	63.89
			145680-050823		RCS G.VIDRIO 6617 TOLER AVE.	75.29
			145970-050823		RCS T.SOLIZ 5516 WATCHER ST	65.10
			146015-050823		RCS J.MAGANA 5539 WATCHER ST	49.68
			146085-050823		RCS A.PATTERSON 5572 WATCHEF	41.76
			146290-050823		RCS M.RECINOS 5868 WATCHER S	70.91
			146385-050823		RCS G.MARISCAL 5934 WATCHER	51.03
			146400-050823		J.M BORRAYO 5940 WATCHER ST	103.60
			146520-050823		RCS S.ALFONSO 6239 WATCHER S	61.73
			146720-050823		RCS M.MARTINEZ 6730 ALVINA ST	41.71
					Total :	2,328.79
185908	5/16/2023	010545 LINGO	33354425		PD POTS LINES 5/3-6/2	365.46
					Total :	365.46
185909	5/16/2023	006285 MARTINEZ, LAURA	MAY2023		PD TRNG MILEAGE 4/24-28TH	237.75
					Total :	237.75
185910	5/16/2023	010554 MEDICO HEALTHCARE LINEN SRVCS.	20804396		PD JAIL UNIFORMS/LINEN CLEANIN	52.05
					Total :	52.05
185911	5/16/2023	003123 MENDOZAS LAWNMOWER'S, ROSALINDA	4859 4860		PW SRVC/REPAIR TRIMMER LINE	44.10
					PW SRVC/REP MAJOR TUNE UP	66.15

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185911	5/16/2023	003123 003123 MENDOZAS LAWNMOWER	(Continued)			Total : 110.25
185912	5/16/2023	008796 MONROY, MONICA LISBETH	00016		RCS BALLET FOLKLORICO APRIL	250.00
					Total :	250.00
185913	5/16/2023	001576 NATIONWIDE ENVIRONMENTAL SRVCS	33170	05125	PW STREET SWEEPING MAY	17,737.46
					Total :	17,737.46
185914	5/16/2023	000494 PETTY CASH, CITY OF BELL GARDENS	JAN-MAR2023		PETTY CASH ALL DEPTS JAN-MAR	443.43
					Total :	443.43
185915	5/16/2023	006904 PIONEER MANUFACTURING COMPANY	INV879567	05360	RCS SPORTS CENTER NATURAL G	6,453.05
					Total :	6,453.05
185916	5/16/2023	010700 PRODUCTS & AWARDS INC., NORDBAKS	050423BG	05321	CC LADIES/MENS POLOS	1,460.29
					Total :	1,460.29
185917	5/16/2023	005907 PUBLIC WORKS, LOS ANGELES COUNTY	PW23041005134		PW INDUSTRIAL WASTE PERMITS	2,718.45
					Total :	2,718.45
185918	5/16/2023	001791 QUICK CRETE PRODUCTS CORP	127389	05329	PW CONCRETE WASTE CONTAINERS	4,274.97
					Total :	4,274.97
185919	5/16/2023	010741 RAFAEL, RENNY	MAY2023		PD TRNG REIMBURSEMENTS	131.45
					Total :	131.45
185920	5/16/2023	010488 RAPID READY MIX INC.	042723		PW 5 YARDS 3000 PSI PEA GRAVEL	999.00
					Total :	999.00
185921	5/16/2023	008332 RICARDO EXTERMINATOR	0136553		PW EXTERM SRVC BG PARKVIEW	65.00
					Total :	65.00
185922	5/16/2023	007259 ROBERT HALF	61951663 61979527	05367 05367	FA PROF SRVCS V.SUMOGE FA PROF SRVCS - V SUMOGE	1,280.00 1,280.00
					Total :	2,560.00
185923	5/16/2023	009574 ROMERO, OSAEL ALEXI	00014428600		RCS AQUATICS TRNG REIM	860.00
					Total :	860.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185924	5/16/2023	001935 S&S WORLDWIDE	IN101176127		RCS BGVP SUPPLIES	81.57
					Total :	81.57
185925	5/16/2023	001997 SCAQMD	4165739		PW AQMD FEE JULY 22-JUNE 23	153.23
					Total :	153.23
185926	5/16/2023	008861 SHARE CORPORATION	232177		PW JANITORIAL SUPPLIES	864.72
					Total :	864.72
185927	5/16/2023	002063 SMART & FINAL	051333		RCS BGVP SUPPLIE S	22.45
			962122		RCS NYC SUPPLIES	42.40
					Total :	64.85
185928	5/16/2023	000913 SMITH PAINT	32856	05362	PW GRAFFIT PAINT AND SUPPLIES	268.74
			897146	05216	PW GRAFFITI PAINT & SUPPLIES	4,578.90
			897215	05362	PW GRAFFIT PAINT AND SUPPLIES	4,040.51
			897304	05362	PW GRAFFIT PAINT AND SUPPLIES	524.16
			899511	05362	PW GRAFFIT PAINT AND SUPPLIES	2,209.21
					Total :	11,621.52
185929	5/16/2023	002088 SOCALGAS	06477094269-04262:		PW 8100 PARK LANE	15.40
			11300697007-04262:		PW 8110 PARK LANE	97.35
			12170673003-05012:		PW 6662 LOVELAND ST	111.57
			12560694098-04262:		PW 8000 PK LANE	144.24
			13010672007-05012:		PW 7100 GARFIELD AVE	337.44
					Total :	706.00
185930	5/16/2023	002087 SOUTHERN CALIFORNIA EDISON	700076461609-0501:		PW VARIOUS LOCATIONS	1,117.29
			700143043419-0418:		PW VAROUIOS LOCATIONS	12,912.08
			700173489897-0407:		PW 8000 PK LANE UNIT A	5,573.65
			700370407274-0410:		PW 6601 CLARA ST	14.10
			700394307872-0407:		PW 6722 CLARA ST	782.87
			700436447302-0419:		PW 6208 LOVELAND ST	96.46
					Total :	20,496.45
185931	5/16/2023	002105 SPARKLETTS	4512853051523		FA WATER SRVC 4/27-5/11	158.87
					Total :	158.87

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185932	5/16/2023	002854 STAPLES ADVANTAGE	3534576906		RCS OFFICE SUPPLIE S	55.22
			3534576907		CC OFFICE SUPPLIES	75.98
			3534576908		RCS OFFICE SUPPLIES CREDIT	211.73
			3534576909		RCS OFFICE SUPPLIES	332.79
			3534576910		RCS OFFICE SUPPLIES	151.15
			3534576911		RCS OFFICE SUPPLIES	10.58
			3534576913		RCS OFFICE SUPPLIE S	11.34
			3534576914		RCS OFFICE SUPPLIE S	148.83
			3534576915		RCS SUPPLIES FOR SENIOR PRGM	351.85
			Total :		1,349.47	
185933	5/16/2023	009031 STAR2STAR COMMUNICATIONS, LLC	SUBC00010743		VOIP SRVC 5/7-6/7	10,501.76
					Total :	10,501.76
185934	5/16/2023	002169 SUPER A FOODS	6555		RCS BGVP SUPPLIES	95.19
			7057-050323		RCS NYC SUPPLIES	22.45
			7058		RCS NYC SUPPLIES	49.87
					Total :	167.51
185935	5/16/2023	006443 TOTAL EXTERMINATING INC.	81877		PW MNTHLY SRVC PWS MAY 2023	50.00
			84875		PW MNTHLY SRVCS FDPK MAY202	100.00
			84876		PW MNTHLY SRVC 7104 PERRY RE	70.00
			84878		PW MNTHLY SRVC SIERRA BLDG M	60.00
			84880		PW MNTHLY SRVC BG VET PK	125.00
			84881		PW MNTHLY SRVC NEIGHBRHD YT	98.00
			84882		PW MNTHLY SRVC CH/PD MAY202:	170.00
			84883		PW MNTHLY SRVC CH/PD MAY	195.00
			Total :		868.00	
185936	5/16/2023	003821 US ARMOR CORPORATION	41874		PD SAFETY VEST CSO M. WILLIAM	874.06
					Total :	874.06
185937	5/16/2023	010075 VELASCO, RAUL	50223		PW TRAFFIC/SAFETY 5/2/23	100.00
					Total :	100.00
185938	5/16/2023	006130 VERIZON WIRELESS	9933263821		PW MNTHLY SRVC FEE 3/24-4/23	1,131.90
					Total :	1,131.90

