

SOUTH GATE CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, August 10, 2010 at 6:30 p.m.

CALL TO ORDER: Gregory Martinez, Mayor
INVOCATION: Pastor Martha Moscoso, Faith & Hope Lutheran Church
PLEDGE OF ALLEGIANCE: Dina Zaragoza, Administrative Assistant to the City Attorney
ROLL CALL: Carmen Avalos, City Clerk

MAYOR
Gregory Martinez

CITY CLERK
Carmen Avalos

VICE MAYOR
Maria Davila

CITY TREASURER
Maria Belen Bernal

COUNCIL MEMBERS
Bill De Witt
Gil Hurtado
Henry C. Gonzalez

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: Finding the City to be in Conformance with the Congestion Management Program

The City Council will conduct a Public Hearing to consider adopting a **Resolution _____** finding the City of South Gate to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089. (CD)

2. Determination on Suspension and/or Revocation of El Taconazo’s Business License

The City Council will conduct a Public Hearing to consider accepting evidence and testimony presented and upon proof being made to the satisfaction of the City Council, revoke Business License Numbers 013208, 013209, and 013462 for the business known as “El Taconazo” located at 2751 Firestone Boulevard. (FIN)

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, 9, 10, 11, 12, and 13 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. Second Reading of Ordinance No. 2275: Amending Title 11 Prohibiting Marijuana Distribution Facilities

The City Council will consider waiving the reading in full and adopt **Ordinance No. 2275** amending Title 11 (Zoning), Chapter 11.04 (Definitions) by adding Section 11.04.351 (Marijuana Distribution Facility), amending Chapter 11.28 (Prohibited Uses) by adding a new Section 11.28.020 (Marijuana Distribution Facility Prohibition) and adding a new Section 11.28.030 (Unlawful Uses). (CD)

4. Resolution: Amending Resolution No. 6454 Updating Class Specifications for Police Department Positions

The City Council will consider adopting a **Resolution** _____ amending Resolution No. 6454 (Salary Resolution and Classification Plan) reflecting updated class specifications for the Police Officer, Police Recruit, Community Service Officer, Public Safety Officer-Hourly positions and creating a new class specification for Police Officer- Lateral. (PERS)

5. Resolution: Amending Resolution No. 6377 Reflecting New Language for Hiring/Sponsoring of Police Recruits and Update to Probationary Period

The City Council will consider adopting a **Resolution** _____ amending Resolution No. 6377 (Restated Rules and Regulations for the Administration of Civil Service Procedures) reflecting new language that allows the hiring and sponsoring of qualified outside candidates as Police Recruits and updates the probationary period to conform to the job specification previously amended. (PERS)

6. Resolution: Appointing an Alternate Board Member to the LA Gateway Regional Integrated Water Mgmt Joint Powers Authority and Appointing an Alternate Board Member to the Southeast Water Coalition

The City Council will consider: (PW)

- a. Adopting a **Resolution** _____ amending Resolution No. 7343 appointing the City Engineer as the Alternate Board Member to the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority for the remaining two-year term; and
- b. By minute action appoint the Field Operations Manager to serve as the Alternate Board Member to the Southeast Water Coalition Joint Powers Authority.

7. Resolution: Amending Resolution No. 7380 Authorizing Submittal of Used Oil Payment Program Applications to CalRecycle

The City Council will consider adopting a **Resolution** _____ amending Resolution No. 7380 authorizing the submittal of Used Oil Payment Program applications to CalRecycle (formerly known as the California Integrated Waste Management Board) and authorizing the City Manager, Director of Public Works or his designee to execute documents. (PW)

8. Resolution: Endorsing the 2010-2014 Los Angeles County Strategic Plan for Economic Development

The City Council will consider adopting a **Resolution** _____ endorsing the 2010-2014 Los Angeles County Strategic Plan for Economic Development. (CD)

9. Amendment No. 2 to Contract No. 2548 with AAE incorporated for Additional Engineering/Construction Services for Kauffman/Dorothy Project

The City Council will consider: (PW)

- a. Approving Amendment No. 2 to Contract No. 2548 with AAE Incorporated in the amount of \$58,543 for additional engineering and construction management services for Kauffman and Dorothy Avenues widening and raised center medial island on Firestone Boulevard between Kauffman and Hunt Avenues City Project No. 424-ST; and
- b. Authorizing the Mayor to execute Amendment No. 2 in a form approved by the City Attorney.

10. Agreement with the City of Lynwood for the State Street/Tweedy Boulevard Intersection Improvements

The City Council will consider: (PW)

- a. Approving the Agreement with the City of Lynwood for the State Street/Tweedy Boulevard Intersection Improvements; and
- b. Authorizing the Mayor to execute the Agreement in a form approved by the City Attorney.

