

SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, October 27, 2009 at 6:30 p.m.

CALL TO ORDER: Henry C. Gonzalez, Mayor
INVOCATION: Father Sam Ward, St. Helen Church
PLEDGE OF ALLEGIANCE: Al Lopez, Retired Police Sergeant
ROLL CALL: Carmen Avalos, City Clerk

MAYOR
Henry C. Gonzalez

CITY CLERK
Carmen Avalos

VICE MAYOR
Gregory Martinez

CITY TREASURER
Maria Belen Bernal

COUNCIL MEMBERS
Maria Davila
Bill De Witt
Gil Hurtado

CITY MANAGER
Ronald Bates

CITY ATTORNEY
Raul F. Salinas

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office
8650 California Avenue, South Gate, California 90280
(323) 563-9510 * fax (323) 563-5411 * www.cityofsouthgate.org

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk. Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility.

OPEN SESSION AGENDA

1. Proclamation: Retired Police Sergeant Alfonso J. Lopez in Recognition of his 26 Years of Service to the City

The City Council will issue a Proclamation to retired Police Sergeant Alfonso J. Lopez in recognition of his 26 years of service to the City. (ADMIN/PERS)

2. Resolution: Extension to Entitlements Request for El Portal

The City Council will conduct a Public Hearing to consider adopting a **Resolution _____** approving a 90-day extension of the October 30, 2009 expiration date of approved site plan 285 as provided in City Council Resolution No. 7228, approved February 12, 2008, which provided for the development of 517,000 square feet of commercial retail uses on 30.5 acres within the Gateway Project Area located at 4635 Firestone Boulevard in the M-2 (Light Manufacturing) and M-3 (Heavy Manufacturing) Zones (The “Gateway Project”) and approving Target Corporation, A Minnesota Corporation (“Target”) as assignee of South Gate Gateway, LLC, a Delaware Limited Liability Company (“Developer”) and Wachovia Bank (“Lender”). (CD)

3. Resolution: Unilateral Extension to Entitlements Request for El Portal

The City Council will conduct a Public Hearing to consider adopting a **Resolution _____** approving a 90-day extension of the October 30, 2009 Expiration Date of Approved Site Plan 285 as provided in City Council Resolution No. 7228, approved February 12, 2008, which provided for the development of 517,000 square feet of commercial retail uses on 30.5 acres within the Gateway Project Area located at 4635 Firestone Boulevard in the M-2 (Light Manufacturing) and M-3 (Heavy Manufacturing) Zones (The “Gateway Project”). (CD)

COMMENTS FROM THE AUDIENCE

During this time, members of the public and staff may address the City Council regarding any items within the subject matter jurisdiction of the City Council. Comments from the audience will be limited to five (5) minutes per speaker; unless authorized by the Mayor, the time limit may not be extended by utilizing another member’s time. There will be no debate or action on items not listed on the agenda unless authorized by law.

Note: The City Council desires to provide all members of the public with the opportunity to address the Council. Nevertheless, obscene language, comments intended to disrupt or interfere with the progress of the meeting or slanderous comments will not be tolerated and may result in ejection and/or may constitute a violation of South Gate Municipal Code Section 1.04.110.

REPORTS AND COMMENTS FROM CITY OFFICIALS

During this time, members of the City Council will report on matters pertaining to their service on various intergovernmental boards and commissions as a representative of the City pursuant to Assembly Bill 1234. City Council Members will also have an opportunity to comment on matters not on the agenda.

Following the City Council Members, reports and comments will be heard by the City Clerk, City Treasurer, City Manager and Department Heads.

CONSENT CALENDAR ITEMS

Agenda Items 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 are Consent Calendar Items. All items including Ordinances, Resolutions and Contracts, may be approved by adoption of the Consent Calendar, individually and collectively by one (1) motion. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request that specific items be removed from the Consent Calendar for separate discussion and action.

Any motion to introduce or adopt an Ordinance on the Consent Calendar shall be: (1) a motion to waive the reading of the Ordinance and introduce the Ordinance or (2) a motion to waive the reading of the Ordinance and adopt the Ordinance, as appropriate.

