

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, APRIL 25, 2006**

CALL TO ORDER Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:39 p.m.

INVOCATION Steve Lefever, Director of Community Development led the Invocation.

PLEDGE OF ALLEGIANCE Veronica Quinonez, South Gate Police Explorer led the Pledge of Allegiance.

ROLL CALL Carmen Avalos, City Clerk

PRESENT Mayor Maria Davila, Vice Mayor Bill De Witt, Council Member Henry C. Gonzalez and Council Member Gil Hurtado; City Manager Gary Milliman and City Attorney Raul F. Salinas

LATE Council Member Gregory Martinez arrived at the dais at 7:15 p.m.

ABSENT City Treasurer Rudy Navarro

1
PROCLAMATION The City Council issued a Proclamation declaring April 30, 2006 as “El Dia de los Ninos” Day of the Children, honoring children and childhood.

2
PROCLAMATION The City Council issued a Proclamation declaring the month of April as “Alcohol Awareness Month.”

3
PROCLAMATION The City Council issued a Proclamation declaring the month of May as “Employee Appreciation Month”.

4
PROCLAMATION The City Council issued a Proclamation declaring May 7 through May 13, 2006 as “International Building Safety Week.”

5
WATER The City Council unanimously continued the public hearing to consider waiving the reading and introduce an Ordinance – An Ordinance of the City Council of the City of South Gate granting to Golden State Water Company, its successors and assigns, a franchise to use, or to lay and use pipes and appurtenances for transmitting and distributing water for any and all purposes in, under, along, across or upon the public streets, ways, alleys and places, as the same now or may hereafter exist, within the City of South Gate, to the regularly scheduled City Council Meeting of May 9, 2006, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

6 UNCLASSIFIED USE PERMITS

The City Council conducted a public hearing and adopted Resolution No. 7102 – A Resolution of the City Council of the City of South Gate approving Unclassified Use Permit No. 50, a digital wireless telecommunications facility – an antenna array mounted on a monopole disguised as a flagpole and a 14'6" X 29' X 10'6" equipment shelter to be located at 4135 Firestone Boulevard (T-Mobile Communications), by motion of Council Member Gonzalez and seconded by Council Member Hurtado. Vice Mayor De Witt excused himself from this item. Council Member Martinez was absent.

COMMENTS PERTAINING TO NON-AGENDA ITEMS

Virginia Johnson asked why the gasoline in South Gate is \$.20 a gallon higher than other cities. She also thanked City staff for their grammatical corrections on agenda bills.

Nick Godoy mentioned that the graffiti on Ardmore was removed from the sidewalk but there was residual left behind. Mr. Godoy almost slipped on Monday. He also mentioned that the City forgot to fix the handicap/wheelchair ramp on the southeast corner of Ardmore and San Carlos.

Lolita Brown Fletcher, Personnel Director announced the "Employee Appreciation Day" and breakfast activity scheduled for May 18, 2006 at 7:00 a.m. in the auditorium. She also mentioned the Immigration Activists having called for a work stoppage day scheduled for Monday, May 1, 2006, which may impact the employees and municipal services that the city provides. The City has asked all employees to notify the city of their attendance.

Julia James, Director of Finance, announced that the City will be having their budget sessions soon.

Steve Lefever, Director of Community Development announced that the first General Plan Advisory Committee is scheduled for May 10, 2006 in the Girl's Clubhouse.

Council Member Hurtado commended staff for being very helpful to the needs of the community.

Council Member Gonzalez announced receiving two phone calls regarding dogs at the South Gate Park and asked Paul Adams, Director of Parks and Recreation to enforce the ordinance.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

COMMENTS PERTAINING TO NON-AGENDA ITEMS CONTINUED

Vice Mayor De Witt mentioned receiving a letter from the Los Angeles City Mayor requesting having a meeting to discuss his program for LAUSD for tomorrow afternoon. Vice Mayor De Witt will be attending the meeting and report at the next City Council Meeting.

Mayor Davila reminded everyone of the “National Day of Prayer” scheduled for Thursday, May 4, 2006 held in front of City Hall at noon. She also asked for volunteers for Sunday for the “Dia Del Niño”.