11. Change Orders with All American Asphalt for Atlantic Avenue Street Improvements and Amendment No. 2 to Contract No. 2570 with LAN for Additional Services for the Atlantic Project

The City Council will consider: (PW)

- a. Approving Change Order No. 2 for \$113, 292; No. 3 for \$43,905; and No. 4 for \$50,468 to All American Asphalt (AAA) Contract No. 2569, for the Street Improvements on Atlantic Avenue from Abbott Road to Firestone Boulevard, Federal Project No. HPLUESPL-5257 (023), City Project No. 358-ST; and
- b. Approving Amendment No. 2 to Contract No. 2570 with Lim and Nascimento Engineering Corporation (LAN) in the amount of \$96,710 for additional construction management services for the Street Improvements on Atlantic Avenue from Abbott Road to Firestone Boulevard, City Project No. 358-ST; and
- c. Authorizing the Public Works Director to execute Change Order Nos. 2, 3, and 4 to All American Asphalt Contract; and

	d. Authorizing the Mayor to execute Amendment No. 2 with LAN in a form approved by the City Attorney.
12.	Update Report on the Warranty Issues Related to the South Gate Park Swimming Pool Renovation Project The City Council will consider receiving and filing the update report on warranty issues related to the swimming pool renovation project. (PARKS)
13.	City Council Meeting Minutes The City Council will consider approving the Special Meeting of July 21, 2010; Regular City Council Meeting of July 27, 2010; and Special City Council Meeting Minutes of July 27, 2010. (CLERK)

14. Warrant Register for August 10, 2010

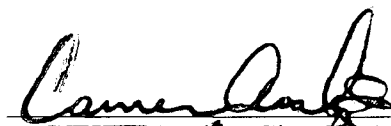
The City Council will consider approving the Warrants and Cancellations for August 10, 2010. (FIN)

Total of Checks:	\$3,434,866.99
Voids	\$ (473.00)
Total of Payroll Deductions:	<u>\$ < 202,384.76 ></u>
Grand Total:	\$3,232,009.23

Cancellations: 29712, 29805

15. Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on August 5, 2010, at 12:00 p.m., as required by law.



 Carmen Avalos, City Clerk

RECEIVED

AUG 3 2010

City of South Gate Item No. 1
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

AGENDA BILL

For the Regular Meeting of August 10, 2010

Originating Department: Community Development

Department Head:

Steven A. Lefaver

City Manager:

Ronald Bates

SUBJECT: RESOLUTION SELF CERTIFYING THE CITY'S CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL IMPLEMENTATION REPORT

ACTION: Following the conclusion of the Public Hearing, adopt a Resolution finding the City of South Gate to be in conformance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report, in accordance with California Government Code Section 65089.

FISCAL IMPACT: There is no impact to the General Fund. The City of South Gate receives approximately \$600,000 per year in Proposition 111 gas tax revenues. The City could delay or jeopardize the receipt of its share of gas tax revenues if the conformance self-certification in this report is not completed. *PLP*

NOTICING PROCEDURES: A Legal Notice was published in The Press newspaper on July 30, 2010. The Legal Notice was not required to be mailed to the general public.

REPORT SUMMARY: The Congestion Management Program (CMP) is a state-mandated program administered in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LACMTA). The CMP assists local agencies in linking land use decisions with impacts on the region's transportation system. The City is required to participate in this program to receive State Gas Tax funds.

The LACMTA is conducting a Study to determine the feasibility of implementing a countywide impact fee. While this study is underway, cities will not have to prepare the detailed transportation improvement strategies which were required in the past years. However, cities must continue to report new net development activities. New development activity between June 1, 2009, and May 31, 2010, includes 17 new single-family units constructed and 8,500 square feet of new commercial space.

LACMTA requires the City Council adopt a resolution the Local Development Report through a public hearing process. City staff will deliver the adopted resolution and the 2010 Local Development Report to LACMTA staff for consideration on or before the September 1, 2010, deadline.

ATTACHMENT(S): 1. Proposed Resolution with Local Implementation Report
2. Notice of Public Hearing

RESOLUTION NO. _____

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE FINDING THE CITY OF SOUTH GATE TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE CONGESTION MANAGEMENT PROGRAM LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

WHEREAS, Pursuant to California Government Code Section 65089, the City of South Gate ("City") is required to submit a Local Development Report as part of the Congestion Management Program ("CMP") to the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

WHEREAS, the LACMTA requires submittal of the CMP Local Development Report by September 1 of each year; and

WHEREAS, the City Council held a noticed public hearing on August 10, 2010;

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

SECTION 1. The City has taken all of the following actions, and declares the City is in conformance with all applicable requirements of the 2004 CMP adopted by the LACMTA Board on July 22, 2004.

