

MINUTES OF THE

Bell City Council/Bell Community Housing Authority/Successor Agency to the Bell Community Redevelopment Agency/ Bell Public Finance Authority/ Bell Solid Waste Authority/ Bell Surplus Property Authority

May 29, 2013

4:30 PM Regular Session

5:30 PM Closed Session

**Bell Community Center
6250 Pine Avenue**

Call to Order by Mayor Alvarez at [4 37:35 PM](#)

Roll Call of the City Council in their capacities as Councilmembers/Members of all Related Agencies: Romero, Saleh, Valencia, Quintana and Alvarez.

Present: Quintana, Alvarez, Saleh and Valencia (5)

Absent: Romero* (0)

Staff: City Manager Doug Willmore, City Attorney Dave Aleshire, Deputy City Attorney Anthony Taylor, Interim City Clerk Janet Martinez, Chief Tony Miranda, City Engineer Terry Rodrigue, Community Development Director Joe Perez, Community Services Director Pamela Wasserman, Finance Director Josh Betta, Contracts and Facilities Manager Alex Fong.

*Councilmember Romero arrived at 4:49 p.m.

Pledge of Allegiance was led by Chief of Police, Anthony Miranda

4:39:09 PM Communications from the Public

The following members of the public addressed the City Council, Bell Community Housing Authority the Successor Agency to the Bell Community Redevelopment Agency and the Planning Commission on the agenda and on non-agenda items: [4 39:34 PM](#) Alfred Areyano, [4:40:08 PM](#) Adrian Martinez, [4 41:08 PM](#) Angelo Logan, [4 42:04 PM](#) Jose Moreno, [4 43:48 PM](#) Mark Lopez and [4 44:32 PM](#) Ilda Rodriguez.

4:47:18 PM Consent Calendar

1. Approval of General Warrant dated May 28, 2013. (Council)

It was moved by Councilmember Saleh, seconded by Mayor Pro Tem Quintana, to approve of the consent calendar.

Vote: 4-0
Yes: Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: None
Abstained: None
Absent: Councilmember Romero (arrived at 4:49 p.m.)

Motion Unanimously Passed.

Business Calendar 4.48:11 PM

2. Consideration of a report on the Environmental Impact Report (EIR) Process for the Bell Business Center Project (*Council*)

Recommendation: Receive and file the report

4:48:39 PM Community Development Director Joe Perez provided report on item no. 2.

4:49:01 PM Councilmember Romero joined the Council at 4:49 p.m.

4:56:43 PM Bob Start AMC representative provided an overview of the environmental report.

5:07:44 PM Mayor Pro Tem Quintana made an inquiry.

5:08:14 PM Community Development Director Joe Perez, responded to the inquiry.

5:10:28 PM It was moved by Mayor Pro Tem Quintana, seconded by Councilmember Romero, to receive and file the report.

Vote: 5-0
Yes: Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: None
Abstained: None
Absent: None

Motion Unanimously Passed.

3. Consideration of a report on Site Plans and Building Elevations for the Bell Business Center Project (*Council*)

Recommendation: Receive and file the report

5:10:56 PM Community Development Director Joe Perez provided a report on item no. 3.

5:23:21 PM Discussion ensued amongst Council.

It was moved by Councilmember Saleh, seconded by Councilmember Romero, to receive and file the report.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

4. Consideration of Execution of Exclusive Right to Negotiate With Pacific Industrial
(*Council, Public Finance Authority and other related agencies*)

Recommendation: Staff recommends that the City Council/Boards authorize:

- 1.) The City Manager execute an Exclusive Right to Negotiate with Pacific Industrial;***
- 2.) Authorize the City Attorney to execute all final “clean-up” revisions to attached agreement.***

5:25:43 PM City Attorney provided report on item. Spoke on the public improvements and its cost. Stated there is a potential deficiency to fund the additional improvements. Spoke on the agreement, and noted the importance of approving the agreement to approve the project and receive the funding. Last, he noted the City did not meet the December deadline.

5:38:49 PM Discussion ensued amongst Council.

6:19:21 PM It was moved by Mayor Pro Tem Quintana, seconded by Councilmember Romero, to approve item no. 4 allowing the City Manager to negotiate with Pacific Industrial.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

5. Consideration of Stipulation for Settlement with Dexia Credit Local and related attachments including limited settlement terms with BB&K (*Council, Public Finance Authority and other related agencies*)

Recommendation: Staff recommends that the Council/Boards authorize:

- 1.) The City Manager to execute the attached Stipulation for Settlement with Dexia Credit Local and limited settlement terms with BB&K;**
- 2.) Authorize the City Attorney to complete all necessary final "clean up" revisions to said stipulation that are consistent with the direction given by the City Council; and**
- 3.) Direct the City Attorney to cause the Stipulation, once fully executed, to be filed with the Los Angeles Superior Court for approval by the court.**

6:20:47 PM City Manager provided report on item

6:26:22 PM Discussion ensued amongst Council.

6:40:01 PM Mayor Pro Tem Quintana made an inquiry on page two of the promissory note.

6:41:31 PM City Attorney Dave Aleshire responded to inquiry.

6:41:49 PM Deputy City Attorney, Anthony Taylor provided additional information.

6:48:40 PM Mayor Pro Tem Quintana inquired whether she may contact Anthony Taylor to discuss the revisions to the promissory note and the contract.

6:50:05 PM City Attorney Dave Aleshire stated that with Council's approval, Mayor Pro Tem Quintana may contact Anthony Taylor to discuss the contract revisions.

It was moved by Mayor Pro Tem Quintana, seconded by Councilmember Romero to approve item no. 5, subject to a further discussion with Anthony Taylor for final approval.

<u>Vote:</u>	5-0
<u>Yes:</u>	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
<u>No:</u>	None
<u>Abstained:</u>	None
<u>Absent:</u>	None

Motion Unanimously Passed.

6. Consideration of Resolution No. 2013-20 supporting SB 811: Environmental Health and Justice for Communities (*Council*)

Recommendation: Approve Resolution No. 2013-20 supporting SB 811, Environmental Health and Justice for Communities

RESOLUTION NO. 2013-20: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL SUPPORTING SB 811

6:53:14 PM Mayor Pro Tem Quintana provided a brief report on item no. 6.

6:54:07 PM It was moved by Mayor Alvarez, seconded by Mayor Pro Tem Quintana to approve Resolution No. 2013-20.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Councilmember Saleh, Councilmember Valencia, Mayor Pro Tem Quintana and Mayor Alvarez
No:	None
Abstained:	None
Absent:	None

6:58:35 PM Closed Session

7- The City Council and the related Authorities and Agencies will recess to a closed session to confer with legal counsel regarding the following matters:

- a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9); Name of case: Luis Ramirez v. Bell (Supplemental Retirement Plan) BC 474118.
- b) CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9); Name of case: City of Bell v. Avila Case NO. BC491531.
- c) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9); Name of case: Supplemental Retirement Plan BC 138724.
- d) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9) Name of Case: Dexia Credit Local v. City of Bell, Bell Public Financing Authority BC471478
- e) CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Subdivision (a) and (d)(1) of Government Code Section 54956.9); Name of case: Bell v. Best Best & Krieger; LASC BC466436
- f) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9 (a) and (d)(1)) Name of Case: City of Bell, Bell Public Financing Authority v. Nixon Peabody, LLP BC493759.
- g) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION (Government Code Section 54956.9 (d)(4)). (One (1) potential case)

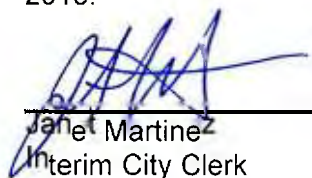
Reconvene Regular Meeting

City Attorney Report

The City Attorney reported the following out of Closed Session: Item a) through g) a status report was given on those matters, no action was taken.

Mayor Alvarez adjourned the meeting to the next regular meeting of June 5, 2013.

I, Janet Martinez, Interim City Clerk of the City of Bell, certify that the foregoing minutes were approved by the City Council of the City of Bell at a regular meeting held on September 16, 2013.



Janet Martinez
Interim City Clerk



Violeta Alvarez, Mayor

MINUTES OF THE

**Bell City Council/Bell Community Housing Authority/Successor Agency to the Bell
Community Redevelopment Agency/ Bell Public Finance Authority**

Monday, July 29, 2013

3:30 P.M.

**Bell Community Center
6250 Pine Avenue**

Call to Order by Mayor Alvarez at 3:35 p.m.

Pledge of Allegiance to the Flag led by Chief Miranda.

**Roll Call of the City Council in their capacities as Councilmembers/Members of all
Related Agencies:** Romero, Saleh, Valencia, Quintana and Alvarez.

3:42:17 PM

Present: Romero, Alvarez and Saleh (3)

Absent: Quintana* and Valencia (2)*

Staff: City Manager Willmore, City Attorney Aleshire, Interim City Clerk
Martinez, Chief Miranda, City Engineer Rodrigue, Community
Development Director Perez, Community Services Director
Wasserman, Finance Director Betta, Contracts and Facilities
Manager Fong.

*Mayor Pro Tem Quintana arrived at 3:38 p.m.

*Councilmember Valencia arrived at 3:45 p.m.

Communications From The Public

None.

3:37:31 PM **Business Calendar**

1. Design Review Board – Bell Business Center Project (*Council*)

***Recommendation: It is recommended that the City Council appoint one City
Councilmember and one Planning Commissioner to the Bell Business Center
Design Review Board.***

3:37:51 PM Community Development Director, Joe Perez provided a brief presentation on item no. 1.

3:40:42 PM Discussion ensued amongst Council.

3:40:57 PM City Attorney provided additional information on the item.

3:43:52 PM Councilmember Romero expressed interest in being a representative to the Bell Business Center Design Review Board.

3:47:01 PM Mayor Alvarez requested to select the board members by choosing the nomination process. She also expressed how she would like to nominate herself.

3:47:44 PM Councilmember Valencia requested to select the board members by making a motion.

3:47:49 PM It was moved by Councilmember Saleh, seconded by Councilmember Valencia to select Councilmember Valencia as a board member to the Design Review Board.

3:50:32 PM Mayor Pro Tem Quintana inquired whether the boards will be chosen by making a motion or by being nominated.

3:50:44 PM City Attorney Dave Aleshire provided clarification.

3:50:50 PM Councilmember Valencia called for the question.

<u>Vote:</u>	4-1
Yes:	Councilmember Romero, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	Mayor Pro Tem Quintana
Abstained:	None
Absent:	None

Motion Passed.

3:51:41 PM It was moved by Councilmember Valencia, seconded by Councilmember Saleh to select Councilmember Romero as a board member to the Design Review Board.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Passed.

3:52:23 PM Closed Session

3:52:27 PM City Attorney announced closed session items.

2. The City Council and the related Authorities and Agencies will recess to a closed session to confer with legal counsel regarding the following matters:
 - a) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9) Name of Case: *City of Bell, Bell Public Financing Authority v. Nixon Peabody, LLP* BC493759.
 - b) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9(d)(1)); Name of case: *Bell v. Best Best & Krieger*; LASC BC466436
 - c) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)); Name of case: *Randy Adams v. City of Bell and Pedro Carrillo – LASC Case No. BC 489331*
 - d) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Under Paragraph "(d)(1)" of Section 54956.9); Name of case: *People v. Rizzo*; LASC BC445497
 - e) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)) Name of Case: *Eric Eggena v. City of Bell*, BC487522
 - f) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9); Name of case: *Luis Ramirez v. City of Bell (Supplemental Retirement Plan)* BC 474118.
 - g) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)) Name of Case: *Dexia Credit Local v. City of Bell, Bell Public Financing Authority* BC471478
 - h) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION (Government Code Section 54956.9 (d)(4)). (Two (2) potential cases)

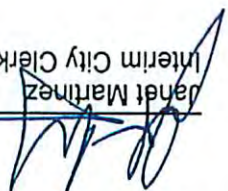
3:52:59 PM Recessed to closed session

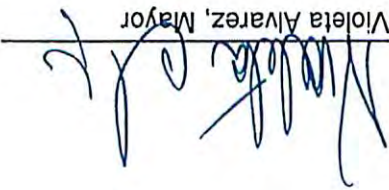
City Attorney Report

The City Attorney reported the following out of Closed Session: Item a) through h) a status report was given on those matters, no action was taken.

Mayor Alvarez adjourned the meeting at 7:08 p.m.

I, Janet Martinez, Interim City Clerk of the City of Bell, certify that the foregoing minutes were approved by the City Council of the City of Bell at a regular meeting held on October 2, 2013.


Janet Martinez
Interim City Clerk


Violeta Alvarez, Mayor

MINUTES OF
REGULAR MEETING OF THE
Bell City Council/Bell Public Finance Authority/ Bell Planning Commission

August 7, 2013

5:00 P.M. Closed Session
7:00 P.M. Regular Meeting

Bell Community Center
6250 Pine Avenue

Mayor Alvarez called the meeting to order at 5:08:40 PM.

5:08:48 PM Roll Call of the City Council in their capacities as Councilmembers/Members of all Related Agencies: Romero, Saleh, Valencia, Quintana and Alvarez.

5:11:47 PM

Present: Romero, Alvarez and Saleh (3)

Absent: Quintana* and Valencia* (2)

Staff: City Manager Willmore, City Attorney Aleshire, Interim City Clerk Martinez, Chief of Police, Miranda, City Engineer Rodrigue, Community Development Director Perez, Community Services Director Wasserman, Finance Director, Betta, Contracts and Facilities Manager Fong.

*Quintana arrived at 5:09 p.m.

*Valencia arrived at

Communications from the Public on Closed Session Items

The following members of the public addressed the City Council, Bell Community Housing Authority the Successor Agency to the Bell Community Redevelopment Agency and the Planning Commission on the closed session agenda:

No speakers

5:09:59 PM City Attorney announced closed session items

5:11:43 PM Recessed to Closed Session

1. The City Council and the related Authorities and Agencies will recess to a closed session to confer with legal counsel regarding the following matters:

Minutes of
Bell City Council and Related Agencies
August 7, 2013
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BELL-3521

- a) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9) Name of Case: *City of Bell, Bell Public Financing Authority v. Nixon Peabody, LLP BC493759.*
- b) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9(d)(1)); Name of case: *Bell v. Best Best & Krieger; LASC BC466436*
- c) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)); Name of case: *Randy Adams v. City of Bell and Pedro Carrillo – LASC Case No. BC 489331*
- d) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Under Paragraph “(d)(1)” of Section 54956.9);Name of case: *People v. Rizzo; LASC BC445497*
- e) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)) Name of Case: *Eric Eggena v. City of Bell, BC487522*
- f) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9); Name of case: *Luis Ramirez v. City of Bell (Supplemental Retirement Plan) BC 474118.*
- g) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)) Name of Case: *Dexia Credit Local v. City of Bell, Bell Public Financing Authority BC471478*
- h) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION (Government Code Section 54956.9 (d)(4)). (Two (2) potential cases)
- i) CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

7:14:58 PM Reconvene Regular City Council Meeting

7:15:18 PM Pledge of Allegiance was led by the Chief of Police

7:15:55 PM City Attorney Report

The City Attorney will report out on any action(s) to be taken by the City Council/Agencies on Closed Session matters.

The City Attorney reported the following out of Closed Session: Item a) was discussed, the council voted on dismissing the case without prejudice with a vote of 4-1, with Mayor Pro Tem Quintana voting no. Item b) a status report was given, no action was taken. Item c), d) e), and f),

were not discussed. Item g) a status report was given, no action was taken. Item h) was not discussed. Item i) a status report was given, no action was taken.

Communications from the Public

The following members of the public addressed the City Council, Bell Community Housing Authority the Successor Agency to the Bell Community Redevelopment Agency and the Planning Commission on the agenda and on non-agenda items:

[7:18:11 PM](#) Velia Acosta, [7:21:04 PM](#) Greg Nordback, [7:25:54 PM](#) Cesar Zaldivar-Motts, [7:28:40 PM](#) Eddie Martinez, [7:32:02 PM](#) Merli Alejandre, [7:35:18 PM](#) Rudolpho Perez, [7:38:21 PM](#) Margarita Limon, [7:42:11 PM](#) Mohamed El Redu, [7:44:14 PM](#) Raquel Toscano, [7:46:52 PM](#) Sandy Orozco, [7:50:41 PM](#) Maria Arizmendi, [7:54:44 PM](#) Alma Rico, [7:56:36 PM](#) Hilda Rodriguez, [8:00:12 PM](#) Alfred Areyan, [8:03:58 PM](#) Steve Supowitz, [8:06:21 PM](#) Carmen Bella, [8:09:34 PM](#) Donna Gannon, [8:12:57 PM](#) Jimmy Mourad, [8:17:26 PM](#) Diane Oliva, [8:21:14 PM](#) Marcos Oliva, [8:24:23 PM](#) Elden Neesan, [8:26:20 PM](#) Jose Moreno, [8:29:42 PM](#) Ronald Garcia, [8:34:38 PM](#) Andy Rodriguez

[8:38:05 PM](#) Consent Calendar

The following Consent Calendar items are expected to be routine and non-controversial. They are acted upon by the City Council and related authorities at one time without discussion.

Recommendation: Approve item No. 2 through 5

2. Approval of Minutes of the Regular and Special Meetings of April 3, 2013, April 11, 2013 and April 17, 2013. (*Council and Related Agencies*)
4. Approval of Resolutions Delegating Investment Authority with the State of California's Local Agency Investment Fund (LAIF)
5. Approval of Resolution No. 2013-35 Accepting the Veterans Park Field Project as Complete

It was moved by Councilmember Saleh, seconded by Councilmember Romero to approve items no. 2 through 5 with the exception of item no. 3 and including the requested corrections under item no. 2 page no. 3 and 4.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

3. Approval of General Warrants and Community Housing Authority Warrants dated July 17, 2013. *(Council/Successor Agency to the Bell Community Redevelopment Agency /Bell Community Housing Authority)*

[8:41:16 PM](#) Item no. 3 was pulled for separate discussion.

Discussion ensued amongst Council.

[8:51:52 PM](#) It was moved by Councilmember Saleh, Seconded by Mayor Pro Tem Quintana to approve item no. 3 with the exception of the check payable to Swag-it.

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

[8:51:55 PM](#) Mayor Alvarez recessed the meeting.

[9:11:44 PM](#) Mayor Alvarez reconvened the meeting.

[9:11:55 PM](#) CALL TO RECESS THE CITY COUNCIL MEETING AND CALL TO ORDER THE JOINT PUBLIC MEETING OF THE CITY COUNCIL, THE BELL PUBLIC FINANCING AUTHORITY AND BELL PLANNING COMMISSION.

[9:11:57 PM](#) Public Hearings

The following items have been posted as a Public Hearing as required by law. The Mayor will open the meeting to receive public testimony only on the Public Hearing item.

-
6. **Bell Business Center Environmental Impact Report** analyzing the environmental impacts related to the sale and development of eight parcels as four building sites for industrial, warehouse distribution logistics and commercial uses located on Rickenbacker Road west of 6th Street, development of the four building sites could result in 840,390 square feet of building, public improvements in Rickenbacker Road, and the extension of public utilities to serve each of the four building sites. *(Council, Public Financing Authority and Planning Commission)*

Recommendation: Close the Public Hearing

[9:37:53 PM](#) Mayor Alvarez opened the Public Hearing.

The following individuals spoke on item no. 6: [9:38:27 PM](#) Eduardo Olivo, [9:43:07 PM](#) Angelo Logan, [9:45:31 PM](#) Steve Lytle, [9:47:02 PM](#) Gerardo Mayagoita, [9:50:36 PM](#) Diane Oliva.

[9:52:08 PM](#) Mayor Alvarez closed the Public Hearing.

7. **Development Agreement 2013-01 (Ordinance No. 1195)** and related Conditions of Approval to allow the sale and development of eight parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses located on Rickenbacker Road west of 6th Street, development of the four building sites could result in 840,390 square feet of building, public improvements in Rickenbacker Road, and the extension of public utilities to serve each of the four building sites. *(Council, Public Financing Authority and Planning Commission)*

Recommendation: Close the Public Hearing

Mayor Alvarez opened the Public Hearing.

No speakers.

[9:58:22 PM](#) Mayor Alvarez closed the Public Hearing.

RECESS JOINT MEETING OF THE BELL CITY COUNCIL, THE BELL PUBLIC FINANCING AUTHORITY AND BELL PLANNING COMMISSION AND CALL TO ORDER A MEETING OF THE BELL CITY PLANNING COMMISSION.

8. **Bell Business Center Project EIR, Development Agreement 2013-01 (Ordinance No. 1195)** and related Entitlements to allow the sale and development of eight parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses. Located on Rickenbacker Road west of 6th Street, development of the four building sites could result in 840,390 square feet of building, public improvements in Rickenbacker Road, and the extension of public utilities to serve each of the four building sites.

