

SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, January 26, 2010 at 6:30 p.m.

CALL TO ORDER: Henry C. Gonzalez, Mayor
INVOCATION: Father Sam Ward, St. Helen Church
PLEDGE OF ALLEGIANCE: Vincent Avila, former Chief of Police
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: Former Chief of Police Vincent Avila for his 28 years of Dedicated Service**

Mayor Gonzalez will issue a Proclamation to Retired Chief of Police Vincent Avila in recognition of his 28 years of service to the City. (ADMIN/PERS)

2. Presentation by Independent Cities Risk Management Authority of City's Dividend Check and Rising Star Award

Mayor Gonzalez will receive a Dividend Check and Rising Star Award from Independent Cities Risk Management Authority (ICRMA), the City's Risk Management Joint Powers Authority. (ADMIN/PERS)

3. Introduce Ordinance: Amending Chapter 11.31 – Replacing the Design Review Committee

The City Council will conduct a Public Hearing to consider: (CD)

- a. Accepting the determination that this project is Categorically Exempt under Class 1 Existing Facilities Section 15301 of California Environmental Quality Act; and
- b. Waiving the reading in full and introduce an Ordinance amending Title 11 (Zoning), Chapter 11.31 (Signs – General Policies, Provisions, and Procedures) by amending Sections 11.31.030 (Definitions); 11.31.040 (General policies), 11.31.050 (Prohibited signs), 11.31.090 (Signs allowed by sign permit only in commercial and manufacturing zones), 11.31.110 (New sign permit process) and Section 11.31.120 (Nonconforming signs) and deleting Sections 11.31.030.23 (Definitions) and 11.31.035 (Design review committee) of the South Gate Municipal Code relating to signs.

4. Adopt 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' X 23' 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 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.

5. Resolution: Determining the Disability of Juan Cabral

The City Council will consider: (ADMIN/PERS)

- a. Adopting a **Resolution** _____ determining that Juan Cabral is incapacitated within the meaning of the Public Employees’ Retirement Law and that such disability is a result of injury arising out of and in the course of his employment; and
- b. Authorizing the Public Employees’ Retirement System (PERS) to process the Disability Retirement application of Juan Cabral, Police Officer

6. Resolution: Approving the Application for Prop 84 – Statewide Park Program Grant Funds for Completion of State Street Park

The City Council will consider: (PARKS)

- a. Adopting a **Resolution** _____ approving the application for statewide park program grant funds through the Proposition 84 grant program for the completion of State Street Park;
- b. Directing staff to take steps necessary to complete the application process on behalf of the City; and
- c. Authorizing the Director of Parks & Recreation to execute, on behalf of the City, all documents required to apply for, accept and implement said grant as approved by the City Attorney.

7. Amendment No. 1 with Oldtimers Foundation for Food Services

The City Council will consider:

- a. Approving Addendum No. 1 with Oldtimers Foundation for food services;
- b. Authorizing the Director of Parks & Recreation to finalize negotiations with Oldtimers and execute Addendum No. 1 in a form approved by the City Attorney;
- c. Authorizing the City Manager to execute any subsequent documents as required to implement the existing Food Services Agreement and Addendum No. 1, including a notice of termination as required to prevent any unbudgeted costs to the City;
- d. Confirming the City’s position that City funds are not available for the program and that if continuation funding can not be secured that the program is to be terminated at the end of funding in September 2010; and
- e. Directing staff to report to the Parks & Recreation Commission on the results of the program and request a recommendation from the Commission by August of 2010 as to the value of continuing the program if funding is available.

8. Agreement with George Troxcil as Chief of Police

The City Council will consider: (ATTY)

- a. Approving Employment Agreement (**Contract No.** _____) for Chief of Police George Troxcil; and
- b. Authorizing the Mayor to execute Agreement in a form acceptable to the City Attorney.

9. Construction Contract for Upgrading the Fuel Tank at South Gate Park

The City Council will consider: (PW)

- a. Awarding construction **Contract** _____ to TLM Petro Labor Force, Inc., the lowest responsible bidder, in the amount of \$61,927 for the Upgrade of the Underground Fuel Tank at South Gate Park, City Project No. 423-GEN; and
- b. Authorizing the Mayor to execute the Contract Agreement in a form approved by the City Attorney.

10. 2008-2009 Comprehensive Annual Financial Report

The City Council will consider receiving and filing the Comprehensive Annual Financial Report for Fiscal Year 2008-09. (FIN)

11. Mid-Year Budget Review

The City Council will consider: (FIN)

- a. Directing staff to suspend the General Fund's charges from the Insurance Fund for fiscal year 2009-2010 and adjust the budget accordingly; and
- b. Directing staff to prepare a ballot measure for the March, 2011 municipal election to increase the Street Lighting and Landscaping Assessment; and
- c. Increasing the budgeted transfer between the Community Development Commission's Debt Service Fund and its Capital Projects Fund from \$2 million to \$5 million to eliminate the fund deficit; and
- d. Directing staff to reopen negotiations with all employee bargaining units for the 2010-2011 fiscal year; and
- e. Receiving and filing the Mid-Year Budget Report for Fiscal Year 2009-2010.

12. Ratification of Warrant for Register for January 26, 2010

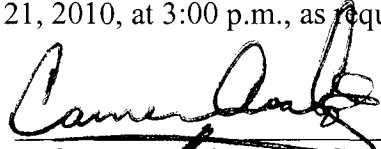
The City Council will consider approving the Warrants and Cancellations for January 26, 2010 (FIN)

Total of Checks:	\$1,700,231.08
Voids	\$ -26,051.28
Total of Payroll Deductions:	<u>\$ <219,668.90></u>
Grand Total:	\$1,454,510.90

Cancellation: 26113

13. Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on January 21, 2010, at 3:00 p.m., as required by law.


Carmen Avalos, City Clerk

RECEIVED

Item No. 1

JAN 20 2010

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

City of South Gate
CITY COUNCIL

AGENDA BILL

For the Regular Meeting of January 26, 2010

Originating Department: Administration/Personnel

Dept. Head Lolita B. Fletcher



City Manager Ronald Bates



SUBJECT: PROCLAMATION TO RETIRED CHIEF OF POLICE VINCENT AVILA

ACTION: Mayor Gonzalez will issue a Proclamation to Retired Chief of Police Vincent Avila in recognition of his 28 years of service to the City.

FISCAL IMPACT: None.

REPORT SUMMARY: The City Council will honor the City's outgoing Chief of Police for his outstanding and long term service to the City of South Gate and its residents. As the attached proclamation indicates Retired Chief of Police Avila gave many years of quality service and commitment to the City of South Gate. 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.

Chief of Police Avila retired on December 31, 2009 with 28 years of distinguished service to the City of South Gate and its residents. Retired Chief Avila began his career with South Gate in 1981 when he was hired as a Police Recruit. From 1981 through 1989, Avila served as a Police Officer for the Patrol Division and then the Services Division on Special Assignment as a Detective. In 1989, Avila was promoted to a Field Training Officer in the Patrol Division where he served until 1992. It was in 1992 when he began to promote up through the ranks. That year he accepted the position of Police Sergeant in Patrol. As a Sergeant, he also served on the Crime Impact Team, in the Detective Bureau and later in the Administration Division where he served through 1997. From 1997 through 2003, Avila served as Police Lieutenant in the Patrol Division as Watch Commander. From 2003 through 2009, Avila served as Police Captain in the Services Division. In early 2009, Avila accepted the position of Chief of Police, serving in that capacity until his recent retirement.

In addition to the many formal positions held by this esteemed officer, Retired Chief Avila was very active in the Police Officers Association, Police Management Association and in many community organizations. The City of South Gate owes a great debt of gratitude to our outgoing Chief of Police. Retired Chief Avila is admired and respected and will be missed. On this day we thank and honor him for 28 years of service. We wish him the best of all things as he begins his retirement.