SECTION 2. By June 15, of odd-numbered years, the City will conduct annual traffic counts and calculated levels of service for selected arterial intersections, consistent with the requirements identified in the CMP Highway and Roadway System chapter.

SECTION 3. The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

SECTION 4. The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

SECTION 5. The City has adopted a Local Development Report, attached hereto as Exhibit "A" and made a part hereof, consistent with the requirements identified in the 2004 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

SECTION 7. The City Clerk shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

PASSED, APPROVED AND ADOPTED this 10th day of August, 2010.

CITY OF SOUTH GATE:

Gregory Martinez, Mayor

ATTEST:

Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas (DZ)

Raul F. Salinas, City Attorney

City of South Gate

Date Prepared: August 2, 2010

2009 CMP Local Development Report

Reporting Period: JUNE 1, 2009 - MAY 31, 2010

Contact: Steven A. Lefever
 Phone Number: (323) 563-9530

**CONGESTION MANAGEMENT PROGRAM
 FOR LOS ANGELES COUNTY**

2009 DEFICIENCY PLAN SUMMARY¹

*** IMPORTANT: All "#value!" cells on this page are automatically calculated.
 Please do not enter data in these cells.**

DEVELOPMENT TOTALS**RESIDENTIAL DEVELOPMENT ACTIVITY****Dwelling Units**

Single Family Residential	15.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY**1,000 Net Sq.Ft.²**

Commercial (less than 300,000 sq.ft.)	8.50
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY**1,000 Net Sq.Ft.²**

Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY**Daily Trips**

ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

EXEMPTED DEVELOPMENT TOTALS

Exempted Dwelling Units	0
Exempted Non-residential sq. ft. (in 1,000s)	0

1. Note: Please change dates on this form for later years.

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

City of South Gate
2009 CMP Local Development Report
Reporting Period: JUNE 1, 2009 - MAY 31, 2010

Date Prepared: August 2, 2010

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 1: NEW DEVELOPMENT ACTIVITY

RESIDENTIAL DEVELOPMENT ACTIVITY

Category	Dwelling Units
Single Family Residential	17.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	8.50
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

City of South Gate
2009 CMP Local Development Report
Reporting Period: JUNE 1, 2009 - MAY 31, 2010

Date Prepared: August 2, 2010

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 2: NEW DEVELOPMENT ADJUSTMENTS

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

RESIDENTIAL DEVELOPMENT ADJUSTMENTS

Category	Dwelling Units
Single Family Residential	2.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

City of South Gate
2009 CMP Local Development Report
Reporting Period: JUNE 1, 2009 - MAY 31, 2010

Date Prepared: August 2, 2010

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 3: EXEMPTED DEVELOPMENT ACTIVITY
(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)

Low/Very Low Income Housing	<input type="text" value="0"/>	Dwelling Units
High Density Residential Near Rail Stations	<input type="text" value="0"/>	Dwelling Units
Mixed Use Developments Near Rail Stations	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged in April 1992 Civil Unrest	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Total Dwelling Units	<input type="text" value="0"/>	
Total Non-residential sq. ft. (in 1,000s)	<input type="text" value="0"/>	

Section I, Page 4

Exempted Development Definitions:

1. Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
 - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
 - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
2. High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
3. Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
4. Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
5. Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
6. Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.

**CITY OF SOUTH GATE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City of South Gate City Council will conduct a public hearing to receive and consider all evidence and reports related to adoption of a resolution finding the City to be in conformance with the Congestion Management Program and adoption of the Local Development Report in accordance with California Government Code Section 65089. A Statutory Exemption from the California Environmental Quality Act is recommended pursuant to Section 15276 of the California Code of Regulations.

DATE: August 10, 2010
TIME: 6:30 p.m.
LOCATION: CITY CHAMBERS
SOUTH GATE CITY HALL
8650 CALIFORNIA AVENUE
SOUTH GATE, CA 90280

NOTICE IS HEREBY FURTHER GIVEN that any and all persons interested in the matter of said resolution are invited to attend said hearing and then there testify or present evidence upon any matter relevant thereto.

Those desiring a copy of the agenda bill or further information related to this project should contact:

CARMEN AVALOS, City Clerk

Phone: 323-563-9511
E-mail: cavalos@sogate.org
Mailing Address: City Clerks
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

ESPAÑOL

Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9531