4. Ordinance No. 2266: Adult Oriented Businesses

The City Council will consider waiving the reading in full and adopting **Ordinance No. 2266** amending Title 2 (Licenses – Business Regulations) Chapter 2.10 (Business Regulation) Sections 2.10.150 (“Businesses Requiring a Business Permit”) and 2.10.540 (“Entertainment”) and deleting Section 2.10.400 (“Adult Bookstore”) and adding a new Section 2.10.400 (“Adult Oriented Businesses”) of the South Gate Municipal Code regulating adult oriented businesses. (CD)

5. Ordinance No. 2267: Zoning Amendment relating to Regulation of Amusement Arcades Citywide

The City Council will consider waiving the reading in full and adopting **Ordinance No. 2267** amending Title 11 (Zoning), of the South Gate Municipal Code by adding Chapter 11.55 (Amusement Arcades) and Sections 11.55.010 through 11.55.080 relating to the regulation of Amusement Arcades Citywide; and deleting Section 11.15.010 Subdivision (3) Amusement game arcade. (CD)

6. Ordinance No. 2268: Zoning Amendment relating to Parking Options for Legal-Nonconforming Residential Properties

The City Council will consider waiving the reading in full and adopting **Ordinance 2268** amending Title 11 (Zoning). Chapter 11.07 (R-1 7500 Single Family Residential Zone), Chapter 11.08 (R-1 Single Family Residential Zone), Chapter 11.10 (R-2 Two-Family Residential Zone), Chapter 11.12 (R-3 Multiple Residential Zone), Chapter 11.14 (R-4 Restricted Services Zone) of the South Gate Municipal Code relating to parking options for legal-nonconforming residential properties. (CD)

7. Resolution: Acknowledging the Water Replacement District on the occasion of its 50th Anniversary

The City Council will consider adopting a **Resolution _____** acknowledging and commending the Water Replenishment District of Southern California on the Occasion of its 50th Anniversary. (PW)

<p>8. Agreement with Carl Warren & Company for Liability Third Party Administrator Services</p> <p>The City Council will consider approving a three year service agreement (Contract # _____) with Carl Warren and Company for third party liability administrator services. (ADMIN/PERS)</p>
<p>9. Traffic Signal Maintenance Agreement with the City of Paramount for Howery Street and Garfield Avenue</p> <p>The City Council will consider: (PW)</p> <ul style="list-style-type: none"> a. Approving Traffic Signal Maintenance Agreement (Contract # _____) with the City of Paramount for the intersection of Howery Street and Garfield Avenue; and b. Authorizing the Mayor to execute the Agreement in a form approved by the City Attorney.
<p>10. Agreement with General Pump Company, Inc., for as needed services for City’s Water Facilities</p> <p>The City Council will consider: (PW)</p> <ul style="list-style-type: none"> a. Awarding As-Needed Services Agreement to General Pump Company, Inc. (Contract # _____), for an amount not to exceed \$400,000 for maintenance and improvements of the City’s Water Facilities, City Project No. 428-WTR; and b. Authorizing the Mayor to execute the Agreement in a form approved by the City Attorney.
<p>11. Replacement of Citywide Street Lights Report</p> <p>The City Council will consider: (PW)</p> <ul style="list-style-type: none"> a. Approving replacement of existing High Pressure Sodium Vapor (HPSV) roadway lighting with energy efficient light emitting diode (LED) lighting fixtures throughout the City; and b. Authorizing the Director of Public Works to implement the LED Street Lighting Energy Efficiency Program throughout the City as funds become available.
<p>12. Quarterly Investment Report ending September 30, 2009</p> <p>The City Council will consider receiving and filing the Quarterly Investment Report for September 30, 2009. (FIN)</p>

13. City Council Meeting Minutes of October 13, 2009

The City Council will consider approving the Special City Council Meeting Minutes of October 13, 2009 and the Regular City Council Meeting Minutes of October 13, 2009.
(CLERK)

14. Warrant Register for October 27, 2009

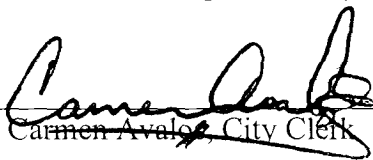
The City Council will consider approving the Warrants and Cancellations for October 27, 2009 (FIN)

Total of Checks:	\$1,469,702.14
Voids	\$ -9,226.30
Total of Payroll Deductions:	\$ <88,334.32>
Grand Total:	\$1,372,141.52

Cancellations: 20894, 24488, 24496, 24872, 24167, 24574

15. Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on October 22, 2009, at 5:00 p.m., as required by law.



Carmen Avalos, City Clerk

RECEIVED

OCT 21 2009

City of South Gate

CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

AGENDA BILL

For the Regular Meeting of October 27, 2009

Originating Department: Administration/Personnel

Dept. Head:

W. Brown Fletcher City Manager: *[Signature]*

SUBJECT: PROCLAMATION TO RETIRED POLICE SERGEANT ALFONSO J. LOPEZ

ACTION: Mayor Gonzalez will issue a Proclamation to Retired Police Sergeant Alfonso J. Lopez in recognition of his 26 years of service to the City.

FISCAL IMPACT: None.

REPORT SUMMARY: The City Council will honor this retiring police officer for his outstanding and long term service to the City of South Gate and its residents. As the attached proclamation indicates this officer has given many years of his life in quality service and commitment to this City. It is because of this longstanding commitment to public safety and service that our Police Department enjoys the respect and high approval rating of the community.

Sergeant Alfonso J. Lopez ("Al Lopez") retires with 26 years of service to the City. Sergeant Lopez retired on September 24, 2009 after having served as Sergeant of the Detective Bureau for two different terms, a Field Training Officer of the Patrol Division, Detective Bureau and the Crime Impact Team, and a Police Officer for many years.

Our City owes a debt of gratitude to this fine officer. Sergeant Lopez is admired and respected and will be missed. On this day we thank and honor him for 26 years of service. We wish him the best of all things as he retires from the City of South Gate.

ATTACHMENT: Proclamation.

City of South Gate



From the Honorable
Mayor

PROCLAMATION

Presented to

ALFONSO J. LOPEZ

*In recognition of his 26 years of service to the
City of South Gate*

WHEREAS, *in 1984 Alfonso Lopez was hired as a Police Officer with the Police Department where he served 26 years; and*

WHEREAS, *in 1988 he was assigned as a Detective as where through 1991 he was assigned to the Detective Bureau; and*

WHEREAS, *in 1992 he was assigned as a Field Training Officer where through 2001 he was assigned to the Patrol Division, the Detective Bureau and the Crime Impact Team; and*

WHEREAS, *in 2003 he was promoted to Sergeant and assigned to the Patrol Division; and*

WHEREAS, *in 2007 he was assigned to the Detective Bureau as Detective Bureau Sergeant where he completed his watch as of September 24, 2009; and*

WHEREAS, *South Gate citizens and employees had the pleasure and benefit of working with this esteemed professional and wish him the best in his retirement;*

NOW, THEREFORE, *on this 27th day of October 2009, I, Henry C. Gonzalez, Mayor of the City of South Gate, on behalf of the City Council and citizens of South Gate, do hereby recognize Alfonso J. Lopez and duly thank him for his 26 years of dedicated service to the City of South Gate.*

/s/ Henry C. Gonzalez
Henry C. Gonzalez, Mayor

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City of South Gate
CITY COUNCIL

Item No. 2

OCT 22 2009

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER For the Regular Meeting of: October 27, 2009

Originating Department: Community Development

Department Head Steven A. Lefever

City Manager Ronald Bates:

SUBJECT: A RESOLUTION APPROVING AN EXTENSION OF THE OCTOBER 30, 2009 EXPIRATION DATE OF APPROVED SITE PLAN 285, AS PROVIDED IN CITY COUNCIL RESOLUTION NO. 7228, APPROVED FEBRUARY 12, 2008

ACTION : Following the conclusion of the Public Hearing, adopt a Resolution approving a 90-day extension of the October 30, 2009 expiration date of approved site plan 285 as provided in City Council Resolution No. 7228, approved February 12, 2008, which provided for the development of 517,000 square feet of commercial retail uses on 30.5 acres within the Gateway Project Area located at 4635 Firestone Boulevard in the M-2 (Light Manufacturing) and M-3 (Heavy Manufacturing) Zones (The "Gateway Project") and approving Target Corporation, A Minnesota Corporation ("Target") as assignee of South Gate Gateway, LLC, a Delaware Limited Liability Company ("Developer") and Wachovia Bank ("Lender").

FISCAL IMPACT: None

NOTICING PROCEDURES:

1. A Legal Notice was published in The Long Beach Press on October 2, 2009.
2. Legal Notices were mailed to the surrounding properties on October 1, 2009.

REPORT SUMMARY:

The Gateway Project located at 4635 Firestone Boulevard was Approved by the South Gate City Council on February 12, 2008. The Approvals included the certification of the Environmental Impact Report for the Gateway/El Portal retail project, the approval of the Gateway Project Site Plan No. 285, subject to conditions of approval, the approval of Conditional Use Permit No. 782 for a Movie Theater/Place of Public Assembly, subject to conditions of approval, the approval of Conditional Use Permit No. 783 for a health club, subject to conditions of approval, and the approval of Lot Line Adjustment No. 89.

The approved Gateway Project Site Plan 285 expires on October 30, 2009 if it is not otherwise exercised by the issuance of building permits or extended. To date, the Project has not yet been developed and Target is in the process of attempting to acquire the property from Developer for retail development of the site, and desires to keep the entitlement approvals contained in Site Plan 285 in place.

Condition 13.21 of Resolution 7228 approving the Site Plan provides that the Developer can request an extension of the Gateway Project entitlements contained in Site Plan 285, and also provides that the City can, at its sole discretion, unilaterally extend the expiration date of Site Plan 285 prior to its expiration date.

Developer and Target have submitted a letter requesting a 180 day extension of the Gateway Project Site Plan 285 entitlements. The City, separate and apart, from Developer and Target also desires to exercise its unilateral discretion to extend the Site Plan 285 entitlements but only for a period of 90 days subject to certain conditions of approval.

- ATTACHMENTS:**
- A) Proposed Resolution
 - B) Entitlement Approvals Extension Request Letter
 - C) Resolution No. 7227
 - D) Resolution No. 7228
 - E) Public Notice & Mailing List

RESOLUTION NO. ____

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE APPROVING A 90-DAY EXTENSION OF THE OCTOBER 30, 2009 EXPIRATION DATE OF APPROVED SITE PLAN 285 AS PROVIDED IN CITY COUNCIL RESOLUTION NUMBER 7228, APPROVED FEBRUARY 12, 2008, WHICH PROVIDED FOR THE DEVELOPMENT OF UP TO 517,000 SQUARE FEET OF COMMERCIAL RETAIL USES ON 30.5 ACRES WITHIN THE GATEWAY PROJECT AREA LOCATED AT 4635 FIRESTONE BOULEVARD IN THE M-2 (LIGHT MANUFACTURING) AND M-3 (HEAVY MANUFACTURING) ZONES (THE "GATEWAY PROJECT"), AND APPROVING TARGET CORPORATION, A MINNESOTA CORPORATION ("TARGET") AS ASSIGNEE OF SOUTH GATE GATEWAY, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("DEVELOPER") AND WACHOVIA BANK ("LENDER")

WHEREAS, On February 12, 2008, the South Gate City Council certified the Environmental Impact Report for the Gateway/El Portal retail project by Resolution No. 7227, approved Site Plan No. 285, subject to conditions of approval, by Resolution No. 7228, approved Conditional Use Permit No. 782 for a Movie Theater/Place of Public Assembly, subject to conditions of approval, by Resolution No. 7229, approved Conditional Use Permit No. 783 for a health club, subject to conditions of approval, by Resolution No. 7230, and approved Lot Line Adjustment No. 89 by Resolution No. 7231, all of which are incorporated herein by reference; and

WHEREAS, pursuant to the conditions set forth in Section 13.21 of Attachment A to Resolution No. 7228, the Site Plan shall become null and void if it is not exercised through the issuance of Building Permits by October 30, 2009 (the "Expiration Date"), unless the Expiration Date is extended: (1) at the request of South Gate Gateway, LLC, a Delaware limited liability company ("Developer"), or (2) unilaterally by the City at its sole discretion; and

WHEREAS, the Building Permits have not been issued to date and the City Council has been informed by Developer that Developer will not be able to meet the financial obligations required in order to continue on as developer of the Gateway Project; and

WHEREAS, The Option Agreement, dated October 30, 2006, as amended (the "Option Agreement") executed by the City Of South Gate (the "City"), Developer And 88 Tampa TIC, a Delaware limited liability company ("88 Tampa"), and HPSC I TIC, a Delaware limited liability company ("HPSC"), which expires on its own terms on the Expiration Date, and is evidenced by a Short Form Memorandum of Agreement Regarding Call Option and Put Option To Repurchase ("Short Form Memorandum"), that was recorded in the Official Records of Los Angeles County as Instrument No. 06 2446959, on November 3, 2006; and

WHEREAS, The City has been informed that 88 Tampa and HPSC GATEWAY have each assigned all of their rights title and interest in and to the Project and the Option Agreement to Developer; and

WHEREAS, the City Council has been informed by Target that Target is in the process of taking assignment of the Gateway Project property from Developer, and the City Council has received a request from Target for a 180-day extension of the Expiration Date of approved Site Plan 285, as well as a request for the City Council to approve Target as assignee of Developer and Lender; and

WHEREAS, in response to Developer's and Target's request to extend the Expiration Date, the City desires to approve a conditional 90-day extension of the Expiration Date of approved Site Plan 285 as provided in City Council resolution no. 7228, and conditionally approve Target as assignee of Developer and Lender;

WHEREAS, the City separate and apart also desires to exercise its unilateral discretion to approve a conditional 90-day extension of the Expiration Date of approved Site Plan 285 as provided in City Council resolution no. 7228;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of South Gate, pursuant to the facts noted above, at the request of Developer and Target, does hereby conditionally APPROVE a 90-day extension to the Expiration Date of approved Site Plan 285, which shall hereafter have an expiration date of January 28, 2010, and conditionally APPROVE Target as assignee of Developer and Lender, subject to those conditions set forth on Attachment "A" attached hereto and incorporated herein by reference.

SECTION 2. The City Council of the City of South Gate, pursuant to the facts noted above, separate and apart from the extension in Section 1, does hereby exercise its unilateral discretion to conditionally APPROVE a 90-day extension to the Expiration Date of approved Site Plan 285, which shall hereafter have an expiration date of January 28, 2010, and conditionally APPROVE Target as assignee of Developer and Lender, subject to those conditions set forth on Attachment "A" attached hereto and incorporated herein by reference.

[remainder of page left blank intentionally]

SECTION 3. Additionally, the City Council of the City of South Gate, pursuant to the conditions set forth in Section 13.21 of Attachment "A", reserves the right to extend the expiration date of approved Site Plan 285 at any time in the future.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED, this 27th day of October, 2009.

CITY OF SOUTH GATE:

Henry C. Gonzalez, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

ATTACHMENT "A"

CONDITIONS OF APPROVAL

1. Target shall comply with all of the conditions of approval referenced in South Gate City Council Resolution 7228 and all other conditions of approval imposed by the City related to the development of the Gateway Project.
2. Target shall assume all the obligations of Developer to the City related to the approval for development and development of the Gateway Project, including without limitation, the obligations under the Deposit/Reimbursement Agreement executed by Developer and City dated April 24, 2007, and all amounts due thereunder to the City.
3. Target or Developer shall clear all weeds and clean property pursuant to City requirements by November 3, 2009. The City will order that the City Fire Department take appropriate measures to clear and clean the property as appropriate if this requirement is not timely satisfied. The Developer shall be billed for such clean up and abatement cost and a lien shall be recorded against the property if timely payment is not made to the City.
4. The extension of the approved Site Plan 285 provided in the foregoing resolution is conditioned upon the termination of the Option Agreement, which is set to expire on its own terms on The Expiration Date, and this extension of Site Plan 285 shall under no circumstances be construed as an extension of the Option Agreement. Developer shall execute a termination of the Short Form Memorandum.
5. Developer, Target and the City shall mutually agree to the terms of an agreement for the assignment of Developer's rights and obligations and the assumption by Target of the rights and obligations related the entitlements for the development of the Gateway Project within forty five (45) days from the date of the foregoing Resolution.