

SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, February 23, 2010 at 6:30 p.m.

CALL TO ORDER: Henry C. Gonzalez, Mayor
INVOCATION: Steve Lefever, Director of Community Development
PLEDGE OF ALLEGIANCE: Paul Adams, Director of Parks and Recreation
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. Resolution: Approving Unclassified 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)

2. Projects and Allocations for 2010-2011 Community Development Block Grant Funds

The City Council will conduct a Public Hearing to consider approving the list of proposed projects with the appropriate funding under the Community Development Block Grant (CDBG) Program for Fiscal Year 2010-2011 as recommended by the Citizen’s Advisory Committee (CAC). (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 3, 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.

3. Resolution: Initiating proceedings for annual levy of the Street Lighting & Landscaping in Maintenance District No. 1

The City Council will consider adopting a **Resolution** _____ initiating proceedings for the annual levy of the FY 2010-2011 assessments and ordering preparation of an Engineer’s Report for Street Lighting and Landscaping Maintenance District No. 1. (PW)

4. Resolution: Declaring its intention to vacate Adella Avenue for South Region High School No. 9

The City Council will consider: (PW)

- a. Adopting a **Resolution** _____ declaring its intention to vacate Adella Avenue between Tweedy Boulevard and approximately 175 feet south of Wood Avenue, City Project No. 432-ST, and setting a Public Hearing for March 23, 2010; and
- b. Directing the City Clerk to publish the Notice of Public Hearing as required by law.

5. Resolution: Updating Class specifications for the Training Specialist and Risk Manager Positions

The City Council will consider adopting a **Resolution** _____ amending Resolution No. 6454 (Salary Resolution and Classification Plan) reflecting updated class specifications for the Training Specialist and Risk Manager positions. (ADMIN/PERS)

6. Willdan Energy Solutions Agreement for preparation of Local Government Strategic Plan Grant Proposal for Energy Efficiency Funds

The City Council will consider: (PW)

- a. Authorizing Willdan Energy Solutions to prepare, at no cost or obligation to the City, a Local Government Strategic Plan Grant Proposal to Southern California Edison (SCE) for Energy Efficiency Funds; and
- b. Authorizing the Mayor to execute the Agreement in form approved by the City Attorney.

7. 2002 Engineering and Traffic Survey Extension Report

The City Council will consider: (PW)

- a. Receiving and filing the “Assessment of the 2002 Engineering and Traffic Survey for Speed Limit Time Extension” report prepared by Hartzog & Crabill, Inc. (HCI); and
- b. Authorizing the Director of Public Works to notify the Huntington Park Courthouse of the three year extension to January 27, 2012 of speed limits noted in 2002 Engineering and Traffic Survey except for Atlantic Avenue from Firestone Boulevard to south City limit and Tweedy Boulevard from Long Beach Boulevard to west City limit; and
- c. Authorizing HCI to conduct engineering and traffic surveys for Atlantic Avenue from Firestone Boulevard to south City limit and Tweedy Boulevard from west City limit to Long Beach Boulevard upon completion of Atlantic Avenue raised median improvement project.

8. Neighborhood Stabilization Program 1 Grant

The City Council will consider: (CD)

- a. Appropriating \$970,490 in the American Recovery and Reinvestment Act (ARRA) Fund for the Neighborhood Stabilization Program 1 (NSP1) grant; and
- b. Ratifying the acquisition of 9317 San Vincente Avenue for a housing rehabilitation project by Oldtimers Housing Development Corporation IV; and
- c. Approving loan of \$220,000 from the Low-Mod Housing Fund to the ARRA Fund.

9. City Council Meeting Minutes

The City Council will consider approving the Special City Council Meeting Minutes of February 9, 2010 and Regular City Council Meeting Minutes of February 9, 2010.
(CLERK)

10. Agreement with Mike Matsumoto as Interim Finance Director

The City Council will consider approving an agreement (**Contract No. _____**) with Michael Matsumoto for Interim Finance Director Services. (FIN)

11. Review of Community Events and Recommendations

The City Council will consider approving staff’s recommendation. (FIN)

12. Interim Urgency Ordinance: Adding definition of Medical Marijuana Dispensaries

The City Council will consider waiving the reading in full and adopt an Interim Urgency Ordinance amending Title 11 (Zoning), Chapter 11.04 (Definitions) by adding Section 11.04.351 (Medical Marijuana Dispensaries) and prohibiting such use. (CD)

13. Urgency Ordinance: Amending Title 11 (Zoning) of the Municipal Code by adding Chapter 11.59 (Establishment of Form Based Code) and Chapter 11.60 (Form Based Development Code)

The City Council will consider waiving the reading in full and adopt an Urgency Ordinance _____ amending Title 11 (Zoning) of the South Gate Municipal Code by adding Chapter 11.59 (“Establishment of Form Based Code” (FBC)) and Chapter 11.60 (“Form Based Development Code”). (CD)

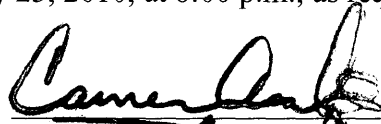
14. Warrant Register for February 23, 2010

The City Council will consider approving the Warrants and Cancellations for February 23, 2010 (FIN)

Total of Checks:	\$2,309,810.80
Total of Payroll Deductions:	<u>\$ <372,051.35></u>
Grand Total:	\$1,937,759.45

15. Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on February 23, 2010, at 6:00 p.m., as required by law.



Carmen Avalos, City Clerk

RECEIVED

FEB 18 2010

City of South Gate
CITY COUNCIL

AGENDA BILL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

For the Regular Meeting of: February 23, 2010

Originating Department: Community Development

Department Head Steven A. Lefever

City Manager Ronald Bates

**SUBJECT: UNCLASSIFIED USE PERMIT NO. 66, A WIRELESS
TELECOMMUNICATIONS FACILITY AT 9812 LONG BEACH BOULEVARD**

ACTION: Following the conclusion of the continued Public Hearing, adopt 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.

FISCAL IMPACT: There will be fees required to cover costs.

NOTICING PROCEDURES:

1. A Legal Notice was published in The Press on December 31, 2009.
2. Legal Notices were mailed to the surrounding properties on December 23, 2009.

REPORT SUMMARY: The Public Hearing was continued from the City Council Meeting of January 12, 2009, as two Council Members were absent, the City Council unanimously continued the item to allow all members of the City Council to have the opportunity to comment and contribute to the public hearing.

On January 26, 2010, the City Council again continued the item at the request of the Department of Public Works so that additional comments and conditions of approval could be added to reflect that Long Beach Boulevard is an Underground Utilities District.

On February 9, 2010, the City Council again continued the item so that staff could address the following questions posed by various members of the City Council:

Councilman Hurtado questioned, "What is the reason for the cell tower?" According to the applicant, the tower is necessary due to the significant gap in the network resulting in dropped calls and poor service. (See T-Mobile attachment)

Councilman Hurtado questioned, "Does the proposal eliminate on-site parking?" According to submitted plans, approximately two parking stalls will be eliminated by virtue of the proposed tower.

Councilman De Witt questioned, "Is there any increase in property tax by virtue of the proposal?" According to the applicant, the property value is reassessed with an additional \$100K (one hundred thousand dollars) which takes into account the added value to the property for the T-Mobile facility. (See T-Mobile attachment)

Vice Mayor Martinez questioned, "What is the setback measurement from the Long Beach Boulevard public right of way?" According to submitted plans, it is approximately 80 feet from the nearest corner of the lease area, 90 feet from the center of lease area. (See T-Mobile attachment)

Unclassified Use Permit No. 66 would allow the installation of a wireless telecommunications facility at 9812 Long Beach Boulevard consisting of twelve panel antennas mounted on a faux pine tree (monopine) tower antenna measuring 45' feet to the top of new antennas (50' feet to the top of pine branches), within a 31' X 23' split-face block wall enclosed lease area at the base of the antenna. The project site is within the parking lot of the building at 9812 Long Beach Boulevard, in a C-M (Commercial Manufacturing) Zone.

T-Mobile seeks to mitigate coverage gaps by situating their telecommunications facility between the coverage ranges of two existing facilities at 7810 Otis Avenue and 10123 California Avenue. Given the limited number of multistory buildings in the subject area there are no opportunities to camouflage the proposed telecommunications facility within an existing building rooftop. Similarly, given the distance between existing telecommunications facilities in the subject area there are no opportunities to co-locate with existing tower facilities. The closest telecommunication facility at 9420 Long Beach Boulevard is approximately a ¼ mile from the subject area. The next nearest facility at 10125 California is approximately ¾ of a mile from the subject area. Neither of these two sites offers an optimal radio frequency disbursement that adequately fills the coverage gap as well as the proposed facility at 9812 Long Beach Boulevard.

