

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, SEPTEMBER 12, 2006**

- CALL TO ORDER** Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:36 p.m.
- INVOCATION** Lolita Brown Fletcher, Personnel Director led the Invocation.
- PLEDGE OF ALLEGIANCE** Bobbie Thompson, South Gate Resident 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, Council Member Gil Hurtado and Council Member Martinez; City Treasurer Rudy Navarro, City Manager Gary Milliman and City Attorney Raul F. Salinas
- 1
CITY COUNCIL
APPOINTMENTS** Council Member Martinez appointed Bobbie Thompson to the Parks and Recreation Commission and seconded by Vice Mayor De Witt. The motion carried 5-0.
- 2
PRESENTATIONS** The City Council was introduced to the recently hired employees in the Community Development Department.
- 3
PRESENTATIONS** The City Council was introduced to the recently hired Police Officers.
- 4
PRESENTATIONS** Mayor Davila presented Certificates of Appreciation to the Urban League Youth Golf Program Tournament Winners.
- 5
TRACT MAP ADMIN** The City Council conducted a public hearing adopted Resolution No. 7133 – A Resolution of the City Council of the City of South Gate approving Tentative Tract Map No. 66426 for a seven unit condominium project at 5495 Gardendale Street (as amended) by motion of Mayor Davila and seconded by Council Member Hurtado; and
- a) Approved the tentative map for continued processing; and
 - b) Waived the reading and introduced Ordinance No. 2218 – An Ordinance of the City Council of the City of South Gate changing the zoning at the rear third of 5495 Gardendale Street from M-2 to R-3 to allow development of a seven unit condominium project.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

5
TRACT MAP ADMIN
CONTINUED

Vice Mayor De Witt abstained from discussing and voting on item 5 and left the Council Chambers.

AMENDMENT: On 5(a) incorporate item 1, 2, and 3

1. The minimum height of the wall, measured on the shorter side, surrounding the condominium development shall be six (6) feet except in the front fifteen (15) foot setback where the wall cannot be taller than three (3) feet and two (2) feet of wrought iron must be installed to bring the overall height to five (5) feet.

2. The trash enclosure shall be located at such a location as to be away from the neighbor's front porch.

3. Once the project is begun, the applicant is encouraged to complete construction in one year or eighteen months.

ROLL CALL: Mayor Davila, yes; Council Member Martinez, yes; Council Member Hurtado, yes; Council Member Gonzalez, yes.

6
MUNICIPAL CODE ADMIN

The City Council unanimously conducted a public hearing, waived the reading and introduced Ordinance No. 2219 - An Ordinance of the City Council of the City of South amending Title 8 (Traffic), Chapter 8.12 (Stopping, Standing and Parking of Vehicles), Section 8.12.090 (Authority to Establish Preferential Parking Zones) of the South Gate Municipal Code by establishing Preferential Parking Districts, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado.

7
MUNICIPAL CODE ADMIN

The City Council unanimously conducted a public hearing, waived the reading and introduced Ordinance No. 2220 - An Ordinance of the City Council of the City of South amending Chapters 11.07 (R-1-7500 Single-Family Residential), 11.08 (R-1 Single-Family Residential), 11.10 (R-2 Two-Family Residential), 11.12 (R-3 Multiple-Family Residential), and 11.14 (R-4 Restricted Service) Zones of Title Eleven (Zoning), of the South Gate Municipal Code by adding Section Containing Language Limiting Paving within the front yard setback area of residential properties, by motion of Council Member Martinez and seconded by Council Member Gonzalez.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

8 SITE PLAN ADMIN/ UNCLASSIFIED USE PERMITS

The City Council unanimously conducted a public hearing to consider adopting Resolution No. 7134 - A Resolution of the City Council of the City of South Gate, approving Unclassified Use Permit No. 27, Amendment No. 2 for an additional carrier on an existing digital wireless telecommunications facility at 10000 Atlantic Avenue, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

DEVIATE FROM THE AGENDA

At this time, there being no objections, Mayor Davila stated that item 20 would be considered out of its regular agenda order.

