

## **SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA**

**Tuesday, November 10, 2009 at 6:30 p.m.**

**CALL TO ORDER:** Henry C. Gonzalez, Mayor  
**INVOCATION:** Pastor Ernest Trejo of South Gate Church of Christ  
**PLEDGE OF ALLEGIANCE:** Acting Chief of Police George Troxcil  
**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](http://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**

***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 1, 2, 3, 4, 5, 6 and 7 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.

**1. Resolution: Appointing a Board Member & Alternate to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority**

The City Council will consider adopting a **Resolution - \_\_\_** appointing Councilmember W.H. (Bill) De Witt as a board member and the Director Robert Dickey as an alternate board member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for a two-year term. (PW)

**2. Resolution: Disability Retirement for Russ Galbreath**

The City Council will consider: (ADMIN/PERS)

- a. Adopting a **Resolution - \_\_\_** determining that Russell Galbreath is not incapacitated within the meaning of the Public Employees’ Retirement Law and that any such disability is not a result of injury arising out of and in the course of his employment; and
- b. Notifying the Public Employees’ Retirement System (PERS) that the City opposes the Disability Retirement application of Russell Galbreath, Police Lieutenant.

**3. Hope Agreement**

The City Council will consider: (CD)

- a. Approving an **agreement (Contract No. \_\_\_)** with Home Ownership for Personal Empowerment, Inc. (HOPE) for HOME Program Participation; and
- b. Authorizing the Mayor to execute the Agreement in a form approved by the City Attorney.

**4. City's Participation as an Emerald Necklace Agency**

The City Council will consider: (PRKS)

- a. Approving an **agreement (Contract No. \_\_\_)** for the City of South Gate to participate as an Emerald Necklace Agency; and
- b. Authorizing the Director of Parks & Recreation to sign the Emerald Necklace Accord and any related documents and materials on behalf of the City in a form acceptable to the City Attorney.

**5. Amendment Agreement with PBS & J for Firestone Interchange**

The City Council will consider: (PW)

- a. Approving Amendment No. 1 to Contract No. 2429 with PBS&J in the amount of \$265,432 for additional engineering services for I-710/Firestone Boulevard Interchange, Phase IV (Firestone Boulevard Bridge Widening over Los Angeles River), Federal Project No. HP21L-5257(016) and City Project No. 354-ST; and
- b. Authorizing the Mayor to execute Amendment No. 1 in form approved by the City Attorney.

**6. Accept as Complete: Well 28**

The City Council will consider: (PW)

- a. Accepting as complete the repair of pump equipment at Well No. 28 at 3414 Ardmore Avenue, City Project No. 422-WTR; and
- b. Directing the Clerk to file the Notice of Completion with the County Recorders Office.

**7. City Council Meeting Minutes of October 27, 2009**

The City Council will consider approving the Special City Council Meeting Minutes of October 27, 2009 and the Regular City Council Meeting Minutes of October 27, 2009. (CLERK)

**8. Walnut/Michigan and Walnut/Tenaya red curbs and stop sign report**

The City Council will consider: (PW)

- a. Receiving and filing Hartzog & Crabill, Inc. (HCI), the City’s traffic consultant, report for red curb installation at the intersections of Walnut Avenue at Michigan Avenue and Walnut Avenue at Tenaya Avenue dated June 25, 2009; or
- b. Authorizing staff to solicit proposal from HCI to conduct a traffic study for removal of red curbs and installation of all-way stop signs at the intersections of Walnut Avenue/Michigan Avenue and Walnut Avenue/Tenaya Avenue and present the proposal for City Council consideration.

**9. Warrant Register for November 10, 2009**

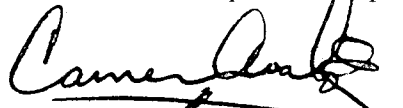
The City Council will consider approving the Warrants and Cancellations for November 10, 2009 (FIN)

Total of Checks:	\$1,462,627.13
Voids	\$ -9,346.53
Total of Payroll Deductions:	<u>\$ &lt;184,989.31&gt;</u>
Grand Total:	\$1,268,291.29

Cancellations: 24222, 25172

**10. Adjournment**

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on November 5, 2009, at 12:00 p.m., as required by law.



Carmen Avalos, City Clerk

**RECEIVED**

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CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

# City of South Gate

CITY COUNCIL

Item No. 1

## AGENDA BILL

For the Regular Meeting of: November 10, 2009

Originating Department: Public Works

Department Head: \_\_\_\_\_

*Robert T. Dickey*  
Robert T. Dickey

City Manager: \_\_\_\_\_

*Ronald Bates*  
Ronald Bates

**SUBJECT: RESOLUTION APPOINTING REPRESENTATIVES TO THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY**

**ACTION:** Adopt Resolution appointing Councilmember W. H. (Bill) De Witt as a board member and the Director Robert Dickey as an alternate board member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for a two-year term.

**FISCAL IMPACT:** Annual City membership contribution of \$15,000 is required and is included in the Water Fund in the current budget.

**REPORT SUMMARY:** At the regular meeting of the City Council August 14, 2007, action was taken to adopt a resolution (Resolution No. 7201) approving the formation of the Los Angeles Gateway Region Integrated Regional Water Management Authority, a Joint Powers Authority (JPA). Subsequently on September 25, 2007, City Council adopted Resolution No. 7213 appointing Councilmember DeWitt as a board member and Paul Adams, Director of Parks and Recreation, as an alternate board member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for a two-year term. Their term has expired and appointment for another two year term is necessary.

Back ground: The formation of the JPA allows the Gateway region to develop a regional water management plan to address local needs and position the region to obtain future funding which will be available through Proposition 84. Proposed projects could include ground water management planning (i.e. conjunctive use); urban water management planning; the preparation of a water supply assessment; the planning, construction or modification of a flood management project; the planning, construction or modification of a water recycling project; the planning, construction or modification of a domestic water supply facility to meet safe drinking water standards; the planning, construction or modification of a drainage water management unit, and/or the implementation of a water conservation program.

The JPA has been approved by Southeast Water Coalition, and several cities including but not limited to the cities of: Cerritos, Downey, Lakewood, Long Beach, Norwalk, Paramount, Santa Fe Springs, Signal Hill, South Gate, Vernon, and Whittier.

Direction for the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority is provided by a Governing Board made up of the Authority's member agencies. Each member agency appoints one board member and one alternate board member on the board which constitutes the Authority's Governing Body. Appointment to the Governing Board is required by Resolution of the Member Agency and is for a two-year term. Appointees to the Governing Board need not be a member of the appointing legislative body and do not receive any compensation. This appointment is a non-paid position.

**ATTACHMENTS:** A. Proposed Resolution  
B. Resolution Nos. 7201 and 7213

MM:lc

**RESOLUTION NO. \_\_\_\_**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE APPOINTING A BOARD MEMBER AND AN ALTERNATE BOARD MEMBER TO THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT JOINT POWERS AUTHORITY FOR A TWO YEAR TERM**

**WHEREAS**, the City of South Gate ("City") is a member of the Los Angeles Gateway Region Integrated Regional Water Management Authority, a Joint Powers Authority ("JPA") approved by the Southeast Water Coalition, and the cities of Lakewood, Downey, Signal Hill, Cerritos, Norwalk, Santa Fe Springs, Whittier, Long Beach, Paramount, Vernon, and Bellflower; and

**WHEREAS**, on August 14, 2007, the City Council adopted Resolution No. 7201 approving the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority; and

**WHEREAS**, the JPA allows the Gateway region to develop a regional water management plan to address local needs and position the region to obtain future funding which will be available through Proposition 84; and

**WHEREAS**, proposed projects could include ground water management planning (i.e. conjunctive use); urban water management planning; the preparation of a water supply assessment; the planning, construction or modification of a flood management project; the planning, construction or modification of a water recycling project; the planning, construction or modification of a domestic water supply facility to meet safe drinking water standards; the planning, construction or modification of a drainage water management unit, and/or the implementation of a water conservation program; and

**WHEREAS**, the JPA provides that the City Council of each member City appoint a Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority Governing Board and also appoint an Alternate Board Member to represent the City's interest in the absence of the City Council appointee; and

**WHEREAS**, on September 25, 2007, City Council adopted Resolution No. 7213 appointing Council Member De Witt as a Board Member and Paul Adams, Director of Parks and Recreation, as an alternate Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for a two year term;

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

**SECTION 1.** The City Council hereby appoints W.H. (Bill) De Witt, Council Member to serve a two year term as the Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority in which the City is a member.