Recommendation(s):

Read by title and waive further reading and adopt Planning Commission Resolution No. 2013-31 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL RECOMMENDING ADOPTION OF ORDINANCE NO. 1195 AND APPROVAL OF DEVELOPMENT AGREEMENT 2013-01 BETWEEN THE CITY OF BELL, THE BELL PUBLIC FINANCING AUTHORITY AND PI BELL, LLC FOR THE BELL BUSINESS CENTER PROJECT, A 840,000-SQUARE FOOT WAREHOUSE/DISTRIBUTION/LOGISTICS/LIGHT INDUSTRIAL DEVELOPMENT ON APPROXIMATELY 40.2 ACRES AND COMPRISED OF FOUR, NON-CONTIGUOUS BUILDING SITES LOCATED WEST OF EASTERN AVENUE ON RICKENBACKER ROAD, CITY OF BELL, CA 90201. (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)"

10:02:49 PM It was moved by Councilmember Saleh, Seconded by Councilmember Romero (inclusions o shelter partnerships olisted under 5.2 under 2) adopting the conditions included in the east yard communities included in the conditions.

10:05:52 PM

Vote: 5-0
Yes: Councilmember Romero, Mayor Pro Tem Quintana,
Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: None
Abstained: None
Absent: None

Motion Unanimously Passed.

**RECESS MEETING OF THE BELL CITY PLANNING COMMISSION AND CALL TO ORDER
A MEETING OF THE BELL CITY COUNCIL.**

9. **Bell Business Center Project EIR, Development Agreement 2013-01 (Ordinance No. 1195) and the Agreement for Purchase and Sale** to allow the sale and development of eight parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses. Located on Rickenbacker Road west of 6th Street, development of the four building sites could result in 840,390 square feet of building, public improvements in Rickenbacker Road, and the extension of public utilities to serve each of the four building sites.

Recommendation(s):

Read by title and waive further reading and adopt Resolution No. 2013-32-CC "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL CERTIFYING THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2013041025) AND ADOPTING THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)"

10:10:05 PM It was moved by Councilmember Saleh, seconded by Councilmember Romero to read by title, waive further reading and adopt Resolution No. 2013-32.

Vote: 5-0
Yes: Councilmember Romero, Mayor Pro Tem Quintana,
Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: None
Abstained: None
Absent: None

Motion Unanimously Passed.

Waive reading and introduce Ordinance No. 1195, approving a Development Agreement DA 2013-01 between the City of Bell, the Bell Financing Authority and PI Bell LLC.

[10:12:05 PM](#) It was moved by Councilmember Saleh, seconded by Mayor Pro Quintana to adopt Ordinance No. 1195.

[10:13:42 PM](#)

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

**Read the title and waive further reading and adopt Resolution No. 2013-33-CC
“A RESOLUTION OF THE PUBLIC FINANCE AUTHORITY OF THE CITY OF
BELL APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE
CITY OF BELL, THE BELL PUBLIC FINANCING AUTHORITY AND PI BELL LLC
FOR SALE OF PROPERTIES GENERALLY REFERRED TO AS THE BELL
BUSINESS CENTER PROJECT, APPROXIMATELY 40.2 ACRES AND
COMPRISED OF FOUR, NON-CONTINGUOUS BUILDING SITES LOCATED
WEST OF EASTERN AVENUE ON RICKENBACKER ROAD, CITY OF BELL, CA
90201. (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-
945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-
002-952 and 6332-002-954)”**

It was moved by Councilmember Saleh, seconded by Councilmember Romero to adopt
Resolution No. 2013-33-CC.

[10:14:00 PM](#)

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

RECESS MEETING OF THE BELL CITY COUNCIL AND CALL TO ORDER A MEETING OF THE BELL PUBLIC FINANCING.

10. **Bell Business Center Project EIR, Development Agreement 2013-01 (Ordinance No. 1195) and the Agreement for Purchase and Sale** to allow the sale and development of eight parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses. Located on Rickenbacker Road west of 6th Street, development of the four building sites could result in 840,390 square feet of building, public improvements in Rickenbacker Road, and the extension of public utilities to serve each of the four building sites.

***Recommendation(s):* Read by title and waive further reading and adopt Resolution No. 2013-34-PFA "A RESOLUTION OF THE PUBLIC FINANCING AUTHORITY OF THE CITY OF BELL CERTIFYING AS A RESPONSIBLE AGENCY THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2013041025), AND ADOPTING THE ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE BELL BUSINESS CENTER PROJECT ENVIRONMENTAL IMPACT REPORT (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)"**

Authorize the Executive Director to act on behalf of the Bell Public Financing Authority in the execution of Development Agreement DA 2013-01 between the City of Bell, the Bell Public Financing Authority and PI Bell LLC.

It was moved by Councilmember Valencia, Seconded by Councilmember Saleh to read by title, waive further reading and adopt Resolution No. 2013-34-PFA.

10:16:11 PM

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

10:16:24 PM It was moved by Councilmember Saleh, Seconded by Mayor Pro Tem Quintana to authorize the Executive Director to act on behalf of the Bell Public Financing Authority in the execution of Development Agreement DA 2013-01 between the City of Bell, the Bell Public Financing Authority and PI Bell LLC, including the ECR's and the Salvation Army's letters.

Vote:	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

Read by title and waive reading and adopt Resolution No. 2013-35-PFA "A RESOLUTION OF THE PUBLIC FINANCE AUTHORITY OF THE CITY OF BELL APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF BELL, THE BELL PUBLIC FINANCING AUTHORITY AND PI BELL LLC FOR SALE OF PROPERTIES GENERALLY REFERRED TO AS THE BELL BUSINESS CENTER PROJECT, APPROXIMATELY 40.2 ACRES AND COMPRISED OF FOUR, NON-CONTINGUOUS BUILDING SITES LOCATED WEST OF EASTERN AVENUE ON RICKENBACKER ROAD, CITY OF BELL, CA 90201. (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)"

Authorize the Executive Director to execute the Purchase and Sale Agreement for the Bell Business Center property

It was moved by Councilmember Valencia, Seconded by Councilmember Quintana to read by title, waive further reading, adopt Resolution No. 2013-35-PFA, and Executive Director to execute the Purchase and Sale Agreement for the Bell Business Center property.

10:18:17 PM

Vote:	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

RECESS MEETING OF THE BELL PUBLIC FINANCING AUTHORITY AND RECONVENE THE MEETING OF THE CITY COUNCIL.

Business Calendar

11. Discussion on the approved minutes of February 25, 2013 (*Council*)

10:22:50 PM It was moved by Mayor Pro Tem Quintana to amend the minutes of February 25, 2013 to reflect a motion that was made under an item discussed at that meeting, that was not voted on due to lack of second.

Motion made by Mayor Pro Tem Quintana died due to lack of second.

12. Contract Award for Landscape Maintenance Services (*Council*)

Recommendation: It is recommended that the City Council approve the contract with ValleyCrest Landscape Maintenance in an amount not to exceed \$112,800 per year or \$338,400 for three years for landscape maintenance services for City parks, medians, planters, and parkways for Fiscal Years 2013/14, 2014/15 and 2015/16.

Item no. 12 was continued to the next Council Meeting.

13. Award of a Construction Contract to Sully-Miller Contracting Company in the amount of \$111,990.00 for the Vinevale Avenue Resurfacing Project (*Council*)

Recommendation:

- Award a construction contract to Sully-Miller Contracting Company in the amount of \$111,990.00 for the Vinevale Avenue Resurfacing Project; and
- Authorize the City Engineer to approve the expenditure of a construction contingency, if necessary, not to exceed 10% of the contract amount or \$11,199.00 for change orders and other unforeseen construction work that may be required to complete the project.

10:27:13 PM It was moved by Councilmember Saleh, Seconded by Councilmember Valencia to award the contract to Sully-Miller Contracting Company.

10:27:24 PM

Vote:	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

14. Award of a Contract for Consulting Services to Environmental Engineering & Contracting, Inc. for Environmental Consulting Services for the City of Bell Police Department Underground Storage Tank Site (*Council*)

Recommendation:

- Award a contract to Environmental Engineering & Contracting, Inc. in an amount not to exceed \$58,135.00 to provide Environmental Consulting Services for the City of Bell Police Department Underground Storage Tank Site; and
- Authorize the City Engineer to approve the expenditure of a contingency, if necessary, not to exceed 10% of the contract amount or \$5,814.00 for change orders and other unforeseen work that may be required to complete the project.

Item no. 14 was continued to the next Council Meeting.

15. Contract Award for Sanitary Sewer Management Plan (*Council*)

Recommendation:

- Approve the contract award to Cannon in an amount no to exceed \$44,370 to provide a Sanitary Sewer Management Plan; and
- Authorize the City Engineer to approve the expenditure of a contingency, if necessary, not to exceed 10% of the contract amount of \$4,437 for change orders and other unforeseen work that may be required to complete the project.

Item no. 15 was continued to the next Council Meeting.

16. Award of Construction Contract to VSS International Inc. in the amount of \$99,935.00 for the 2013/14 Street Slurry Seal Project(*Council*)

Recommendation:

- Award a construction contract to VSS International Inc. in the amount of \$99,935.00 for the 2013/14 Street Slurry Seal Project; and
- Authorize the City Engineer to approve the expenditure of a construction contingency, if necessary, not to exceed 10% of the contract amount or \$9,993.50 for change orders and other unforeseen construction work that may be required to complete the project.

10:31:17 PM It was moved by Councilmember Valencia, Seconded by Councilmember Romero to approve item no. 16 as staff recommended.

Vote: 5-0

Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

17. Status Report: Broadcasting of City Council Meetings

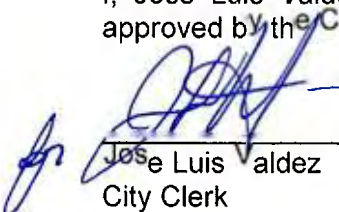
Recommendation: It is recommended that the City Council Receive and File the report.

Mayor and City Council Communications

[10:33:14 PM](#) Councilmember Saleh made a comment.
[10:34:00 PM](#) Councilmember Valencia made a comment.
[10:34:53 PM](#) Mayor Pro Tem Quintana made a comment.
[10:36:09 PM](#) Councilmember Saleh made a comment.
[10:36:51 PM](#) Councilmember Valencia made a comment.
[10:40:35 PM](#) Councilmember Saleh made a comment.
[10:41:04 PM](#) Councilmember Valencia made a comment.
[10:43:05 PM](#) Mayor Alvarez made a comment.

[10:44:30 PM](#) Mayor Alvarez Adjourned the meeting at 10:44 p.m.

I, Jose Luis Valdez, City Clerk of the City of Bell, certify that the foregoing minutes were approved by the City Council of the City of Bell at a regular meeting held on February 12, 2013.



Jose Luis Valdez
City Clerk



Violeta Alvarez, Mayor

MINUTES OF

Bell City Council/Bell Public Finance Authority/ Bell Planning Commission

August 21, 2013

5:00 P.M. Closed Session

7:00 P.M. Regular Meeting

Bell Community Center

6250 Pine Avenue

Mayor Alvarez called the meeting to order at **5:35:43 PM**

Roll Call of the City Council in their capacities as Councilmembers/Members of all Related Agencies: Romero, Saleh, Valencia, Quintana and Alvarez.

Present: Romero, Quintana, Alvarez and Saleh (4)

Absent: Valencia* (1)

*Arrived at 5:45 p.m.

5:36:33 PM Communications from the Public on Closed Session Items

This is the time for members of the public to address the City Council and related Authorities and Agencies only on items that are listed under Closed Session. Keep the public comment to items listed only on the Closed Session.

No speakers.

City Council recessed to Closed Session at 5:36:38 PM

1. The City Council and the related Authorities and Agencies will recess to a closed session to confer with legal counsel regarding the following matters:
 - a) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9(d)(1)); Name of case: *Bell v. Best Best & Krieger*; LASC BC466436
 - b) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)); Name of case: *Randy Adams v. City of Bell and Pedro Carrillo* – LASC Case No. BC 489331
 - c) CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)) Name of Case: *Dexia Credit Local v. City of Bell, Bell Public Financing Authority* BC471478
 - d) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(a),(d)(1)); Name of case: *City of Bell v. County Records Research (Werrlein)*– LASC Case No. VC059404
 - e) PUBLIC EMPLOYMENT pursuant to Government Code section 54957(b)(1)

- Title: Interim City Clerk
- f) CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
- g) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION (Government Code Section 54956.9 (d)(4)). (One (1) potential cases)

Mayor Alvarez reconvened the regular City Council Meeting at 7:21:18 PM

Pledge of Allegiance was led by Brenda Lopez.

7:22:07 PM City Attorney reported out the following from Closed Session:

Items a, c, e, f and g were discussed, no action was taken. Item b was not discussed.

7:24:03 PM Presentations

Invitation to attend the Community Emergency Response Team Training.

Chief of Police, Tony Miranda provided a brief presentation on the CERT training. He introduced Mike from the L.A County Fire Department which provided additional information on the event planned for September 28th.

7:28:10 PM Communications from the Public

The following members of the public addressed the City Council, Bell Community Housing Authority the Successor Agency to the Bell Community Redevelopment Agency and the Planning Commission on agenda and non-agenda items: 7:28:14 PM Brenda Lopez (Magnolia Science Academy), 7:29:53 PM Jose Vasquez, 7:33:47 PM Carmen Bella, 7:37:36 PM Hilda Rodriguez, 7:40:27 PM Joe Carmona, 7:44:09 PM Andy Rodriguez, 7:45:35 PM Velia Acosta, 7:48:43 PM Donna Gannon, 7:50:47 PM Luis Medina, 7:53:25 PM Jimmy Mourad, 7:56:50 PM Sandra "Sandy" Orozco, and 8:00:26 PM Marcos Oliva.

8:03:50 PM Consent Calendar

The following Consent Calendar items are expected to be routine and non-controversial. They are acted upon by the City Council and related authorities at one time without discussion.

Recommendation: Approve item No. 2 through 3

8:06:31 PM Mayor Pro Tem Quintana pulled item number 2.

Item number 3 was discussed first.

3. Approval of Final Parcel Map 71920, Bandini Boulevard Industrial Center Project (Council)

8:04:06 PM A brief discussion ensued amongst the City Council and staff.

8:07:21 PM Mayor Pro Tem Quintana moved the motion to approve item no. 3. Motion was seconded by Councilmember Valencia, which carried with the following roll call vote:

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

2. Approval of General Warrants and Community Housing Authority Warrants dated August 21, 2013. *(Council/Successor Agency to the Bell Community Redevelopment Agency /Bell Community Housing Authority)*

8:08:03 PM A discussion ensued amongst the City Council and staff.

8:11:42 PM It was moved by Councilmember Saleh to approve item number 2. Motion was seconded by Councilmember Valencia which carried with the following roll call vote:

<u>8:16:34 PM</u>	
<u>Vote:</u>	4-1
Yes:	Councilmember Romero, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	Mayor Pro Tem Quintana
Abstained:	None
Absent:	None

Motion Passed.

Public Hearings

The following items have been posted as a Public Hearing as required by law. The Mayor will open the meeting to receive public testimony only on the Public Hearing item.

8:12:32 PM Councilmember Valencia requested for item no. 12 and 13 to be discussed after item no. 5.

4. Resolution No. 2013-40 Congestion Management Plan Conformance Self Certification

Recommendation:

- Conduct a Public Hearing and accept testimony from the public; and
- Read by title and waive full reading and adopt Resolution No. 2013-40 **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA, FINDING THE CITY OF BELL TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089"**

8:13:48 PM Community Development Director Joe Perez provided a report on item.

8:17:00 PM - 8:24:14 PM A discussion ensued amongst the City Council and staff.

8:24:11 PM Mayor Alvarez opened the public hearing. Hearing no one wishing to speak the public hearing was closed.

8:24:19 PM It was moved by Councilmember Saleh to approve item number 4. Motion was seconded by Councilmember Valencia which carried with the following roll call vote:

8:26:23 PM

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

5. Resolution No. 2013-42-PC Approval of a Tentative Parcel Map 72328 to Create Four (4) Lots of Parcel H of the Bell Business Center (*Planning Commission*)

Recommendation(s):

- Conduct a Public Hearing and accept testimony from the public on Tentative Parcel Map 72328; and
- Read by title and waive full reading and adopt Planning Commission Resolution No. 2013-42-PC **"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL APPROVING TENTATIVE PARCEL MAP NO. 72328 CREATING FOUR PARCELS FROM LOS ANGELES COUNTY TAX ASSESSORS PARCEL NUMBERS 6332-002-946, 950, 952 AND 954, LOCATED ON RICKENBACKER ROAD AND 6TH STREET, SUBJECT TO FINDINGS AND CONDITIONS OF APPROVAL"**
- Direct staff to file a notice of determination based on the Bell Business Center Environmental Impact Report (SCH#2013041025)

8:26:42 PM City Engineer Terry Rodrigue provided a presentation on item.

8:28:43 PM - 8:31:05 PM A brief discussion ensued amongst the City Council and staff.

8:30:50 PM Mayor Alvarez opened the public hearing. Hearing no speakers, the public hearing was closed.

8:31:58 PM It was moved by Councilmember Saleh to approve item number 5. Motion was seconded by Councilmember Romero which carried with the following roll call vote:

8:32:51 PM

<u>Vote:</u>	5-0
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Yes: Councilmember Romero, Mayor Pro Tem Quintana,
Councilmember Valencia, Mayor Alvarez and Councilmember
Saleh
No: None
Abstained: None
Absent: None

Motion Unanimously Passed.

Per Councilmember Valencia's request items number 12 and 13 were discussed.

12. Notification to Council that letter was sent to auditors, Macias, Gini&O'Connel, LLP (MGO), requesting to include Client-No-Pays arrangement made between City Attorney and City Manager in upcoming audit for Fiscal Year 2012-2013 (*Council*)

Recommendation: It is recommended that the City Council receive and file the letter sent to our auditors seeking guidance in order to resolve the matter of deferred payment/billings discussed on the regularly scheduled meeting of June 19, 2013, and request that they incorporate this arrangement into their final audit so that all of us have a full, complete and transparent picture of our liabilities for Fiscal Year 2012-13.

8:33:03 PM - 8:52:07 PM A discussion ensued amongst the Council and staff.

8:53:39 PM It was moved by Councilmember Valencia, Seconded by Councilmember Romero to table the item indefinitely, which carried with the following roll call vote:

Vote: 4-1
Yes: Councilmember Romero, Councilmember Valencia, Mayor
Alvarez and Councilmember Saleh
No: Mayor Pro Tem Quintana
Abstained: None
Absent: None

Motion Passed.

13. Notification to Council of Updates and Concerns addressed by the Office of the State Controller's Bell Auditing Team (*Council*)

Recommendation: It is recommended that the City Council set up a working session for the Bell City Council to meet and discuss how the City of Bell will address the upcoming visit from the State Controller's Office (SCO), tentatively scheduled for October or November 2013.

8:56:58 PM - 9:00:38 PM A discussion ensued amongst the Council and staff.

8:57:34 PM Quintana provided a brief report on item no. 13.

9:02:35 PM It was moved by Councilmember Romero to table the item. Motion was seconded by Councilmember Valencia, which carried with the following roll call vote:

Vote: 4-1

Yes: Councilmember Romero, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: Mayor Pro Tem Quintana
Abstained: None
Absent: None

Motion Passed.

Business Calendar

6. Ordinance No. 1195: Adopting Development Agreement No. 2013-01 for the Bell Business Center Project

Recommendation: It is recommended that the City Council read by title and waive full reading and adopt Ordinance No. 1195, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL ADOPTING DEVELOPMENT AGREEMENT 2013-01 BETWEEN THE CITY OF BELL, THE BELL PUBLIC FINANCING AUTHORITY AND PI BELL, LLC FOR THE BELL BUSINESS CENTER PROJECT, A 840,000 – SQUARE FOOT WAREHOUSE, DISTRIBUTION, LOGISTICS, LIGHT INDUSTRIAL DEVELOPMENT ON APPROXIMATELY 40.2 ACRES AND COMPRISED OF FOUR, NON-CONTIGUOUS BUILDING SITES LOCATED WEST OF EASTERN AVENUE ON RICKENBACKER ROAD, CITY OF BELL, CA 90201. (APN: Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-945; Parcel G: 6332-002-949 and Parcel H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)"

9:07:27 PM Community Development Director Joe Perez provided a presentation on item no. 6.

9:07:37 PM City Attorney read the title of ordinance.

9:07:51 PM It was moved by Councilmember Romero to adopt Ordinance No. 1195. Motion was seconded by Councilmember Saleh which carried with the following roll call vote:

9:09:56 PM

Vote: 5-0
Yes: Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No: None
Abstained: None
Absent: None

Motion Unanimously Passed.