05/18/2023 10:16:34AM

Voucher List
CITY OF BELL GARDENS

Page: 12

Bank code : common

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
185939	5/16/2023	006130 VERIZON WIRELESS	9932880749-031923		CD CELL SRVC 3/20-4/19/23	203.84
					Total :	203.84
185940	5/16/2023	010481 VICENCIO, EDGAR	0034		RCS HIP HOP CLASS MAY	780.00
					Total :	780.00
185941	5/16/2023	009690 WEX BANK	89076718		CD CODE ENG FUEL EXP 4/6-5/6	34,079.68
					Total :	34,079.68
92 Vouchers for bank code : common						Bank total : 565,952.49
92 Vouchers in this report						Total vouchers : 565,952.49



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 6.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Manuel Carrillo, Director of Finance and Administrative Services Cathy R. Thompson, Interim Human Resources Manager
SUBJECT: **APPROVAL OF RESOLUTION ESTABLISHING AND MEMORIALIZING COMPENSATION AND BENEFITS FOR THE NON-REPRESENTED FULL-TIME EXECUTIVE MANAGEMENT, MID-MANAGEMENT AND CONFIDENTIAL EMPLOYEES**
DATE: June 12, 2023

RECOMMENDATION:

It is staff’s recommendation that the City Council, by motion, approve the attached Resolution establishing and memorializing compensation and benefits for the Non-Represented Full-Time Executive Management, Mid-Management and Confidential Employees commencing as of June 1, 2023, and continuing through May 31, 2026.

BACKGROUND/DISCUSSION:

The City Council recently approved Memoranda of Understanding between the City and the Bell Gardens City Employees Association (CEA) and the Bell Gardens Police Management Association (PMA). Confidential, Mid-Management and Executive Management positions are not represented by a bargaining unit and are therefore not subject to the meet and confer process. Historically, classifications considered “Non-Represented” receive salary and benefit increases consistent with those negotiated with the CEA. The Police Chief however, receives salary and benefit increases consistent with those negotiated with the PMA.

SALARY AND BENEFIT CHANGES FOR CONFIDENTIAL, MID-MANAGEMENT AND EXECUTIVE MANAGEMENT EMPLOYEES ARE AS FOLLOWS:

Salaries (consistent with CEA MOU)

- Effective the first full pay period following June 1, 2023: 7% base salary increase.
- Effective the first full pay period following June 1, 2024: 4% base salary increase.
- Effective the first full pay period following June 1, 2025: 5% base salary increase.
- The City shall provide a one-time lump sum payment to each unit member in an amount equivalent to 50 hours of the employee’s base hourly rate.

Cash Distribution of Accumulated and Earned Leave Time (Consistent with CEA MOU)

- Increase permitted annual vacation buy out amount from 80 hours to 120 hours.

Sick Leave

- Revise language to include and identify who an employee can take leave for; domestic partner, grandparent, grandchild, sibling, parent-in-law or “designated person”. Also identify “designated person” as any individual related to by blood or whose association with the employee is the equivalent of a family relationship.
- Pay out accumulated sick leave in excess of 500 hours in December 2023.

Bereavement Leave

- Revise language to include domestic partner, grandparent, grandchild, sibling or parent-in-law.

Cafeteria Opt-Out Plan (Applicable to all Full-Time Executive Management, Mid-Management and Confidential Employees)

- The City will offer a “Cafeteria Plan” to each full-time employee in a classification within the non-represented group. An employee may receive 50% of the cost of the monthly premiums forfeited by that employee for themselves and their dependents (if applicable), if they choose to take medical, dental, and/or vision elsewhere. This will be on a monthly basis, and the amount of City-funded premiums upon which the 50% payment shall be made shall be the lowest medical, dental and/or vision plan premium for which the employee is eligible. City employees will be required to provide proof of insurance to be eligible for this benefit.

SALARY AND BENEFIT CHANGES FOR THE POLICE CHIEF ARE AS FOLLOWS :

Salaries (Consistent with PMA MOU)

- Effective the first full pay period following April 1, 2023: 7% base salary increase.
- Effective the first full pay period following April 1, 2024: 4% base salary increase.
- Effective the first full pay period following April 1, 2025: 5% base salary increase.
- The City shall provide a one-time lump sum payment in an amount equivalent to 80 hours of the employee’s base hourly rate.

Educational Incentive (Consistent with PMA MOU)

- Effective the first full pay period following April 1, 2025, sworn unit members shall be entitled to a salary differential of 3.5% of their base salary upon being awarded an Associate of Arts degree or an Intermediate POST Certificate. Sworn unit members shall be entitled to receive a salary differential of 9.5% of their base salary upon being awarded a Baccalaureate degree or an Advanced POST certificate. Sworn unit members having been awarded a Master’s Degree, shall be entitled to receive a salary differential of 10% of their base salary. The salary differentials described herein are not cumulative. For example, any sworn employee holding both an Advanced POST Certificate and a Master’s Degree shall only be entitled to receive a salary differential of 10% of their base pay.

CONCLUSION:

Staff recommends the City Council approve the attached Resolution establishing and memorializing compensation and benefits for the Non-Represented Full-Time Executive Management, Mid-Management and Confidential Employees commencing as of June 1, 2023, and continuing through May 31, 2026.

FISCAL IMPACT:

For the remainder of FY 2022/23, the estimated fiscal impact is \$13,401 for the Month of June 2023, and \$147,412 for the remaining 11 Months of the agreement period.

ATTACHMENTS:

Exhibit 1 - Resolution 2023-38

Exhibit 2 NR Salary Schedule

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

RESOLUTION NO. 2023-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA ESTABLISHING AND MEMORIALIZING COMPENSATION AND BENEFITS FOR THE NON-REPRESENTED, FULL-TIME EXECUTIVE MANAGEMENT, MID-MANAGEMENT AND CONFIDENTIAL EMPLOYEES

WHEREAS, the City Council is committed to a compensation policy that strengthens the recruitment and retention of well qualified and effective managers and confidential employees; and

WHEREAS, the employees in the following job classifications are not represented by a formal bargaining unit, and the City Council, through City Manager recommendation, has recognized the need to formally memorialize and assemble a compensation and benefits document, that expressly outlines and delineates the benefit structure for these non-represented employees consistent with other employee bargaining units; and

WHEREAS, the full time, non-represented employees affected under this Resolution are full time Executive Management, Mid-Management, and Confidential employees (collectively referred to as the “Non-Represented Groups”) in the following job classifications:

Executive Management Group – (i) Community Development Director, (ii) Finance and Administrative Services Director, (iii) Public Works Director, (iv) Recreation and Community Services Director, (v) City Clerk, and (vi) Chief of Police.

Mid-Management Group – (i) Accounting Manager, (ii) Assistant to the City Manager (iii) City Planner, (iv) Human Resources Manager and (v) Public Works Superintendent.

Confidential Group – (i) Administrative Specialist, (ii) Executive Assistant to the City Council, (iii) Executive Assistant to the City Manager, (iv) Human Resources Technician, (v) Management Analyst, (vi) Payroll Analyst, and (vii) Senior Management Analyst.

WHEREAS, the purpose of the Resolution is to memorialize the compensation and benefits for the Non-Represented Groups so as to specifically outline and delineate the benefits and resolve any potential ambiguities regarding the benefits entitled to the Non-Represented Groups.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporate them herein.

SECTION 2. Executive Management Group – With the exception of the Chief of Police, the sections pertaining to (i) Compensation and Salaries, (ii) Benefits, (iii) Tuition Reimbursement and (iv) Bereavement Leave as negotiated and approved for the City Employee Association (CEA) under the CEA Memorandum of Understanding and amendments thereto then in effect, shall apply for all Executive Management Group employees, except as otherwise specified by other City Council Resolution(s) or administrative policies, as defined or specified herein below:

RETIREE HEALTH BENEFITS:

For Executive Management Group employees only, references to Retiree Health Benefits shall be defined and inclusive of Medical, Dental and Vision Benefits, subject to a two-tier system as defined in Article VI, Section of the 2023-2026 Police Management Memorandum of Understanding.

SECTION 3. Chief of Police – The Chief of Police shall be entitled to receive the rights and benefits pertaining to (i) Salaries, (ii) Retirement and Contributions, (iii) Retiree Health, (iv) Life Insurance, (v) Bereavement Leave, (vi) Health Insurance, (vii) Education Incentive, (viii) Tuition Reimbursement, (ix) Bilingual Pay, and (x) Holiday Pay negotiated and approved for the Police Management Association (PMA) under the PMA Memorandum of Understanding and any amendments thereto then in effect except as otherwise specified by other City Council Resolution(s) or administrative policies.

SECTION 4. Mid-Management Group – The Articles pertaining to (i) Compensation and Salaries, (ii) Benefits, (iii) Tuition Reimbursement (iv) Retiree Health and (v) Bereavement Leave as negotiated and approved for CEA under the CEA Memorandum of Understanding and amendments thereto then in effect, shall apply for all Mid-Management employees, except as otherwise specified by other City Council Resolution(s) or administrative policies.

SECTION 5. Confidential Group – Confidential Group employees shall be entitled to receive the same rights and benefits conferred upon the CEA employees as negotiated and approved under the CEA Memorandum of Understanding and any amendments thereto then in effect.

SECTION 6. Cafeteria Opt-Out Plan – The City will offer a “Cafeteria Plan” to each full-time employee in a classification within the Non-Represented Group as defined in this Section. An employee may receive fifty percent (50%) of the cost of the monthly premiums forfeited by that employee for themselves and their dependents (if applicable), if they choose to take medical, dental, and/or vision elsewhere. This will be on a monthly basis, and the amount of City-funded premiums upon which the fifty percent (50%) payment shall be made, shall be the lowest medical, dental and/or vision plan premium for which the employee is eligible. These provisions shall only be applicable for those employees that provide proof of insurance.

SECTION 7. Salaries (One-Time Lump Sum) – The City shall provide a one-time lump sum payment to each unit member as follows:

- Chief of Police – equivalent of 80 hours
- Executive/Mid-Management – equivalent of 50 hours
- Confidential – equivalent of 50 hours

SECTION 8. The City Clerk shall attest and certify to the passage and adoption of this Resolution, enter it into the book of original Resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED, and ADOPTED this 12th day of June 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk

	<u>Schedule</u>	<u>Code</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>
NON-REPRESENTED							
Position Title							
Human Resources Specialist							
Human Resources Technician	G2	47	\$4,172	\$4,381	\$4,600	\$4,830	\$5,072
Administrative Specialist	G2	51	\$5,279	\$5,544	\$5,821	\$6,112	\$6,418
Executive Assistant to the City Council	G1	70	\$5,721	\$6,007	\$6,308	\$6,623	\$6,955
Executive Assistant to the City Manager	G1	70	\$5,721	\$6,007	\$6,308	\$6,623	\$6,955
Payroll Analyst	G1	62	\$5,580	\$5,859	\$6,153	\$6,461	\$6,784
Personnel Analyst	H1	54	\$5,580	\$5,859	\$6,153	\$6,461	\$6,784
Sr. Management Analyst	M1	73	\$7,180	\$7,539	\$7,916	\$8,312	\$8,727
Management Analyst	G1	62	\$5,580	\$5,859	\$6,153	\$6,461	\$6,784

MID MANAGEMENT							
Position Title							
City Planner	G2	76	\$10,137	\$10,644	\$11,176	\$11,735	\$12,321
Accounting Manager	M2	82	\$8,128	\$8,534	\$8,961	\$9,410	\$9,880
Human Resources Manager	M2	82	\$8,128	\$8,534	\$8,961	\$9,410	\$9,880
Public Works Manager	M2	82	\$8,128	\$8,534	\$8,961	\$9,410	\$9,880
Public Works Superintendent	M2	82	\$8,128	\$8,534	\$8,961	\$9,410	\$9,880
Assistant to the City Manager	M2	88	\$9,970	\$10,469	\$10,992	\$11,542	\$12,119
Recreation Manager	M2	82	\$8,128	\$8,534	\$8,961	\$9,410	\$9,880

EXECUTIVE MANAGEMENT							
Position Title							
Assistant City Manager	M2	87	\$16,573	\$17,401	\$18,271	\$19,185	\$20,145
City Manager	E0	8	\$22,324				
Director of Community Development	M2	85	\$12,815	\$13,456	\$14,129	\$14,836	\$15,577
Director of Public Works	M2	81	\$11,449	\$12,021	\$12,623	\$13,287	\$13,916
Chief of Police	M2	94	\$17,990	\$18,890	\$19,835	\$20,826	\$21,868
City Clerk	M2	83	\$9,416	\$9,887	\$10,381	\$10,900	\$11,445
Director of Finance and Administrative Services	M2	86	\$12,647	\$13,280	\$13,944	\$14,642	\$15,374
Director of Recreation and Community Services	M1	75	\$11,449	\$12,021	\$12,623	\$13,254	\$13,916



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

**AGENDA REPORT
Item 7.**

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Gustavo Romo, Community Development Director
SUBJECT: **APPROVAL OF A COOPERATION AGREEMENT WITH THE LOS ANGELES URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEARS 2024-2026**
DATE: June 12, 2023

RECOMMENDATION:

It is staff's recommendation that the City Council:

- 1) Adopt the attached Resolution;
- 2) Authorize the City Manager to enter into a Cooperation Agreement, approved by the City Attorney as to form, with the Los Angeles Urban County Community Development Block Grant (CDBG) Program for the next three-year funding cycle, effective July 1, 2024 through June 30, 2027.

BACKGROUND/DISCUSSION:

In order to continue to receive CDBG funds, the City of Bell Gardens is required to send an adopted resolution (Exhibit 1) and a signed Cooperation Agreement (Exhibit 2) to the Los Angeles County Development Authority (LACDA) authorizing continued participation. LACDA acts as the intermediary between the Housing and Urban Department (HUD) and the City in the distribution of CDBG funds. Each year, the City receives approximately \$600,000 in CDBG funds to support various programs. The City's continued participation in the Los Angeles Urban County Community Development Block Grant (CDBG) via the Cooperation Agreement ensures that these popular and vital programs will continue uninterrupted.

CONCLUSION:

Adopt the attached Resolution and approve the Cooperation Agreement with the Los Angeles Urban County Community Development Block Grant Program for the next three-year funding cycle, effective July 1, 2024, through June 30, 2027.

FISCAL IMPACT:

None.

ATTACHMENTS:

- Exhibit 1 - Resolution No. 2023-39
- Exhibit 2- LACDA CDBG FY 2024-2026 Cooperation Agreement

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

RESOLUTION NO. 2023-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, APPROVING PARTICIPATION IN THE LOS ANGELES URBAN COUNTY PROGRAM.

WHEREAS, the City of Bell Gardens desires to participate in the Los Angeles Urban County Program for Community Development Block Grant ("CDBG") funds, and if applicable, the HOME Investment Partnerships ("HOME") Program, and the Emergency Solutions Grant ("ESG") Program, in the County's Consolidated Plan for Fiscal Years 2024-2026, commencing on July 1, 2024, and through June 30, 2027; and

WHEREAS, the City authorizes the execution of a Cooperation Agreement with the County of Los Angeles in order to receive said CDBG funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporate them herein.

SECTION 2. The City Council adopts and approves its participation in the Los Angeles County Urban County Program and receiving CDBG funds, and if applicable, HOME and ESG Program funds, and execution of the Cooperation Agreement between the City of Bell Gardens and the County of Los Angeles for the time period of July 1, 2024, through June 30, 2027.

SECTION 3. The City Council further authorizes the City Manager to execute the Cooperation Agreement, subject to City Attorney approval, and consistent with this Resolution, along with any ancillary documents reasonably necessary to effectuate the intent of this Resolution and to allow participation in the Los Angeles Urban County Program.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval.

[Signatures on the following page]

PASSED, APPROVED AND ADOPTED this 12th day of June 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk

**COUNTY OF LOS ANGELES
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
HOME INVESTMENT PARTNERSHIPS PROGRAM
EMERGENCY SOLUTIONS GRANT PROGRAM**

**PARTICIPATING CITY
COOPERATION AGREEMENT**

This **COOPERATION AGREEMENT** (“Agreement”) is being entered into on this «Day» day of «MONTH_YEAR», to be effective on the 1st day of July 2024, by and between the **CITY OF «PARTICIPATING_CITY»**, hereinafter referred to as “City,” and the County of Los Angeles, by and through the Executive Director of the Los Angeles County Development Authority, hereinafter referred to as “County,” and shall remain in effect for the County's Consolidated Plan for Fiscal Years 2024-2026. The County and the City are collectively referred to as the “Parties” or individually “Party.”