**SECTION 2.** The City Council hereby appoints Robert Dickey, the Director of Public Works, to serve a two year term as the Alternate Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority in which the City is a member.

**SECTION 3.** The individuals designated by the City Council as the City's Board Member and Alternate Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority Board in which the City is a member hereby confirms and designates as the City's delegates for all purposes of representing the City's interests and exercising the authority of the City with respect to the proposed projects and voting on behalf of the City on all matters delegated to the Governing Board.

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

**SECTION 5.** The City Clerk shall forward a certified copy of this Resolution to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority.

**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of November 2009.

**CITY OF SOUTH GATE:**

\_\_\_\_\_  
Henry C. Gonzalez, Mayor

**ATTEST:**

\_\_\_\_\_  
Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

Raul F. Salinas  
Raul F. Salinas, City Attorney

**RESOLUTION NO. 7201**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE APPROVING THE LOS ANGELES GATEWAY REGION, INTEGRATED REGIONAL WATER MANAGEMENT AUTHORITY, A JOINT POWERS AGREEMENT**

**WHEREAS**, provisions of the California Water Code (Section 10530) commonly referred to as the Integrated Regional Water Management Planning Act allows for three or more agencies. Two of which must have signing authority over water supply to genuinely prepare and implement a regional plan for the management of water resources; and

**WHEREAS**, the City is an urban water supplier of water providing water service to a population of over 103,000; and

**WHEREAS**, the City is interested in entering into an Agreement to create a "regional water management group" as defined in and authorized by the Integrated Regional Water Management Planning Act to develop a regional water management plan that will protect and enhance the region's water resources; and

**WHEREAS**, the City is a Public Agency as defined in the Joint Exercise of Powers Act, California Government Code (Section 6500).

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

**SECTION 1.** The Joint Exercise of Powers agreement for the Los Angeles Gateway Regional Water Management Authority is hereby adopted.

**SECTION 2.** The Mayor is hereby authorized and directed to execute said agreement.

**SECTION 3.** The City Clerk shall certify to the adoption of this Resolution.

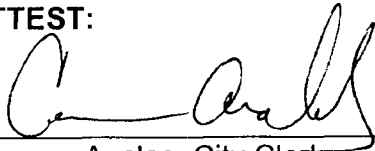
**PASSED, APPROVED and ADOPTED** this 14<sup>th</sup> day of August, 2007.

**CITY OF SOUTH GATE**



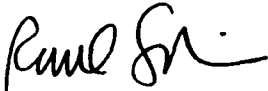
\_\_\_\_\_  
W.H. (Bill) De Witt, Mayor

**ATTEST:**



\_\_\_\_\_  
Carman Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Raul F. Salinas, City Attorney

**RESOLUTION NO. 7213**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SOUTH GATE APPOINTING A DIRECTOR/BOARD MEMBER  
AND AN ALTERNATE DIRECTOR/BOARD MEMBER TO THE  
LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL  
WATER MANAGEMENT AUTHORITY**

**WHEREAS**, the City of South Gate ("City") is a member of the Los Angeles Gateway Region Integrated Regional Water Management Authority, a Joint Powers Authority ("JPA") approved by the Southeast Water Coalition, and the Cities of Lakewood, Downey, Signal Hill, Cerritos, Norwalk, Santa Fe Springs, Whittier, Long Beach, Paramount and Bellflower; and

**WHEREAS**, on August 14, 2007, the City Council adopted Resolution No. 7201 approving the Los Angeles Gateway Region Integrated Regional Water Management Authority; and

**WHEREAS**, the JPA will allow the Gateway region to develop a regional water management plan to address local needs and position the region to obtain future funding which will be available through Proposition 84; and

**WHEREAS**, proposed projects could include ground water management planning (i.e. conjunctive use); urban water management planning; the preparation of a water supply assessment; the planning, construction or modification of a flood management project; the planning, construction or modification of a water recycling project; the planning, construction or modification of a domestic water supply facility to meet safe drinking water standards; the planning, construction or modification of a drainage water management unit, and/or the implementation of a water conservation program; and

**WHEREAS**, the JPA provides that the City Council of each member City shall appoint a Director/Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Authority Governing Board and also appointment of an Alternate Director/Board Member to represent the City's interest in the absence of the City Council appointee; and

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

**SECTION 1.** The City Council hereby appoints Mayor W.H. (Bill) De Witt to serve a two year term as the Director/Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Authority in which the City is a member.