9:09:37 PM Mayor Alvarez requested to take a brief break.

Meeting was reconvened at 9:23:22 PM

7. Contract Award for Public Works Maintenance Services (*Council*)

Recommendation: It is recommended that the City Council approve the contract award to MCE Corporation in an amount not to exceed \$533,238 for three years (not to exceed

\$177,746 per year) to provide Public Works Maintenance Services for Fiscal Years 2013/14, 2014/15, and 2015/16.

9:23:43 PM Community Development Director Joe Perez provided a presentation on item.

9:31:24 PM - 9:59:03 PM A discussion ensued amongst the Council and staff.

10:00:53 PM It was moved by Mayor Pro Tem Quintana to approve item 7, with the following amendments: to remove the City Attorney from exhibit D and replace it with City Staff, add language to hire locally and add language dealing with liquidated damages. Motion was seconded by Councilmember Romero, which carried with the following roll call vote:

<u>Vote:</u>	4-1
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia and Councilmember Saleh
No:	Mayor Alvarez
Abstained:	None
Absent:	None

Motion Passed.

8. Fiscal Year 2012-13 Financial Performance Report (at May 31, 2013)(*Council*)

Recommendation: It is recommended that the City Council receive and file the report.

10:02:56 PM Finance Director Josh Betta provided a brief report on item no. 8.

10:05:22 PM - 10:15:09 PM A discussion ensued amongst the Council and staff.

10:16:01 PM Councilmember Romero moved the motion to receive and file the report. Motion was seconded by Mayor Alvarez, which carried with the following roll call vote:

10:16:52 PM

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

9. Consideration to Reschedule the Regular City Council Meeting of September 18, 2013 (*Council*)

Recommendation: It is recommended that the City Council reschedule the regular scheduled City Council meeting of September 18, 2013 to Monday, September 16, 2013.

10:16:57 PM City Manager Doug Willmore provided a brief report.

It was moved by Councilmember Saleh to approve item no. 9 and schedule the meeting to begin at 5p.m. Motion was seconded by Councilmember Romero, which carried with the following roll call vote:

<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

10. Appointment of Norma Gamez to the Position of Interim City Treasurer (*Council*)

Recommendation: It is recommended that the City Council approve the appointment of Norma Gamez to the position of Interim City Treasurer with a 5% special pay stipend per Resolution No. 2008-05.

10:20:53 PM Finance Director Josh Betta provided a report on the item.

10:24:21 PM - 10:28:41 PM A brief discussion ensued amongst the Council and staff.

10:28:42 PM It was moved by Councilmember Saleh to approve item no. 10. Motion was seconded by Councilmember Romero, which carried with the following roll call:

<u>10:29:14 PM</u>	
<u>Vote:</u>	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

Motion Unanimously Passed.

11. Amendment No. 1 to Service Agreement with Third Party Administrator, Carl Warren & Company (*Council*)

Recommendation(s):

- Consider and approve the attached Amendment No. 1 to Service Agreement with Carl Warren and Company to extend the contract for a year to July 2014 for the administration of liability claims; and
- Read by title and waive full reading and adopt Resolution No. 2013-39 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA EXTENDING THE CONTRACT OF CARL WARREN & COMPANY TO ACT AS

THIRD PARTY CLAIMS ADMINISTRATOR TO HANDLE TORT LIABILITY CLAIMS, AS AUTHORIZED BY GOVERNMENT CODE SECTIONS 910, ET SEQ"; and

- Authorize the City Manager to execute a contract for services on behalf of the City

10:30:05 PM City Attorney Dave Aleshire provided a report on the item.

10:30:14 PM - 10:36:21 PM A brief discussion ensued amongst the Council and City Attorney.

Councilmember Valencia requested a memo with an inventory of cases within the past year.

Mayor Pro Tem Quintana requested for an inventory as to how many cases fall under the \$ 7,500 threshold.

10:37:12 PM It was moved by Councilmember Romero to approve item no. 11. Motion was seconded by Councilmember Valencia, which carried with the following roll call vote:

10:39:06 PM

Vote:	5-0
Yes:	Councilmember Romero, Mayor Pro Tem Quintana, Councilmember Valencia, Mayor Alvarez and Councilmember Saleh
No:	None
Abstained:	None
Absent:	None

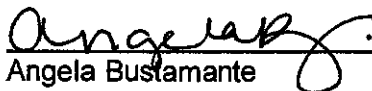
Motion Unanimously Passed.

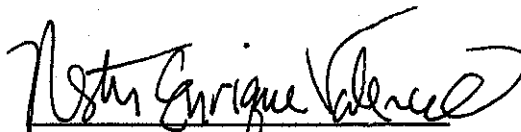
Mayor and City Council Communications

Mayor Pro Tem Quintana made a comment.
Councilmember Saleh made a comment.
Councilmember Romero made a comment.
Councilmember Valencia made a comment.
Mayor Alvarez made a comment.

Mayor Alvarez adjourned the meeting at 10:50:06 PM.

I, Angela Bustamante, Interim City Clerk of the City of Bell, certify that the foregoing minutes were approved by the City Council of the City of Bell at a regular meeting held on July 23, 2014.


Angela Bustamante
Interim City Clerk


Nestor Enrique Valencia, Mayor

MINUTES OF THE DESIGN REVIEW BOARD MEETING

Thursday, January 24, 2019

6:00 p.m.

Bell Community Center

6250 Pine Avenue Bell, CA 90201

1. Chair Fidencio Joel Gallardo called the meeting to order at 6:27pm

2. Roll Call of the Design Review Board:

ALL MEMBERS PRESENT: Board members Trina Mackin (Planning Commissioner), Bill Pagett (City Engineer), Gus Romo (Community Development Director) and Chair Fidencio J. Gallardo (Mayor)

3. Pledge of Allegiance was led by City Clerk Angela Bustamante.

4. Communications from the Public:

This is the time for members of the public to address the Design Review Board on matters that are listed on the agenda and non-agenda items that are under the subject matter jurisdiction of the Design Review Board. (Each speaker is limited to 3 minutes)

Chair Gallardo requested for anyone who wanted to comment on agenda item a) to speak after staff presented the agenda report. He asked if there was anyone in the public who was interested in speaking on items that were not listed on the agenda but are under the subject matter of the Design Review Board.

Hearing no speakers, Chair Gallardo moved to agenda item a).

5. Regular Session

- a) Request from Applicants, Cemex & PI Bell, for approval of DRB# 2018-01 pertaining to the site and building design of an aggregate transfer/storage facility located at 5091 Rickenbacker Road (APN 6332-002-815) in the Commercial Manufacturing (CM) zone with a General Plan land use designation of industrial.

Recommendation: *It is recommended that the Design Review Board APPROVE DRB# 2018-01 subject to the recommended conditions of approval.*

Jo-Anne Burns, Associate Planner, presented a PowerPoint presentation on the item. Additionally, Ms. Burns introduced Environmental Consultant, Jeffrey G. Harvey, from Harvey Consulting Group to provide additional details on the item.

Mr. Harvey provided additional information on the item. He stated his scope of work was to assist in reviewing the CEMEX project, primarily to make sure that the project analysis was consistent with the Environmental Impact Review (EIR) and the conditions of approval outlined in the City's Development Agreement.

Mr. Harvey reviewed all of the relative environmental mitigation measures and found that the proposed activities were within range of impacts that were considered in the EIR and that the recommended mitigation measures are appropriate. He added that the mitigation monitoring and reporting program included in the conditions of approval through the development agreement, were also incorporated in the resolution that was being presented to the DRB.

In addition, he stated that an air permit was issued by the South Coast Air Quality Management District (SCAQMD) which includes a whole suite of measures, many of which are recognized and recommended in the EIR and are part of the City's Development agreement. The measures include dust control during construction and dust control and emissions control throughout operations of the site. Mr. Harvey provided the following examples:

1. Watering of material every three hours or as needed, or covering the material, and ceasing operations in high wind conditions of 25 mph or higher.
2. Pavement of driveways to reduce/prevent dust.
3. The trucks that are used in the transport operations cannot idle for more than 3 mins as they wait to be loaded.
4. They must all be properly equipped with the catalytic converter control systems.
5. Wheel washers are required, as well as regular street sweeping to reduce dust/dirt.
6. The conveyor system removing the aggregate from the trucks to the stock pile is covered and will be located behind the buildings which will control dust and noise.
7. CEMEX to post complete procedures and a phone number where complaints can be submitted.

This concluded Mr. Harvey's presentation.

Ms. Burns repeated staff's recommendation to approve the DRB resolution with the recommended conditions of approval.

City Attorney Dave Aleshire made a comment. He indicated that the project was permitted over a year ago but because of litigation the project has come to a pause. He stated that through the litigation process it was determined that the design review board process was not done properly and therefore the board is reviewing it again, pursuant to a settlement agreement and through a stipulation that dismissed the litigation. The City started a process with the property owners which did not participate in the prior procedure, and determined that there was a number of issues and conditions that are now listed in the resolution and reflect the appropriate measures to take care of the impacts. The purpose for the DRB process is to determine conformity of the approved project (CEMEX) with the original designs and design standards that are outlined in the Development Agreement. Mr. Aleshire indicated that over the period of time with working with CEMEX and the affected owners, nearly all issues have been resolved and his understanding is that the resolution and the conditions of approval are acceptable with all parties, with the exception of one issue related to the use of K street instead of Rickenbacker street. He further explained that the US General Services Administration has easement rights of K street, and without them transferring easement rights to the City so that K street becomes a public street, CEMEX cannot access K street. As of now the issue with the use of Rickenbacker and K street has not been resolved thus he recommended to continue the item to January 31, 2019.

Mr. Aleshire recommended to allow the members of the public to address the Design Review Board tonight.

Cemex representative Bryan Forgey spoke about returning to the next meeting to talk about the benefits that Cemex would bring to the Bell community.

Karina Montoya stated that she works for the Salvation Army Bell Shelter and lives in city of Bell and expressed her opposition with the CEMEX Project.

Laura Cortez stated she is a community organizer for East Yard Communities for Environmental Justice and requested that Agenda Item 5 only be approved if there is a written commitment from CEMEX on the safety and health of the public.

Jess Muniz made a comment and expressed his concern with the environmental impacts that the CEMEX project would have on the quality of air.

Following individuals submitted a speaker card but chose to wait until the January 31, 2019 meeting.

1. Steve Lytle
2. George Wilkins
3. John Chamness

Hearing no further speakers, Chair Gallardo closed the public comment period.

There being no further business before the Design Review Board, Chair Gallardo adjourned the meeting at 7:11 PM.

I, Angela Bustamante, Bell Design Review Board Secretary, certify that the foregoing minutes were approved by the Design Review Board of the City of Bell at a regular meeting held on **January 31, 2019.**

Angela Bustamante,
Design Review Board Secretary

Fidencio J. Gallardo, Chair

DESIGN REVIEW BOARD MEETING

Bell Community Center
6250 Pine Avenue
Bell, CA 90201

January 24, 2019, 6:00 p.m.

MEMBERS PRESENT:

Chair Fidencio Joel Gallardo
(City Council Representative)

Board Member Trina Mackin
(Planning Commission Representative)

Board Member Bill Pagett (City Engineer)

Board Member Gustavo Romo
(Community Development Director)

ALSO PRESENT:

Dave Aleshire, City Attorney
Angela Bustamante, City Clerk
Jo-Anne Burns, Associate Planner
Jeff Harvey, Harvey Consulting Group

REQUESTED BY:

Steve Aleshire, Esq.
Aleshire & Wynder, L.L.P.

Agency: Christine Murphy Wright, AD/T 387
Advanced Depositions

Digitally Recorded

1 MR. GALLARDO: Okay. Good evening, everyone
2 and welcome. We're going to get started in just a
3 minute. I want to thank everyone for being here this
4 evening. I also want to remind you that this meeting
5 is being recorded and streamed live. So, if you're
6 going to be speaking tonight, anyone in the audience or
7 staff or members of the Board, please make sure that
8 you speak into the microphone so that we can capture
9 your voice.

10 So, I call this meeting of the Design Review
11 Board to order. Today is Thursday, January 24th, 2019,
12 and it is 6:27 p.m.

13 Madam City Clerk, roll call, please.

14 MS. BUSTAMANTE: Chair Gallardo?

15 MR. GALLARDO: Here.

16 MS. BUSTAMANTE: Board Member Mackin?

17 MS. MACKIN: Here.

18 MS. BUSTAMANTE: Board Member Pagett?

19 MR. PAGETT: Here.

20 MS. BUSTAMANTE: Board Member Romo?

21 MR. ROMO: Here.

22 MR. GALLARDO: Thank you, Madam City Clerk.
23 Leading us in the pledge of allegiance tonight is also
24 our City Clerk, Angela Bustamante.

25 (Pledge of Allegiance is Recited.)

1 MR. GALLARDO: We're going to go ahead and
2 begin this evening with our staff report. So, I
3 believe -- are we doing communications of the public
4 first? I was told staff report first. Mr. City
5 Attorney?

6 MR. ALESHIRE: Well, I guess you could ask
7 whether anybody wants to speak on an item not on the
8 agenda.

9 MR. GALLARDO: Okay. Are there any members
10 of the audience who would like to speak on an item that
11 is not on the agenda tonight? Okay. And you will have
12 a opportunity to speak on items that are on the agenda.
13 We'll do that right after the staff report.

14 So, we're going to go ahead and begin with
15 our staff report and presenting is our associate
16 planner Jo-Anne Burns. She just needs a minute to set
17 up.

18 MS. BURNS: Good evening, Chair, members of
19 the Design Review Board, and members of the public.

20 Before the context -- I -- I would like to go
21 out -- go over the history of this particular project.
22 So, in September 26, 2013, the City and Public Finance
23 Authority entered into the Bell Business Center
24 Development Agreement with P.I. Bell, L.L.C.

25 The -- the City Council certified that --

1 certified an environmental impact report addressing the
2 impacts of the development proposed to occur on the
3 property subject to the Development Agreement. The
4 Development Agreement and the E.I.R. provided the uses
5 on the site were to be light industrial warehouse,
6 logistic, or office type uses.

7 In 2016, Cemex -- Cemex -- the Cemex project
8 was initially proposed to the City for Parcel A, which
9 by then was the only parcel that was undeveloped at the
10 time. The project involved -- involved the
11 transportation and storage of aggregate materials by
12 Cemex.

13 On September 7th, 2016, the former Community
14 Development Director Derek Hull organized an
15 administrative meeting to consider the Cemex project
16 and it did not include what was the -- the D.R.B. as it
17 was written in the Design -- in the Development
18 Agreement. Although at that time when Pacific
19 Industrial met with the Design Review Board, Mr. Hull
20 and P.I. Bell thought that they were following the
21 correct procedures, although it -- it wasn't the Design
22 Review Board that was -- that was itemized in the
23 Development Agreement.

24 In -- in December 15, 2016, Mr. Hull sent an
25 approval letter to Pacific Industrial. On February

1 1st, 2017, Cemex obtained permits from -- from A.Q.M.D.
2 And on January 22nd, 2018 -- I'm sorry, on February --
3 on -- on October 2017, building permits were issued and
4 Cemex commenced construction.

5 On January 22nd, 2018, E.C.R. Committees for
6 Environmental Justice filed a law suit challenging the
7 approval of the Cemex project. On August 16th, 2018,
8 the -- the City Council authorized the mayor to execute
9 a settlement agreement between the City and various
10 entities affiliated with Pacific Industrial and Cemex.
11 The settlement agreement between the City and Pacific
12 Industrial and Cemex contained stipulations requiring
13 Cemex to submit plans for -- for Design Review Board
14 approval for their project as outlined in the
15 development agreement. Please note that the Design --
16 that design or aesthetic review of a project is not a
17 decision that is subject to S.E.Q.U.A. (phonetic).

18 Although the Design Review Board process was
19 not designed as a public meeting by the Development
20 Agreement, the City did send out notices of the meeting
21 to properties within 300 feet of the site, interested
22 parties, and published a notice in the newspaper. In
23 addition, we will be taking public testimony tonight,
24 since there are a number of interested parties with
25 concerns regarding the project.

1 I will now go over the site plan. The
2 project involves a 49,380 foot -- square-foot primary
3 aggregate storage building, which is located along this
4 area that I -- that's highlighted in brownish-red. The
5 storage building spans approximately 604 feet in
6 length. It is located on the east side of the subject
7 property, parallel to the easterly property line. It's
8 set back approximately 15 feet, eight inches from the
9 26-foot wide fire access. This red line along here is
10 the fire access road. And this building is set back
11 approximately 15 feet eight inches away from -- from
12 the fire -- the fire lane.

13 There would be landscaping proposed in
14 between the building and also the fire lane and along
15 the front property line and also along the westerly
16 property line adjacent to the freeway.

17 The 100 -- 1,440 square foot office building
18 is proposed along here, which is the rectangular area
19 here. It is located on the southeast side of the
20 property.

21 And along the same area there is a parking
22 lot. The parking lot would contain 28 parking spaces,
23 which exceeds -- which exceeds the eight parking spaces
24 required by the Bell Municipal Code, based on one
25 parking space per every 250 square feet of floor area

1 for the proposed office and guardhouse.

2 Again, let's go back to the landscaping. The
3 landscaping along the front property line and along the
4 freeway would be -- would consist of 36 inch box-size
5 trees, shrubs, and ground cover. It is -- it is
6 designed to screen the -- the freeway -- landscaping is
7 designed to screen or buffer the proposed operation of
8 the -- the aggregate transfer facility from views --
9 public views from the freeway and also public views
10 from along the front of the site with the exception of,
11 of course, the driveway along Rickenbacker and the
12 other driveways on the site.

13 The site has three access points, one main
14 access point for the business operation and two access
15 -- two other emergency access points. The access --
16 the main access point is along Rickenbacker. It's --
17 it's -- there's a faint blue -- I'm sorry, green arrow
18 along here. That's where the main access point is,
19 where trucks are -- are going to be coming in and out
20 of the site.

21 So, the way the -- the business operation is
22 going to work is that rail cars are going to go to the
23 -- to the site and deliver -- and deliver aggregate to
24 the site. It will be offloaded and transferred to a
25 conveyor belt system which will then move the aggregate

1 to the main storage building. And once the aggregate
2 is purchased or ordered, then the conveyor belt system
3 will transfer the aggregate from the main storage
4 building to the silos which is located along this area
5 right around -- right around here.

6 There are some public concerns regarding the
7 use of K Street. Upon speaking to the applicants the
8 -- the project is designed to that it's -- their main
9 access point in use is on Rickenbacker. The City is
10 working on making this portion of Rickenbacker a public
11 street, because right now this portion of Rickenbacker
12 Road is -- is a private street and Parcel A does not
13 have easement rights to -- to use Rickenbacker at this
14 time.

15 To -- to alleviate some concerns regarding
16 the use of K Street condition of approval B4 has been
17 included in the draft resolution, which states that K
18 Street shall be limited to emergency access unless the
19 City concludes it will not be -- be able to secure
20 access to (indiscernible) a legally via Rickenbacker or
21 if judicial order is issued prohibiting the use of
22 Rickenbacker.

23 So, I have a few videos that were taken of
24 driving along K Street to show the public and also the
25 -- the Design Review Board some of the concerns. Oh,

1 okay. Sorry. There you go.

2 (Video Recording Played)

3 MS. BURNS: So, this is -- this video was
4 shot driving from the Cemex site to -- to the south
5 towards the Salvation Army site. See there were some
6 pedestrians there and there are vehicles. This -- this
7 street is heavily used. There is only two lanes. One
8 -- one narrow lane going south and one narrow lane
9 going north.

10 As you can see there's vehicles parked along
11 the side of the road and there are -- there are people
12 waiting along the side and crossing the street in the
13 middle of the road. And there are waiting areas that
14 are used by the Salvation Army in -- along the side of
15 the street in this area and also this area and also
16 across the street as well. Again, you can see it more
17 -- there are people that are heavily using this road
18 and just crossing the streets.

19 UNIDENTIFIED SPEAKER: (Indiscernible.)

20 MS. BURNS: Yes. And there's people on the
21 side. And this is the Rickenbacker Road, which the
22 City believes in -- which everybody believes should be
23 the main access point for the site. Rickenbacker is a
24 wide street, there's four lanes, two lanes going in
25 each direction and it's not heavily traveled, as you

1 can see in the video.

2 There is the -- the military base along the
3 -- along the side and this is the Slawson, I believe,
4 Adult School along the other side. There is a few
5 cars, but not many parked on the -- along the street
6 near the adult school. And as you can see the speed in
7 this -- in this -- on the street is a -- a little bit
8 faster since it is -- it is a wider street.

9 Fed-Ex is on this side and this is the other
10 Pacific Industrial building along the other side. And
11 approaching towards the front is the Cemex aggregate
12 storage building that is already erected and is almost
13 complete.

14 Which brings us to the -- the building
15 elevations. The storage building would be
16 approximately 40 feet in height, which is significantly
17 less than the 150 feet maximum height allowed by the
18 Development Agreement. Although the storage building
19 does not have a roof, the storage building is designed
20 to emulate the industrial warehouse building -- an
21 industrial warehouse building and would match the
22 colors, materials, and architectural style of other
23 buildings within the Bell Business Park, which is the
24 Pacific Industrial Development.

25 A roof is not required because the operation

1 that will be conducted herein, which is the -- the --
2 aggregate transport and transfer are typically
3 conducted in an enclosed setting, rather than an
4 enclosed building. Such a use was contemplated in the
5 project -- for the project in the E.I.R. and it is
6 allowed in the Development agreement.

7 The building would be painted a three-tone
8 gray color scheme, which would match the Pacific
9 Industrial -- the rest of the buildings within the
10 Pacific Industrial Development Project.

11 The intended contemporary style of the
12 building is enhanced with concrete fins right along
13 this area in the -- in the corners and mid-walls of the
14 building, horizontal details. The anodized aluminum
15 mullions in -- in the glass along the side right here,
16 which makes it look like an actual office building or
17 industrial building rather than a storage -- aggregate
18 storage building.

19 The design of the building and materials
20 utilized provide depth to the structure and visually
21 minimizes the structure's mass and bulk.

22 And here is the proposed office building.
23 The proposed office building, the colors and
24 architectural style matches the aggregate storage
25 building and also the rest of the Pacific Industrial

1 development within the city. The storage -- the office
2 building is 14 feet in height, which, again, is a lot
3 less than the height that -- the maximum height allowed
4 in the Development Agreement.

5 And for the sake of architectural
6 consistency, I took a picture of the -- or, the
7 aggregate storage building that is in the process of
8 being constructed and is almost complete on the Cemex
9 site, which is this photograph right here. In the
10 other three buildings within the Bell Business Center,
11 Pacific Industrial Development, as you can see the
12 architectural style of the buildings are almost
13 identical and the colors and materials are also the
14 same.

15 As far as the conveyor belt system is
16 concerned, the conveyors are proposed to be covered
17 with a steel cap similar to this right here. And, in
18 addition to that, the conveyors are going to be
19 enclosed with steel plates. This is a photo -- a photo
20 simulation of what the conveyor belt system is going to
21 look like on site when it is complete. The conveyors
22 -- the covers will be painted a lighter gray tone that
23 matches one of the gray tones used in the primary
24 aggregate storage building and office building.

25 Here is what the silo structure would look

1 like. Basically, this -- photographs are not -- it's
2 not a photo-simulation of the project site. These
3 photographs are basically taken from -- from a -- from
4 a site in Orange County and the -- the silos would look
5 -- on the site would look similar to these silos right
6 along here. And it would also -- also be painted to
7 match the -- the main building and the office building.
8 However, in this -- in the -- in the Cemex site's case,
9 the silo structures will be -- will be screened from
10 off-site views by the landscaping that they are
11 proposing.

12 So, here is a photo-simulation of the site
13 with the landscaping. The first -- the top photograph
14 is of the site with the landscaping as viewed from the
15 freeway. And the bottom photograph is of the site
16 right along here. This is the aggregate storage
17 building with the landscaping imposed on the
18 photograph.

19 There is -- this landscaping is already
20 there. It's on the Fed-Ex side. So, basically, if
21 you're at Rickenbacker -- you're standing on
22 Rickenbacker Road, these -- these trees right along
23 this area are the additional trees that will be used --
24 that will be screening the site from views, in addition
25 to trees that line the -- the aggregate storage

1 building as well. It's just that those particular
2 trees from these views can be seen because this -- this
3 -- this landscaping right along the Fed-Ex site is
4 already mature and, kind of, covers that -- that
5 landscaping.

6 With -- in regards to the environmental
7 aspect and the dust control aspect of this project, the
8 City hired an environmental consultant, Mr. Jeff Harvey
9 from -- from Harvey Consulting Group is -- is here and
10 he will speak regarding the -- the dust control issues
11 and other environmental concerns that were voiced out
12 by the public.

13 MR. HARVEY: Good evening, Mr. Chairman,
14 members of the board, members of the public. My name
15 is Jeff Harvey, principal of and senior scientist of
16 Harvey Consulting Group. I have worked, for years, for
17 the City of Irwindale and, I guess, Romo was previously
18 the Community Development Director there. That's how
19 we came to know each other.

20 He called me and asked me if I could assist
21 in reviewing this project and the conditions of
22 approval that are recommended for the Design Review
23 Board tonight relative to their consistency with the
24 Environmental Impact Report and the previously studied
25 project, and -- and it's fit relative to the Cemex

1 project.

2 We reviewed all of the relative environmental
3 mitigation measures, the proposed activities we found
4 to be within the range of the impacts that were
5 considered in the environmental impact report and the
6 recommended mitigation measures are relevant. The
7 mitigation monitoring and reporting program that was
8 adopted by the City was incorporated in the conditions
9 of approval for the development agreement for the
10 project and they are also incorporated in your
11 resolution this evening.

12 There is also a air permit that has already
13 been issued for the project by the South Coast Air
14 Quality Management District. That permit includes a
15 whole suite of measures, many of which were also
16 recognized and recommended in the environmental impact
17 report and as part of your development agreement. And
18 those include measures ranging from dust control during
19 construction to dust control and emissions control
20 throughout operations of the site.

21 Those measures include, for example, watering
22 of material -- regular watering material every three
23 hours as needed, or covering of that material and
24 ceasing operations in high-wind conditions, 25 miles an
25 hour or greater wind conditions; paving of driveways so

1 that you would not have dust from the -- from the site
2 itself; use of electrical equipment wherever that was
3 possible to do, and my understanding is that the whole
4 conveyor system is -- is electrical equipment; the
5 trucks that are used in the transport operations have
6 limits on how long they can idle at the site, maximum
7 of three minutes as they wait to be loaded; they must
8 all be properly equipped with catalytic converters,
9 emissions control systems, these are all conditions of
10 approval both from E.I.R. and from the air permit;
11 wheel washers are required so that there is no dust
12 track out onto adjacent streets, and regular street
13 sweeping is required to cleanup what dust might happen.

14 There are even requirements, for example,
15 down to the minutia details of parking spaces
16 specifically for electric vehicles and for carpool
17 vehicles, to encourage that -- that level of emissions
18 control and condition for a bike rack so that employees
19 could cycle to work if -- if they so choose.

20 I would -- I would also note that the
21 conveyor system for moving the aggregate from the
22 trains to the stock pile is covered as Ms. Burns
23 indicated. The covered conveyor is behind the
24 buildings and -- and is an excellent system for both
25 dust and noise control. Conveyor systems are not

1 particular noisy in case, but -- but that covered
2 conveyor system does provide additional noise and dust
3 (indiscernible).

4 There is also a complaint procedure and a
5 posting of a phone number at the front gate that if
6 people hear noise or see dust and are concerned about
7 that there is a number for them to call that triggers a
8 procedure for the operator to consult with the city
9 staff and city staff to inspect whatever the complaint
10 was about and determine what kind of remedial measures
11 need to be taken, if any.

12 All of those conditions have been
13 incorporated by the City and included in your Design
14 Review Board resolution. So, that is the end of my
15 report.

16 Any questions you may have, I'll be happy to
17 take your questions and provide whatever answers I can.

18 MR. GALLARDO: Are there any questions at
19 this time? Nothing. Thank you, Mr. Harvey.

20 MR. HARVEY: Thank you.

21 MS. BURNS: With that, staff is recommending
22 that the Design Review Board approve D.R.B. Number
23 2018-01 and adopt Resolution Number 2019-01.

24 From my understanding the city attorney has
25 -- has some changes that were made to the draft

1 resolution regarding the resolution itself and also the
2 conditions of approval. And, I will like to call in
3 the city attorney to add on any items that were not
4 discussed in the presentation.

5 MR. ALESHIRE: So, Mr. Chairman, thus far our
6 presentation is pretty much what we had planned
7 tonight.

8 There are -- are some things I need to inform
9 you about. As you know we had an extensive set of
10 conditions. There's a history here that involved
11 litigation, this project was permitted over a year ago
12 and the litigation, basically, slowed things down. So,
13 there's been -- and I think this eventually, through
14 the litigation, it was understood that we really hadn't
15 done the Design Review Board process properly. And so
16 that's why we're back here pursuant to a settlement
17 agreement and actually through a stipulation the
18 litigation was dismissed.

19 Through our -- we basically started a process
20 with the property owners who didn't really participate
21 in the prior process. By working with the property
22 owners, we became aware of a number of their issues and
23 this -- the conditions, which you have before you,
24 reflect the -- the measures that seemed appropriate to
25 take care of the impacts.

1 As Mr. Harvey pointed out most of these
2 conditions are all things that were in previous
3 documents. And Design Review Board process is really
4 trying to determine just conformity and compliance of
5 the approved project with the original designs and the
6 design standards that were in the development
7 agreement. And Jen gave a good explanation of why we
8 think that it is consistent.

9 Over this period of time, between working
10 with Cemex and the affected owners, virtually all
11 issues were worked out and the -- my understanding is
12 that the conditions of approval and the resolution were
13 -- are generally acceptable to all the parties with one
14 issue which has to do with K Street and the use of K
15 Street as opposed to Rickenbacker. And we've worked
16 very hard to try and resolve the issue.

17 The fundamental problem is something that's,
18 kind of, beyond anybody's control at this point, which
19 is that the adjacent property owners, right now that's
20 a private street. The adjacent property owners have
21 easement rights. It's not a public street. So,
22 originally, P.I. Bell, as a part of the development
23 agreement was supposed to get easement rights from the
24 other property owner so that it can continue as a
25 private street since the city did not want it to be --

1 take on the maintenance of the public street. The --
2 that was not accomplished.

3 The City, after it worked out its
4 understanding with Cemex, which involves monies being
5 paid to the City, the City realized that the only way
6 this was going to get settled was for us to be willing
7 to take it on as a public street. So, with that in
8 mind, the conditions have switched it so that the City
9 will undertake that burden. The problem is one of the
10 parties that has those easement rights is the U.S.
11 Army, the Corps of Army Engineers, and actually G.S.A.,
12 which it deals with property rights, et cetera.

13 We had conversations with all these parties
14 in November and December. It appeared that we were
15 headed towards getting all the appropriate approvals.
16 The shutdown of the federal government has meant that
17 we can't find anybody in G.S.A. to talk to the last
18 month. So, we have not accomplished that getting
19 easement rights dedicated to the public that we could
20 have a public street.

21 We've tried to deal with conditions because
22 the -- the adjacent property owners do not want any
23 access on K Street. They -- they're okay with
24 emergency access. They don't want regular access on K
25 Street. And, Rickenbacker, as you saw from the video

1 is a much more appropriate situation.

2 Where we sit today, we didn't have agreement
3 on the language that I've provided to you as to how
4 that problem will be taken care of. This afternoon we
5 encouraged Cemex and Mr. Pettit representing these
6 other parties, to see if they could work up language
7 that would be acceptable to those two parties and for
8 them to deal directly with that and I'm informed that
9 we had something of a breakthrough. The -- Mr. Pettit
10 has not had the opportunity to consult with all of his
11 clients and the exact language is not worked out. It
12 possibly involves some -- an action we'd have to take
13 back to the City Council. I don't know all the
14 details.

15 This -- this -- the reason you're meeting was
16 delayed is I was getting a five-minute briefing on
17 where we're at. At this point in time it seems that
18 normally our next stage would be to take some public
19 testimony. But, at this point in time it would seem
20 that we're very close to a solution on this and that
21 the -- the parties have both estimated to me that in
22 one week's time they think they could work out their
23 differences in this language. So, it would seem
24 reasonable at this point in time that we continue this
25 meeting for a week to say, six o'clock next Thursday

1 night.

2 I think anybody who anticipates not being
3 able to be here for that meeting should -- we could
4 still take their testimony. And we would like to, if
5 there's any reason why anybody had an issue with Mr.
6 Harvey to -- about -- he would need to respond to, we'd
7 like to deal with it tonight so we didn't have pay to
8 have him come to another meeting.

9 But, if -- if we could take additional -- any
10 -- any testimony that needed to be given tonight and
11 couldn't be given in a week, with a week we might
12 resolve this issue. And at that point instead of
13 parties and their testimony, trying to protect their
14 legal position, everybody could just come forward and
15 sing Kumbaya and say what a great project this is and
16 we could just go forward.

17 So, I -- my recommendation is that -- and,
18 again, any testimony or anything that needed to get
19 said and didn't get said tonight, there's still the
20 ability to come back. I am hopeful that the board
21 members can remember comments they might have had to
22 the testimony because we're -- the intent would be that
23 we not repeat everything that we've done before.

24 But -- but we all will be back here and
25 available to answer questions at that time. So, my

1 suggestion is that you see whether there's anybody that
2 feels they need to testify. I think, perhaps, Bryan
3 wanted to give a comment?

4 MR. GALLARDO: So, Mr. City Attorney, just to
5 be clear, we're going to take Steve's comment and then
6 we're going to ask the other members who've requested
7 to speak, members of the audience, if they want to go
8 tonight or if they want to hold off for next week; is
9 that correct?

10 MR. ALESHIRE: Correct.

11 MR. GALLARDO: All right. Thank you, sir.
12 Yes?

13 MR. FORGEY: Good evening, Mayor, members of
14 the -- of the Board, and to the public. Thank you for
15 your service and your time here tonight in -- in
16 listening to our -- our project for the second or third
17 time now.

18 We're pleased to be here with you guys to
19 present the design of aggregate storage plan, our --
20 our Cemex project in the city. I'll keep my comments
21 very brief, especially in light of -- of the City
22 Attorney's announcement.

23 In -- in short, I -- I would like to come
24 back and speak next week a little bit more about our
25 project and the benefits Cemex can bring to -- to the

1 Bell community and -- and I think the advances that --
2 that we will add. But, in short, I -- I would say that
3 Cemex is excited to continue to work with the -- the
4 neighboring parties around us and hopefully come to
5 some resolutions to cover their concerns. And we would
6 definitely support a continuation for one week. And --
7 and your guys's (sic) patience and consideration with
8 us with this process. So, thank you.

9 MR. GALLARDO: All right. Thank you, sir.
10 So, I have about seven speaker cards. If there are
11 members of the audience who would still like to speak
12 tonight, maybe you're unable to come next Thursday, I
13 -- I'm excited about the breakthrough. I, you know, I
14 -- it must be positive, that's why we're holding off
15 for a week. So, if anyone who'd like to come up at
16 this time, why don't you just go ahead one at a time
17 and we'll go from there. So -- and, please just state
18 your name for the record. I don't know if I -- you
19 know what, I'll call names and if you'd like to pass,
20 we'll pass until next week.

21 So, I believe the first person signed up was
22 Karina Montoya. Okay. So, I'm assuming that person's
23 going to wait.

24 Laura Cortez? Are you -- are you Karina?
25 Yeah, come on up.

1 MS. MONTTOYA: Good evening, Mayor. Good
2 evening members of the Board. My name is Karina
3 Montoya. I work for the Salvation Army. And I am also
4 a resident of Bell.

5 I believe that building Cemex would be just a
6 mistake, building it close to the shelter. I believe
7 there's surrounding areas -- we're surrounded by
8 industrialized areas, here in Bell, that it could take
9 place elsewhere.

10 The shelter we assist our vulnerable
11 population, the homeless population. They are
12 disabled, they are in (sic) crutches and wheelchairs,
13 and they are here from all over L.A. County and
14 surrounding counties and sometimes from all over the
15 country. And they seek peace and they find it at the
16 shelter.

17 And having Cemex build there it would
18 definitely affect the peace of the shelter. It would
19 disturb the peace, making it dangerous for the -- for
20 our clients, for our members of our community with the
21 trucks going by in the street. It just be very
22 dangerous. And also the quality of air for our shelter
23 residents and for staff. It just -- I believe it just
24 would be a mistake.

25 Salvation Army has been there for many years.

1 I am a Bell resident and I know that they -- there's,
2 like, so much industrialized -- we're -- and we're
3 surrounded by industrialism. But, it just -- I believe
4 that another place would be best fit for Cemex. And I
5 do appreciate them wanting to grow here in the city of
6 Bell, but I do believe that our vulnerable population
7 that just come from all over the country and from all
8 over L.A. County is a little bit more important.

9 MR. GALLARDO: Thank you. Laura Cortez?

10 MS. CORTEZ: Good evening, Board and members
11 of the Public. My name is Laura Cortez. I'm with East
12 (indiscernible) Communities for Environmental Justice.
13 I'm an organizer and I see that today on the table, I'm
14 glad we're pushing it over a week. I won't be here
15 next Thursday, unfortunately.

16 So, I wanted to request that this project
17 only be approved when there is a commitment, a written
18 commitment, on the resolution that -- to safety and
19 health, right? And to prioritizing these things by not
20 passing any Cemex traffic on K Street. I think the
21 video did a great job at illustrating those concerns.
22 I think that (indiscernible) articulated those concerns
23 that Rickenbacker is the best -- the best route. I
24 understand that that's what we're trying to do and that
25 the government shut down and that hopefully we'll get

1 through this soon. But, anything temporary is not
2 acceptable. Right?

3 We need to prioritize our community members.
4 I think that's why the Board is here, right, and
5 understanding that that should be a priority. So,
6 definitely, urging folks we do not support any -- any
7 type of access on K Street.

8 And then also wanted to talk about -- yeah, I
9 think I made that clear. And then I just wanted to
10 talk about one of the issues that -- that the storage
11 facility that was mentioned by the -- the planner was
12 that it did not need to be covered because I -- I think
13 it just wasn't too clear to me. So, maybe if we could
14 talk about it. If we don't have time today, then next
15 Thursday for the public I think is really important,
16 say why it's not -- why it does not need to be covered.
17 I understand the conveyers. But inside the storage
18 facility, I'm not sure if there is things there then
19 they should be covered. If there's high winds, that
20 needs to be covered, for any reason and I thought that
21 was part of the agreement. So, if we could get some
22 clarification on that, that would be helpful. Thank
23 you.

24 MR. GALLARDO: Thank you, Ms. Cortez. Steve
25 Lytle?

1 MR. LYTLE: (Inaudible.)

2 MR. GALLARDO: Thank you, sir. George
3 Wilkens?

4 MR. WILKENS: (Inaudible.)

5 MR. GALLARDO: Thank you, sir. Jess Muniz?

6 MR. MUNIZ: Yes. My name is Jess Muniz. And
7 I think it's only common sense, you know, all these
8 trucks and there's going to be a lot of diesel fuel
9 that they use for transportation, going back and forth.
10 We have enough chem. trails in the air. You can see it
11 all over the place.

12 And also the chemicals are everywhere, you
13 know? (Indiscernible) what they used to be a hundred
14 years ago. They're just everywhere. I think -- I
15 think a lot of companies need to stop putting profit
16 ahead of our health.

17 I'm 78 and I do a lot of research on health.
18 But, I'm not going to go into all the health issues
19 here. But, the major issue is that we just want to try
20 to maintain a good quality of air. I mean, it's bad
21 enough we have to drive our cars through the valley of
22 carbon monoxide poisoning, depleting our bodies of
23 oxygen. That's it.

24 MR. GALLARDO: Thank you, sir. Bryan Forgey?
25 You already went. Okay. John Chamness?

1 MR. CHAMNESS: (Inaudible.)

2 MR. GALLARDO: Thank you, sir. Okay. And
3 with that, that concludes all of our speakers at this
4 time.

5 And I just want to make a comment real quick.
6 I want to say that we are very fortunate to have the
7 Salvation Army and the shelter partnership here in the
8 city of Bell. And we definitely, you know, feel, you
9 know, that it brings value to our community. And we
10 look forward to a continued, you know, relationship and
11 even expansion of the things you do out there. I think
12 we're a model for other, you know, cities and other
13 places around the country. And so we really appreciate
14 you guys and -- and we're glad that you're here.

15 And Cemex, you know, thank you for your
16 patience in working through this. It's -- it's a --
17 it's been a long process. But, you know, the City
18 also, you know, stands to benefit from your presence
19 here. And so, you know, we look forward to a quick
20 resolution.

21 I think we all witnessed on the video the
22 differences between K Street and Rickenbacker. And
23 it's very clear that we need to be on Rickenbacker if
24 this project is going to move forward. So, you know, I
25 think we're going to move, you know, heaven and

1 everything else to make sure that we get there.

2 So -- so, I invite you all back to be here
3 next Thursday, 6 p.m. and we will continue this meeting
4 at this time. So, I'm going to go ahead and adjourn
5 tonight at 7:11 p.m. Thank you.

6 (The Meeting Adjourns.)

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CERTIFICATION

I, CHRISTINE MURPHY WRIGHT, the assigned
transcriber, do hereby certify the foregoing
transcript of proceedings is prepared to the best of
my ability and is a true and accurate non-compressed
transcript of the proceedings, as recorded.

BY:/s/Christine Murphy Wright	AD/T 387
Christine Murphy Wright	AOC Number
Advanced Depositions	April 1, 2019
Agency Name	Date

MINUTES OF THE DESIGN REVIEW BOARD MEETING

Thursday, January 31, 2019 at 6:00 p.m.
Bell Community Center
6250 Pine Avenue Bell, CA 90201

1. Chair Fidencio J. Gallardo called the meeting to order at 6:10 p.m.

2. Roll Call of the Design Review Board

ALL MEMBERS PRESENT: Board members Trina Mackin (Planning Commissioner), Bill Pagett (City Engineer), Gus Romo (Community Development Director) and Chair Fidencio J. Gallardo (Mayor)

3. Pledge of Allegiance was led by Board member Trina Mackin.

4. Communications from the Public

This is the time for members of the public to address the Design Review Board on matters that are listed on the agenda and non-agenda items that are under the subject matter jurisdiction of the Design Review Board. (Each speaker is limited to 3 minutes)

Hearing no speakers, Chair Gallardo moved to agenda item a).

5. Regular Session

- A. Request from Applicants, Cemex & PI Bell, for the approval of DRB# 2018-01 pertaining to the site and building design of an aggregate transfer/storage facility located at 5091 Rickenbacker Road (APN 6332-002-815) in the Commercial Manufacturing (CM) zone with a General Plan land use designation of Industrial.

Recommendation: *It is recommended that the Design Review Board APPROVE DRB# 2018-01 subject to the recommended conditions of approval.*

City Attorney Dave Aleshire provided a brief report on the item. He stated that the staff report was given at the 1/24 meeting therefore a report will not be given. He spoke on the issue of CEMEX not being able to use Rickenbacker street due to it being a private street and how the Salvation Army is persistent for CEMEX to use Rickenbacker instead of K street. He indicated that both parties, CEMEX and Salvation Army, agreed for CEMEX to use Rickenbacker Street with the understanding that if a legal challenge arises, CEMEX will have their support. Mr. Aleshire also indicated that a tolling agreement is required to assist the involved parties in keeping their legal rights. Mr. Aleshire further explained that all parties are involved in drafting the tolling agreement and once it is finalized it will be taken to Council for approval. Then he spoke of an email that staff received from GSA, acknowledging that they received the City's application in regard to changing Rickenbacker street into a public street. Last, Mr. Aleshire stated that the documents given at the January 24th DRB meeting remain the same, with the exception of the resolution with regard to section 6.

Seeing no further questions from the Board, Chair Gallardo opened the public hearing:

1. Steve Lytle, Director of the Salvation Army Bell Shelter, expressed his concerns with CEMEX using K Street do to there being heavy pedestrian traffic on that street. He also asked that the monitoring of the project be transparent and involve all the parties included in the tolling agreement and the public so everyone is aware of any complaints or issues that may arise.
2. David Pettit, Lawyer with the Natural Resources Defense Council in Santa Monica representing Salvation Army, Shelter Partnership, Grow Good Inc. and Eastyard Communities for Environmental Justice, made one correction to the statement made by Mr. Aleshire in regard to the tolling agreement, he clarified that the agreement calls for a 60-day freeze during which time there will be no truck traffic on K street. Last, Mr. Pettit reaffirmed that weather the easements are obtained or not, there should be no commercial truck traffic on K street under no circumstance.
3. George Wilkins, Salvation Army resident, expressed his concerns with the use of K street and with the building not having a roof.
4. Kernel John Chamness, oversees the Salvation Army, expressed his support with moving truck traffic to Rickenbacker Street.
5. Art Larson, lifelong real estate developer, expressed concern with the use of K Street.
6. Edward Rodriguez also expressed concern with the use of K street.
7. Andrew Watson, Outreach Manager at the Salvation Army Bell Shelter expressed opposition of the project and urged the board to reconsider the use of K Street.
8. Pillar [NEED LAST NAME], Division director of social services with Salvation Army, spoke in opposition of the project and recommended for CEMEX to use Rickenbacker instead of K street.
9. Kenneth Mckinley, resident at the Bell Shelter spoke in opposition of the project.
10. Ruth Schwartz, Executive Director at Shelter Partnership, spoke on condition no. 5 listed in the resolution and stated that she never agreed to contribute an easement without charge and asked for the section to be revised. She also spoke on condition no. 6 and requested for the condition to be revised to include a clearer description of what the City's role is.
11. Kerry Shapiro, Attorney for CEMEX, spoke on the project and stated that a tolling agreement is being drafted between all parties to address everyone's concerns, including the use of K street.
12. Bryan Forgey, CEMEX Vice-President and General Manager for Southern California provided background on the project and indicated that they are also in support of using Rickenbacker Street instead of K Street.
13. Elden [NEED LAST NAME], spoke in opposition of the project.
14. Pedro Martinez, resides at the Salvation Army shelter, spoke in opposition of truck traffic on K street.

15. Ana Figueroa, District Chief Staff for Congresswoman Lucille Royball Allard, asked what decision the DRB was considering at the meeting and also asked what would happen if the GSA does not approve the City's request.

Hearing no further speakers, Chair Gallardo closed the public comment period.

A discussion ensued amongst the Board members and the representatives from CEMEX.

A discussion ensued amongst the Board members and the representatives from Salvation Army and Shelter Partnership.

Hearing no further questions, Mr. Aleshire spoke and addressed some of the public speakers concerns. He indicated that before tonight he had not heard from neither parties that they wanted to get paid for easement rights. He stated that the main focus is to keep traffic away from K Street, therefore is in everyone's best interest to cooperate in getting the easement rights resolved. He also addressed Ms. Schwartz concerns in regard to the City's enforcement powers not being robust and if it was clear in the resolution that access is only Rickenbacker, he stated that conditions no. 4, 5 and 6 address those concerns. He spoke of the Tolling Agreement being in place in order to have the ability to work on obtaining legal rights for Rickenbacker Street. Last, he stated that the City will work with the congressional office, GSA, and other parties involved, in order to make Rickenbacker Street a public street.

A discussion ensued amongst the Board and Mr. Aleshire. Chair Gallardo asked what the next steps after tonight's meeting are. In response, Mr. Aleshire indicated that the Tolling Agreement has to go to the Council for approval, then the parties including LAUSD, need to sign the conditions and the covenant agreement has to get recorded.

A brief discussion ensued amongst the Board and Mr. Aleshire in regard to the City's annual review of the CEMEX project.

Board member Mackin made a comment about the project.

It was moved by Board member Trina Mackin to approve the DRB resolution. Motion was seconded by Board member Gustavo Romo.

City Attorney Dave Aleshire read the title of resolution.

Design Review Board Secretary Bustamante called the roll:

Roll Call 4-0

Ayes: Board members Trina Mackin (Planning Commissioner), Bill Pagett (City Engineer), Gus Romo (Community Development Director) and Chair Fidencio J. Gallardo (Mayor)

Nays: None

Abstain: None

Absent: None

Motion Passes.

There being no further business before the Design Review Board, Chair Gallardo adjourned the meeting at 7:30 PM.

I, Angela Bustamante, Bell Design Review Board Secretary, certify that the foregoing minutes

were approved by the Design Review Board of the City of Bell at a regular meeting held on January 31, 2019.

Angela Bustamante,
Design Review Board Secretary

Fidencio J. Gallardo, Chair

DESIGN REVIEW BOARD MEETING

Bell Community Center
6250 Pine Avenue
Bell, CA 90201

January 31, 2019, 6:00 p.m.

MEMBERS PRESENT:

Chair Fidencio Joel Gallardo
(City Council Representative)

Board Member Trina Mackin
(Planning Commission Representative)

Board Member Bill Pagett (City Engineer)

Board Member Gustavo Romo
(Community Development Director)

ALSO PRESENT:

Dave Aleshire, City Attorney
Angela Bustamante, City Clerk
Jo-Anne Burns, Associate Planner

REQUESTED BY:

Steve Aleshire, Esq.
Aleshire & Wynder, L.L.P.

Agency: Christine Murphy Wright, AD/T 387
Advanced Depositions

Digitally Recorded

1 MR. GALLARDO: Okay. I'd like to call this
2 meeting to order, this meeting of the Design Review
3 Board. Today is Thursday, January 31st. The time is
4 6:10 p.m.

5 Madam City Clerk, roll call, please.

6 MS. BUSTAMANTE: Chair Gallardo?

7 MR. GALLARDO: Here.

8 MS. BUSTAMANTE: Board Member Mackin?

9 MS. MACKIN: Here.

10 MS. BUSTAMANTE: Board Member Padgett?

11 MR. PADGETT: Here.

12 MS. BUSTAMANTE: Board Member Romo?

13 MR. ROMO: Here.

14 MR. GALLARDO: Okay. And now we're going to
15 go ahead and begin with the pledge of allegiance and
16 I'm going to ask Planning Commissioner Trina Mackin to
17 lead us in the pledge, please.

18 (The Pledge of Allegiance is Recited.)

19 MR. GALLARDO: Thank you. First of all,
20 thank you, everyone for being here. We're going to
21 have two opportunities for the -- for public comment.
22 The first opportunity is going to be for anyone who
23 wants to speak on an item not on the agenda. And then
24 after we take the staff report, it will be for everyone
25 who is here to speak on an item that is on the agenda.

1 And I understand that most of you are going to be
2 speaking about items on the agenda. So, first, is
3 there anyone here tonight that would like to speak on
4 an item that's not on the agenda tonight? Okay. Very
5 good, then. Thank you.

6 So, with that we're going to go ahead and
7 move on to our staff report.

8 MR. ALESHIRE: Yes. Mr. Chairman, at last
9 week's meeting we gave a thorough and extensive staff
10 report on this item. And that was submitted for the
11 record and we're not going to repeat that presentation.
12 So, we do want to cover some events since that meeting.

13 As you -- as you know, the -- the parties, in
14 terms of Cemex and Shelter and the Salvation Army et
15 cetera, were having concerns about the access on
16 Rickenbacker Road and K Street. And, so, what was
17 presented at the last meeting was that there was a
18 dialogue between those parties which might lead to a
19 solution. And that -- for that reason we had a -- we
20 shortened the meeting to give those parties a time to
21 work that out.

22 Since that meeting the dialogue has continued
23 to describe generally what the concept was behind that.
24 Cemex's concern was using Rickenbacker when potentially
25 the legal easements did not exist to give them that

1 access and we had not made it -- it's not become a
2 public street yet. So, their concern was that they
3 might be challenged for doing that.

4 What the Salvation Army group feeling was is
5 that no, they much preferred the use of Rickenbacker.
6 In fact, it's the use of K Street that presents a
7 problem for them. So, they wanted to encourage Cemex
8 to take the access from day one off of Rickenbacker.
9 And so basically, Cemex was not opposed to that. What
10 they wanted to do was to work out an understanding that
11 they would have the support of their neighbors using
12 Rickenbacker and that in the event there was some sort
13 of a legal challenge they would have that support.

14 Meanwhile, the -- the Shelter, Salvation Army
15 parties wanted to know that if they did not file a law
16 suit and held off of taking any action like that they
17 would not lose any legal rights.

18 So, the way to accomplish something like this
19 is through what's known as a tolling agreement. A
20 tolling agreement means that the parties may have
21 claims against each other and if they do not assert
22 those claims they will not lose the claims as long as
23 the tolling agreement is in effect.

24 So, that's the main emphasis of the parties
25 the last week has been to work out the terms of a

1 tolling agreement. And I believe that we -- we have an
2 acceptable draft tolling agreement. Cemex produced a
3 draft. I've given comments and made revisions to that
4 document. I think Mr. Pettit had some revisions to
5 that tolling agreement.

6 The tolling agreement is not an action item
7 for the Design Review Board. That document, we would
8 place on the next council agenda on the 13th. So, we
9 still have a couple days to work out last-minute
10 language. But, the tolling agreement does say that --
11 that the trucks for -- for at least a 60-day period
12 after vote by the Design Review Board, the Cemex makes
13 the commitment, the trucks will run on K Street. Also
14 the parties agree to make all reasonable efforts to
15 secure legal access to the facility from Rickenbacker.
16 And so that's the direction we would go on the access.

17 So, what we would intend to do on this
18 document is work with the parties to get the language
19 finalized in the next few days and put it on the agenda
20 so that the council can act to approve that and get the
21 approval from the other parties and all of the parties
22 I've mentioned would -- are parties to that would be --
23 are proposed to be parties to the tolling agreement.

24 So, that's the first element. We think this
25 tolling agreement gives us a window to solve this

1 issue.

2 Now, a second aspect of that window is that
3 we're all rejoicing that the federal government is back
4 in business, which means that the G.S.A. is back in
5 business. And we were happy to report that basically,
6 their first day back at work we received an email that
7 they were aware of our application, that, obviously,
8 there is a lot of other differed business. But, I got
9 another follow-up email this morning that they --
10 G.S.A. considers this to be a high priority and will --
11 intends to have -- be back to us next week with where
12 we are.

13 And along those lines, we are certainly
14 looking for P.I. bill and Cemex, as well as any -- any
15 of our friends that have friends in high places with
16 the Salvation Army and the Shelter will help us with
17 G.S.A. trying to get these approvals worked out.

18 In a perfect world we can get that done in
19 the next 60 days and this problem goes away forever.
20 Again, the City is stepping up to make this a public
21 street. And I think with everybody's help, the
22 scenario which everybody has been afraid of will never
23 occur and there will never be any trucks rolling on K
24 Street.

25 So, I think we have good news that we can get

1 a process going here so that we can get this done in
2 the 60 days.

3 The third thing that I wanted to mention is
4 on the documents that we gave you last week, the -- the
5 staff report and the conditions of approval that we
6 recommended last week, are unchanged -- this dialogue
7 has not led to any changes in those conditions. They
8 remain the same. They -- we have handed out to you
9 one, there's a revision to the resolution with regard
10 to the statements on Rickenbacker.

11 This is Section 6 of the resolution and that
12 revised resolution has been given to both the parties.
13 It basically says that the E.I.R. found that using K
14 Street for truck access was unsuitable due to sensitive
15 adjacent uses and that primary access would shift to
16 Rickenbacker.

17 And it also states that if the developer did
18 not cooperate in -- in working out the Rickenbacker
19 access or there were legal proceedings to prohibit the
20 use of Rickenbacker, then we would undertake further
21 proceedings to achieve access. But, the access has to
22 be consistent with the development agreement and the
23 development agreement does provide pursuant to the
24 Environmental Analysis, as I said before, that due to
25 the sensitive uses on K Street, the primary access

1 needs to be on Rickenbacker. So, that language was
2 clarified and the parties have seen it.

3 So, I think those are the main points that we
4 do have a tentative understanding, that the -- there's
5 the tolling agreement has been worked out. The tolling
6 agreement will go to the city council and that the
7 other conditions remain as presented.

8 And so it remains the staff's recommendation
9 that the Design Review Board be able to go forward and
10 find that the project is in -- with the conditions that
11 have been recommended, the project is in substantial
12 conformity to the design documents and the development
13 agreement.

14 So, I'm happy to answer questions.
15 Otherwise, you could proceed with the public comment on
16 this agenda item.

17 MR. GALLARDO: Are there any questions from
18 the Board? Okay. So, then we're going to go ahead and
19 move on to public comment.

20 And, I believe everyone interested in
21 speaking filled out a card. But, even if you didn't
22 get a chance to fill out a card, after we're done with
23 these cards, others who are interested in speaking may
24 come forward to do so. So, our first speaker this
25 evening is Steve Lytle.

1 MR. LYTTLE: Good evening Commissioners and
2 Mayor. I'm Steve Lytle, the director of the Salvation
3 Army Bell Shelter. Obviously, my primary day-to-day
4 concern is the health and safety of the 500 plus
5 clients that we're serving on a daily basis. Our
6 facility straddles K Street. K Street bifurcates the
7 shelter from our garden, from our transitional housing
8 units, and the Bell Oasis Apartments, which the city
9 participated in the development of with us last year.
10 It's also on the opposite side of K Street from our
11 main shelter facilities.

12 And I think as -- as people saw last week
13 with the video that Jo-Anne showed, you see how narrow
14 K Street is. You see clients crossing the street
15 randomly, walking along the edges, standing along the
16 edges. Anybody who's driven on K Street knows what the
17 pedestrian traffic is on K Street. Our concern is that
18 this heavy truck traffic would be injurious. It would
19 be a huge liability. It would probably incur a lot of
20 law suits and possibly loss of life, certainly physical
21 damage.

22 We have -- of those clients that we have,
23 many have mental health conditions. Those interact
24 with the way that they see the world and participate in
25 the world. So, they don't necessarily follow, you

1 know, sidewalks or, you know, walking patterns that
2 other people might follow. We're -- our primary
3 concern is that we keep the traffic off of K Street.

4 We -- we also have an issue with the
5 monitoring during operation. We would like to see a
6 little bit more public and transparent way to monitor
7 the project, at least in the first few years so that
8 the -- the parties to the tolling agreement, the public
9 in general can participate in a process where the
10 operation is reviewed, any complaints are reviewed, any
11 issues are reviewed and it's an open transparent forum.

12 I'd like to take a minute to recognize the
13 people that are here, both staff and clients from Bell
14 Shelter, if you'd like to stand please. Some of the
15 clients don't feel comfortable talking. Sorry. I get
16 choked up. So, I'm speaking for them. You can see
17 that I'm, you know, sensitive about the health and
18 safety of our clients and I'm just asking that you do
19 what you can to make sure that this truck traffic
20 doesn't go on K Street. Thank you.

21 MR. GALLARDO: Thank you, sir. Our next
22 speaker is David Pettit.

23 MR. PETTIT: Good evening and thank you for
24 hearing my talk tonight. My name is David Pettit. I'm
25 a lawyer with the Natural Resources Defense Counsel in

1 Santa Monica. I'll take this out if I may. They're
2 always -- I'm too tall for this stuff. And I'm here
3 representing the Salvation Army, the Shelter
4 Partnership, the Grow Good Garden, and East Yard
5 Communities for Environmental Justice.

6 One slight correction to the description of
7 the tolling agreement and -- and I agree, we're very
8 close on that. We're -- we're wordsmithing it,
9 including as of today, the -- the agreement calls for a
10 60-day freeze during which time there would be no truck
11 traffic on K Street. I think your distinguished
12 counsel said Rickenbacker where he meant K. So, that
13 -- that would be the deal.

14 I still think we can work that out and my
15 clients and I are committed to working with Cemex to
16 get the easement problem on Rickenbacker straightened
17 out. That is the obvious solution to me is to have the
18 trucks go down Rickenbacker and if the easements are
19 acquired, then the K Street problem that Mr. Lytel just
20 described goes away. That's what I'd like to see
21 happen.

22 But, I want to make it very clear that our
23 view is under any -- my client's view is under any
24 circumstances, whether the easements are obtained or
25 not, there should be no commercial truck traffic on K

1 Street. You've seen the tape. You heard Mr. Lytel's
2 testimony. It's, at least in my view, your job as the
3 Design Review Board to determine whether these plans
4 that you see are consistent with the underlying design
5 documents, including the E.I.R. And as your counsel
6 said, the E.I.R. said using K Street for access was
7 unsuitable.

8 If you decide tonight that it is suitable, in
9 my view, that's directly inconsistent with the E.I.R.
10 and that's going to lead to some legal problems down
11 the line.

12 So, I urge you, in considering the conditions
13 that you may impose if you approve the project tonight,
14 to make it completely clear that under no circumstances
15 should there be commercial truck traffic on K Street.
16 And -- and I'm not saying this to try to kill the
17 project. We're still going to work with Cemex folks to
18 try to get the easement so that they can use
19 Rickenbacker, but my client can't live with truck
20 traffic on K Street. And I think that that's what
21 informed E.I.R. and I hope informs your decision here
22 tonight. Thank you.

23 MR. GALLARDO: All right. Thank you, sir.
24 Our next speaker is George Wilkins.

25 MR. WILKINS: Good afternoon. I can't say

1 anything better than the gentleman just said before.
2 But, I would like to say this: From the very beginning
3 you mentioned that things were not done properly from
4 the person in charge of the agreement to the plans
5 itself. And then having to revise the plans afterwards
6 and go through a litany of other things including
7 business and legal fees, that you didn't occur (sic) if
8 you would have had it done properly originally.