On September 15, 2009, the Planning Commission adopted Resolution No. 2009-28 recommending approval of the Exemption under CEQA and Unclassified Use Permit No. 66 to the City Council, by a 5-0, vote.

ATTACHMENTS: A) Proposed Resolution
B) T-Mobile responses
C) City Council Public Hearing Notice
D) Planning Commission Resolution No. 2009-28
E) Planning Commission Staff Report, dated September 15, 2009
F) Applicant's Plans

RESOLUTION NO.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE
APPROVING UNCLASSIFIED USE PERMIT NO. 66,
A WIRELESS TELECOMMUNICATIONS FACILITY
AT 9812 LONG BEACH BOULEVARD**

WHEREAS, on June 22, 2009, the Department of Community Development received an application from Trillium Consulting on behalf of T-Mobile for Unclassified Use Permit No. 66 which proposes to allow the installation of a wireless telecommunications facility consisting of twelve panel antennas mounted on a faux pine tree (monopine) tower antenna measuring 45' feet to the top of new antennas (50' feet to the top of pine branches), within a 31' X 23' split-face block wall enclosed lease area at the base of the antenna. The project site is within the parking lot of the of the building at 9812 Long Beach Boulevard, in a C-M (Commercial Manufacturing) Zone; and

WHEREAS, the City Council upon giving the required notice, did on the twelfth and twenty-sixth day of January and the ninth day of February, 2010, conduct a duly advertised public hearing as required by law, to consider the approval of said unclassified use permit; notice of the hearing was published in the South Gate Press on December 31, 2009; and

WHEREAS, the City Council determined that the proposed unclassified use permit is Categorically Exempt under Section 15303, Class 3; Installation of small new equipment and facilities in small structures, of the California Environmental Quality Act; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

WHEREAS, the City Council determined that the facts of this matter are as follows:

1. On June 22, 2009, the City of South Gate received an application from Trillium Consulting on behalf of T-Mobile, for an unclassified use permit to allow the installation of a wireless telecommunications facility consisting of twelve panel antennas mounted on a new monopine, with six (6) equipment cabinets, within a 31' X 23' enclosed lease area.
2. On January 12, 2010 three out of five City Council members were present. The Council unanimously continued the item so that all members of the City Council could have the opportunity to comment and contribute to the public hearing.
3. On January 26, 2010 the City Council again continued the item at the request of the Department of Public Works so that additional comments and conditions of approval could be added to reflect that Long Beach Boulevard is an Underground Utilities District.
4. On February 9, 2010 the City Council again continued the item so that staff and the applicant could address a number of questions that required additional research.

5. The project site is located at 9812 Long Beach Boulevard in the C-M (Commercial Manufacturing) Zone.
6. Section No. 11.26.010 (10.5) of the Municipal Code, requires that microwave installations where any tower or portion of the receiver extends more than six feet in height and is not enclosed within a building shall be subject to the issuance of an unclassified use permit.
7. The site will require power and telephone service, which will be secured from the local utility providers. All power and telephone lines to the site will be installed below ground where possible.
8. Twenty-four hour, seven-day a week access to the site is required in the event of an emergency or equipment failure but the site will typically be unmanned and will only be visited by Trillium Consulting on behalf of T-Mobile personnel approximately once a month, at which time the equipment will be serviced to ensure it is in working order. The antennas are not typically accessed once mounted on the tower, unless an emergency failure occurs or reconditioning is required.
9. A 6' high split-face block wall will enclose the Trillium Consulting leasehold.
10. The proposed monopine measures 50' feet to the top of the decorative pine branches. The panel antennas will be situated 5' feet lower, measuring 45' feet to the top of the panel antennas.
11. The City Council believes that the proposal will not be materially detrimental to the general welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. In addition, the approval will not adversely affect the General Plan.
12. Notices for the City Council hearing were mailed to the surrounding property owners on December 23, 2009 and published in The Press on December 31, 2009

WHEREAS, the City Council made the following findings:

1. Section No. 11.26.010 (10.5) of the Municipal Code, requires that microwave installations where any tower or portion of the receiver extends more than twelve feet in height and is not enclosed within a building shall be subject to the issuance of an unclassified use permit. An unclassified use permit must also be approved by the City Council.
2. The proposed project, as conditioned, will comply with all applicable City and State codes.