**SECTION 2.** The City Council hereby appoints the Director of Parks and Recreation to serve a two year term as the Alternate Director/Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Authority in which the City is a member.

**SECTION 3.** The individuals designated by the City Council as the City's Director/Board Member and Alternate Director/Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Authority Board in which the City is a member hereby confirms and designates as the City's delegates for all purposes of representing the City's interests and exercising the authority of the City with respect to the proposed projects and voting on behalf of the City on all matters delegated to the Governing Board.

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

**SECTION 5.** The City Clerk shall forward a certified copy of this Resolution to the Los Angeles Gateway Region Integrated Regional Water Management Authority.

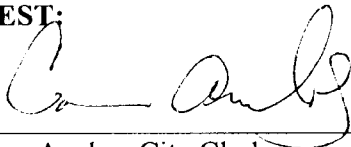
**PASSED, APPROVED and ADOPTED** this 25<sup>th</sup> day of September 2007.

**CITY OF SOUTH GATE:**



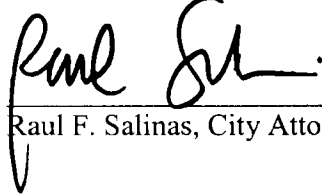
W.H. (Bill) De Witt, Mayor

**ATTEST:**



Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**



Raul F. Salinas, City Attorney

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**City of South Gate**

**CITY COUNCIL**

**Item No. 2**

**CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER**

**AGENDA BILL**

*For the meeting of November 10, 2009*

*Originating Department: Administration/Personnel*

*Department Head:*

  
Lolita Brown Fletcher

*City Manager:*

  
Ronald Bates

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**SUBJECT: CONSIDERATION OF CERTIFICATION OF PERS INDUSTRIAL  
DISABILITY RETIREMENT FOR RUSSELL GALBREATH, POLICE LIEUTENANT.**

**ACTION:**

- a. Adopt a Resolution determining that Russell Galbreath is not incapacitated within the meaning of the Public Employees' Retirement Law and that any such disability is not a result of injury arising out of and in the course of his employment; and
- b. Notify the Public Employees' Retirement System (PERS) that the City opposes the Disability Retirement application of Russell Galbreath, Police Lieutenant.

**FISCAL IMPACT:** The fiscal impact to the City is unknown at this time and has to do with opposing the disability application. This action will affect the pension that Russell Galbreath will receive from CalPERS.

**REPORT SUMMARY:** This matter will be discussed in closed session. City staff will be able to address any questions concerning this matter. If the City Council concurs in this recommendation, action on the resolution would take place upon returning from closed session. If the City Council disagrees with this recommendation, direction will be given to City staff accordingly.

**ATTACHMENT:** Proposed Resolution

**RESOLUTION NO. \_\_\_\_\_**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE DETERMINING THAT RUSSELL GALBREATH IS NOT INCAPACITATED WITHIN THE MEANING OF THE PUBLIC EMPLOYEES' RETIREMENT LAW AND THAT SUCH DISABILITY IS NOT A RESULT OF INJURY ARISING OUT OF AND IN THE COURSE OF HIS EMPLOYMENT**

**WHEREAS**, the City of South Gate (hereinafter referred to as "Agency") is a contracting Agency of the Public Employees' Retirement System; and

**WHEREAS**, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment, in which the employee is classified as a local safety member, is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

**WHEREAS**, an application for industrial disability retirement of Russell Galbreath, employed by the agency in the position of Police Lieutenant, has been filed with the Public Employees' Retirement System; and

**WHEREAS**, the Agency has reviewed the medical and other evidence relevant to such alleged disability;

[Remainder of page left blank intentionally]

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

**SECTION 1.** The City Council hereby finds and determines that Russell Galbreath is NOT incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Lieutenant with our Agency and with other California public agencies in CalPERS.

**SECTION 2.** The City Clerk shall certify to the passage and adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of November 2009.

**CITY OF SOUTH GATE:**

\_\_\_\_\_  
Henry C. Gonzalez, Mayor

**ATTEST:**

\_\_\_\_\_  
Carmen Avalos, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Raul F. Salinas, City Attorney