9 As you know Salvation Army Bell Shelter been
10 a part of your city for a long time and they have
11 people and they also have what he said is a farm that
12 actually produce things daily on a constant basis. So,
13 besides not using K Street under any circumstances,
14 which I think would be very reasonable, considering at
15 the end of the day no one wants to have a loss of life
16 or any inconvenience and it's just not viable, either
17 economically or physically viable to use K Street.

18 The last part is the thing about the building
19 not having a roof. You said in the plans that the
20 building is symmetrical to the other buildings in the
21 area. That may be visibly true, but unless you can
22 produce other buildings and reasons why those other
23 buildings may not have a roof, which I don't think you
24 could, it needs to have a roof. It's environmentally
25 and physically important to the people and the plants

1 and the other things that it has a roof, because I'm
2 pretty sure you can't take those things and put them in
3 the ground and grow something that you can actually eat
4 and not catch cancer from.

5 So, it's important that you take
6 consideration in all things and make sure things are
7 done right, even if it wasn't done right in the
8 beginning. If it takes a little bit more time, we all
9 got time. And I think it's more important for us to
10 take the time to do things right than to do things in
11 haste.

12 MR. GALLARDO: All right. Thank you, sir.
13 Our next speaker is John Chamness.

14 MR. CHAMNESS: Mayor and Commissioner, thank
15 you so much for meeting with us tonight and allowing us
16 to express our opinion and views on this important
17 topic. My name is Colonel John Chamness and I over see
18 the Salvation Army in Southern California. Each year
19 the Salvation Army serves about 2.7 million people
20 across just southern California.

21 This Bell shelter is really become an example
22 nationally, not only for the Salvation Army, but for
23 other organizations who are looking to deal with this
24 important issue of homelessness and how we can do it in
25 a way that provides the best opportunity for people

1 that are experiencing homelessness to find a way out.

2 We've been here for 30 -- almost -- almost 30
3 years in Bell and we've been great partners and we
4 thank you so much for the help that you've given us,
5 especially with the recent opening of the Bell Oasis
6 apartment building, a permanent supportive housing
7 project where veterans and individuals can find a
8 permanent solution for their homelessness, as well as
9 the assistance that they need to continue the great
10 success that they've achieved already.

11 As the representative, as the leader of the
12 Salvation Army in southern California, I -- I continue
13 to urge you to move this project to Rickenbacker. It's
14 absolutely necessary that this not -- that no truck
15 traffic, no truck traffic now or after 60 day or no
16 time in the future that no truck traffic ever go down K
17 Street.

18 The E.I.R., which we heard described tonight,
19 again, as counsel just reminded us of, indicated that K
20 Street was unacceptable for this truck traffic. I
21 think we all know that. There's not an issue with
22 that. So, please continue to support our efforts to
23 move the truck traffic over to Rickenbacker where it
24 was originally designed to go, not on K Street.

25 So, thank you very much for taking your time

1 to listen to us tonight and we appreciate your
2 continued support. Thank you.

3 MR. GALLARDO: Thank you, sir. Our next
4 speaker is Art Larsen.

5 MR. LARSEN: Good evening, Mayor and City
6 Council. I appreciate your time given. I'm a life-
7 long real estate developer and I came here to -- I have
8 a 501(c)(3) of Arthur's Song to help all the needy
9 people with emphasis on the homeless and unemployed.

10 And believe me, those heavy cement trucks
11 will devastate that project at Bell Shelter. And --
12 and -- and -- and the people that ride wheelchairs and
13 power carts and up and down that street, the -- the
14 speed limit there is five miles an hour with -- with
15 speed bumps.

16 Now, I just heard about this project two days
17 ago. I've not seen your site plan. But, I'm sure,
18 I've driving the space up there, that there's plenty of
19 ground there that can be temporarily leased. Those
20 trucks will make their own road right through grass,
21 over rocks, and -- and I'm sure there's a way to make a
22 temporary route into that plant until we can get the
23 Rickenbacker problem solved.

24 And I'll be glad to help in any way I can.
25 I'm here to help. I'm here to be part of the solution,

1 never part of the problem. Thank you, folks.

2 MR. GALLARDO: Thank you, sir. Our next
3 speaker -- our next speaker is Edward Rodriguez.

4 MR. RODRIGUEZ: Good evening, everybody. I'd
5 just like to say K Street is not one of your -- your
6 regular streets. It's pretty dangerous out there.
7 Like -- like the gentleman said, Rick, that there's a
8 lot of traffic going in and out of there, not including
9 the ambulance going in all the time and, you know, at
10 any given time. And, it -- it's a very -- it's more
11 of, like, pretty much a residential street that's very
12 busy. And I did see a lot of, you know, safety hazards
13 with the -- with the people there and it just doesn't
14 seem right for the truck -- big trucks to be going down
15 that -- that -- down K Street. That's all I'd like to
16 say. Thank you.

17 MR. GALLARDO: All right. Thank you, sir.
18 Our next speaker is Andrew Watson.

19 MR. WATSON: Well, good evening, everyone.
20 My name is Andrew Watson. And I'm the outreach manager
21 at the Salvation Army Bell Shelter. I've been at Bell
22 Shelter for about 10 years. And I've been witness to
23 the miracles that happen there daily.

24 So, what I think is happening here, it looks
25 like to me, is that you're basically taking somebody's

1 home and parking a rock truck in front of it. These
2 are these people's homes. You know, for the short time
3 that they're there and they're with us, this is
4 actually their home while they work through some
5 problems in getting their life back together, you know?
6 And I think that having this type of traffic down the
7 street, not only will hurt, you know, the progress that
8 we can make, but it also hurt them. And it will
9 probably put our -- make our job a little bit harder.
10 You know? We want to see every client that comes
11 through Bell Shelter, every one of them achieve their
12 dreams and become, you know, great active members of
13 society and that's what we work for daily. You know?

14 So, if -- for the City to try to put road
15 blocks in our way is a -- it's a little -- little hard,
16 you know, kind of hits me right here, you know,
17 Because I'm sure that you can find another solution
18 besides bringing trucks up K Street. There has to be.
19 You know? I'm sure every -- there's a room full of
20 smart people here. You know? And I think that we --
21 if you guys put your heads together you can come up
22 with a solution that works for everybody. You know?

23 And you can come by Bell Shelter and see the
24 miracles that happen yourself. All right. Thank you.
25 That's all I have.

1 MR. GALLARDO: Thank you, sir. Our next
2 speaker is Pilar Buelna.

3 MS. BUELNA: Good evening and thank you for
4 having us. My name is Pilar Buelna. And I am the
5 Division Director of Social Services for Salvation Army
6 in southern California. I've been with the Salvation
7 Army for 13 years. And can tell you that -- I mean,
8 you've already heard it here, Bell Shelter is a model
9 shelter for the rest of the country. I'm really proud
10 of the partnership that we have with the City of Bell.
11 We've always known that we can count on you.

12 I think -- we all know that ideally this
13 project shouldn't be in place, but it is. Right? And
14 I think all parties have come to the table and have
15 really tried to mitigate to lessen the negative impact.
16 I think that you have it in your power now to, at
17 least, make it so that there's no commercial traffic on
18 K Street.

19 I, again, ideally, and I think maybe we have
20 to do it over, you know, this wouldn't happen. But,
21 we're here. And I think we've made a good effort to
22 come to the table and reach resolution. But, it can't
23 be -- it -- it really cannot be at the expense of our
24 clients.

25 You know, our Salvation Army, like Steve

1 said, gives voice to those who don't and we wouldn't be
2 doing our job and we wouldn't be here if we didn't
3 think that's a real detriment to our -- to the people
4 we serve. Thank you.

5 MR. GALLARDO: Thank you. Our next speaker
6 is Kenneth McKinley.

7 MR. McKINLEY: How you doing, Mr. Mayor,
8 panel? Where's the director of -- hey man, good job.
9 All right.

10 I'm a combat veteran. I served two wars. I
11 fought in Dessert Storm. I fought in Panama. If you
12 look at the top of my head you might see a scar. Along
13 came with that scar was a diagnosis from the hospital
14 called P.T.S.D. So, I agree with everybody here.

15 You know, post traumatic stress syndrome is
16 prevalent amongst a lot of veterans, also, a lot of
17 clients that's there. These guys rescued me off the
18 street. And I -- my condition of P.T.S.D. is it's a
19 mild case, but you have some cases that are quite
20 extensive. And the reaction of some soldiers are --
21 not even soldiers, some client, just a reaction of --
22 of -- of any type situation. You never know who
23 they're going to be, their behavior turn. You going
24 have people chasing down those trucks, not the trucks
25 chasing them. So, you taking a risk on either a

1 trucker or a -- one of the clients becoming injured
2 just because a reaction to a diagnosis. You have
3 mental health conditions there, real bad, on both
4 sides.

5 So, speaking for soldiers, I'm not the only
6 veteran that's there. We have veterans there. We have
7 regular mental health people there, but you know, we
8 have people that suffer. And not only suffering just
9 because of military issue, we have people suffering
10 from being homeless. I was homeless. They came and
11 got me from out of a riverbed, man. They told me my
12 life meant something and I believed them. And up until
13 now they haven't showed me nothing but respect,
14 bringing me back to life.

15 Until that man got up and spoke, I just
16 thought we was just numbers coming through there. But,
17 these people are sincere about what they're saying.
18 So, on behalf of some of the veterans and most or all
19 the clients, hey, man, consider what I'm saying. This
20 -- this -- this -- this -- these -- these conditions
21 are real. They're very real and so, to help them stay
22 alive and help them trucker keep their health together,
23 you know, consider trying to come up with the best
24 option you can. Okay? Do that. Thank you.

25 MR. GALLARDO: Thank you, sir. Our next

1 speaker is Ruth Schwartz.

2 MS. SCHWARTZ: Good evening. I'm Ruth
3 Schwartz. I'm the executive director of Shelter
4 Partnership. We operate 108,000 square foot warehouse
5 on Rickenbacker, where we secure and distribute large
6 scale donations of new non-food goods to about, last
7 year, over 250 agencies, with a value of over nine and
8 a half million dollars. It's quite an active --
9 internal, we have a small staff there. I have people
10 who the agencies pick up their goods from us, the
11 donors often deliver the goods to us.

12 We've been operating on the base for almost
13 30 years. But, in this particular warehouse since 2003
14 and we secured ownership of it in 2007, which means in
15 30 years from 2007 we'll own it outright. Right now
16 it's under a deed restriction with the G.S.A. Anything
17 we do there of any substance, including easement issues
18 has to be approved by the General Service
19 Administration. So, that's -- that's who we are and
20 that's our status.

21 I'm not going to talk about K Street or
22 Rickenbacker. I mean, you know, 600 trucks a day -- or
23 300 trucks a day? I mean, who could be happier? But,
24 if that's the way it needs to be, then we're in it.
25 Okay? As long -- because we're a partner with the

1 Salvation Army. But, we're -- we -- we do have
2 concerns, obviously, and we're going to get into those
3 when we get into the easement conversations.

4 I do want to say a couple things about the
5 resolution and the conditions. One, in the resolution,
6 I don't know if it's Number 6 or 5, because your
7 numbers changed in the last draft. It says, "We're
8 going to contribute an easement without charge." I --
9 I can't -- I've never said that. I -- I can't say that
10 now that there won't be any charge. I mean, there's
11 going to be mitigation that we're going to need, you
12 know, on the impact on our property of 300 plus trucks
13 a day. We'll have to talk about that. So, that should
14 not be in there. I mean, you can -- you can pretend
15 like that's the case, but that's not reality. And
16 G.S.A. will probably ask for some payment as -- just
17 because they told us they would do that, early on when
18 it was asked by the -- by P.I. to do it, that there
19 would be a charge.

20 The other thing that I want to bring to your
21 attention is the Condition Number 6. You know, you
22 kind of -- it's, kind of, been the condition as it
23 originally was and then subsequently changes, it's
24 really been minimized as to what the City's role is in
25 reviewing Cemex's operation.

1 Can I have more time? Yeah?

2 So, we -- we don't think it's strong enough.
3 WE think the City is in a very passive role. I mean,
4 who do I go to if there's a problem? If there's a
5 serious problem? Who does Salvation Army go to? You
6 know, if the air quality is much worse than it should
7 be or if the noise is worse or if the street's a mess?
8 You know, I need the City to be at the table and I need
9 that resolved going forward. So, you just need to be
10 aware of that. So, thank you.

11 MR. GALLARDO: Thank you. Okay. Our next
12 speaker is Kerry Shapiro.

13 MR. SHAPIRO: Good evening, Mr. Mayor,
14 members of the Board and thank you for the opportunity
15 to speak here this evening. My name is Kerry Shapiro.
16 I'm an attorney with Jeffer Mangels and I'm counsel for
17 Cemex on this matter. I'm pleased to be back again
18 this week and this evening to conclude, hopefully, the
19 consideration of the Cemex project.

20 As Ms. Burns and your consultant last week
21 explained in pretty great detail this project is in
22 substantial conformity with the development agreement
23 including the -- the basic design standards, as well as
24 falling within the envelope of the E.I.R.

25 We're also encouraged, actually, in the last

1 week following last week's meeting with the discussions
2 we had with the shelter group and their other parties
3 that we would have an agreement in principal with
4 Shelter to resolve their remaining concerns.

5 The key points that we feel we've arrived at
6 are mutual support to finalize access across
7 Rickenbacker Road, mutual opposition to any effort
8 brought to restrict the use of Rickenbacker Road or
9 access through Rickenbacker Road for the project, and
10 to restrict any operational traffic on K Street during
11 the first 60 days of the agreement that we would reach.

12 Our understanding during the course of the
13 week from discussions was that the language in the
14 proposed resolution that you've seen this evening was
15 acceptable to the Shelter partners. We hope that
16 continues to be the case. That was our discussions.
17 We feel at Cemex, very strongly, that the resolution
18 that was presented to you today by the city attorney,
19 as long as -- as well as the conditions, be approved in
20 the form that the city attorney presented them.

21 And with that, we thank you for your time and
22 we'll be available to answer any questions throughout
23 the evening.

24 MR. GALLARDO: Thank you. Okay. And our
25 next speaker is Bryan Forgey.

1 MR. FORGEY: Thank you, Mr. Mayor, members of
2 the Board, again, thank you for your time and
3 consideration on this -- this issue tonight. I am
4 Brian Forgey with Cemex. I am the vice president,
5 general managers for the businesses here in southern
6 California.

7 You know, Cemex has worked very hard with the
8 City of Bell and -- and the surrounding community to -
9 - to insure that we can get this far tonight and get
10 through this process with -- with the city and the
11 staff. You know, we -- we understand the -- and we
12 hear loudly the -- the public testimony tonight and
13 understand that, you know, as -- as we engaged into
14 this project you know, Rickenbacker is always the --
15 the point of access that we'd see as the most
16 favorable. K Street is a private road that is the
17 legal access to the A Street property that has granted
18 and the owner of our parcel has granted the easements
19 to the shelter and the rest of the -- the groups here
20 for - for the businesses that they provide and the
21 services that they serve to the community and -- and
22 we're happy to continue to support that.

23 And, over the years as -- as K Street was the
24 primary access to Parcel A, it has been used by heavy
25 truck traffic with -- by the B.N.S.F. as a intermodal

1 trade yard for the last several decades.

2 You know, Cemex is a multi-national company,
3 as you well know, that is really excited to establish
4 itself in the city of Bell and as an anchor -- as an
5 anchor and a pillar in the community with the city.
6 You know, the -- this project does bring many benefits,
7 as well as a very substantial platform for -- for the
8 -- for the city in a financial manner, as well as
9 future growth opportunities and -- and really creating
10 solid living wage job creation for the city and the
11 residents of Bell.

12 The Bell facility that we are presented to
13 you tonight that we're excited about is really, truly a
14 state of the art facility for our industry. It is a
15 first of a kind. It definitely adds a lot of value
16 with additional landscaping, aesthetic appeal to the
17 city. Again, it's an elimination of what was a -- a
18 very large intermodal trailer yard, which was a large
19 parking lot with truck traffic coming in and out
20 regularly.

21 That, with the agreement with B.N.S.F. and
22 the former -- and -- and the property owner would not
23 have added any infrastructure upgrades to -- to the
24 community.

25 Cemex is a very environmentally conscious

1 organization and we operate in many communities. We
2 operate in many residential areas. We operate adjacent
3 to large residential areas. We also operate within
4 residential areas with mining operations with great
5 success and good support of all of our neighbors and
6 the people that surround us.

7 Again, Cemex is here. We're committed to the
8 City of Bell. We're committed to this project. We've,
9 you know, through this process, we're -- we are now
10 going to be a sponsor for the Bell 5K Run for the
11 second year, a sprint sponsor. We have engaged with
12 the -- with Help the Children here in the city to
13 support them, help them in their efforts, as well as
14 we've supported the Police Officers Association with
15 the Christmas Toy Drive, you know, through sponsorship
16 and volunteering already. We are an organization that
17 supports the community and the businesses that thrive
18 within it.

19 Again, thank you for your consideration. We
20 very much appreciate your time on this matter. And
21 thank you, in advance, for your findings that our
22 project is in substantial conformance with this
23 development agreement. Thank you.

24 MR. GALLARDO: Thank you, sir. Those are all
25 the speaker -- those are all the speaker cards I have.

1 But are there any other members of the audience who'd
2 like to speak at this time? You're welcomed to come
3 forward, please, and just state your name.

4 MR. COLLINS: Hello. My name is Elton
5 Collins. You don't need the timer on here. My name is
6 Elton Collins. I was in the Marine Corps. I've been
7 homeless. I've been in (indiscernible.) To me, it's
8 not a waste of time to tell you all what's what and
9 what's not. But, just feel like this. If it was in
10 front of your house would you want 300 trucks coming in
11 front of your house while your kids out playing?

12 Like the guy said, there's people with
13 different problems. And, you know, hey, that's going
14 to mess up a lot of people. And, me, myself, I've been
15 homeless. I've been -- been in (indiscernible) half my
16 life. It ain't none of your business, but yeah. To
17 me, if ya'll let this go through what's going to
18 happen? You know? I -- it ain't the right thing to do
19 and just look out for the other people when they're
20 (sic) underneath you or whatever. But, it's not going
21 to be no good, not for us. Not for us. Thank you.

22 MR. GALLARDO: Thank you, sir. Is there
23 anyone else who'd like to speak at this time? You're
24 welcomed to do so and then we'll let the gentleman --
25 thank you.

1 MR. MARTINEZ: Good evening, everybody. My
2 name is Pedro Martinez. And I want to say something
3 very important. I was in the service for six years in
4 the Army and the Navy, a veteran and I am so very
5 pleased with the Bell's Haven and for the shelter
6 because this is my second time that I'm there -- I'm
7 here. And if it wasn't because of them I don't know
8 where I would be. And they came and they accept me and
9 they helped me -- helped me out in many a different
10 aspects. Now I am living in those apartments out on K
11 Street.

12 And to have that many trucks every day it's
13 going to be a catastrophe situation for everybody in
14 whatever circumstances we happen to be. I barely can
15 walk. But, to hear those trucks around would be -- and
16 -- and there's a lot of people in wheelchairs and --
17 so, it -- it's not basically convenient to have those
18 trucks going through there. If that can be -- I'm -- I
19 have faith that those trucks not going to be going
20 through there. Believe me.

21 And -- and I'm very -- like I said, I'm very
22 pleased that I have my (indiscernible) this is my
23 second time that I've been accepted and they have been
24 -- I see hundreds of people in every month going
25 through there. They coming, going, somebody else

1 coming and so forth. So, that facility there is very
2 important to be there what it is.

3 Thank you for Salvation Army as well. Now,
4 excuse me. Thank you for your timing.

5 MR. GALLARDO: Thank you, sir. And we have
6 one other member of the audience that'd like to speak.

7 MS. FIGUEROA: Good evening, Mr. Mayor and
8 commissioners and people in the audience. My name is
9 Anna Figueroa. I am the District Chief of Staff to
10 Congresswoman Lucille Roybal-Allard.

11 And I'd like to start off first by saying the
12 congresswoman does not have an official position on the
13 project. However, we do have some questions.

14 We -- we assisted the City in putting city
15 staff in contact with G.S.A. and have been monitoring
16 and have been communicating with G.S.A. with regards to
17 the request for the easement. The questions that we
18 have though are, one, we're a little confused as to
19 what it is exactly that the Design Review Board is
20 making a decision on, possibly today, without having a
21 response regarding the easement?

22 And also, there's talk about the 60-day
23 freeze. But, we have questions as to what happens if
24 after those 60 days G.S.A. does not have a complete
25 response, a final decision, or if G.S.A. denies the

1 easement?

2 So, those are questions that the
3 congresswoman has and that we're not sure if they can
4 be answered today. Certainly, as I said, we've been in
5 communication with G.S.A. I know that I was in
6 communication with those that I was able to talk to
7 last week when they were furloughed and they were very
8 good about getting on -- reviewing the documents which
9 they had not reviewed before they went on furlough.
10 They -- they had not receive them prior to that. But,
11 they were good about starting the review, but have told
12 me they don't have an indication as to when they'll be
13 able to make a decision. So, thank you.

14 MR. GALLADO: Okay. Thank you very much.
15 So, with that, is it possible for us to ask questions
16 of, you know, the attorneys for both sides on this
17 matter or what?

18 MR. ALESHIRE: If the Board has questions of
19 the representatives, you could bring them forward and
20 ask questions.

21 MR. GALLARDO: Okay. If we could do that.
22 So, if I could ask the representatives from Cemex if
23 they could maybe respond to a few questions. I just
24 want to have a clear picture. So, if this project were
25 to be approved tonight what happens tomorrow and the

1 days after that? Like, what, in terms of operation,
2 what still needs to be done to get all the proper
3 permits from the City?

4 UNIDENTIFIED SPEAKER: Mayor, the -- we are
5 already fully permitted from the City. We are in
6 construction. We are, I mean, roughly 85 percent done
7 at this point. So, I mean, in coming days Cemex just
8 plans to continue to finalize its construction plans as
9 have been approved by the City.

10 We are waiting just two small permits from
11 the city and one of them is just the landscaping plan
12 which, you know, I think per the Planning Department
13 was suggested that after the D.R.B. finding of
14 substantial conformance that would be issued so that we
15 can complete and start filling all our landscaping
16 needs, as well as a small permit just to hang a sign on
17 the side of the building just representing the company.
18 So, those are the two final permits that are needed
19 from the City and -- and any other agency for this
20 project.

21 MR. GALLARDO: So, when would be the time,
22 you know, anticipated that operation would start and --

23 UNIDENTIFIED SPEAKER: Well, first, you know,
24 we, with the finding of substantial conformance, I
25 mean, we need to start coordinating, you know, with our

1 customers and our needs and start setting up contracts.
2 So, again, we think that the -- you know, it could -- I
3 don't have an exact answer for you today, Mayor. Are
4 we going to start tomorrow, the next day, a week from
5 now or -- or 60 days from now? I think the goal first
6 for Cemex outside of finishing the construction is to
7 continue to work with the city and our partners and the
8 neighbors -- and the neighbors to finalize these
9 easement issues with the G.S.A.

10 MR. GALLARDO: Okay. Members of the Board
11 are there any additional questions you'd like to ask?

12 MS. MACKIN: I have a question because there
13 seems to be some dispute on the 60-day traffic on K
14 Street, the 60-day -- one person says it should be
15 freeze and one says it's a delay on it. Let's see.
16 One said it was a freeze and one said it was restricted
17 use.

18 MR. GALLARDO: So, that would be a question
19 of staff?

20 MS. MACKIN: I don't --

21 MR. ALESHIRE: At -- at the moment, you're
22 dealing -- if you have questions of these gentlemen,
23 you would ask them. If you have questions of staff,
24 you'd wait until you're done.

25 MR. GALLARDO: Yeah, we'll do that right

1 after. We'll go -- do staff. Are there any other
2 questions of the representatives from Cemex?

3 MR. ROMO: Yes. Mr. Shapiro, Mr. Forgey,
4 there was a comment that had been made by one of the
5 members of the public with regards to the roof on your
6 building. And, just to clarify, my understanding is
7 that you have a full water quality management plan in
8 place and you don't have a need for a roof. And what
9 you have there is not hazardous material, it's
10 aggregate finished product that's going to be sold; is
11 that correct?

12 MR. FORGEY: That is correct.

13 MR. ROMO: Thank you.

14 MR. SHAPIRO: I'd like to just address that
15 question if -- if it's okay with Mr. Aleshire,
16 regarding the 60-day period. Our understanding in the
17 discussions with the shelter people in terms of the
18 agreement in principal would be that for the first 60-
19 days after an approval, hopefully tonight, by this
20 board, there would be no operational use of K Street
21 under any circumstances. There might be exceptions for
22 emergencies, but no operational use of K Street for the
23 60-day period.

24 Beyond the 60-day period, again, the
25 agreement in -- in principal would be that we would

1 still only use Rickenbacker Road access, bar -- the
2 exception would be, and it's in the resolution, if
3 there was a court order that was brought or issued
4 compelling or precluding any use of Rickenbacker and
5 then there were other restrictions in or terms of the
6 agreement where we would have to agree to oppose that
7 type of court order and to take other actions to
8 exhaust all opportunities to continue using
9 Rickenbacker Road.

10 MR. GALLARDO: Are there any additional
11 questions from the -- for the representatives from
12 Cemex? Okay. Gentlemen, thank you very much. We
13 appreciate --

14 MS. MACKIN: I have one more --

15 MR. GALLARDO: One more. One more. Sorry.

16 MS. MACKIN: I think there was some road work
17 that still needed to be done on the --

18 MR. GALLARDO: The apron?

19 MS. MACKIN: Yeah, the apron.

20 MR. GALLARDO: The entrance into -- off of
21 Rickenbacker into the facility.

22 MR. SHAPIRO: Yeah, there's -- there's the --
23 the driveways are all installed. There's just one
24 small section on the apron that needs to be -- and with
25 weather unfortunately the weather in the last two

1 weeks, it should be getting poured next week so the
2 apron will be complete.

3 MS. MACKIN: Weather permitting it?

4 MR. SHAPIRO: Weather permitting it's ready
5 to go. It's -- it's all permitted and part of the
6 building plans that have been submitted and approved by
7 the city.

8 MS. MACKIN: Okay. Thank you.

9 MR. GALLARDO: Thank you, gentlemen. I'd
10 like to ask some questions of staff if that's okay.
11 And my first question --

12 MR. ALESHIRE: Let -- let me just so, are you
13 done with the public at this --

14 MR. GALLARDO: Yeah, I think so. Did you
15 have any --

16 MR. ALESHIRE: You didn't have any questions
17 of shelter?

18 MR. GALLARDO: Let me look at my notes. I
19 was -- as everyone was speaking, I was marking to see
20 if I had to go back in, address some of the issues
21 brought up from members of the public.

22 MS. MACKIN: I think with the shelter, I
23 think the main concern was the use of K Street and I
24 think that is an issue that I think is trying to be
25 worked out to make it safe for everyone and all the

1 neighbors. So, that's -- seems to be what I'm hearing
2 is --

3 MR. ALESHIRE: Well, can I -- I think at this
4 point the question is, if you have any questions of the
5 -- so, we're not --

6 MS. MACKIN: My question is: If -- is that
7 strictly the -- the main concern of the Salvation Army
8 is -- is the main issue here.

9 UNIDENTIFIED SPEAKER: Thank you. Yes. K
10 Street is the main issue that we've been here talking
11 about and the issue for us is not just what happens
12 during a 60-day cooling off period, but what happens
13 after that? Suppose G.S.A. after all of our efforts
14 says no, you can't have the easement on Rickenbacker,
15 then what? And our view, as I expressed before, is
16 that even then we believe there should be no use of K
17 Street, no commercial use of K Street and I think that
18 is the critical issue that I'm hoping that your board
19 will resolve tonight.

20 MS. MACKIN: Thank you.

21 MR. GALLARDO: Thank you.

22 MR. PAGETT: Question is is that when you
23 spoke before you talked about K Street not having any
24 commercial vehicles on it. And my concern is - is
25 don't you have trucks that make deliveries?

1 MR. SHAPIRO: Well, yes. I see your point.

2 MR. PAGETT: Yeah.

3 MR. SHAPIRO: Yes. I think my remarks were
4 too broad. I'm -- I mean the -- the aggregate trucks
5 that would come from the Cemex project. That's what --
6 that's what we need to see restricted from using K
7 Street.

8 UNIDENTIFIED SPEAKER: Thank you.

9 MR. GALLARDO: Thank you. Okay. With that,
10 I'm going to go ahead and close public comment and --

11 MR. ROMO: Mayor, I did have one additional
12 question.

13 MR. GALLARDO: Oh, absolutely.

14 MR. ROMO: For the members of the Shelter
15 partnership, there is a mention named -- mention about
16 charging for an easement. My understanding that the
17 road maintenance if this becomes a public street would
18 be covered by P.I. Bell. So, there'd be cost savings
19 to the property owners. So, I -- I'm not sure I'm
20 understanding why they would want an additional charge
21 for that easement.

22 UNIDENTIFIED SPEAKER: The -- it's in the
23 terms of the -- from the shelter partnership
24 standpoint, it's in the terms of the deed from the Feds
25 to the partnership that if the partnership conveys any

1 interest in land, an easement is an interest in land,
2 there's a certain fee that G.S.A. expects to receive.
3 It's extremely complicated formula. I'm not sure that
4 I understand it.

5 But, as Ruth said earlier, it's not, at least
6 under the terms of the deed, it's not something the
7 shelter can convey for free. Apparently, G.S.A.
8 expects to be paid something for issuing -- for giving
9 an easement and that's what I think that refers to.

10 MR. ROMO: I see. Thank you.

11 UNIDENTIFIED SPEAKER: (Indiscernible.)

12 UNIDENTIFIED SPEAKER: You need to come to
13 the microphone.

14 MS. SCHWARTZ: -- Schwartz. We haven't had
15 conversations with Cemex yet about, you know, we're
16 waiting for this process. This is the focus. You --
17 you know, we've got some impacts on our property that
18 aren't identified on the E.I.R. Okay? They're not --
19 or, in the development agreement. We're going to be
20 impacted by 300 trucks a day. You know, whether it's
21 dirt on our building, you know, whether it's potential
22 air pollution in our building because it's an open
23 building. We have to negotiate those things with
24 Cemex. It could take the form of some money. I don't
25 know what it is yet. But, it's wrong for you to say

1 there's no fee. But, go ahead and say it. I mean, I'm
2 not -- I'm not -- I'm not bound by that. It's just
3 you're wrong, if you follow me.

4 The other thing I just -- I just don't know
5 if people understand what's going on. What's -- what's
6 happening is Cemex is saying, yeah, 60-days, we're
7 going to try to get it. We're going to try to get
8 Rickenbacker. But, you know, if it doesn't work out we
9 retain our rights -- we don't want to go down K. I
10 mean, it's a pain in the ass. Who wants to go down a
11 street, you know, with that configuration and that many
12 people. Of course they don't want to go down it. You
13 know? You have to be a nut to want to go down it.
14 Okay?

15 But they want to retain their rights if
16 everything else fails to go down K. You know, I don't
17 control this easement with G.S.A. You know? There's
18 three -- two other parties that have to give them an
19 easement too. One is the federal government, U.S.
20 Army. Anybody talk to them? Where are they? L.A.
21 Unified is the other one who I hear will give it to
22 them.

23 But, you know, it's bigger than all of us,
24 than so-called Shelter, which isn't shelter, it's the
25 parties. The Shelter partner is just Salvation Army

1 real good. So, I'd really prefer you not call it
2 Shelter, because it freaks me out when you do that.
3 It's too much on my -- on my shoulders.

4 So, that's the issue that all these people
5 have and the attorneys have and Salvation Army have is
6 if everything fails, they don't want it to be the
7 fallback. And Salvation Army wants that -- wants that
8 certain and that's where the differences rest tonight.
9 Okay? Thank you.

10 MR. GALLARDO: Thank you. Are there any
11 other questions from the Board? Okay. Would staff
12 like to make a comment at this time or can we take --
13 can we get questions?

14 MR. ALESHIRE: Yes. So, there are some
15 issues that have been raised and we need to respond to
16 them. Yeah. I think it is important that everybody
17 understands the world is not a perfect world. Where we
18 sit tonight over a year ago, the city issued permits,
19 thinking that everything had been complied with and a
20 project is now 85 percent complete. So, what we're --
21 we're just not beginning with a clean slate here.

22 So, I think the parties have been trying to
23 work to come up with a reasonable solution. I hadn't
24 heard or if it was ever said in my presence it did not
25 penetrate that there was an expectation of getting paid

1 for the easement rights. The City has stepped forward
2 in terms of trying to provide an accommodation.

3 We did not want this to be a public street.
4 When this project went through the City was facing
5 \$78,000,000 in claims against the City. We were not in
6 a position to take on another public street. What we
7 have tried to do here is to facilitate this. We
8 understand that the K Street is the big boogie man that
9 we're trying to deal with.

10 So, I think when we wrote in the conditions
11 that the easements would be contributed without charge
12 we were trying to minimize the expense of accomplishing
13 this as Ms. Schwartz has indicated. We have not had a
14 -- a -- a detailed conversation of that. It could be
15 that G.S.A. is in a position and can't waive their
16 position. This is the sort of thing where people like
17 having their congressional office able to talk to the
18 proper people and try and get those sorts of problems
19 worked out.

20 I don't think the -- as -- as Ms. Schwartz
21 indicated at the end of the day everybody's position is
22 going to be what it is. We are hoping that everybody
23 will be understanding of this dilemma and how it
24 developed and that the main objective is to keep the
25 traffic off of K Street and that's what we're trying to

1 accomplish.

2 The second point with regards to this issue
3 of whether it's a 60-day freeze or isn't a freeze or
4 what it is, the intention, I believe, of the parties is
5 that the traffic is going to be on K Street -- I mean,
6 on Rickenbacker forever. The 60-days to me creates a
7 little bit of a misnomer. The way I would describe it
8 is that the -- there was, basically, a guarantee that
9 street -- that the trucks would not be there during
10 that 60-day period. But, in fact, the purpose of the
11 tolling agreement is to give the parties who are
12 concerned a window of time where they do not have to
13 take legal action. And so I -- it is -- on the 61st
14 day, there is no reason why suddenly they would switch
15 the trucks back to -- back to K Street.

16 I think the idea is to continue operating on
17 Rickenbacker until there is some legal impediment that
18 keeps them from doing that. The impediment could be
19 that G.S.A. refuses to give an easement and then
20 decides to file a law suit to keep the trucks off.
21 That is something we would want the congressional
22 office to help us make sure doesn't happen. None of
23 the parties here are in charge of that.

24 So, I don't think the 60 days is a deadline
25 by which suddenly trucks are going to show up on K

1 Street. We -- we -- it's the intent of Cemex and my
2 conversations with them that they're going to operate
3 off of Rickenbacker as long as they can, until
4 something prevents them from doing that. So, it should
5 be in the interest of the other parties here tonight
6 that they cooperate getting these easements worked out
7 so that there is never a necessity for them to -- to
8 switch.

9 The congressional representatives said, well,
10 what happens if they are prohibited from using
11 Rickenbacker? Well, you know, that's the -- that's the
12 nuclear winter that we don't want to contemplate.
13 Cemex doesn't want to do that. The City doesn't want
14 that. So, the only way that would happen is of --
15 there's some third -- outside third party that decides
16 to be uncooperative and create a problem.

17 But, at the end of the day if they couldn't
18 operate on Rickenbacker, there is only one other access
19 to that site. So, I think one of the points here is
20 it's in all of our interests to cooperate together that
21 that does not happen, that G.S.A. issues the easements
22 and we are able to make that a legal access.

23 So, I think Ms. Schwartz in her comments
24 brought up another point that we should respond to,
25 which has to do with she didn't think that -- she --

1 she questioned whether our -- the City's enforcement
2 powers were robust enough and whether we would make
3 sure there was compliance with the agreement.

4 I -- I think that the conditions of approval
5 -- and the other thing she asked that she questioned
6 was is it clear that the access is off of Rickenbacker?
7 The Condition 4, I -- I -- I read from the resolution
8 which said that the -- the K Street truck access was
9 unsuitable due to the sensitive adjacent uses and that
10 primary access is shifting to Rickenbacker. So, that's
11 clearly in the resolution.

12 In the conditions of approval in Condition 4,
13 it says, "In accordance with the development agreement,
14 truck and other access for deliveries to and from
15 Parcel A shall be from Rickenbacker Road." It also
16 says in Condition 4, "The City shall have full
17 enforcement rights should the developer fail to carry
18 out the terms of the agreement, including the right to
19 revoke permits, impose damages after reasonable notice
20 should the developer fail to cure defaults."

21 Also, with respect to the transparency and
22 complaints, the -- there's Condition 5 which creates a
23 very open process. It requires the developer to
24 basically undertake meetings with its neighbors to
25 address their concerns. It requires that the applicant

1 maintain a 24/7 hotline with a visible sign showing the
2 location in which to record complaints. The developer
3 -- Cemex is supposed to keep a record of all complaints
4 it receives, so it keeps a log and in the log it keeps
5 a record of all actions taken concerning the complaints
6 and is also required to inform the complaining party of
7 the actions taken. The applicant is required to give
8 the City a request of this complaint log, including the
9 actions taken and they are required to report the
10 response actions.

11 Also there's a whole enforcement process that
12 applies annually and when complaints are received.
13 This is in Condition 6, which requires that the -- this
14 annual review process includes reviewing this log,
15 looking at all the complaints, looking at the actions
16 that were taken in response. And the -- there actually
17 is some money generated to the city from this project
18 and this -- these funds, in part, will be used to make
19 sure that we have enforcement personnel who are able to
20 follow-up.

21 So, I wanted to make sure I said that
22 publicly. I think we -- we have a very open process to
23 deal with these issues. Of course, we -- we would
24 encourage at a direct level that Cemex be dealing with
25 its neighbors directly and that we -- if we don't have

1 to get involved, that's the best solution. But, if
2 that's not happening, the City is certainly here to do
3 that. We have conditions that carry that out. So, I
4 wasn't informed of any requested language changes by
5 the parties prior to this. I think that the conditions
6 that we have here are adequate enough to deal with the
7 issues that were raised and I wanted to specifically
8 comment on them so that everyone would realize the City
9 is taking its enforcement role seriously.

10 We -- we think that the K Street access is -
11 would be inappropriate. We believe that the E.I.R. and
12 Development Agreement are set up along those lines to
13 reinforce that. We've required in here that there be a
14 -- another covenant agreement recorded against the
15 proper -- the property to further emphasize that point.

16 So, I -- I think the conditions are adequate,
17 but I would say one last time in front of everybody
18 here, we think it's extreme -- we think the -- where we
19 will get into a problem is if somehow there is not
20 viable access on Rickenbacker Road to this property and
21 the only access they have left is their private access,
22 which they have the right to use. That is unacceptable
23 to the City and we need everybody's cooperation to make
24 sure we get the Rickenbacker situation worked out.

25 And I believe that the tolling agreement

1 means if somehow it doesn't happen within 60 days, we
2 still have the ability to work on it. We have that
3 ability unless somebody goes out and files a law suit
4 and tries to block their access. That -- that would be
5 our problem. But, within this window we really want to
6 work with the congressional office, we want to work
7 with G.S.A., we want to work with the other parties
8 here to work this out. It's -- the sooner this gets
9 fixed, the better we'll all sleep at night. And so we
10 invite everybody to partner up with us in accomplishing
11 this mission.

12 I'm happy to answer any other questions you
13 might have.

14 MR. GALLARDO: I just want to make a comment
15 real quick, and I want to appreciate the comments from
16 the representative from the congresswoman's office.
17 You know, we really -- I think you can witness and
18 please relay to the congresswoman that we've been
19 trying our best to -- to work this out and we
20 appreciate whatever support, you know, she can give us.

21 I'm curious about, like, the easement rights
22 on -- on Rickenbacker. It is a private road. But, I
23 know there are entities out there that don't have an
24 easement that still operate on a regular basis, like
25 Fed-Ex, for example. And I'm always curious about how

1 that works out. But --

2 MR. ALESHIRE: The Fed-Ex parcel does have
3 the easement rights on Rickenbacker.

4 MR. GALLARDO: Oh, they do? Okay.

5 MR. ALESHIRE: Yes. It's Parcel A that does
6 not.

7 MR. GALLARDO: Got it.

8 MR. ALESHIRE: But the -- the Fed-Ex parcel
9 does have that right of way.

10 MR. GALLARDO: I was curious. I've never
11 heard anyone mention Fed-Ex.

12 MR. ALESHIRE: That's a situation, of course,
13 making a public street will put the City in the
14 position --

15 MR. GALLARDO: (Indiscernible.)

16 MR. ALESHIRE: That's right. We -- we can
17 enforce basically usage of the property, parking, we'll
18 have all the enforcement rights we had -- will have
19 over any other public street. Right now, as a private
20 street, private owners would have to sue each other in
21 terms of violation of those rights. So, I think all of
22 the properties would benefit from this becoming a
23 public street.

24 MR. GALLARDO: And I think it would also help
25 with safety. Because we have a lot of people that like

1 to go out there to race, to drag race and so forth.
2 And so, hopefully that would help us mitigate that
3 dangerous situation that occurs on -- on -- on
4 Rickenbacker.

5 I have a question of staff. So -- so, what
6 else needs to be done after tonight. I understand, you
7 know, the tolling agreement has to go before the
8 council. What are the other pieces to this puzzle if,
9 you know, approval is -- is given tonight?