20 INDEPENDENT CITIES ASSOCIATION

The City Council unanimously adopted Resolution No. 7135 - A Resolution of the City Council of the City of South Gate approving Amendment No. 6 to the Joint Powers Agreement with the Independent Cities Lease Finance Authority and providing other matters properly relating thereto, by motion of Council Member Martinez and seconded by Council Member Hurtado.

RECESS

The City Council recessed at 8:08 p.m., and reconvened at 8:18 p.m., with all Members of Council present.

COMMENTS FROM THE AUDIENCE

Julio Munoz, 5130 Wood Avenue, Apt. F, would like the City to recognize a Police Officer that was very helpful to him and his family since December 2005 to May 2006. He commended the Chief for having a great team patrolling the streets. He also asked what he has to do about placing an item on the agenda in regards to parking.

Virginia Johnson hopes the City Council will be appropriating \$250,000 dollars to replace the American flag that was desecrated the week of May 1st. She also informed City Council that a member of the South Gate Rod & Gun Club thinks there may be a water leak north of the Long Beach freeway towards Firestone Blvd.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Council Member Martinez asked staff to read the RAND report and than place it on the agenda to discuss what has the City done to prepare for an emergency.

Council Member Hurtado mentioned seeing a lot of illegal vendors recently. He also asked if there was any possible way to contact stores regarding shopping carts being removed from the parking lot.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

REPORTS AND COMMENTS FROM CITY OFFICIALS

CONTINUED

Council Member Gonzalez suggested that the ordinance be revisited and make any changes to include citing anyone removing shopping carts from store parking lot.

Vice Mayor De Witt represented the City at the League of California Cities Annual meeting in San Diego. He mentioned that Gary Milliman, City Manager and Bryan Cook, Assistant to the City Manager were also present. He also reported flying to Jackson, Florida to attend a meeting on Truck Inspection Stations that Caltrans and the Cities are proposing when the I-710 freeway is expanded. He suggested staff read the RAND report that is seventy-two (72) pages which explains what would happen in the 72 hours after an explosion in port E, Long Beach, Southern California and the nation. He will be attending a meeting tomorrow morning representing Los Angeles Division League of California Cities on the Los Angeles County Emergency Preparedness Commission.

Mayor Davila announced that the Southeast Coalition will be having a meeting on September 21st at 6:00 p.m., regarding AB 1381 in the South Gate Park auditorium and everyone is invited.

Gary Milliman, City Manager announced that besides Vice Mayor De Witt, Bryan Cook, Assistant to City Manager and himself attended the League of California Cities Annual conference in San Diego and reported on two topics which have direct effect on the City of South Gate. The first topic is that an excessive of \$525 million dollars is becoming available statewide under Proposition 49 to fund after school programs under the guidelines developed by the State Department of Education, cities are eligible entities to apply for funding of after school programs. Staff has learned that there will be a six week period in which the City will need to develop, program and get the application submitted. Secondly, he had an opportunity to meet with representatives of the Cities and Counties Schools Partnership, a non-profit entity formed by the League of Cities, the County Supervisors Association and School Board Association that do research, but also provide consulting services in connection with variety of education issues. He is pleased to hear about the concerns for the RAND report and will develop a special meeting on the topic of emergency preparedness in the City of South Gate. He also brought up the issue that the City must deal with the shopping carts that are being used for recycling in town. Lastly, he announced that former Mayor Hector De La Torre, a Member of the Assembly has just been appointed Chairman to the Assembly Rules Committee, which is a very key position in the Assembly.

Lolita Brown Fletcher, Personnel Director invited City Council to the City's Health vendor fair scheduled for Thursday, September 21st from 9:00 a.m. to 1:00 p.m. She also announced that the ERC is sponsoring a City Employee Softball Tournament, round two held on Thursday, October 5th from 6:00 p.m. to 9:00 p.m.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

REPORTS AND COMMENTS FROM CITY OFFICIALS CONTINUED

Robert Dickey, Public Works Director reported that Public Works have been working on a numerous of projects.

Steve Lefever, Community Development Director informed City Council that he will not be present at the next regularly scheduled City Council meeting. He mentioned that the next step of the City's General Plan workshop process, the visioning workshop is scheduled for Saturday, September 30th at 10:00 a.m., in the South Gate auditorium. He also reported submitting an application to the State of California to continue the enterprise zone within the City and there will also be a meeting in the near future to discuss the progress on the Orangeline that will be traveling 108 miles through this region.

CONSENT CALENDAR

Agenda Items 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 were approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Council Member Hurtado. Items 14, 15 and 16 were removed for separate discussion. Item 18 was continued to the City Council meeting of September 27, 2006.

9 ZONING

The City Council unanimously waived the reading and adopted Ordinance No. 2216 - An Ordinance of the City Council of the City of South Gate changing the zoning designation to the rear forty feet of the lot located at 3830 Firestone Boulevard from R-3 to C-M, during consideration of the Consent Calendar.

10 ZONING

The City Council unanimously waived the reading and adopted Ordinance No. 2217 - An Ordinance of the City Council of the City of South Gate amending Title 11 (Zoning), Chapter 11.04 (Definitions), Chapter 11.15 (C-2 Restricted Commercial Zone), Section 11.15.010 (Permitted Uses), Chapter 11.18 (C-3 General Commercial Zone), and Section 11.18.010 (Permitted Uses), Subdivision (19) (Massage Establishment, Subsection) (a)(3) of the South Gate Municipal Code further specifying the location and additional conditions of operation for massage related uses, during consideration of the Consent Calendar.

11 TRANSPORTATION PLANNING/ADMIN

The City Council unanimously adopted Resolution No. 7136 - A Resolution of the City Council of the City of South Gate authorizing execution of the Los Angeles County Metropolitan Transportation Authority (Metro) Memorandum of Understanding (Contract No. 2316) with the City for the I-710/Firestone Boulevard Interchange Reconstruction Project, Phase IV, during consideration of the Consent Calendar.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

12
STREETS/SIDEWALKS/
LANDSCAPING

The City Council unanimously adopted Resolution No. 7137 - A Resolution of the City Council of the City of South Gate authorizing execution of the Los Angeles County Metropolitan Transportation Authority (Metro) Capital Reserve Agreement (Contract No. 2317) with the City for the I-710/Firestone Boulevard over Rio Hondo Bridge Widening Project, Phase III, during consideration of the Consent Calendar.

13
PERSONNEL ADMIN

The City Council unanimously adopted Resolution No. 7138 - A Resolution of the City Council of the City of South Gate amending Resolution No. 6454 (Salary Resolution and Positions Classification Plan) by amending the position specifications for the position of Assistant to the City Manager – Economic Development, during consideration of the Consent Calendar.

14
PERSONNEL BENEFITS/
RETIREMENT ADMIN

The City Council unanimously adopted Resolution No. 7139 - A Resolution of the City Council of the City of South Gate determining that Robert Tokar 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, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

15
PERSONNEL ADMIN

The City Council unanimously approved the hourly Police Cadet position, position specification and hourly rate, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

16
PUBLIC TRANSPORTATION
SYSTEMS MANAGEMENT

The City Council unanimously approved subsection (a), and continued subsections (b) & (c) to the next regularly scheduled City Council meeting of September 26 2006, by motion of Vice Mayor De Witt and seconded by Council Member Gonzalez;

- a) Receiving and filing the Transit Development Plan report; and
- b) Direct staff to begin implementing the recommendations provided within the report; and
- c) Direct staff to negotiate a contract extension with AAE, Inc., to include the preparation of a transportation services RFP based upon the findings outlined in the report and to assist in the evaluation of those proposals received.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

17

SCHOOLS/EDUCATION

The City Council unanimously waived the Carnival Permit Application Fee in the amount of \$654 as requested by St. Helen Roman Catholic Church for their Annual Fiesta (carnival) scheduled for September 22, 23 and 24, during consideration of the Consent Calendar.

18

LEGAL OPERATIONS

The City Council unanimously continued the agreement to retain Sulmeyer Kupetz, A Professional Corporation (“firm”), to provide professional litigation services to the City of South Gate and the City’s Community Development Commission in such matters as may be designated by the City Attorney, and authorizing Mayor to execute a retainer agreement in a form acceptable to the City Attorney, to the City Council Meeting of September 26, 2006.

19

MINUTES

The City Council unanimously approved the Regular City Council Meeting Minutes of August 22, 2006, during consideration of the Consent Calendar.

