



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Mayra Ochiqui, City Clerk

SUBJECT: Consideration and possible action to approve the Minutes of the September 26, 2016, Joint Special Meeting of the Bellflower City Council, Parks and Recreation Commission, Planning Commission, and Town Center Design Review Committee.

DATE: October 10, 2016

EXECUTIVE SUMMARY

None

RECOMMENDATION TO CITY COUNCIL

- 1) Approve the September 26, 2016, Special Meeting Minutes; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

ATTACHMENT

Minutes of the September 26, 2016, Special Meeting... 2



MINUTES

CITY OF BELLFLOWER

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

SPECIAL JOINT MEETING OF THE BELLFLOWER CITY COUNCIL, PARKS AND RECREATION COMMISSION, PLANNING COMMISSION, AND TOWN CENTER DESIGN REVIEW COMMITTEE

MONDAY, SEPTEMBER 26, 2016, 3 P.M.

1 Call to Order

Mayor Koops called the Special Joint Meeting to order at 3:03 p.m. in the Council Chambers at Bellflower City Hall, 16600 Civic Center Drive, Bellflower.

2 Roll Call

The following members were present:

Bellflower City Council:

Mayor Dan Koops
Mayor Pro Tem Ron Schnablegger
Council Member Ray Dunton
Council Member Juan Garza
Council Member Sonny R. Santa Ines

Parks and Recreation Commission:

Chairman Alex Munoz
Vice Chairman (Vacant)
Commissioner James Blankenship
Commissioner Mitch Haack
Commissioner Larry Myers

Planning Commission:

Chairman Ray Hamada
Vice Chairman George Franzen
Commissioner Wayne Brown
Commissioner John Nowlin
Commissioner Victor A. Sanchez

2 Roll Call - Continued

Town Center Design Review Committee:

Chair Ray Hamada
Member Wayne Brown
Member Mike Herda
Member Bob Snow

Presenter:

Karl H. Berger, City Attorney

Staff Participants:

Jeffrey L. Stewart, City Manager
Mayra Ochiqui, City Clerk
Leo L. Mingle, Jr., Assistant City Manager
P. J. Mellana, Director of Parks and Recreation
Rowena Genilo-Concepcion, Planning Manager
Jason P. Clarke, Senior Planner
Randi Stover, Assistant to the City Manager
Jason Friedman, Assistant Planner
Mike Borzi, Building Technician
Tim Borzi, Building Technician
Bob Lake, Building Technician
Tim Warr, Building Technician
Duane Morita, Planning and Environmental Consultant
Lori Wolfe, Planning Consultant
Irma Zermeno-Ortega, Executive Assistant
Lidia Chavaque, Executive Assistant

3 Public Comments

There was no one in the audience wishing to present public testimony.

4 Civil Rights Training Regarding Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) (42 U.S.C. § 2000cc, *Et Seq.*) Training and Principles of Constitutional Law Relating to the Exercise of Religious Beliefs

Upon arrival, meeting participants signed in and were provided copies of Public Law Section 106-274, portions of the PowerPoint presentation, and background information on the Presenter.

4 Civil Rights Training - Continued

Mayor Koops introduced the session's presenter, City Attorney Karl H. Berger.

City Attorney Berger gave a PowerPoint presentation covering the following topics, providing examples and sample case decisions, and responded to questions at the end:

- United States Constitution – Bill of Rights
- Establishment Clause
- Free Exercise – Compelling Interest
 - Compelling Interest Test – Overturned
- Religious Freed Restoration Act of 1993 (RFRA)
- Section 5 of the 14th Amendment
- RLUIPA – Legislative History
 - RLUIPA's General Rule
 - Interpretation of the Act
- What is a "Land Use Regulation?"
 - What is not a land use regulation
- Substantial Burden
- Equal Terms
 - Equal Terms – Public Assemblies
- Government is Prohibited from Imposing or Implementing *Discriminatory* regulations
- Strategies encouraging uniform application of land use regulations
- "Church" and "Religious Institution" are not defined in the Bellflower Municipal Code
- Compelling Government Interest
 - What may be compelling
 - What is NOT compelling
- Least Restrictive Means
- Consequences for violating RLUIPA

Peter Hirezi requested and received clarification from City Attorney Berger regarding 1) laws having equal protection on residential and main streets; and 2) public assemblies versus religious assemblies.

TCDRC Committee Member Bob Snow requested and received clarification from City Attorney Berger regarding the difference in applying the law to funeral homes versus other assembly uses.

City Manager Stewart requested and received clarification from City Attorney Berger on religious institutions that are combined with another and whether that would change the traffic standards.

5 Adjourment

Without objection, Mayor Koops adjourned the Special Joint Meeting at 3:35 p.m.

BELLFLOWER CITY COUNCIL

Attest:

**Dan Koops
Mayor**

**Mayra Ochiqui
City Clerk**

**PLANNING COMMISSION and
TOWN CENTER DESIGN REVIEW
COMMITTEE**

Attest:

Ray Hamada, Chair

**Art Bashmakian
Director of Planning**

PARKS AND RECREATION COMMISSION

Attest:

Alex Munoz, Chair

**P. J. Mellana, Director of Parks
and Recreation**