10 MR. ALESHIRE: First -- the next thing that
11 will happen is the -- taking the tolling agreement to
12 the council, I -- I hope in the next few days we do
13 find out what the final language of that is, but we
14 would take that to the council. When the council
15 approves that, we -- we need the parties to sign the
16 conditions indicating they are in compliance with the
17 conditions.

18 There are a couple small things like the
19 covenant agreement, we will need to get that finalized
20 and recorded and then the -- the big issue is working
21 with, you know, we have, like, for example L.A. Unified
22 it says they're in -- in agreement, but we don't have
23 signed documents. So, we have to get signed documents
24 and then get them all recorded and we have to do that
25 with each of the parties that has an interest. But, I

1 -- so, I think that can move forward expeditiously.

2 MR. GALLARDO: Thank you. Board, are there
3 any other questions that you have of staff? I think I
4 have another, but I need to look in my notes. So, if
5 anyone else has a question.

6 I had a question about monitoring, but I
7 think you answered that question. So, it's expected
8 that Cemex be responsible for having a hotline and
9 making sure that that information about the hotline is
10 available to the public and that they turn over any
11 reports about things that are reported to the City and
12 that there's an annual -- at least -- is it a monthly
13 or an annual meeting with the neighbors?

14 MR. ALESHIRE: There --- there -- it's called
15 out there to be a monthly.

16 MR. GALLARDO: Okay.

17 MR. ALESHIRE: So, they -- they can work out
18 that schedule with the neighbors. But, the stipulation
19 said that the -- at least monthly. And, yes, they are
20 supposed to set up the hotline and the city has both an
21 annual review process and also a process that could be
22 triggered by complaints.

23 MR. GALLARDO: And I -- I want to reiterate
24 that it is absolutely the position of the City that we
25 not use K Street, that everything, you know, moving

1 forward be in Rickenbacker. You know? It -- it's a
2 safety issue. It -- it's just -- one of the gentlemen
3 who spoke earlier said about doing the right thing and
4 I think you know it's the right thing that traffic not,
5 you know, go down K Street unless there's some kind of
6 emergency, and God forbid we ever have anything of that
7 nature. Okay.

8 Any other questions or comments from members
9 of the Design Review Board? Is there any final
10 statement that staff would like to make? Okay. So,
11 then do I have a -- a motion on this item?

12 MS. MACKIN: Well, I would like to say that I
13 was pleasantly surprised and impressed with the site
14 and how beautifully it was constructed and how uniform
15 all of the buildings work together and it looked
16 impressive to me and it -- it was all in conformity and
17 it was well integrated and all the buildings looked
18 like it was all the same project. So, I was happy to
19 see how nice that it -- the project has transformed.

20 And I think the staff is working hard and
21 they've been very thorough and they're trying to work
22 through all of the impacts that are possibly generated
23 through the project. So, I think those issues should
24 be resolved and I -- the findings to the resolution of
25 A, B, and C meet with substantial conformity and I

1 trust that Cemex will be a good neighbor to its
2 neighbors and the Salvation Army, we want everyone's
3 safety and everyone to be happy.

4 And I have been a strong supporter of the
5 Salvation Army and -- and the apartments that were
6 built, I was very pleased and I'm just -- feel that
7 everyone will have a good outcome of this. So, I would
8 like to put a motion forward to approve this project.

9 MR. GALLARDO: Okay. Is there a second?

10 MR. ROMO: I will go ahead and second.

11 MR. GALLARDO: Okay. It's been moved and
12 seconded this project be approved. And, again, you
13 know, with the direction that we do everything possible
14 to make sure K Street is never used and it's always
15 going to be Rickenbacker and Mr. City Attorney, do you
16 have a --

17 MR. ALESHIRE: So, the resolution is
18 resolution 2018, 23DRB resolution of the Design Review
19 Board, the City of Bell approving DRB2018-01, a request
20 for site design and building design review of an
21 aggregate transloading and storage facility in the C.M.
22 zone located at 5091 Rickenbacker Road, APN633202815
23 and finding such project to be in substantial
24 conformity with the development agreement and the
25 motion was to waive for the reading and adopt

1 Resolution 2018DRB2018-01.

2 MR. GALLARDO: All right. Thank you. Madam
3 City Clerk, roll call?

4 MS. BUSTAMANTE: Chair Gallardo?

5 MR. GALLARDO: Yes.

6 MS. BUSTAMANTE: Board Member Mackin?

7 MS. MACKIN: Yes.

8 MS. BUSTAMANTE: Board Member Pagett?

9 MR. PAGETT: Yes.

10 MS. BUSTAMANTE: Board Member Romo?

11 MR. ROMO: Yes.

12 MS. BUSTAMANTE: Motion passes.

13 MR. GALLARDO: Okay. So, that being our only
14 order of business, I adjourn this meeting.

15 (The Meeting Adjourned.)
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CERTIFICATION

I, CHRISTINE MURPHY WRIGHT, the assigned
transcriber, do hereby certify the foregoing
transcript of proceedings is prepared to the best of
my ability and is a true and accurate non-compressed
transcript of the proceedings, as recorded.

BY:/s/Christine Murphy Wright	AD/T 387
Christine Murphy Wright	AOC Number
Advanced Depositions	March 30, 2019
Agency Name	Date

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California }
County of LOS ANGELES } ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description:

Public Notice of Availability

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the BELL/MAYWOOD INDUSTRIAL POST, a newspaper published in the English language in the city of BELL, county of LOS ANGELES, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of LOS ANGELES, State of California, under date 08/18/1925, Case No. 175623. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

05/16/2013

Executed on: 05/16/2013
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

This space for filing stamp only

PRE#: 2485591

**NOTICE OF AVAILABILITY
OF A DRAFT ENVIRONMENTAL IMPACT
REPORT
FOR THE BELL BUSINESS CENTER PROJECT**

NOTICE IS HEREBY GIVEN that the City of Bell has completed an Environmental Impact Report (EIR) for the Bell Business Center Project. The proposed project will include eight existing Los Angeles County Assessor's parcels (Parcel A: 6332-002-965; Parcel F: 6332-002-948 and 6332-002-949; Parcel G: 6332-002-949; Parcel H: 6332-002-948, 6332-002-950, 6332-002-952, and 6332- -954). The parcels total four building sites and are generally located east of Interstate 710 (I-710) on Rickenbacker Road west of 6th Street in the City of Bell.

In total, the four buildings could result in 840,390 square feet of new industrial and ancillary office space. Rickenbacker Road will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites. No buildings are proposed as part of this project; however, site plans and a potential building footprint have been developed for each of the four sites. The City's intent is to approve individual entitlements for each of the four building sites via a development agreement and to consider the environmental impacts of the entire project in a single EIR. The Draft EIR identified significant impacts in the following environmental issue areas: Air Quality, Greenhouse Gases, and Traffic. The project site is not located on a hazardous materials site that is listed under Government Code Section 65962.5.

In accordance with Sections 15072(a) and (b) of the CEQA Guidelines, this Public Notice is posted to officially notify the public, public agencies, responsible and trustee agencies, that the required 45-day public review period will commence on Tuesday May 21, 2013, and conclude on Friday, July 5, 2013. Any written comments (via email or letter) on the draft EIR must be submitted no later than 5 p.m. on July 5, 2013. Written comments may be mailed or emailed to:

Joe Perez
Community Development Director
City of Bell Planning Department
6330 Pine Avenue
Bell, CA 90201

jperez@cityofbell.org

Additionally, a public hearing for the Final EIR has been scheduled for July 25, 2013 at 6:00pm.

The Draft EIR is available for public review on the City of Bell website (www.CityofBell.org) and at the following locations:

• City Hall located at 6330 Pine Avenue Bell, California 90201 (Mon-Fri 8am-4pm).

• Bell Public Library located at 4414 Gage Avenue Bell, CA 90201 (Tues-Thurs 10am-6pm; Sat 8am-6pm)

Janet Martinez
Interim City Clerk
City of Bell
5/16/13

PRE-2485591#
BELL/MAYWOOD INDUSTRIAL POST



BELL-3636

**NOTICE OF PUBLIC HEARINGS
BEFORE THE CITY COUNCIL OF THE CITY OF BELL**

**Bell Business Center Final Environmental Impact Report and
Development Agreement 2013-01 (Ordinance No. 1195)**

NOTICE IS HEREBY GIVEN that the City Council of the City of Bell will hold a public hearing and will consider certification of a Final Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) for the Bell Business Center Project in the City of Bell. The City Council will also conduct a separate public hearing on Development Agreement 2013-01 (Ordinance No. 1195). The hearings will be held at an adjourned regular meeting of the City Council on **Wednesday, August 7, 2013, at 7:00 p.m.** in the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, at which time and place interested persons may either attend and be heard thereon or submit in writing, comments prior to the conclusion of said hearings.

PROJECT DESCRIPTION:

Bell Business Center Environmental Impact Report analyzes pursuant to the CEQA the environmental impacts related to development of eight Los Angeles County Assessor's parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. The sites are located on Rickenbacker Road west of 6th Street in the City of Bell. Development of the four building sites project could result in 840,390 square feet of building. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites. (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965). The proposed project site is not on the Cal/EPA Envirostor (Cortese) hazardous materials cleanup listings.

Development Agreement 2013-01 (Ordinance No. 1195) and related Conditions of Approval seek approval for entitlements for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. The project includes eight Los Angeles County Assessor's parcels. Because all of the parcels are not contiguous, four separate building sites have been identified. Development of the four building sites project could result in 840,390 square feet of building. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites. Site plans and alternative building footprints have been designed for each of the four sites. (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965).

PUBLIC REVIEW PERIOD:

The 45-day public review period for the Draft EIR commenced on May 21, 2013 and ended on July 5, 2013; however comments from interested and concerned individuals and public agencies will be accepted until the close of the public hearing on August 7, 2013. Copies of the EIR are available for review at the City of Bell, City Hall, 6330 Pine Avenue, Bell CA 90201, open Monday through Friday 8:00 am-4:00 pm; the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, open Monday through Friday 8:00 am-4:00 pm; and the Bell Library, 4411 Gage Avenue, Bell, CA 90201, Bell CA 90201 open Tuesday through Thursday 10am-8pm and Saturday 8am-6pm. Questions regarding this project should be directed to Community Development Director Joe Perez at (323) 588-6211.

In accordance with Government Code Section 65009, if any person(s) challenges the action of the City on this project in court, said person(s) may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written comments delivered to the City of Bell, at the above address, either at the public hearing or prior to the public hearing.

POSTED: July 26, 2013
PUBLISHED: July 26, 2013

**NOTICE OF JOINT PUBLIC HEARINGS
BEFORE THE PLANNING COMMISSION AND CITY COUNCIL OF THE CITY OF BELL
Bell Business Center Final Environmental Impact Report and
Development Agreement 2013-01 (Ordinance No. 1195)**

NOTICE IS HEREBY GIVEN that the City Council and Planning Commission of the City of Bell will hold a joint public hearing and will consider certification of a Final Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) for the Bell Business Center Project in the City of Bell. The City Council and Planning Commission will also conduct a separate joint public hearing on Development Agreement 2013-01 (Ordinance No. 1195). The hearings will be held at a regular meeting of the City Council on **Wednesday, August 7, 2013, at 7:00 p.m.** in the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, at which time and place interested persons may either attend and be heard thereon or submit in writing, comments prior to the conclusion of said hearings.

PROJECT DESCRIPTION:

Bell Business Center Environmental Impact Report analyzes pursuant to the CEQA the environmental impacts related to development of eight Los Angeles County Assessor's parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. The sites are located on Rickenbacker Road west of 6th Street in the City of Bell. Development of the four building sites could result in 840,390 square feet of building. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965). The proposed project site is not on the Cal/EPA Envirostor (Cortese) hazardous materials cleanup listings.

Development Agreement 2013-01 (Ordinance No. 1195) and related Conditions of Approval which if approved would entitle approximately 40.2 acres for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. The project includes eight Los Angeles County Assessor's parcels. Because all of the parcels are not contiguous, four separate building sites have been identified. Development of the four building sites project could result in 840,390 square feet of building. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites. Site plans and alternative building footprints have been designed for each of the four sites. (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965). The summary of ordinance required pursuant to Government Code Section 36933 follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA, APPROVING AND
AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT 2013-01 (ORDINANCE NO. 1195) BY AND
BETWEEN THE CITY OF BELL AND THE BELL FINANCE AUTHORITY (CITY) AND PI BELL, LLC.**

The Ordinance approves a Development Agreement between PI Bell, LLC and the City, and authorizes the Mayor to execute the Development Agreement on behalf of the City. Providing for the PI Bell, LLC development of approximately 40.2 acres of industrial property on four separate building parcel along Rickenbacker Road, the Development Agreement will promote the City's goals of establishing a signature project that creates a major job center, increases tax revenues and promotes sustainable building and site design practices to a level not required by the City Zoning Ordinance. In addition to the public benefits afforded, the Development Agreement will provide PI Bell, LLC with the security that it will be allowed to complete the long-term development of the area without unanticipated regulatory changes.

PUBLIC REVIEW PERIOD:

The 45-day public review period for the Draft EIR commenced on May 21, 2013 and ended on July 5, 2013; however comments from interested and concerned individuals and public agencies will be accepted until the close of the joint public hearing on August 7, 2013. Copies of the EIR are available for review at the City of Bell, City Hall, 6330 Pine Avenue, Bell CA 90201, open Monday through Friday 8:00 am-4:00 pm; the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, open Monday through Friday 8:00 am-4:00 pm; and the Bell Library, 4411 Gage Avenue, Bell, CA 90201, Bell CA 90201 open Tuesday through Thursday 10am-8pm and Saturday 8am-6pm. Questions regarding this project should be directed to Community Development Director Joe Perez at (323) 588-6211.

In accordance with Government Code Section 65009, if any person(s) challenges the action of the City on this project in court, said person(s) may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written comments delivered to the City of Bell, at the above address, either at the public hearing or prior to the public hearing.

POSTED: July 26, 2013
PUBLISHED: July 26, 2013

BELL-3638

Long Beach Press-Telegram

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FILE NO. 2515116

**PROOF OF PUBLICATION
(2015.5 C.C.P.)****STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principle clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published daily in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, on the date of March 21, 1934, Case Number 370512. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

7/27/2013

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Long Beach, LA Co. California,
this 13th day of August, 2013.

Signature

The Long Beach Press-Telegram, a newspaper of general circulation, is delivered to and available in but not limited to the following cities: Long Beach, Lakewood, Bellflower, Cerritos, Downey, Norwalk, Artesia, Paramount, Wilmington, Compton, South Gate, Los Alamitos, Seal Beach, Cypress, La Palma, Lynwood, San Pedro, Hawaiian Gardens, Huntington Park, La Mirada, Santa Fe Springs, Carson.



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(Space below for use of County Clerk Only)

Legal No.

0010395403

**NOTICE OF JOINT PUBLIC HEARINGS
BEFORE THE CITY COUNCIL AND
PLANNING COMMISSION OF THE
CITY OF BELL
AND THE BELL PUBLIC FINANCING
AUTHORITY**

**Bell Business Center Final
Environmental Impact Report and
Development Agreement 2013-01
(Ordinance No. 1195)**

NOTICE IS HEREBY GIVEN that the City Council and Planning Commission of the City of Bell and the Bell Public Financing Authority will hold a joint public hearing and will consider certification of a Final Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) for the Bell Business Center Project in the City of Bell. The City Council and Planning Commission and the Bell Public Financing Authority will also conduct a separate joint public hearing on Development Agreement 2013-01 (Ordinance No. 1195). The hearings will be held at regular meetings of the City Council and the Bell Public Financing Authority on **Wednesday, August 7, 2013, at 7:00 p.m.** in the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, at which time and place interested persons may either attend and be heard thereon or submit in writing, comments prior to the conclusion of said hearings.

PROJECT DESCRIPTION:

Bell Business Center Environmental Impact Report analyzes pursuant to the CEQA the environmental impacts related to the development of eight Los Angeles County Assessor's parcels as four building sites for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. Along with that the EIR analyzes a development agreement and conditions of approval, approval of a parcel map and an encroachment permit for the overall project. The sites are located on Rickenbacker Road west of 6th Street in the City of Bell. Development of the four building sites could result in 840,390 square feet of building and would require the sale of the eight Los Angeles County Assessor's parcels by the Bell Public Financing Authority. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965). The proposed project site is not on the Cal/EPA Envirostor (Cortese) hazardous materials cleanup listings.

Development Agreement 2013-01 (Ordinance No. 1195) and related Conditions of Approval which if approved would permit the sale by the Bell Public Financing Authority and entitlement of approximately 40.2 acres for industrial, warehouse distribution, logistics and commercial uses as well as all uses permitted in the CM Commercial Manufacturing and M Manufacturing zoning districts. The project includes eight Los Angeles County Assessor's parcels. Because all of the parcels are not contiguous, four separate building sites have been identified. Development of the four

BELL-3639

building sites project could result in 840,390 square feet of building. The project site is located along Rickenbacker Road west of 6th Street. All access to the site is from Rickenbacker Road which will be improved with public utilities, including water, wastewater, storm drainage, and power. Utilities will be extended to serve each of the four building sites. Site plans and alternative building footprints have been designed for each of the four sites. (APN: 6332-002-945, -946, -948, -949, -950, -952, -954 & -965). The summary of ordinance required pursuant to Government Code Section 36933 follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL, CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT 2013-01 (ORDINANCE NO. 1195) BY AND BETWEEN THE CITY OF BELL AND THE BELL PUBLIC FINANCING AUTHORITY (CITY) AND PI BELL, LLC.

The Ordinance approves a Development Agreement between PI Bell, LLC and the City, and authorizes the Mayor to execute the Development Agreement on behalf of the City. The Development Agreement provides for the sale by the Bell Public Financing Authority of the property to PI Bell, LLC and development of approximately 40.2 acres of industrial property on four separate building parcels along Rickenbacker Road. The Development Agreement will promote the City's goals of establishing a signature project that creates a major job center, increases tax revenues and promotes sustainable building and site design practices to a level not required by the City Zoning Ordinance. In addition to the public benefits afforded, the Development Agreement will provide PI Bell, LLC with the security that it will be allowed to complete the long-term development of the area without unanticipated regulatory changes.

PUBLIC REVIEW PERIOD:

The 45-day public review period for the Draft EIR commenced on May 21, 2013 and ended on July 5, 2013; however comments from interested and concerned individuals and public agencies will be accepted until the close of the joint public hearing on August 7, 2013. Copies of the EIR are available for review at the City of Bell, City Hall, 6330 Pine Avenue, Bell CA 90201, open Monday through Friday 8:00 am-4:00 pm; the Bell Community Center, 6250 Pine Avenue, Bell, CA 90201, open Monday through Friday 8:00 am-4:00 pm; and the Bell Library, 4411 Gage Avenue, Bell, CA 90201, Bell CA 90201 open Tuesday through Thursday 10am-8pm and Saturday 8am-6pm. The Draft EIR can be reviewed on the City website:

<http://www.cityofbell.org/home/showdocument?id=3673>. Questions regarding this project should be directed to Community Development Director Joe Perez at (323) 588-6211.

In accordance with Government Code Section 65009, if any person(s) challenges the action of the City on this project in court, said person(s) may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written comments delivered to the City of Bell, at the above address, either at the public hearing or prior to the public hearing.

POSTED: July 26, 2013

PUBLISHED: July 27, 2013

7/27/13

CNS-2515116#

PRESS TELEGRAM



**CITY OF BELL
COURTESY NOTICE OF
DESIGN REVIEW BOARD MEETING
Case Number: DRB# 2018-01
Site Address: 5091 Rickenbacker Road**

NOTICE IS HEREBY GIVEN that on **Thursday, January 24, 2019 at 6:00 p.m.** the Design Review Board will conduct a meeting **at the Bell Community Center located at 6250 Pine Avenue, Bell, CA 90201** to consider the site and building design of an aggregate transfer/storage facility located at **5091 Rickenbacker Road** (APN 6332-002-815) in the Commercial Manufacturing (CM) zone with a General Plan land use designation of Industrial.

All parties wishing to speak regarding the design review application should attend the meeting and express their concerns. Any person desiring to provide written comments on this matter must do so prior to or at the meeting. Written comments can be sent via U.S. Mail, or by hand delivery, to the City Clerk, 6330 Pine Avenue, Bell, CA 90201, prior to said meeting. For further details contact Jo-Anne Burns, Associate Planner, at (323) 588-6211 extension 2609.

In the City's efforts to comply with the requirements of the Americans with Disabilities Act, the City requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at the meeting, must inform City staff a minimum of 48 hours prior to the scheduled meeting.

POSTED: January 11, 2019
PUBLISHED: January 13, 2019