REPORTS AND COMMENTS FROM CITY COUNCIL MEMBERS

Mayor Davila attended the HUB Cities meeting and mentioned that HUB Cities is sending fifty (50) students to New Mexico.

CONSENT CALENDAR

Agenda Items 7, 8, 9, and 10 were unanimously approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Item 11 was pulled for separate discussion.

7 ZONING

The City Council unanimously waived the reading and adopted Ordinance No. 2210 – An Ordinance of the City Council of the City of South Gate amending Title 2.10.720 (Massage or Massage-related Establishments) of Chapter 2. (Business Regulation) of Title 2 (Licenses-Business Regulations) of South Gate Municipal Code regarding Procedures Regulating Massage Establishments and Massage Practitioners, during consideration of the Consent Calendar.

8 RISK MANAGEMENT

The City Council unanimously adopted Resolution No. 7103 - A Resolution of the City Council of the City of South Gate reappointing a representative (Gregory Martinez), an alternate representative (Lolita Brown Fletcher) and appointing a substitute alternate representative (Julia James) to the governing board of the Independent Cities Risk Management Authority (ICRMA), during consideration of the Consent Calendar.

9 PARKS

The City Council unanimously adopted Resolution No. 7104 - A Resolution of the City Council of the City of South Gate approving an amendment agreement to Contract No. C0207209 with the State of California for the City’s acceptance of \$50,000 from the City of Vernon of Proposition 40 per capita of the Grant program under the Safe Neighborhood Parks, Clean Water, Clean Air, and coastal protection Bond Act of 2002, during consideration of the Consent Calendar.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

10

DEEDS & EASEMENTS

The City Council unanimously adopted Resolution No. 7105 - A Resolution of the South Gate City Council granting a sewer easement and occupational right-of-way through the Miller Way property to the County Sanitation Districts of Los Angeles County, during consideration of the Consent Calendar; and

- a) Accepting the County Sanitation Districts offer of compensation for the easement and occupational right-of-way; and
- b) Authorizing the Director of Public Works to issue an encroachment permit.

11

STREET/SIDEWALKS/ TREES

The City Council unanimously appropriated \$426,057 of Proposition 42 for the 2005-06 Citywide Slurry Seal Project No. 344-ST, by motion of Vice Mayor De Witt and seconded by Council Member Martinez; and

- a) Approving specifications and Notice Inviting Bids for this project; and
- b) Authorizing the City Clerk to publish the Notice Inviting Bids as required by law.

12

PERSONNEL RECRUITMENT & SELECTION

The City Council unanimously adopted Resolution No. 7106 – A Resolution of the City Council of the City of South Gate amending Resolution No. 6454 (Salary Resolution and Classification Plan) to reflect the change in the job requirements of the Neighborhood Specialist II position in the Community Development Department, by motion of Council Member Martinez and seconded by Vice Mayor De Witt.

13

COURTHOUSE

The City Council unanimously approved the following documents for purchase of the Courthouse Building at 8640 California Avenue, by motion of Council Member Martinez and seconded by Council Member Hurtado:

- a) Site Lease Agreement (Contract No. 2290) - between the City of South Gate and La Salle Bank National Association;
- b) Lease Agreement (Contract No. 2291) - between the City of South Gate and La Salle Bank National Association; and
- c) Authorizing the City Manager to make any necessary amendments, other than financing terms, to the agreements.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

EXCUSED

At this time Council Member Hurtado asked to be excused from the rest of the Council Meeting and left at 7:53 p.m.

14 STREET/SIDEWALKS/ TREES

The City Council removed from the agenda the policy to provide funds, as available, for a City grant of 50% of the repair cost for deficient sidewalks for residential property owners, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Hurtado was absent.

15 INVESTMENTS

The City Council received the quarterly budget report, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt; and

ROLL CALL: Mayor Davila, yes; Vice Mayor De Witt, yes; Council Member Gonzalez, yes; Council Member Martinez, yes; Council Member Hurtado, absent.

a) Approved the following appropriations, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt:

1. \$731,785 from the General Fund Reserve to the Resource Center budget to record the purchase of the Westside Resource Center which was originally recorded incorrectly as a CRA purchase;
2. \$200,000 from the Redevelopment Agency Fund 51 Reserve for professional services related to the CRA;

ROLL CALL: Mayor Davila, yes; Vice Mayor De Witt, yes; Council Member Gonzalez, yes; Council Member Martinez, yes; Council Member Hurtado, absent.

3. \$5,000 from the Public Access Fund 59 Reserve to cover miscellaneous costs not budgeted, was continued to the next regularly scheduled City Council Meeting of May 9, 2006 by motion of Council Member Gonzalez and seconded by Council Member Martinez.

ROLL CALL: Mayor Davila, yes; Vice Mayor De Witt, yes; Council Member Gonzalez, yes; Council Member Martinez, yes; Council Member Hurtado, absent.

16 INVESTMENTS

The City Council received and filed the quarterly investment report of March 31, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Hurtado was absent.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

17 WARRANTS AND CANCELLATIONS

The City Council unanimously approved the Warrants and Cancellations for April 25, 2006, with the exception of Warrant No. 127279 by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

Total of Checks:	\$1,389,779.30
Total of Payroll Deductions:	<u>\$<-120,799.51></u>
Total of Net City Expenses:	\$ 1,268,979.79

Cancellations: 126895, 126457, 126951, 126458, 124845, 126929, 127019-127034

Council Member Gonzalez motioned to approve Warrant No. 127279 and seconded by Vice Mayor De Witt.

ROLL CALL: Mayor Davila, yes; Vice Mayor De Witt, yes; Council Member Gonzalez, yes; Council Member Martinez, abstained; Council Member Hurtado, absent.

18 CITY COUNCIL

Gary Milliman, City Manager, announced that there is a walk-on item on the dais but after conversing with legal counsel, he is recommending that this urgency item not be discussed this evening but instead scheduled it for the next regularly scheduled City Council Meeting.

He also mentioned the agenda was prepared at the request by Mayor Davila and Council Member Cole from the City of Bell who are both serving on the Los Angeles City Council Presidents' Commission of Governments of Los Angeles Unified School District.

There have been informal meetings among the City Council Members from the five cities, Bell, Maywood, Huntington Park, South Gate and Cudahy to discuss alternative forms of providing governments for schools in our areas to improve the quality of education, the responsiveness of the schools to the community and have more influence over how funds are budgeted for on schools and on District 6.

A recommendation has emerged that would essentially create a Joint Powers Authority among the five cities to create what would amount to a sub-district within Los Angeles Unified School District.

There are now meetings scheduled between representatives of those cities and Mayor Villaraigosa from Los Angeles, as you know has put forth his own initiative how LAUSD should be governed. The City Manager believes tomorrow is one of those meetings and this is the reason that this item had become urgent.

REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 25, 2006

18
CITY COUNCIL
CONTINUED

Council Member Gonzalez announced his opposing of Mayor Villaraigosa taking over the LAUSD and also pointed out that he does not represent twenty-seven (27) cities.

CLOSED SESSION

The City Council recessed into Closed Session at 8:45 p.m., and reconvened at 9:06 p.m., with four (4) Members of Council present. Council Member Hurtado was absent. City Attorney Salinas reported the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Government Code Section 54956.9(c)

One (1) – Potential Case

The City Attorney discussed and cannot advise the City Council merits of bringing or not bringing the action. The City Council then voted on a motion by Council Member Martinez and seconded by Vice Mayor De Witt, to authorize the City Manager to select a law firm and undertake all steps to secure legal advice from that law firm, and to proceed to protect the City's interest including the institution of any litigation necessary in the opinion of the law firm and City Manager to protect the City's interest.

The reason why the City Attorney can not advise the City Council is that the City Attorney in the past had represented a potential party that might be sued and was on the panel to do further work for that potential party but was not currently doing work. It would be appropriate to recuse City Attorney from rendering any advice to avoid either the appearance of conflict of interest or a potential conflict of interest either now or in the future.

Council Member Gonzalez motioned that the City Council authorized the City Manager to seek legal counsel to protect all the City's rights in the issue at hand and seconded by Vice Mayor De Witt. The vote was 4-0.

ADJOURNMENT

Council Member Gonzalez adjourned the meeting at 9:08 p.m., and seconded by Mayor Davila. Council Member Hurtado was absent.

PASSED and **APPROVED** this 9th day of May, 2006.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk