

SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, January 12, 2010 at 6:30 p.m.

CALL TO ORDER: Henry C. Gonzalez, Mayor
INVOCATION: Pastor Martha Moncoso of Faith and Hope Lutheran Church
PLEDGE OF ALLEGIANCE: Sheri Koomen, Emergency and Technical Services Manager
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. Certificates of Appreciation: Community Emergency Response Team Course Participants

The City Council will: (POLICE)

- a. Present Certificates of Appreciation to the Community Emergency Response Team course participants who completed the course; and
- b. Introducing Instructors and Staff from the Los Angeles County Fire Department.

2. Resolution: Extension of the El Portal/Gateway Retail Project Site Plan

The City Council will conduct a Public Hearing to consider adopting a **Resolution** _____ - approving an extension of Site Plan 285 entitlements of October 25, 2010 subject to conditions 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)

3. Resolution: Approving Unconditional Use Permit No. 66 for Cell Tower at 9812 Long Beach

The City Council will conduct a Public Hearing to consider adopting a **Resolution** _____ - approving Unclassified Use Permit No. 66, a wireless telecommunications facility at 9812 Long Beach Boulevard consisting of twelve panel antennas mounted on a new monopine tower antenna, within a 31’X23’ enclosed lease area at the base of the antenna including environmental findings and determination that the project is exempt under Class 3 Section 15303 of California Environmental Quality Act. (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 and 9 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. Resolution: Declaring its Intention Establishing Underground Utility District No. 11 on Tweedy Boulevard

The City Council will consider: (PW)

- a. Adopting a Resolution of intention to establish Underground Utility District No. 11 on Tweedy Boulevard from Atlantic Avenue to approximately 800 feet east of Atlantic Avenue and set a public hearing for February 9, 2010; and
- b. Directing the City Clerk to notify all affected utilities and property owners as shown on the last equalized assessment roll within the proposed Underground Utility District No. 11 within ten (10) days after the adoption of the Resolution of Intention.

5. Tweedy Mile Security Agreement

The City Council will consider approving an agreement with the Tweedy Mile Association for Security Services for fiscal year 2009-2010. (POLICE)

6. Amendment No. 2 to Cont No. 2364 with Golden Boy Partners, an extension for completion of public improvements

The City Council will consider: (PW)

- a. Approving Amendment No. 2 to Contract No. 2364 with GBP Southern Avenue, LLC, a Subdivision Improvement Agreement, extending the completion of Public Work Improvements and reducing the amount of securities for 2405 Southern Avenue; and
- b. Authorizing the Mayor to execute the Amendment in a form approved by the City Attorney.

7. Agreement with Restroom Facilities Limited for three restrooms at South Gate Park

The City Council will consider: (PARKS)

- a. Awarding a contract to Restroom Facilities Limited, the lowest responsible bidder, for the replacement of two restroom buildings, #2 and #3, and installation of a new restroom building #7 at South Gate Park in the amount of \$389,640;

- b. Authorizing the Mayor to execute the contract in a form approved by the City Attorney;
- c. Authorizing the Director of Parks & Recreation to sign all subsequent agreements and documents as required to complete the acquisition and installation of the restrooms; and
- d. Approving a contingency of up to \$64,705 for the installation expense, site preparation and unexpected change orders, up to the total grant amount of \$454,345.

8. Hartzog & Crabill’s recommendations for the intersections of Walnut/Michigan and Walnut/Teneya

The City Council will consider approving Hartzog & Crabill, Inc. (HCI), the City’s Traffic Consultant report and recommendations to: (PW)

- a. Deny the request for the installation of unwarranted stop signs at the intersections of Walnut Avenue/Michigan Avenue and Walnut Avenue/Tenaya Avenue;
- b. Remove five (5) feet of red curb on the northeast corner of Walnut Avenue/Michigan Avenue; and
- c. Remove ten feet (10) of red curb on the northwest corner and five (5) feet of red curb on the southeast corner of Walnut Avenue/Tenaya Avenue.

9. City Council Meeting Minutes

The City Council will consider approving the Special City Council Meeting Minutes of November 30, 2009 and the Regular City Council Meeting Minutes of December 8, 2009. (CLERK)

10. Ratification of Warrant for December 22, 2009 and Warrant Register for January 12, 2010

The City Council will consider approving the Warrants and Cancellations for January 12, 2010 (FIN)

| | |
|------------------------------|-----------------|
| Total of Checks: | \$1,664,335.33 |
| Voids | \$ -24,392.83 |
| Total of Payroll Deductions: | \$ <213,914.73> |
| Grand Total: | \$1,426,027.77 |

Cancellation: 25822

11. Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on January 7, 2010, at 5:30 p.m., as required by law.



Carmen Avalos, City Clerk

RECEIVED

City of South Gate

CITY COUNCIL

Item No. 1

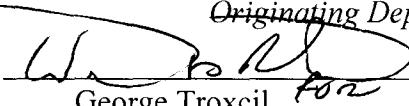
JAN 07 2010

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

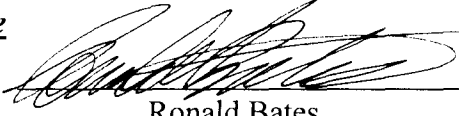
For the Regular Meeting of January 12, 2010

Originating Department: Police

Department Head:


George Troxcil

City Manager:


Ronald Bates

SUBJECT: RECOGNIZING PARTICIPANTS OF THE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) COURSE

ACTION: Mayor Gonzalez will:

- a. Present Certificates of Appreciation to the Community Emergency Response Team course participants who completed the course; and
- b. Introduce Instructors and Staff from the Los Angeles County Fire Department.

FISCAL IMPACT: None

REPORT SUMMARY: Following a major disaster, police, fire and medical professionals may not be able to fully meet the demands of the emergency. People will have to rely on each other to meet the immediate life saving and life sustaining needs, particularly in isolated neighborhoods that may be inaccessible from the main roads for a period of time.

The County of Los Angeles Fire Department's Community Emergency Response Team (C.E.R.T.) program was developed to provide basic training in safety and life saving skills for the general public. The City of South Gate recently hosted another seven-week program with 26 graduating students. The Council is recognizing those who completed the course.

The course curriculum covered the following modules:

1. Disaster Preparedness
2. Disaster Fire Suppression
3. Disaster Medical Operations I
4. Disaster Medical Operations II
5. Light Search and Rescue
6. Disaster Psychology and Terrorism
7. Disaster Simulation and Exercise

ATTACHMENTS:

1. List of CERT Course Participants
2. Certificates of Appreciation

SOUTH GATE CERT CLASS October-Nov 2009

| <u>LAST NAME</u> | <u>FIRST NAME</u> | |
|------------------|-------------------|------------------------------------|
| ABREGO | LORENA | Mail |
| ABREGO | MARK | Mail |
| AGUILERA | HUGO | |
| BARRERAS | BRAD | |
| CASILLAS | ERIC | |
| CASILLAS | MARIA | |
| CASILLAS | MIKE | |
| CURIEL | MARCIE | |
| DAVILA | MARIA | |
| DUGAS | MELISA | Note, it's just one 'L' in Melisa. |
| ESPINOZA | CANDICE | |
| JIMENEZ | JULIE | |
| JOHNSON | VIRGINIA | |
| JUAREZ | MARIA | |
| LOPEZ | COLBER | |
| LOPEZ | VERONICA | |
| MARTINEZ | GREGORY | |
| PARRA | DAVID | |
| PARRA | MARIA I. | |
| PEREZ | GRICELDA | |
| SIRIA | ARIEL | |
| TAPSCOTT | IRMA | |
| VARADY | TRAVIS | |
| VILLANUEVA | GABRIEL | |
| ZARATE | ELVIA | |

RECEIVED

City of South Gate
CITY COUNCIL

Item No. 2

JAN 07 2010

AGENDA BILL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

For the Regular Meeting of: January 12, 2010

Originating Department: Community Development

Department Head Steven A. Lefever

City Manager Ronald Bates

SUBJECT: A RESOLUTION APPROVING AN EXTENSION OF THE JANUARY 28, 2010 EXPIRATION DATE OF APPROVED SITE PLAN 285, AS PROVIDED IN CITY COUNCIL RESOLUTION NO. 7341, APPROVED OCTOBER 27, 2009

ACTION : Following the conclusion of the Public Hearing, adopt a Resolution approving an extension of Site Plan 285 entitlements to October 25, 2010 subject to conditions 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")

FISCAL IMPACT: None

NOTICING PROCEDURES:

1. A Legal Notice was published in The South Gate Press on December 24, 2009.
2. Legal Notices were mailed to the surrounding properties on December 17, 2009.

REPORT SUMMARY: The Gateway Project located at 4635 Firestone Boulevard was approved by the South Gate City Council on February 12, 2008 and extended for 90 days on October 27, 2008. The approvals included the certification of the Environmental Impact Report for the Gateway 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 January 28, 2010 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 the 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 No. 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 270 day extension of the Gateway Project Site Plan 285 entitlements. The City, separate and apart, from the Developer and Target also desires to exercise its unilateral discretion to extend the Site Plan 285 entitlements for a

period of 270 days to expire on October 25, 2010, subject to certain conditions of approval.

- ATTACHMENTS:**
- A) Proposed Resolution
 - B) Entitlement Approvals Extension Request Letter
 - C) Resolution No. 7228
 - D) Resolution No. 7341
 - 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 AN EXTENSION OF SITE PLAN NO. 285 ENTITLEMENTS TO OCTOBER 25, 2010 SUBJECT TO CONDITIONS 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").

