



CITY OF BELL GARDENS
CITY COUNCIL / SUCCESSOR AGENCY TO THE COMMUNITY
DEVELOPMENT COMMISSION
JOINT MEETING
MONDAY, MARCH 13, 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](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.

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

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

- **GATEWAY CITIES COUNCIL OF GOVERNMENTS ENERGY ACTION AWARD**
- **AUTISM AWARENESS & ACCEPTANCE MONTH**
- **NATIONAL DONATE FOR LIFE MONTH**

PUBLIC HEARING (Item No. 1)

1. CONSIDERATION OF ORDINANCE NO. 931, ART IN PUBLIC PLACES

Art in Public Places Ordinance No. 931 is proposed to establish a public art program by requiring new development to create art as part of their development or pay an in-lieu fee for the creation of art in public places.

Recommendation:

It is staff's recommendation that the City Council:

1. Find the proposed ordinance exempt from the California Environmental Quality Act (CEQA) for the reasons stated in this report.
2. Waive full reading and introduce Ordinance No. 931 by title only, amending Title 9 of the Bell Gardens Municipal Code (BGMC) to add Chapter 9.71, "Art in Public Places."

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 (Item Nos. 2 - 12)

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 FEBRUARY 27, 2023 CLOSED SESSION AND CITY / SUCCESSOR AGENCY JOINT MEETING

Approve the minutes of the February 27, 2023 Closed Session and City/Successor Agency Joint Meetings.

Recommendation:

It is staff's recommendation that the City Council approve the minutes of the February 27, 2023 Closed Session and City/Successor Agency Joint Meetings.

4. 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 recommended that the Successor Agency Members receive and file the warrant register dated 02/14/23.

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 02/09/23, 02/14/23 and 02/21/23.

6. CLAIM REJECTION

A claim was filed with the City by Aiden Lopez. Staff directed the claims to the City's general liability claims administrator Carl Warren & Company for processing, review, and investigation. Following the investigation, Carl Warren & Company and City staff determined that the City is not liable for the claims.

Recommendation:

It is staff's recommendation that the City Council reject the following claims and the claimants and/or their representatives be notified:

- Jennifer Saucedo v. City of Bell Gardens (DOE 1/6/2023; DOR 1/25/2023)

The City's general liability claims administrator, Carl Warren & Company, recommends that these claims be rejected. The claimants, subject to certain exceptions, shall have up to six (6) months to file a court action subsequent to the City Council's rejection.

7. CLAIM REJECTION

A claim was filed with the City by Zusser Company, Inc. Staff directed the claims to the City Attorney for processing, review, and investigation. Following the investigation, the City Attorney's Office determined that the City is not liable for the claims.

Recommendation:

It is staff's recommendation that the City Council reject the following claim and the claimant and/or their representatives be notified:

- Zusser Company, Inc. v. City of Bell Gardens (DOR 1/26/2023)

The City Attorney's office recommends that this claim be rejected. The claimants, subject to certain exceptions, shall have up to six (6) months to file a court action subsequent to the City Council's rejection.

8. CONSIDERATION AND APPROVAL OF A RESOLUTION APPROVING AN AMENDMENT TO THE GROSS REVENUE LICENSE FEE IMPOSED ON PARKWEST BICYCLE CASINO

Beginning as of August 2022, Parkwest Bicycle Casino has invested post tax revenue to incentivize additional gaming by implementing Bonus Chip Promotion and Player Reward Points ("Incentives Program"). The Incentives Program has been mutually beneficial to the City and

Parkwest Bicycle Casino because it has increased gross revenues from gaming operations, which has the effect of increasing license fee revenues for the City. The City and Parkwest Bicycle Casino desire to amend the gross revenue license fee prescribed in BGMC Section 5.25.120.A for a limited time period by reducing from monthly gross revenues the post-tax amount invested by Parkwest Bicycle Casino in the Incentives Program.

Recommendation:

It is staff's recommendation that the City Council adopt the attached Resolution approving an amendment to the gross revenue license fee imposed on Parkwest Bicycle Casino for the period commencing August 1, 2022, and ending December 31, 2023.

9. **CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN REVENUE & COST SPECIALISTS, LLC AND THE CITY FOR THE PREPARATION OF A RENT STABILIZATION AND TENANT EVICTION PROTECTIONS (RSTEP) PROGRAM COMPREHENSIVE FEE STUDY**

Comprehensive Fee Study to determine the full cost of administering and enforcing the City's Rent Stabilization and Eviction Protections Ordinance.

Recommendation:

It is staff's recommendation that the City Council adopt the attached resolution approving a Professional Services Agreement ("PSA") with Revenue & Cost Specialists, LLC ("RCS"), for the preparation of a comprehensive fee study associated with the City's Rent Stabilization and Tenant Eviction Protections Ordinance.

10. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, APPROVING AND CONSENTING TO THE SUBMISSION OF THE 2022 GENERAL PLAN ANNUAL PROGRESS REPORT ("APR") TO THE STATE OF CALIFORNIA**

Submission of the 2022 Bell Gardens General Plan Annual Progress Report (APR) to the State of California. The APR surveys the status of the General Plan and the progress that Bell Gardens has made in the implementation of goals, policies and programs and to identify statewide trends in land use decision-making and how local planning and development activities relate to statewide planning goals and policies.

Recommendation:

It is staff's recommendation that the City Council:

1. Receive and file this report; and
2. Adopt the attached resolution approving and consenting to the submission of the 2022 Bell Gardens General Plan Annual Progress Report to the State of California.

11. **THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS LLC AMENDING COMPENSATION**

HF&H has been providing solid waste consulting services to the City since 2012, in order to meet the regulatory requirements of Assembly Bill 939, requiring the reduction of the City's solid waste stream by fifty percent (50%) by the year 2000; and Senate Bill SB1383, requiring all generators of organics (food waste, food soiled paper, green waste, etc.) to have an organics diversion program as of January 1, 2022. On May 8, 2017, the City awarded HF&H an agreement for a term of 3 years for a not to exceed amount of \$50,000. City Council then approved the first amendment to the contract for the additional fee of \$75,000 for the additional scope of work under SB1383. On February 28, 2022,

a second amendment was approved to extend the term through May 2024 and approve a new not to exceed amount of \$192,850. HF&H has continued to provide the technical expertise and capacity to be able to fulfill CalRecycle requirements as well as all the technical support to the haulers. The requirements and process is new to the haulers and the City so it is critical for HF&H to continue their coordination and support to ensure timelines and requirements are followed; otherwise, the City may be subject to penalties by CalRecycle. Therefore, it is recommended that the City Council by motion adopt the attached Resolution and approve the Third Amendment to the Agreement with HF&H Consultants LLC amending the compensation from \$192,850 to \$222,018.

Recommendation:

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

1. Adopt the attached Resolution; and
2. Approve a Third Amendment to the Professional Services Agreement with HF&H Consultants LLC (HF&H) amending the compensation.

12. LICENSE AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON

The City of Bell Gardens License Agreement with Southern California Edison Company for the ABC Field and various sites will expire as of April 30, 2023. Staff requests approval of another two five-year license agreements with Southern California Edison for the ABC field and various sites for beautification and signage.

Recommendation:

It is staff recommendation that the City Council by motion:

1. Adopt the attached Resolution; and
2. Approve two agreements with Southern California Edison, in an amount not to exceed \$71,000.

DISCUSSION (Item Nos. 13-16)

13. CIVIC CENTER TURF RENOVATION PROJECT

Public Works staff have been working with Central Basin Municipal Water District (Central Basin) to secure funding that will replace the existing turf around the Civic Center area, which includes the City Hall/Police Department; Library; and Resource Center. Watering of turf in non-recreational site areas surrounding parking lots/buildings is not allowed through June 2023 and for that reason the water to the turf has been turned off. The estimated cost for the conversion of the three sites is \$134,000. If the City wishes to pursue the conversion of turf, the City can apply to the Central Basin/Metropolitan Water District rebate program to receive the anticipated funding of \$134,000 for the project implementation. It is staff's recommendation that the City Council by motion, provide feedback on the renderings for the proposed planting design and direct staff to proceed with the project.

Recommendation:

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

1. Provide feedback on the renderings for the proposed planting palette and design; and
2. Direct staff to proceed with the turf conversion project.

14. CONSIDERATION OF ORDINANCE NO. 932 AMENDING CHAPTER 5.56 (SIDEWALK VENDING) OF THE BELL GARDENS MUNICIPAL CODE

Consideration of Ordinance No. 932 amending Chapter 5.56, Sidewalk Vending, of the Bell

Gardens Municipal Code to account for consistencies with State Senate Bill 946 ("SB 946").

Recommendation:

It is staff's recommendation that the City Council adopt Ordinance No. 932 amending Chapter 5.56 of the Bell Gardens Municipal Code pertaining to sidewalk vending to remove language inconsistent with SB 946.

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AUTHORIZING MEMBERSHIP IN THE GATEWAY CITIES AFFORDABLE HOUSING TRUST

Consideration of membership in the Gateway Cities Affordable Housing Trust ("Trust"), a Joint Powers Authority ("JPA") formed among the cities within the Gateway Cities region. The Trust provides funding to preserve and produce affordable housing.

Recommendation:

It is staff's recommendation that the City Council:

1. Approve a Joint Exercise of Powers Agreement for membership in the Gateway Cities Affordable Housing Trust; and
2. Adopt the attached resolution authorizing the City Manager to execute the Gateway Cities Affordable Housing Trust JPA Agreement.

16. FY 2022-2023 MID-YEAR BUDGET REVIEW

Mid-Year review of the City's FY2022-23 Operating Budget.

Recommendation:

It is staff recommendation that the City Council:

1. Receive, discuss, and file the fiscal year 2022-2023 mid-year budget report.
2. Approve the following additional appropriations for fiscal year 2022-2023. General Fund (110) \$1.96 Million (excluding vacancy savings); OTS Fund (116) \$13,700; Public Safety Augmentation Fund (151) \$11,916; COPS' Hiring Grant (155) \$136,260; Gas Tax Fund (210) \$135,759; PD Grants Reimbursement Fund (831) \$100,000.

CITY COUNCIL / SUCCESSOR AGENCY MEMBER COMMENTS

ADJOURNMENT

Daisy Gomez, City Clerk

Agenda Posted on March 9, 2023.