ATTACHMENT: Proclamation

Presented to

VINCENT AVILA

In recognition of his 28 years of service to the City of South Gate

WHEREAS, *in 1981 Vincent Avila was hired as a Police Recruit with the Police Department where he served 28 years; and*

WHEREAS, *in 1981 he was hired as a Police Officer where through 1989 he was assigned to the Patrol Division and to the Services Division on Special Assignment as a Detective; and*

WHEREAS, *in 1989 he was assigned as a field training officer where through 1992 he was assigned to the Patrol Division; and*

WHEREAS, *in 1992 he was promoted to Police Sergeant where through 1997 he was assigned to the Patrol Division as a Patrol Sergeant and the Crime Impact Team, the Services Division as Detective Bureau Sergeant, and in the Administration Division; and*

WHEREAS, *in 1997 he was promoted to Police Lieutenant where through 2003 he was assigned to the Patrol Division as Watch Commander; and*

WHEREAS, *in 2003 he was promoted to Police Captain where through 2009 he was assigned to the Services Division; and*

WHEREAS, *in 2009 he was appointed Chief of Police where he completed his watch as of December 31, 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 26th day of January 2010, 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 Vincent Avila and duly thank him for his 28 years of dedicated service to the City of South Gate.*

1s/ Henry C. Gonzalez
Henry C. Gonzalez, Mayor

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City of South Gate

CITY COUNCIL

JAN 20 2010

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

AGENDA BILL

For the Regular Meeting of January 26, 2010

Originating Department: Administration/Personnel

Dept. Head Lolita B. Fletcher  City Manager Ronald Bates: 

SUBJECT: PRESENTATION BY INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY ("ICRMA") OF DIVIDEND CHECK AND AWARD TO THE CITY OF SOUTH GATE

ACTION: Mayor Gonzalez will receive a Dividend Check and Rising Star Award from Independent Cities Risk Management Authority (ICRMA), the City's Risk Management Joint Powers Authority.

FISCAL IMPACT: The City's receipt of the dividend check in the amount of \$135,035 has been deposited into the City's Insurance Fund to offset any increases in the estimated risk fund premiums.



REPORT SUMMARY: The City belongs to ICRMA, a Joint Powers Authority (JPA) for the purposes of pooling assets, promoting risk control, and containing liability and costs related to municipal insurances, litigation and safety matters. ICRMA is governed by its member cities and managed by Bickmore Risk Services. Each year a portion of the JPA's funds are invested and sometimes dividends are declared. As a means of promoting its practices, services and successes to City Council's and Communities, ICRMA is making public presentations of the dividend checks distributed last December.

Additionally, ICRMA will be presenting the City with the Rising Star Award for its commitment to and involvement in ICRMA and the demonstrated implementation of safe and best practices throughout the City. The City's Risk Manager has applied for and received recognition through the Star Recognition Program for the City for three consecutive years. Vice Mayor Gregory Martinez is the Governing Board Member Delegate, Personnel Director Lolita Brown Fletcher is the Alternate Board Member and Claims Committee Member and Risk Manager Janna Payne is the Substitute Alternate Board Member, Administrative Committee Member and serves on the Marketing Member Services Task Force of ICRMA.

ATTACHMENT: None

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City of South Gate

Item No. 3

JAN 20 2010

CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

AGENDA BILL

For the Regular Meeting of: January 26, 2010


Originating Department: Community Development

Department Head Steven A. Lefever: _____ City Manager Ronald Bates: 

SUBJECT: AMENDMENT TO TITLE 11(ZONING) AS IT RELATES TO SIGN REGULATIONS.

ACTION: Following conclusion of the Public Hearing:

- a. Accept the determination that this project is Categorically Exempt under Class 1 Existing Facilities Section 15301 of California Environmental Quality Act; and
- b. Waive the reading in full and introduce an Ordinance amending Title 11 (Zoning), Chapter 11.31(Signs - General Policies, Provisions, and Procedures) by amending Sections 11.31.030(Definitions); 11.31.040(General policies), 11.31.050(Prohibited signs), 11.31.090(Signs allowed by sign permit only in commercial and manufacturing zones), 11.31.110(New sign permit process) and Section 11.31.120(Nonconforming signs) and deleting Sections 11.31.030.23(Definitions) and 11.31.035(Design review committee) of the South Gate Municipal Code relating to signs.

FISCAL IMPACT: No fiscal impact is anticipated with the adoption of this Ordinance. 

PUBLIC NOTIFICATION: A Notice of Public Hearing was published in The Press on November 12, 2009.

ENVIRONMENTAL EVALUATION: This project is exempt from CEQA given the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

REPORT SUMMARY: The proposed Ordinance was presented at the City Council meeting of November 24, 2009 and subsequently, with little or no discussion/testimony continued to January 26, 2010. It is necessary to amend several sections of the South Gate Municipal Code that refer to the Design Review Committee (DRC). Currently, the DRC is authorized to review nonconforming signs, sign themes proposed for all Site Plan applications, murals and other applications as described in the sign code. Section 11.31.035 of the South Gate Municipal Code describes the composition of the DRC and includes members appointed from various committees such as the Beautification Committee, the Chamber of Commerce, Tweedy Mile Association, Hollydale Business Association, Firestone Business association. Over the past few years it has not been possible to form the DRC due to a combination of factors including the dissolution of some organizations, reductions in the volunteers willing to serve, and conflicting schedules of the various committee members. Therefore, to implement the various sections of the sign code it is necessary to assign certain duties of the DRC to the Planning Commission and to the Director of Community Development.

- ATTACHMENTS:**
- A) Proposed Ordinance
 - B) Planning Commission Report
 - C) Current Sign Code with mark up of amendments
 - D) Pubic Hearing Notice

ORDINANCE NO.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE AMENDING TITLE 11(ZONING), CHAPTER 11.31(SIGNS – GENERAL POLICIES, PROVISIONS, AND PROCEDURES) BY AMENDING SECTIONS 11.31.030(DEFINITIONS); 11.31.040(GENERAL POLICIES), 11.31.050(PROHIBITED SIGNS), 11.31.090(SIGNS ALLOWED BY SIGN PERMIT ONLY IN COMMERCIAL AND MANUFACTURING ZONES), 11.31.110(NEW SIGN PERMIT PROCESS) AND 11.31.120(NONCONFORMING SIGNS) AND DELETING SECTIONS 11.30.030.23(DEFINITIONS) AND 11.31.035(DSIGN REVIEW COMMITTEE), OF THE SOUTH GATE MUNICIPAL CODE RELATING TO SIGNS.

WHEREAS, the City Council upon giving the required notice, did on the twenty fourth of November, 2009 and twenty sixth day of January, 2010, conduct a duly advertised public hearing as required by law to consider said amendment, public testimony was solicited; and

WHEREAS, the Municipal Code must be reviewed periodically in order to update various provisions of the code to promote business development which is of prime concern to the City Council; and

WHEREAS, Sign Regulations are necessary to maintain the aesthetics of City's commercial corridors; and

WHEREAS, the aesthetics of commercial corridors affects property values and community attitudes which is of prime concern to the City Council; and

WHEREAS, other municipalities have made use of similar development standards to ensure the safety and well being of the established community; and

WHEREAS, the Planning Commission held a public hearing on this matter on the third day of November, 2009, and recommended its approval to the City Council; and

WHEREAS, this Ordinance is necessary to protect the health, safety and public welfare of the citizens of South Gate;

WHEREAS, the City Council at their meeting of November 24, 2009 continued this item to January 26, 2010:

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

SECTION 1: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.030(23) of the South Gate Municipal Code is hereby repealed and deleted in its entirety.

SECTION 2: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.030(60) of the South Gate Municipal Code is hereby amended to read as follows:

“Sign permit” shall mean a permit with an identification number issued by the building department (exclusive of electrical or structural permit required depending on the sign type). The permit registers a sign that has been approved by the department of community development, or city planning commission.

SECTION 3: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.035(Design review committee) of the South Gate Municipal Code is hereby repealed and deleted in its entirety.

SECTION 4: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.040.6 of the South Gate Municipal Code is hereby amended to read as follows:

6. If more than two sides of a sign structure are to be used for display, the permit may be subject to review by the director of community development or its designee.

SECTION 5: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.040.11 of the South Gate Municipal Code is hereby amended to read as follows:

11. A planned sign design may be approved for existing commercial or industrial, individual business, or business centers subject to review by the director of community development or its designee.

SECTION 6: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.050.16 of the South Gate Municipal Code is hereby amended to read as follows:

16. Any sign not specifically authorized by this ordinance is prohibited, unless authorized by specific approval of the director of community development, or the city planning commission.

SECTION 7: Title 11(Zoning), Chapter 11.31(Signs-General policies, provisions, and procedures), Section 11.31.090.1 of the South Gate Municipal Code is hereby amended to read as follows: