



staff report

TO: Honorable Mayor and Members of the City Council
ATTENTION: Jeffrey L. Stewart, City Manager
FROM: Mayra Ochiqi, City Clerk
SUBJECT: Consideration and possible action to approve the Minutes of the May 9, 2016, Regular Meeting of the Bellflower City Council and City Council acting on behalf of the Successor Agency to the Dissolved Bellflower Redevelopment Agency.
DATE: June 13, 2016

EXECUTIVE SUMMARY

None

RECOMMENDATION TO CITY COUNCIL

- 1) Approve the May 9, 2016, Minutes; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

ATTACHMENT

Minutes of the May 9, 2016, Regular Meeting... .. 2



MINUTES

CITY OF BELLFLOWER

16600 Civic Center Drive • Bellflower, California 90706 • (562) 804-1424

REGULAR MEETING OF THE BELLFLOWER CITY COUNCIL AND CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY TO THE DISSOLVED BELLFLOWER REDEVELOPMENT AGENCY

* Denotes City Council Agenda items

SA Denotes Successor Agency items

[CC/SA] Denotes City Council and Successor Agency items

MONDAY, MAY 9, 2016, 5:30 P.M. – CLOSED SESSION
BELLFLOWER CITY HALL - COUNCIL CHAMBERS

1 Call to Order

City Clerk Ochiqui opened and recessed the meeting at 5:30 p.m. for lack of a quorum to 7:00 p.m.

2 Roll Call

See Item 6.

3 & 4 Recess to Closed Session / Reconvene for Open Session

None.

5 Call to Order

Mayor Koops called the Open Session of the Regular City Council Meeting to order at 7:04 p.m.

6 Roll Call

The following members of the City Council responded present to roll call:

Mayor Dan Koops
Mayor Pro Tem Ron Schnablegger
Council Member Ray Dunton
Council Member Scott A. Larsen
Council Member Sonny R. Santa Ines

6 Roll Call - Continued

Staff Participants:

Leo L. Mingle, Jr., Assistant City Manager
Karl H. Berger, City Attorney
Mayra Ochiqui, City Clerk
Tae Rhee, Director of Finance
Joel Hockman, Director of Public Safety
Len Gorecki, Director of Public Works
P.J. Mellana, Director of Parks and Recreation
Art Bashmakian, Director of Planning
Anna Francisco, Accountant
James Nguyen, Management Analyst
Jason P. Clarke, Senior Planner
Karen L. Avery, Deputy City Clerk

Consultants in Attendance:

Regina Guy, SJC3 Consulting
Jon Turner, Phoenix Civil Engineering, Inc.

7 Invocation

Council Member Ray Dunton offered the Invocation.

8 Pledge of Allegiance

Miss Bellflower Court led the assembly in the Pledge of Allegiance.

9-A City Council Announcements

Mayor Koops 1) welcomed and acknowledged the Bellflower High School government class students in attendance; 2) explained that Assistant City Manager Mingle will be conducting the meeting this evening in City Manager Stewart's absence; and 3) provided details relative to a social media pilot program hosted by the City's Economic Development Department to encourage Bellflower businesses to establish or update their company profile on the Yelp platform.

Mayor Pro Tem Schnablegger provided details relative to the annual Relay for Life event to be held at Bellflower High School on July 9-10, 2016.

9-A City Council Announcements - Continued

Council Member Santa Ines provided details relative to the Summer Parks and Recreation Programs Catalog.

Council Member Larsen provided details relative to Bellflower's "Day of Shred" on May 14, 2016, at Simms Park.

Council Member Dunton provided details relative to two kiosks available for a two-year lease at the corner of Belmont Street and Bellflower Boulevard.

9-B Proclamation Declaring May as National Law Enforcement Month

Mayor Koops and his City Council colleagues presented a Proclamation to the Los Angeles County Sheriff's Department proclaiming May as "National Law Enforcement Month." Sergeant Oscar Butao accepted the Proclamation on behalf of the Sheriff's Department.

9-C Online Business License Processing Presentation

Finance Accountant Francisco 1) gave a PowerPoint Presentation providing an overview of the new Online Business License Processing feature; and 2) with Finance Director Rhee, responded to Council Members' questions.

10 Public Comments

Peter Enkhorn, Producer, Miss Bellflower, requested the Miss Bellflower Court be given an opportunity to take photos with the City Council.

Ken LeTourneau 1) complimented the City on the new Online Business License Processing feature; 2) welcomed Planning Director Bashmakian and complimented City Manager Stewart on hiring him; and 3) stated that he has had discussions with Planning Director Bashmakian relative to various legal nonconforming building issues.

Mary Elizabeth Collins, 9575 Rosecrans Avenue, addressed the City Council and provided handouts relative to an ongoing issue with her neighbor's barking dog and requested help with a resolution to the matter.

Mayor Koops confirmed with Ms. Collins that her contact information was included in the handouts she provided and stated that a City representative would be in contact with her regarding the issue she addressed.

At the request of Council Member Larsen, City Attorney Berger stated that he would discuss the matter with the City Prosecutor.

10 Public Comments - Continued

John Paul Drayer 1) addressed the City Council relative to utilizing the "E-Citizen" email list to notify residents of special meetings of the City Council, and in particular, issues on the agenda relative to potential tax increases; and 2) requested and received confirmation from Council Member Larsen and Finance Director Rhee relative to the City's financial stability and ability to fund the retirements of retirees.

Amy Boteilho, Acting Library Manager, Clifton M. Brakensiek Library, reviewed upcoming Library programs/events.

Peter Hirezi referencing Item 9-C (Online Business License Processing Presentation), a) requested and received clarification from Mayor Koops relative to the inability to file a complaint against a business and the continuing relevance of the Chamber of Commerce regardless of the new online features; and b) requested and received clarification from Council Member Larsen relative to the purpose of the convenience fee to recuperate fees that are charged to the City by credit card companies.

Don Abbott addressed the City Council regarding safety concerns due an increase in the number of coyotes in the City and stated that the Chair of the Long Beach-Lakewood Coyote Group was available in the audience to answer any questions.

In response to Mr. Abbott, Mayor Pro Tem Schnablegger requested a personal meeting with Mr. Abbott, to include Public Safety Director Hockman.

John Butts addressed the City Council relative to placing his apartment tax proposal to increase the Business License rental fee for apartment taxes on the November 8, 2016, Special Municipal Election ballot so that the voters could decide whether the tax should be implemented.

John Harmon spoke in support of Mr. Butt's suggestion to place the apartment tax proposal on the November 8, 2016, Special Municipal election ballot for a vote by the residents.

Prit Singh, Subway Restaurant, requested and received clarification as to 1) submitting a complaint or concern online; 2) how to promote his business within the City by contacting the Chamber of Commerce; and 3) how to sponsor a City event.

Parks and Recreation Director Mellana offered to speak to Mr. Singh regarding sponsorship opportunities for City events.

11-A Consideration and possible action to conduct a public hearing to receive comments on the 2016-2017 Annual Action Plan and adopt Resolution No. 16-21 - A Resolution Approving the Action Plan for Fiscal Year 2016-2017; Authorizing the City Manager to Submit the Action Plan to the U.S. Department of Housing and Urban Development (HUD); Approving the Home Investment Partnership Funds Policies and Procedures Manual; and Authorizing the City Manager to Take All Actions Necessary to Implement the Programs Identified in the Plan. [CITY]

Management Analyst Nguyen 1) gave a PowerPoint presentation providing an overview of the Staff Report; and 2) with Consultant Guy responded to Council Members' questions.

Following discussion, it was moved by Council Member Larsen, seconded by Council Member Dunton, and carried without objection, to open the Public Hearing.

The following individuals did not state a position in favor or against adopting Resolution No. 16-21, but made comments and asked questions generally related to the subject:

- John Paul Drayer
- Peter Hirezi
- Michael Waters
- John Butts
- Ken LeTourneau

In response to Mr. Waters comments regarding help for the homeless in the community, Public Safety Director Hockman stated that he would provide Mr. Waters with a list of organizations that provide services for the homeless.

There being no one else wishing to present public testimony, it was moved by Council Member Santa Ines, seconded by Mayor Pro Tem Schnablegger, and carried without objection, to close the public hearing.

It was moved by Council Member Larsen, seconded by Council Member Santa Ines, and unanimously carried by the following roll call vote, to adopt Resolution No. 16-21:

AYES: Council Members - Dunton, Larsen, Santa Ines, Schnablegger, and Mayor Koops

11-B Consideration and possible action to conduct a public hearing regarding the adoption of a moratorium and implement interim development regulations in the Design For Development for the South Bellflower Commercial DFD Area (DFD); and, upon a four-fifths vote, adopt Urgency Ordinance No. 1313 – An Urgency Ordinance establishing interim development controls in the Design For Development for the South Bellflower Commercial DFD Area (DFD). [CITY]

CEQA: Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making.

Assistant City Manager Mingle read by title Urgency Ordinance No. 1313.

For the record, 1) Council Member Dunton announced that he would recuse himself from the matter as he owns property within 500 feet of the subject matter; 2) Council Member Larsen announced that he would recuse himself from the matter as he has clients within 500 feet of the subject matter; and 3) Mayor Koops announced that he would recuse himself from the matter as he owns property within 500 feet of the subject matter.

City Attorney Berger stated that adoption of Urgency Ordinance No. 1313 would require a four-fifths vote. Since there was less than a quorum without conflicts, lots were drawn between Mayor Koops, Council Member Dunton, and Council Member Larsen to determine which one of them would not participate in the matter. It was determined that Council Member Dunton would not participate. Council Member Dunton left the dais and Council Chambers at 8:31 p.m.

Planning Director Bashmakian gave a PowerPoint presentation and responded to Council Members’ questions.

Following discussion, it was moved by Council Member Larsen, seconded by Council Member Santa Ines, and carried without objection, to open the Public Hearing.

The following individuals did not state a position in favor or against adopting Urgency Ordinance No. 1313, but made comments and asked questions generally related to the subject:

- John Paul Drayer
- Peter Hirezi

11-B Consideration and possible action to conduct a public hearing regarding the adoption of a moratorium and implement interim development regulations in the Design For Development for the South Bellflower Commercial DFD Area (DFD) - Continued

There being no one else wishing to present public testimony, it was moved by Council Member Santa Ines, seconded by Mayor Pro Tem Schnablegger, and carried without objection, to close the public hearing.

It was moved by Mayor Pro Tem Schnablegger, seconded by Council Member Santa Ines, and carried by the following roll call vote, to adopt read by title only, waive further reading, and adopt Urgency Ordinance No. 1313:

AYES: Council Members - Larsen, Santa Ines, Schnablegger,
and Mayor Koops

ABSTAIN: Council Member - Dunton

Council Member Dunton returned to the dais and Council Chambers at 8:52 p.m.

12-A Consideration and possible action to introduce Ordinance No. 1314 – An Ordinance amending Bellflower Municipal Code (“BMC”) §§ 10.12.020 (Regulating Towing Within City Parking Lots) and 10.12.090 (Regulating Roads Servicing Commercial Establishments). [CITY]

CEQA: The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to clarify existing policies and practices related to vehicle parking regulations; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. The Ordinance is proposed, in part, for protection of the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5)).

Assistant City Manager Mingle read by title Ordinance No. 1314.

Public Safety Director Hockman 1) presented the Staff Report; and 2) with City Attorney Berger, responded to Council Members’ questions.

Following discussion, it was moved by Council Member Dunton, seconded by Council Member Santa Ines, and unanimously carried by the following roll call vote, to read by title only, waive further reading, and introduce Ordinance No. 1314:

AYES: Council Members - Dunton, Larsen, Santa Ines,
Schnablegger, and Mayor Koops

13-A Consideration and possible action to issue a request for proposals (“RFP”) to purchase the Bellflower Municipal Water System (“MWS”).

For the record, Supplemental Material (Exhibit B to the RFP, not available at the time of posting) was distributed to the City Council and made available to the public prior to the meeting.

Assistant City Manager Mingle 1) introduced Consultant Jon Turner, Phoenix Civil Engineering, Inc., and Public Works Director Gorecki; 2) gave a PowerPoint presentation; and 3) with Finance Director Rhee, Consultant Turner, Director Gorecki, and City Attorney Berger responded to Council Members’ questions.

Peter Hirezi requested and received clarification from Mayor Koops regarding 1) surplus funds from the sale of the MWS; and 2) the election at which the ballot measure regarding the sale of the Municipal Water System would be voted on.

John Butts spoke in favor of issuing RFPs for the purchase of the Bellflower Municipal Water System and the placement of the associated ballot measure on the November 8, 2016, Special Municipal Election ballot.

Following lengthy discussion, it was moved by Council Member Dunton, seconded by Mayor Pro Tem Schnablegger, and unanimously carried by the following roll call vote, to direct the City Manager, or designee, to distribute the RFP to interested and qualified water purveyors that are capable of acquiring the MWS, as amended to include the following Policy requirements: 1) buyer guarantees existing water rates will remain in place for five (5)-years; 2) buyer guarantees the purchase price will not decrease for 12-months; 3) limit water rights for sale to current customer service demand – 700 acre feet; and 4) the time period to submit proposals will not be more than three weeks:

AYES: Council Members - Dunton, Larsen, Santa Ines, Schnablegger, and Mayor Koops

Recess:

Without objection, Mayor Koops recessed the City Council Meeting at 9:45 p.m.

Reconvened:

Mayor Koops reconvened the Meeting at 9:55 p.m. with all members present.

13-B Consideration and possible action to approve a process to appoint a successor to complete the remainder of Council Member Scott A. Larsen's current term on the City Council.

Assistant City Manager Mingle 1) presented the Staff Report; and 2) with City Clerk Ochiqui and City Attorney Berger responded to Council Members' questions.

John Butts spoke in favor of filling the City Council vacancy by appointment and not by special election.

Peter Hirezi requested and received clarification from Mayor Koops that a Council Member is unable to serve in two elected positions (i.e., boards, commissions, etc.) serving the same jurisdiction.

In response to Mr. Hirezi's question, Council Member Larsen announced that his retirement effective date will be June 24, 2016, instead of the originally announced date of May 29, 2016.

Following discussion, it was moved by Council Member Dunton, seconded by Council Member Santa Ines, and unanimously carried by the following roll call vote, to 1) establish a process to appoint a resident of the City to complete the remainder of Council Member Larsen's term of office as follows: a) approve the Application Process (Exhibit A) and Application Packet for Appointment to the Bellflower City Council (Exhibit B), as amended; b) authorize the City Clerk to make the Application Packet available and follow the Application Process to accept applications from qualified residents until 5 p.m., on May 24, 2016, to fill the unexpired term of Council Member Larsen; c) appoint two separate two-person City Council Ad Hoc Subcommittees comprised of 1) Mayor Koops and Council Member Dunton and 2) Mayor Pro Tem Schnablegger and Council Member Santa Ines to review all applications submitted by interested qualified residents seeking the position; d) require that the two City Council Ad Hoc Subcommittees review all applications and report their independent conclusions to the full City Council no later than June 13, 2016; and e) direct the City Clerk to notice a Special Meeting on June 14, 2016, at 5:30 p.m., for the City Council to interview final candidates:

AYES: Council Members - Dunton, Larsen, Santa Ines, Schnablegger, and Mayor Koops

14 Consent Calendar

It was moved by Council Member Schnablegger, seconded by Council Member Larsen, and carried without objection, to approve the actions stipulated on the following Consent Calendar items:

- A **Consideration and possible action to receive and file City Council Warrant Register No. 16-111, dated May 9, 2016. [CC/SA]**
Action: Received and filed Warrant Register No. 16-111.
- B **Consideration and possible action to Adopt Resolution No. 16-22 - A Resolution establishing policy for conducting employee criminal background checks, securing received criminal offender record information, and rescinding Resolution No. 09-48. [CITY]**
Action: Adopted Resolution No. 16-22.
- C **Consideration and possible action to adopt Resolution No. 16-23 – A Resolution establishing a policy restricting outside employment of City employees. [CITY]**
Action: Adopted Resolution No. 16-23.
- D **Consideration and possible action to adopt Resolution No. 16-24 – A Resolution approving the request by Bellflower Noon Lions Club to temporarily close Bellflower Boulevard on October 1, 2016, for a car show, a third-party special event subject to Resolution No. 09-77, and approving the concurrent request for the City to provide financial support or in-kind services to assist with the event. [CITY]**
Action: Adopted Resolution No. 16-24; and incorporated all items outlined in the Staff Report into the Third-Party Special Event permit for the car show in 2016.
- E **Consideration and possible action to receive and file report regarding the business license Consumer Price Index (CPI) adjustment for fiscal year 2016-2017. [CITY]**
Action: Received and filed report regarding the business license CPI adjustment of 1.6965% for fiscal year 2016-2017.
- F **Consideration and possible action to receive and file Agreement File No. 703 with Mark Groh for Administrative Hearing Officer Services. [CITY]**
Action: Received and filed Agreement File No. 703.

15 Council Reports

Council Member Larsen announced his retirement date effective June 24, 2016.

16 Adjournment

Without objection, Mayor Koops adjourned the meeting at 10:10 p.m., to the next Regular Meeting of the Bellflower City Council at 5:30 p.m. on Monday, May 23, 2016.

Dan Koops, Mayor
City of Bellflower

Attest:

Mayra Ochiqui, City Clerk
Approved: June 13, 2016