WHEREAS, On February 12, 2008, the South Gate City Council certified the Environmental Impact Report for the Gateway/El Portal retail project by approving Resolution No. 7227, approved Site Plan No. 285, subject to conditions of approval, by approving Resolution No. 7228 (the Entitlements"), approved Conditional Use Permit No. 782 for a Movie Theater/Place of Public Assembly, subject to conditions of approval, by approving Resolution No. 7229, approved Conditional Use Permit No. 783 for a health club, subject to conditions of approval, by approving Resolution No. 7230, and approved Lot Line Adjustment No. 89 by approving 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, as extended by Resolution No. 7341 approved October 27, 2009, by the South Gate City Council, the Entitlements shall become null and void if Building Permits for the proposed improvements are not issued by January 28, 2010 (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 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, expired on October 30, 2009; 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 and Developer that Target is in the process of taking assignment of the Gateway Project property from Developer and/or Developer's lender, and the City Council has received a request from Target for a 270-day extension of the

Expiration Date of the Entitlements; and

WHEREAS, in response to Developer's and Target's request to extend the Expiration Date for the second time, the City desires to approve a conditional extension of the Expiration Date of the Entitlements as provided in City Council resolution no. 7228, as previously extended by Resolution No. 7341 approved October 27, 2009, by the South Gate City Council; and

WHEREAS, the City separate and apart also desires to exercise its unilateral discretion to approve a conditional extension of the Expiration Date of the Entitlements as provided in City Council resolution no. 7228, as previously extended by Resolution No. 7341, by the South Gate City Council;

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 an extension of Site Plan 285 entitlements to October 25, 2010, 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 an extension of Site Plan 285 entitlements to October 25, 2010, subject to those conditions set forth on Attachment "A" attached hereto and incorporated herein by reference.

(Intentionally left blank)

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 the Entitlements 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 _____ day of January, 2010.


CITY OF SOUTH GATE:

Henry C. Gonzalez, Mayor

ATTEST:

Carmen Avalos, City Clerk

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

ATTACHMENT "A"

CONDITIONS OF APPROVAL

1. Target or Developer 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 (the "Reimbursement Agreement"), and all amounts due thereunder to the City. If Target or Developer do not pay all amounts currently due to the City, including without limitation, the amounts due under the Reimbursement Agreement by 5:00 p.m. March 21, 2010, the extension of the Entitlements shall be deemed terminated.
3. Target or Developer shall maintain the property known as the Gateway Project (the "Property") free and clear of all weeds, litter and garbage pursuant to the City's Municipal Code requirements. 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 from time to time. The Developer shall be billed for such clean up and abatement cost and a lien shall be recorded against the Property if timely cleanup and payment is not made to the City.
4. The extension of the Entitlements provided in the foregoing resolution is conditioned upon the signing and recording of a Memorandum of termination of the Option Agreement, which expired on its own terms on October 30, 2009, and this extension of the Entitlements shall under no circumstances be construed as an extension of the Option Agreement. If Developer fails to execute and record in the Official Records of Los Angeles County California, a Memorandum of Termination of the Option Agreement by March 21, 2010, the extension of the Entitlements shall be deemed terminated.
5. If Developer, Target and the City do not 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 on or before March 21, 2010, the extension of the Entitlements shall be deemed terminated.
6. This extension of the Entitlements shall be deemed terminated, if Target does not construct the foundation for a minimum of 125,000 square feet of retail/commercial building space on the Property and that has been inspected and approved by the City of South Gate Building Division by October 1, 2010.
7. Notwithstanding the foregoing: (1) the City Manager shall have, in his sole discretion, without further City Council approval the right to extend the dates of any required performance date hereunder as he deems appropriate, provided no date is extended beyond October 25, 2010.



December 15, 2009

Mr. Steve Lefever
Director of Community Development
CITY OF SOUTH GATE
8650 California Avenue
South Gate, CA 90280

Re: Request for Extension of Entitlement Approvals for the proposed retail development project located on the NWC of Firestone and Atlantic formerly known as "El Portal" (the "Project")

Dear Mr. Lefever:

With reference to Site Plan 285 for the approximate 30.5-acre property located at 4635 Firestone Boulevard in South Gate, California formerly known as "El Portal," this letter shall serve as Target Corporation's ("Target") request for a 270-day extension of the Project entitlements as described below.


As you are aware the City Council previously extended the Project entitlements which are now scheduled to expire on January 28, 2010. The parties have made significant progress during the extension period and hereby request an additional extension of the Project entitlement for 270 days following the scheduled expiration date.

We request that this matter be considered by the South Gate City Council no later than its January 12, 2010 Council meeting. This extension request related to the existing Project entitlements is being made with the knowledge and consent of the undersigned Borrower.

Very truly yours,

(signature pages attached)

TARGET CORPORATION,
a Minnesota corporation

By: 
Name: STEPHEN ROSS
Its: DIRECTOR

(Target signature page to entitlements extension request)

Acknowledgement & Consent:



Michael Mugel
Managing Member
South Gate Gateway LLC

(South Gate Gateway LLC signature page to entitlements extension request)