WITNESSETH THAT:

WHEREAS, in 1974, the U.S. Congress enacted and the President signed a law entitled, the Housing and Community Development Act of 1974, as amended, herein called the “Act”;

WHEREAS, the Parties desire to cooperate to undertake, or assist in undertaking, community development, community renewal of lower-income housing assistance activities, specifically urban renewal and publicly assisted housing, including, but not limited to, the improvement or development of housing for persons of low- to moderate-incomes, and other community or urban renewal activities authorized by the Act, the Cranston-Gonzalez National Affordable Housing Act (“NAHA”), and the U.S. Housing Act of 1937, as amended;

WHEREAS, the Community Development Block Grant (“CDBG”) Program, the HOME Investment Partnerships (“HOME”) Program, and the Emergency Solutions Grant (“ESG”) Program are required to have an approved comprehensive housing strategy as authorized under NAHA;

WHEREAS, the County has requested of the U.S. Department of Housing and Urban Development, hereinafter referred to as “HUD”, that the County be designated as an urban county, hereinafter referred as to the “Los Angeles Urban County”;

WHEREAS, the City has participated with the County in the Los Angeles Urban County Program and desires to renew its participation with the County in said Los Angeles Urban County Program for the County's Consolidated Plan for Fiscal Years 2024-2026;

WHEREAS, as the Los Angeles Urban County designee, the County will take responsibility and assume all obligations of an applicant under federal statutes, including: the analysis of needs, the setting of objectives, the preparation of community development and housing assistance plans, the consolidated plan, and the assurances of certifications;

WHEREAS, the terms and provisions of this Agreement are fully authorized under state and local law, and this Agreement provides full legal authority for the County to undertake, or assist in undertaking, essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, by executing this Agreement, the Parties hereby give notice of the intention to participate in the Los Angeles Urban County Program.

NOW, THEREFORE, the Parties agree as follows:

1. The City hereby authorizes the County to perform, or cause to be performed, those acts necessary or appropriate to implement the community development and housing assistance activities. Specifically urban renewal and publicly assisted housing, including, but not limited to, improvement or development of housing for persons of low- to moderate-income, and other community or urban renewal activities authorized under the Act for the City in the County's Consolidated Plan for Fiscal Years 2024-2026, which will be funded from the CDBG Program, and, where applicable HOME and ESG Programs, from federal annual appropriations and from any program income generated from the expenditure of such funds.

In the event this Agreement extends into succeeding fiscal years and funds have not been appropriated, this Agreement will automatically terminate as of June 30 of the then-current fiscal year. The County will endeavor to notify the City in writing within ten (10) days of receipt of non-appropriation notice.

2. This Agreement covers the following formula funding programs administered by HUD where the County is awarded and accepts funding directly from HUD: The CDBG Program, the HOME Program, and the ESG Program.
3. In executing this Agreement, the City understands the following:
 - a. The County has the final responsibility for selecting CDBG, and, where applicable, HOME and ESG, activities and submitting the Consolidated Plan to HUD.
 - b. The City is not eligible to apply for grants under the State CDBG (“Small Cities CDBG”) Program for appropriations for the County's Consolidated Plan for Fiscal Years 2024-2026.
 - c. The City may participate in the HOME Program only through the Los Angeles Urban County Program. Thus, even if the County does not receive a HOME formula allocation, the City cannot form a HOME consortium with other local governments.
 - d. The City may participate in the ESG Program only through the Los Angeles

Urban County Program.

4. The term of this Agreement shall be for the County's Consolidated Plan for Fiscal Years 2024-2026 and commence on **July 1, 2024** through **June 30, 2027** ("Urban County Term"). The Parties agree that they cannot terminate or withdraw from this Agreement while it remains in effect. The City provides written notice at least 60 days prior to June 30 2026 that it elects not to participate in the next urban county qualification period. Towards the end of the second year of the Urban County Term, the County will notify the City in writing of its right not to participate in the County's successive Consolidated Plan for the next three-year period.

The Parties agree to adopt amendments to this Agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in HUD's *Urban County Qualification for Participation Notice*, prior to the subsequent three-year extension of the term.

5. This Agreement shall be effective for the Urban County Term and for such period of time for the expenditure of all CDBG funds, or where applicable, HOME and ESG funds, allocated to the City under this Agreement and appropriations from any program income therefrom and for the completion of the funded activities. The Parties agree that they cannot terminate or withdraw from this Agreement while it remains in effect.
6. The Parties agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, specifically urban renewal and publicly assisted housing, including, but not limited to, the improvement or development of housing for persons of low- to moderate-incomes, and other community or urban renewal activities authorized by the Act.

The Parties in the performance of this Agreement shall take all actions necessary or appropriate to assure compliance with the Los Angeles Urban County Program's certification under Section 104(b) of Title I of the Act, as amended, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964; and the implementing regulations at 24 CFR Part 1, and the Fair Housing Act, and the implementing regulations at 24 CFR Part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152, available at <https://www.federalregister.gov/documents/2021/06/10/2021-12114/restoring-affirmatively-furthering-fair-housing-definitions-and-certifications>.

Furthermore, the Parties in the performance of this Agreement shall take all actions necessary or appropriate to assure compliance with Section 109 of Title I of the Act, and the implementing regulations at 24 CFR Part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR Part 8, Title II of the Americans with Disabilities Act, and the implementing

regulations at 28 CFR Part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR Part 146, and Section 3 of the Housing and Urban Development Act of 1968, and all other applicable laws and regulations.

The Parties agree that CDBG and, where applicable, HOME and ESG funding is prohibited for any activities in, or in support of, any cooperating City that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's action to comply with its fair housing certification. The City acknowledges and agrees to HUD's 424-B Form, *Assurances and Certifications*.

7. Pursuant to 24 CFR § 570.501(b), the City is subject to all requirements applicable to subrecipients, including the requirement of a written agreement as set forth in 24 CFR § 570.503.
8. The City shall report to the County of any income generated by the use of CDBG and, where applicable, HOME and ESG funds received by the City. Any such program income, if applicable, must be remitted to the County within 30 days of receipt. Such program income may be used for eligible activities in accordance with all CDBG and, where applicable, HOME and ESG, requirements as may then apply.
9. The County shall be responsible for monitoring and reporting to HUD on the use of any program income; therefore, the City shall be required to maintain appropriate record keeping and reporting for this purpose.
10. The City may not sell, trade or otherwise transfer all or any portion of CDBG, and, where applicable, HOME and ESG funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG, and, where applicable, HOME and ESG funds in exchange for any other funds, credits or non-federal consideration, but must use such funds for activities eligible under Title I of the Act.
11. In the event of grant close-out or termination of this Agreement, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County within 60 days after grant closeout or termination of this Agreement.
12. All program income generated from the disposition or transfer of real property acquired or improved by the City using CDBG and, where applicable, HOME and ESG, funds or program income, during the Urban County Term, shall be subject to all the terms and conditions of this Agreement.
13. Any real property which is acquired or improved by the City during the term of this Agreement, in whole or in part, using CDBG and/or HOME and ESG funds or program income in excess of \$25,000, shall be subject to the following standards:

- a. The County shall be notified by the City in writing of any modification or change in the use or disposition of such real property from that planned at the time of the acquisition or improvement. Such notification shall be made prior to the modification, change in use or disposition.
 - b. If such real property is sold within five (5) years or transferred for a use which does not qualify as an eligible activity under CDBG and/or HOME and ESG regulations, the City shall reimburse to the County an amount equal to the pro-rata share of the current fair market value of the property or proceeds from the sales. The pro-rata share shall be calculated by multiplying the current market value by the percentage of the purchase price paid with CDBG funds or program income.
14. The City shall make available for inspection and audit to County's and HUD's representatives, upon request, at any time during the duration of this Agreement and for a period of five (5) years thereafter, all of its books and records relating to CDBG and, where applicable, HOME and ESG, program activities and income.
15. Following the end of the three-year reimbursable contract period and after resolving any financial or programmatic findings, if the City elects to leave the Los Angeles Urban County Program and is not eligible to become an entitlement city, the City will be unable to request that its allocation or any remaining balance be transferred to the City. Any remaining balance will be transferred to the funding pool of the Supervisorial District in which the City is located.
16. The City has adopted and is enforcing:
 - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
17. The City shall provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the City's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
 - b. Establishing an ongoing drug-free awareness program to inform employees about:
 - i. The dangers of drug abuse in the workplace;

- ii. The City’s policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Making it a requirement that each employee who will be engaged in the performance of the grant be given a copy of the statement required by paragraph “a” of this Section 20.
- d. Notifying the employee in the statement required by paragraph “a” of this Section 20 that, as a condition of employment funded by the CDBG, and where applicable, HOME and ESG grant, the employee will:
- i. Abide by the terms of the statement; and
 - ii. Notify the City in writing of his or her conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- e. Notifying the County in writing, within ten (10) calendar days after receiving notice under subparagraph d(ii) of this Section 20 from an employee or otherwise receiving actual notice of any such conviction; and the City must provide written notice, including position or title, of any City employees convicted of any criminal drug statute to every County officer or other designee who processed a CDBG, HOME, or ESG grant which funded any activity on which the convicted employee was working, unless HUD has designated an identification number(s) of each affected grant.
- f. Taking one (1) of the following actions, within 30 calendar days of receiving notice under subparagraph d(ii) of this Section 20, with respect to any employee who is so convicted:
- i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs a, b, c, d, e, and f, of this Section 17.

18. This Agreement may be executed in any number of counterparts, each of which shall be effective only upon delivery, and therefore shall be deemed an original, and all of which shall constitute one and the same document, for the same effect as if all parties hereto had signed the same signature page.

The facsimile, email, or other electronically delivered signature of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Agreement to be subscribed by the Executive Director of the LACDA, and the City has subscribed the same through its duly authorized officers, on the day, month, and year first above written.

County Counsel Certification

The office of the County Counsel hereby certifies that the terms and provisions of this Agreement are fully authorized under state and local laws, and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and public assisted housing.

By: _____ Date _____
Principal Deputy County Counsel

COUNTY OF LOS ANGELES

CITY OF «PARTICIPATING_CITY»

By: _____
EMILIO SALAS, Executive Director
Los Angeles County Development Authority

By: _____
MAYOR OR DESIGNEE

ATTEST:
City Clerk

By: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

DAWYN R. HARRISON
County Counsel

By: _____
BEHNAZ TASHAKORIAN
Principal Deputy County Counsel

By: _____
CITY ATTORNEY



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 8.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Gustavo Romo, Community Development Director
SUBJECT: **CONSIDERATION OF A RESOLUTION AUTHORIZING THE CONVENING OF A COMMUNITY PEDESTRIAN AND BICYCLIST SAFETY TRAINING WORKSHOP PLANNING COMMITTEE**
DATE: June 12, 2023

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the Bell Gardens Traffic and Safety Commission to convene a local Safety Planning Committee; and
2. Receive and file this report.

BACKGROUND/DISCUSSION:

At the February 13, 2023, regularly scheduled Planning Commission meeting, staff was directed to provide information on ways Bell Gardens coordinates accessible mobility and transportation infrastructure among neighboring jurisdictions to help encourage safe and well-connected active transportation. Active transportation, such as walking, bicycling, and rolling, reduces vehicle miles traveled ("VMTs") and improves public health. Decreased VMTs, in turn, reduces emissions and congestion. Furthermore, people who use active transportation have healthier lifestyles and present less of a risk to others as they travel through the City. Providing well-connected and safe active transportation infrastructure increases the quality of life for Bell Gardens residents by providing safe alternatives for an active, healthy lifestyle.

In a 2021 survey, residents of Bell Gardens stated that they would like to see more bicycle and pedestrian facilities on major streets. The City Council has assigned responsibility to the Traffic and Safety Commission to promote active transportation as encouraged by the 2020 Complete Streets Plan and 2022 Circulation Element to the Bell Gardens General Plan. Improvements such as pleasant streetscapes, continuous and well-maintained sidewalks, more frequent and visible pedestrian crossings, and protected and connected bike facilities help to make active transportation more convenient and appealing for small children, students, senior citizens, employees, and visitors.

Policies and programs in the element adopted April 27, 2022, exist to support local and regional goals as set forth by Los Angeles County and the Southern California Association of Governments ("SCAG") in connection with new development, city active transportation infrastructure improvements, and land use planning.

Funding of Capital Improvement Program projects and development review encourage active transportation and promote measures to ensure public health, safety, welfare, and mobility connections to surrounding municipalities.

Cal Walks and UC Berkeley Safe Transportation Research and Education Center ("SafeTREC") created a joint program that works with local residents and safety advocates to develop a community-driven action plan to improve

walking and biking safety in their communities building on existing documents and policy framework from a grant made possible by National Highway Traffic Safety Administration.

The Community Pedestrian and Bicycle Safety Training (“CPBST”) program works to increase knowledge, identify action plan implementation strategies, and build public-private relationships for effective and successful efforts. Program activities include a facilitated discussion, a group-led physical assessment, an educational overview, and ways to affect changes with funding for public infrastructure projects.

CPBST has been successful in providing advocacy and support with the Altadena Town Council Safe Streets Committee to secure an AARP Community Challenge Grant for safe access to parks and to implement a demonstration project that included a pop-up bike park for youth, an accessible community nature trail loop, and a short nature trail ecology walk.

The program is positioned to convene a local committee, facilitate advancement, and change, and help to mobilize the community partnerships to action here in Bell Gardens.

ENVIRONMENTAL REVIEW:

The convening of a proposed committee is exempt from the California Environmental Quality Act (“CEQA”) under the following provisions of the CEQA Guidelines: Section 15061(b)(3) because there is no possibility that it may have a significant effect upon the environment; and under Section 15378, as the formation of a committee is not a project under CEQA because it will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it does not authorize any specific activity. Furthermore, the committee’s actions would be exempt pursuant to Section 15262 of the CEQA Guidelines since they would involve the feasibility or planning studies for possible future actions which would be unapproved and unfunded. Individual projects may be considered projects subject to CEQA.

CONCLUSION:

Bell Gardens residents and visitors to the area are more likely to utilize active transportation infrastructure when they feel safe to do so. People are more likely to feel safe walking and biking if streets are well lit and are more heavily traveled by other people. In this way, making active transportation accessible may improve a sense of safety and community. Residents, groups and coalitions, schools and school districts, agencies, community-based organizations, City departments and local businesses alike can participate in Bell Gardens improvements under the City Council's leadership and the program’s guidance.

FISCAL IMPACT:

None. Bell Gardens was awarded a grant to facilitate the workshops.

ATTACHMENTS:

Exhibit 1 - Resolution No. 2023-40

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

RESOLUTION NO. 2023-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, AUTHORIZING THE CONVENING OF A SAFETY PLANNING COMMITTEE

WHEREAS, the City of Bell Gardens (“City”) is a general law city, incorporated under the laws of the State of California;

WHEREAS, the Mayor and City Council are responsible to the residents of Bell Gardens for policy creation, the enactment of local laws, and the design and implementation of programs and services to meet identified needs;

WHEREAS, the Bell Gardens Traffic and Safety Commission was established to make recommendations to the City Council regarding the most practicable means for coordinating activities of all officers and agencies of the City having authority with respect to the administration or enforcement of traffic regulations and to recommend ways and means for improving traffic conditions and administration and enforcement of traffic regulations;

WHEREAS, the City’s Circulation Element plans for a balanced, multimodal transportation network that meets the needs of all users of public rights-of-way for safe and convenient travel suitable to the context and articulated community vision of the Bell Gardens General Plan (“Plan”);

WHEREAS, the City has relatively high density and flat terrain to foster the growth of transit and active transportation usage to help improve health within the community;

WHEREAS, the plans for improvements to increase active transportation usership could lead to fewer cars on the street, reducing harmful emissions, lowering risk of collisions, and helping to meet regional goals;

WHEREAS, the Plan’s Circulation Element Policy No. M 2.7 seeks to make effective use of active transportation propensity by promoting infrastructure improvements to increase safe active transportation trips;

WHEREAS, Circulation Element Policies No. M 4.1 and M 4.3 prioritize regional coordination and low-stress network improvements;

WHEREAS, low-stress network improvements would be proposed on streets with heavily traveled by students and families where there are reduced vehicle speeds making walking and biking more attractive;

WHEREAS, the purpose of the Community Pedestrian and Bicyclist Safety Training Program (“CPBST Program”) is to mobilize, train, and increase knowledge of pedestrian and bicyclist safety for advocates, families, and other community members by a National

Highway Traffic Safety Administration grant;

WHEREAS, CPBST has been successful in providing effective advocacy and support for agencies and groups statewide;

WHEREAS, the Bell Gardens Traffic and Safety Commission considered the CPBST Program's success in convening local committees to seek out funding and appropriate public infrastructure improvements to improve walking and biking safety in communities;

WHEREAS, the grant funding will cover the costs of adoption and staff time to ensure a seamless transition and accommodate training;

WHEREAS, the Traffic and Safety Commission recommended to the City Council the convening of a planning committee to develop a community-driven safety action plan customized to fit the unique needs of Bell Gardens residents; and

WHEREAS, the City Council appoints the Traffic and Safety Commission to act as the planning committee to collect community input for the CPBST Program's safety action plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The City Council of the City of Bell Gardens hereby finds that the above recitals are true and correct and incorporated them herein by this reference.

SECTION 2. The City Council hereby authorizes the convening of a committee to serve the public by facilitating the reduction of emissions and traffic congestion, encouraging active transportation use, and identifying and implementing safety measures.

SECTION 3. The City Council hereby authorizes the Traffic and Safety Commission to act as the planning committee to collect community input for the CPBST Program's safety action plan.

SECTION 4. The convening of a committee is exempt from the California Environmental Quality Act (CEQA) under the following provisions of the CEQA Guidelines: Section 15061(b)(3) because there is no possibility that it may have a significant effect upon the environment; and under Section 15378 a committee is not a project under CEQA because it will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it authorizes no specific activity.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED and ADOPTED this 12th day of June 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 9.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O’Kelly, City Manager
BY: Bernardo Iniguez, Director of Public Works
Veronica Sanchez, Management Analyst
SUBJECT: **APPOINTING A MEMBER AND ALTERNATE(S) TO THE GOVERNING BOARD OF THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY GOVERNING BOARD**
DATE: June 12, 2023

RECOMMENDATION:

It is staff’s recommendation that the City Council adopt the attached Resolution appointing a Member and Alternate to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) Governing Board.

BACKGROUND/DISCUSSION:

The Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) was formed in 2007 in response to the passage of two voter approved water bonds, Proposition 50 passed in 2002 and Proposition 84 passed in 2006.

In 2010, the Bell Gardens City Council adopted Resolution 2010-35 approving the GWMA Agreement. The City of Bell Gardens (City) entered into the agreement to create a regional water management group to develop a regional water management plan that will protect and enhance the region’s water resources. Priorities of the GWMA include stormwater and NPDES compliance, parks and open space planning, water conservation, and regional water planning projects. Today, the member agencies include 25 cities, 3 water agencies, and the Port of Long Beach.

The governing body of the GWMA is a governing board made up of one board member from each member agency with one vote each and up to three alternate members. Board members and alternates are appointed by resolution and hold office for two-year terms beginning October 1st of each odd-numbered year, with the current two-year term running through September 30, 2023. The appointment of the board member and alternates automatically renews for successive two-year terms, unless the board member or alternates are replaced by subsequent action of the City or he or she ceases to be employed by the City. The GWMA governing board currently meets once per month and there is no stipend for attendance.

Typically each member agency appoints their Director of Public Works or equivalent position to the GWMA governing board. Since 2010, the Director of Public Works has served as the Member for the City and the Public Works Management Analyst as the Alternate. Member agencies must also appoint Board Members by name and not by position or title.

CONCLUSION:

Therefore, it is recommended that Bernardo Iniguez, Director of Public Works, be appointed as the GWMA Board Member and Veronica Sanchez, Management Analyst, be appointed as Alternate Board Member.

FISCAL IMPACT:

There is no fiscal impact.

ATTACHMENTS:

Exhibit 1 - Resolution 2023-41

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

RESOLUTION NO. 2023-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, APPOINTING A MEMBER AND ALTERNATE TO THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY GOVERNING BOARD

WHEREAS, the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) was formed in 2007 in response to the passage of two voter approved water bonds; Proposition 50, passed in 2002 and Proposition 84, passed in 2006; and

WHEREAS, the City of Bell Gardens is a member of the GWMA; and

WHEREAS, each member agency shall appoint one Member and up to three Alternate Members to the Governing Board in accordance with the GWMA Bylaws; and

WHEREAS, pursuant to the GWMA Bylaws, the Member and Alternate Members appointed by this Resolution shall hold office until September 30, 2023; and

WHEREAS, pursuant to the GWMA Joint Powers Agreement and the GWMA Bylaws, the Member and Alternate Member(s) shall serve two-year terms beginning October 1st of each odd-numbered year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The recitals set forth above are incorporated herein as findings by the City Council.

SECTION 2. Effective June 12, 2023, Bernardo Iniguez, Director of Public Works, is appointed to serve as the GWMA Board Member representing the City of Bell Gardens.

SECTION 3. Effective June 12, 2023, Veronica Sanchez, Public Works Management Analyst, is appointed to serve as Alternate Board Member representing the City of Bell Gardens.

SECTION 4. The Board Member and Alternate Board Member designated above shall continue in their respective positions as if re-appointed each successive two-year term, unless the Board Member or Alternate Board Member is replaced by subsequent action of this legislative body or he or she ceases to be employed by the agency.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED and ADOPTED this 12th day of June, 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 10.

TO: Honorable Mayor and City Council Members
FROM: Michael B. O'Kelly, City Manager
BY: Bernardo Iniguez, Director of Public Works
SUBJECT: **APPROVAL OF PROJECT NEUTRAL AGREEMENT WITH ERNEST BROWN & COMPANY AND ZUSSER COMPANY, INC. FOR THE RESOLUTION OF DISPUTES REGARDING THE JOHN ANSON FORD PARK INFILTRATION CISTERN PROJECT**
DATE: June 12, 2023

RECOMMENDATION:

It is staff's recommendation that the City Council by motion adopt the attached Resolution approving a Project Neutral Agreement ("Agreement").

BACKGROUND/DISCUSSION:

In 2018, the City of Bell Gardens (City) along with the Cities of Bell, Commerce, Cudahy, Huntington Park, Maywood, and Vernon as members of the Gateway Region Integrated Watershed Management Joint Powers Authority, were awarded Proposition 1 grant funds by the State Water Resources Control Board for the construction of a stormwater capture project at John Anson Ford Park. On October 26, 2019, the City Council awarded a contract for the construction of the John Anson Ford Park Infiltration Cistern Project ("Project") to Zusser Company, Inc. ("Zusser") for the construction of a stormwater capture system; consisting of a diversion of stormwater and urban runoff flows from a storm drain to a pretreatment system and an infiltration cistern with a detention capacity of 8 acre-feet. A Notice to Proceed with construction was issued to Zusser on January 13, 2020. Subsequently, in 2020, the City was awarded an allocation of L.A. County Safe, Clean Water Program (Measure W) Regional Program funds which expanded the Project by an additional 13.5 acre-feet of infiltration cistern capacity through a change order with Zusser.

Based on the number of working days afforded to Zusser for construction of the Project, the construction completion date was May 2021; however, the expansion of the Project extended the Project completion date to June 2022.

The Project is behind schedule and is currently projected to be completed by Fall 2023. The City contends the delays have been due to a combination of Zusser's performance, weather delays, deficiencies in the precast concrete installation and Zusser's staffing and prosecution of the work in a timely manner, among other issues. This has led to various dispute claims being submitted on the Project, which require the services of Ernest Brown & Company (Project Neutral) for a prompt and impartial resolution.

CONCLUSION:

In order to resolve the outstanding disputes between the City and Zusser, staff recommends the City Council approve the Agreement.

FISCAL IMPACT:

The City will need to submit an initial deposit of \$12,500 to the Project Neutral upon approval of the Agreement for the Phase I Neutral Mediation. If Phase II Arbitration is necessary, the cost for the Project Neutral's services will be at a rate of \$500 per hour.

ATTACHMENTS:

Exhibit 1 - Resolution No. 2023-42

APPROVED ELECTRONICALLY BY:

Michael B. O'Kelly, City Manager

Stephanie Vasquez, City Attorney and/or Susie Altamirano, Assistant City Attorney

Manuel Carrillo, Director of Finance and Administrative Services

RESOLUTION NO. 2023-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, APPROVING A PROJECT NEUTRAL AGREEMENT WITH ERNEST BROWN & COMPANY AND ZUSSER COMPANY, INC. FOR THE RESOLUTION OF DISPUTES REGARDING THE JOHN ANSON FORD PARK INFILTRATION CISTERN PROJECT

WHEREAS, in 2018, the City of Bell Gardens (“City”) along with the Cities of Bell, Commerce, Cudahy, Huntington Park, Maywood, and Vernon as members of the Gateway Region Integrated Watershed Management Joint Powers Authority, were awarded Proposition 1 grant funds by the State Water Resources Control Board for the construction of a stormwater capture project at John Anson Ford Park; and

WHEREAS, on October 26, 2019, the City Council awarded a contract for the construction of the John Anson Ford Park Infiltration Cistern Project (“Project”) to Zusser Company, Inc. (“Zusser”) for the construction of a stormwater capture system; consisting of a diversion of stormwater and urban runoff flows from a storm drain to a pretreatment system and an infiltration cistern with a detention capacity of 8 acre-feet; and

WHEREAS, the Project is behind schedule and is currently projected to be completed by Fall 2023; and

WHEREAS, the City contends the delays have been due to a combination of Zusser’s performance, weather delays, deficiencies in the precast concrete installation, and Zusser’s staffing and prosecution of the work in a timely manner, among other issues; and

WHEREAS, this has led to various dispute claims being submitted on the Project, which require the services of Ernest Brown & Company (Project Neutral) for a prompt and impartial resolution; and

WHEREAS, the City desires to enter into an agreement with the Project Neutral for a prompt and impartial resolution of various dispute claims.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporate them herein.

SECTION 2. The City Council hereby approves the Project Neutral Agreement with Ernest Brown & Company and Zusser Company, Inc.

SECTION 3. The City Council further authorizes the City Manager to execute the Project Neutral Agreement with Ernest Brown & Company and Zusser Company, Inc., consistent with this Resolution along with any ancillary documents reasonably necessary to effectuate the intent of this Resolution.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution, enter it into the book of original Resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED and ADOPTED this 12th day of June 2023.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Vasquez
City Attorney

Daisy Gomez
City Clerk



**CITY OF BELL GARDENS
OFFICE OF THE CITY MANAGER**

AGENDA REPORT

Item 11.

TO:	Honorable Mayor and City Council Members
FROM:	Michael B. O’Kelly, City Manager
BY:	Manuel Carrillo, Director of Finance and Administrative Services Jules Tak, Accounting Manager Mary Ceballos, Payroll Analyst
SUBJECT:	PROPOSED FISCAL YEAR 2023-2024 BUDGET
DATE:	June 12, 2023

RECOMMENDATION:

Staff Recommends that the City Council receive and file the proposed budget. Staff also recommends the City Council provide direction to staff on the proposed budget.

BACKGROUND/DISCUSSION:

Annual Budget Process

The City of Bell Gardens adopts a budget on an annual basis. The budget consists of projected revenues and proposed expenditures. Proposed expenditures specify the spending plan for the upcoming fiscal year, while the projected revenues address the expected available resources to fund City expenditures. Depending on the difference between the proposed expenditures and projected revenues, the budget will consist of 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 pay for City expenditures.

Projected revenues are developed by the finance department along with input from other City departments. The formulation of the upcoming fiscal year’s projected revenues include taking into consideration projected economic conditions, historical analysis, the state budget, assistance from third-parties and other future expectations.

The budget process begins with the City Manager instructing each City department to prepare budget worksheets which detail each respective departments' spending plan for the upcoming fiscal year. The budget worksheets are received and reviewed by the finance department. Budget meetings are then held with each respective department, finance department and the City Manager to review and discuss the proposed spending plans and make adjustments as necessary. Finally, the City Manager will present the annual budget to the City Council.

Proposed Operating Budget

The proposed operating budget for Fiscal Year 2023-24 reflects the strength of the local economy emerging from the COVID-19 pandemic with a positive economic outlook as the City's top six (6) revenue sources show an overall increase. After making changes to reflect the approved MOUs, vacancies, additional approved budget during the year, and revenue adjustments, the general fund is projecting to end Fiscal Year 2022-23 with an estimated surplus of \$1.5M.

FY 2022-2023 Financial Update

General Fund Update (FY 2022-2023)

For FY 2022-2023, the City Council adopted a General Fund budget with a surplus of \$168K. During the mid-year review, estimates were revised and the City was showing a surplus of \$1.9M. Then General Fund's projection for the end of year is a surplus of \$1.5M.

General Fund revenues are projected to be higher than the adopted budget by \$4.0M or 10.56%. The major increase in revenue is due to increased Bicycle Club Fees (\$3.4M), Interest Income (\$115K), Refund and Reimbursements (\$398K) and State Rent Program Revenue (\$742K) received from Prior year.

Expenditures for FY 2022-2023 are projected to be higher than the original budget amount by \$2.6M. During the year, employee MOUs were approved with increases to salaries and benefits, along with equipment purchases, other approved projects, and increased costs in maintenance and supplies.

After the fiscal year ends on June 30, 2023, the City's financial information will be audited and financial statements will be published which will report the actual revenues, expenditures and surplus or deficit.

General Fund	FY 2022-23 Adopted	FY 2022-23 Mid-Year	FY 2023-24 Projected
Revenues	\$38,801,000	\$43,515,000	\$42,900,000
Expenditures	\$38,663,000	\$41,591,000	\$41,350,000
Surplus/(Deficit)	\$168,000	\$1,924,000	\$1,550,000

Water Utility Fund Update (FY 2022-2023)

For FY 2022-2023, the Water Utility fund is projected to lose \$1.35M. Revenues are projected at \$1.3M and expenditures are projected at \$2.6M. The cost of operating the water system this year is higher by \$1.1M compared to the actual expenditures in FY 2021-2022 due to water purchases since the well was shut down. A well water treatment project was initiated during the year to address the issue.

Water Utility Fund	FY 2022-23 Projected
Revenues	\$1,314,000
Expenditures	\$2,667,000
Surplus/(deficit)	(\$1,353,000)

FY 2023-24 Annual Budget

General Fund Budget (FY 2023-24)

For the FY 2023-24, the City's General Fund is projected to have a surplus of \$951K.

General Fund	FY 2022-23 Proposed
Revenues	\$42,439,425
Expenditures	\$41,487,938
Budget Surplus/(Deficit)	\$951,487

General Fund Revenues (FY 2022-23)

Projected FY 2023-24 General Fund revenues are projected to be higher by \$3,638,736. The total projected

General Fund revenue is \$42,439,425. Below are the details for the FY 2023-24 General Fund proposed revenues.

Source	FY 2023-24 Proposed Revenues		Percent Of General Fund
<i>Bicycle Casino</i>	\$17,952,000	*	42.30%
<i>In Lieu Motor Vehicle</i>	\$5,500,000	*	12.96%
<i>Property Leases</i>	\$4,752,000	*	11.20%
<i>Sales & Use Tax</i>	\$3,778,000	*	8.90%
Measure A-Add on Sales Tax (.75%)	\$3,582,000	*	8.44%
Property Taxes	\$1,722,000	*	4.06%
Charges for Services	\$1,030,000		2.43%
Franchise Fees	\$910,000		2.14%
Hotel Visitor Tax	\$650,000		1.53%
Loan Repayments (ROPS)	\$748,000		1.76%
Fines and Forfeitures	\$480,000		1.13%
Transfer-In	\$396,000	**	0.93%
COPS Hiring/Measure H/Tobacco Grant/Post Reimb/LA Impact	\$214,000		0.50%
Interest Income	\$375,000		0.88%
JPIA Insurance Reimbursement	\$110,000		0.26%
Other Revenue	\$85,000		0.20%
Passport & Photo Fees	\$75,000		0.18%
Food Program	\$80,000		0.19%
Total	\$42,439,000		100%

*The City's top six major revenues sources made up \$87.86% of \$42,439,425 of General Fund revenue budget.

Major Increases in General Fund revenue were driven by the following sources:

- Casino Revenue increases of \$3.05M
- Measure A add-on Sales Tax (.75%) \$382K
- Sales & Use Tax \$121K
- Interest Income \$250,000
- Hotel and Marketplace Ground Leases (per the agreement) \$80,000

Bicycle Casino Revenues

After the Bicycle Hotel was opened in December of 2015, revenues from the Bicycle Casino reached a new high point in fiscal year FY 2016-17, the first full fiscal year of operation, in the amount of \$14,138,000. The following fiscal year, FY 2017-18, revenues significantly decreased by \$1,208,000 to \$12,930,000, but steadily increased in the following years reaching another new high in fiscal year FY 2018-2019. The FY 2019-2020 Casino revenues were trending to set another record; however, on March 14, 2020, due to COVID-19, the Casino abruptly closed and sporadically opened until February. Beginning March 2021, the Casino has been successfully open daily and the revenue has been again steadily increasing. For FY 2022-23, Casino revenue was adopted at \$14,900,000 which is \$500,000 higher than FY 2021-22 estimated budget. For FY 2023-24 revenue is projected at \$17,951,569 which is \$3M above the prior year. This is projected based on recent historical revenue figures that have increased during FY2022-23. However, these revenue projections are dependent on external factors such as the Casino's ability to

maintain business levels, the overall economy, and government regulation. The negative existence of any of these external factors could have a material impact on revenue projections.

General Fund Expenditures (FY 2023-2024)

General Fund FY 2023-2024 proposed expenditures are \$41,487,938. This represents an increase of \$2,855,323 or 7.3% from the prior fiscal year.

Additionally, for fiscal FY 2023-2024, the vacancy savings rate is set at 4% which projects the anticipated savings from current and future vacancies. The projected vacancy savings is \$965,188 for FY 2023-2024.

Below is a comparison of General Fund expenditures between FY 2022-23 and FY 2023-24 along with explanations for each expenditure line item.

Description	Percent Of FY 2023-24 Budget	FY 2022-23 Adopted Budget	FY 2023-24 Proposed Budget	Change Increase/ (Decrease)
Personnel Services	65%*	\$25,185,686	\$26,968,800	\$1,783,114
Contractual Services	24%*	\$9,400,656	\$10,011,891	\$611,235
Department Supplies	2%	\$841,350	\$1,036,350	\$195,000
Capital Outlay	3%	\$1,193,300	\$1,362,500	\$169,200
Debt Service	2%	\$596,277	\$610,464	\$14,187
Transfer to Other Funds	5%	\$2,113,451	\$2,263,121	\$149,670
Transfer to Reserves	1.0%	\$200,000	\$200,000	-
Vacancy Savings Rate	(4%)	(\$898,105)	(\$965,188)	-
Total	100%	\$38,632,615	\$41,487,938	\$2,855,323

* 89% of General Fund Expenditures are made of Personnel and Contractual Services.

Personnel Services (\$26,968,800) is made up of salaries, CalPERS contributions, health insurance, and other taxes and benefits. Personnel services makes up 65% of General fund proposed expenditures. FY 2023-2024 personnel services are up by \$1,916,000. The increases were from the salary increase adopted as part of the ratified MOU's with the various labor groups throughout the City.

The FY 2023-24 budget includes a total of 153 authorized staff positions citywide. **In addition, the following are proposed position salary adjustments & reclassifications of positions for FY 23-24.**

Position	Department	Current (Salary)	Proposed (Salary)
Director of Public Works/Facilities (Salary Adjustment)	Public Works	M2-81 Step E \$13,006/Month	M2-86 Step E \$14,368
Director of Recreation and Community Svcs (Salary Adjustment)	Recreation and Community Services	M1-75 Step E \$13,006/Month	M2-86 Step E \$14,368
Accounting/HR Manager (2 Positions)	Administration	M2-82 Step E	G2-76 Step E \$11,515

(Salary Adjustment)		\$9,234/Month	
Secretary to Chief of Police (Salary Adjustment)	Police	P1-54 Step E: \$5,464	G2-52 Step E: \$5,998
Account Technician (2 Positions) (Salary Adjustment)	Administration	G2-47 Step E \$5,072/Month	G2-49 Step E: \$5,211
Payroll Analyst (Salary Adjustment)	Administration	G1-62 Step E \$6784/Month	C1-58 Step E: \$6,931
Account Clerk I (Salary Adjustment)	Administration	G2-42 Step E: 4,566/Month	G2-47 Step E: \$4,740
Office Assistant/Clerk Typist (Part-Time to Full Time Role)	Community Development	Current Part-Time Salary	G2-40 Step C: \$3,869/Month
Assistant Planner to Associate Planner	Community Development	G2-54 Step E: \$7,003/Month	G2-59 Step E: \$7,955/Month
		Total Personnel Cost	\$216,600

Contractual Services (\$10,011,891) is a broad category that is made up of services the City contracts for, both small and large. The major services the City contracts for include general liability insurance, attorney services, information technology, tree and landscape services, animal control services, crossing guard services, vehicle repair, and annual maintenance and warranty subscriptions. Contractual services also include City utilities such as electricity, water and gas. Overall, contractual services increase by \$611,235 mainly from the following.

Police Department contractual services are up by \$210K due to psychological services, vehicle maintenance and fuel cost, operational warranties & subscription, and professional services - training coordinator.

Public Works' Administration division contractual services are up by \$117K due to the higher cost for industrial waste permits, engineering services and crossing guard services.

Public Works Park and Facility Maintenance division contractual services are up by \$75K due to increases in higher cost for Tree and Landscape services, facility maintenance and repair, equipment rental, contractual services such as Pump Man, Amtech Elevator and plumbing.

City Clerk Department contractual services are down overall by \$43K due to no election costs, in FY 23-24.

Departmental Supplies (\$1,036,350) makes up 2% of proposed expenditures. These include the supplies each respective department needs to run operations and activities for the city. Supplies consist of park supplies, custodial supplies, street supplies, office supplies and recreation supplies. Departmental supplies increase and decrease among the various departments, resulting in an overall net increase is \$195K.

Capital Outlay (\$1,376,000) is made up of larger one-time purchases that can range from department equipment to facility improvements. The Capital outlay budget for FY 2023-2024 is up by \$182K.

These increases include expenditures increases include PD IT Hardware and software infrastructure investment of \$50K.

PD Field/Patrol Services vehicle investments of \$50K.

PD Administration, Facility improvements \$88K.

Public Works Administration Vehicles \$85K.

The overall Capital Outlay increase is offset by reductions from other departments.

Debt Service (\$610,464) are the principal and interest payments the City makes on debt and loans. The General Fund is currently paying on one bond, the 2015 lease revenue bond which has an outstanding balance of \$4,455,000 as of 6/30/2023. In addition, the City entered into a contract agreement for the tax-exempt master equipment lease-purchase agreement loan with Holman Capital of \$2,239,435 and the first payment occurred in fiscal year 2021-22; principal and interest are \$186,365 and remaining principal balance as of 6/30/23 is \$1,989,817.

Transfers Out (\$2,263,124) transfers out increased by \$149K which were due to a combination of items as follows: Subsidy to Ford Park of additional \$5K; subsidy to Golf Course of additional \$18K; loan repayment from Successor Agency programmed to transfer to the Capital Replacement Fund of additional \$20K; retiree health care cost of \$100K.

Transfers to Reserves (\$200,000). The FY2023-24 proposed transfer to reserves will bring the contingency reserve to \$4,100,000.

Water Utility Fund (FY 2023-2024)

By the end of FY 2022-2023, the Water Utility's deficit is projected to be \$1,353,000. In FY 2023-24, the Water Utility deficit is projected to be \$1,105,000. This is due to the ongoing water purchases since the water well is currently shut down. To cover the deficit, the Water Utility borrows funds from the General Fund. By the end of FY 2023-24, the Water Utility is projected to owe the General Fund \$8,240,000. Staff continues to analyze options to address the ongoing deficits incurred by the Water Utility.

Water Utility Fund	FY 2023-2024 Projected
Revenues	\$1,642,000
Expenditures	\$2,747,000
Surplus/(Deficit)	(\$1,105,000)

All City Funds (FY 2023-2024)

For the fiscal year 2023-2024, the proposed expenditures for all thirty-five (35) City funds is \$66,041,737. All City Funds include General Fund, Capital Replacement Fund, Special Revenue Funds, Capital Project Fund, Enterprise Funds and Successor Agency Funds.

	FY 2023-2024

Fund Type (Number of Funds)	Proposed Expenditures
General Fund (1)	\$41,487,938
Equipment Replacement Funds - General Fund in ACFR (1)	\$85,000
Special Revenue Funds (23)	\$12,770,550
Capital Project Funds (2)	\$6,175,350
Enterprise Funds (Water Utility and Golf Course)	\$2,630,119
Successor Agency Funds (6)	\$2,892,780
Total All City Funds	\$66,041,737

Capital Projects and Infrastructure Improvements

FY 2023-2024 newly appropriated capital project work plan program is \$6,375,350 and the remainder of \$48,754,057 was carried over from FY 2022-2023.

In accordance with the City's purchasing policy, each project over \$10,000 will be brought before the City Council for approval.

Next Steps

The budget is expected to be brought to the City Council at the June 26, 2023, Council meeting. Upon the City Council's adoption of the budget and appropriations limit, the final adopted budget document will be compiled and published. The city budget will be constantly reviewed and updates will be provided to the City Council throughout the year. Additionally, requested increases to supplies, services and personnel, and capital outlay request will be analyzed and prioritized for the upcoming Fiscal Year. Any necessary changes that occur during the Fiscal Year will be brought back to the City Council for consideration.

CONCLUSION:

The preliminary proposed budget will result in a FY 2023-2024 All City Funds budget of \$66,041,737. The City has remaining CIP projects of \$55,143,742 with \$6,375,350 in new appropriations for FY 2023-2024. Once the budget is adopted by the City Council, the final budget document will be compiled and published on the City's website. The budget will be monitored throughout the year and will be reanalyzed during the mid-year budget review.

FISCAL IMPACT:

The preliminary proposed budget will result in a total FY 2023-2024 All Funds budget of \$66,041,737. The proposed City budget includes General Fund expenditures of \$41,487,938 and projected General fund revenues of \$42,439,425 which results in a budget surplus of \$951,487. The proposed budget includes a \$200,000 transfer to General Fund reserves which will grow the contingency reserve to \$4,100,000 which is 9.88% of General Fund proposed expenditures.

APPROVED ELECTRONICALLY BY:

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