CLOSED SESSION

The City Council recessed into Closed Session at 9:34 p.m., to discuss item 1(b) & (c) and reconvened at 10:01 p.m., with all Members of Council present. City Attorney Salinas reported the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Government Code Section 54956.9(a)
 - b) Tokar v. City of South Gate
 - c) Mike Borja v. City of South Gate

On item 1(b), the City Council approved a settlement (Contract No. 2316) of that matter, based on the motion made by Vice Mayor De Witt and seconded by Council Member Hurtado. The vote in favor of the matter was 5-0.

On item 1(c), the City Council discussed and approved a proposed settlement (Contract No. 2317). There is a settlement conference scheduled for Thursday, so the amount of the proposed settlement will not be discussed until after the settlement occurs. The motion to approve the proposed settlement was made by Vice Mayor De Witt and seconded by Council Member Hurtado. The vote in favor of the matter was 5-0.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

21

PERSONNEL SERVICES

The City Council considered:

- a) Approving six hourly Police Officer positions; and
- b) Approving conversion of current Reserve Police Officer positions to hourly Police Officer positions; and
- c) Authorizing the appropriation of \$112,644.00 from the General Fund Reserve Account.

Item 21 was unanimously continued to the next regularly scheduled City Council meeting of September 26, 2006.

22

LAW ENFORCEMENT

The City Council unanimously authorized the appropriation of \$15,000 from the Asset Seizure Fund Reserve for the purchase and installation of 20 surveillance cameras, by motion of Mayor Davila and seconded by Council Member Martinez.

23

LAW ENFORCEMENT

The City Council unanimously authorized an appropriation of \$14,828 from AB 3229 grant funds for the Citizens on Patrol Program, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado.

24

PARKING & TRAFFIC

The City Council awarded a \$287,702 construction contract no. 2320 to Steiny and Company, Inc., the lowest responsible bidder, for the traffic signal upgrade at the intersection of Hildreth Avenue and Tweedy Boulevard, City Project No. 348-TRF, by motion of Mayor Davila and seconded by Council Member Hurtado. Council Member Gonzalez abstained; and

- a) Authorized the Mayor and City Clerk to execute the construction contract in a form approved by the City Attorney.

25

**TRANSPORTATION
PLANNING/ADMIN**

The City Council unanimously accepted the proposal from PCR to prepare a Mitigated Negative Declaration for roadway improvements, by motion of Mayor Davila and seconded by Vice Mayor De Witt; and

- a) Approved the preliminary plan for the widening of the intersection of Firestone Boulevard and Atlantic Avenue.

26

**COMMERCIAL ASSESSMENT
DISTRICTS**

The City Council considered receiving and filing the Tweedy Mile Association Annual Street Fair Report.

Item 26 was unanimously removed from the agenda.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

27

PERSONNEL ADMIN

The City Council unanimously approved Amendment No. 2, regarding compensation, to Contract No. 2131, Employment Agreement with Gary Milliman as City Manager, by motion of Council Member Gonzalez and seconded by Mayor Davila.

28

FINANCIAL SERVICES

The City Council unanimously appropriated \$635,000 to General Fund for Debt Service on 2002 Certificates of Participation which was budgeted in the Redevelopment Agency instead of the General Fund, by motion of Council Member Gonzalez and seconded by Mayor Davila; and

- a) Appropriated \$40,000 to the Community Development Department Professional Services account for Plan Checking services (offset by increase in revenue); and
- b) Appropriated \$80,000 from the Community Redevelopment Commission's Fund 51 reserve to the Professional Services account for the services related to the Gateway Development (to be reimbursed by developer's deposit); and
- c) Appropriated \$5,000 from the Public Access Corporation's reserve for operating expenses related to the transfer of Adelphia Cable to Time Warner; and
- d) Appropriated \$125,000 to the Refuse Fund's Professional Services account for Waste Management Services (offset by increase in revenue); and
- e) Appropriating \$16,000 from the Equipment Maintenance Fund's reserve to the fuel account for increased cost in fuel; and
- f) Approving the recommended appropriation carryovers listed in this report.

29

**WARRANTS AND
CANCELLATIONS**

The City Council unanimously approved the Warrants and Cancellations for September 12, 2006, by motion of Council Member Gonzalez and seconded by Mayor Davila.

FISCAL YEAR 2006/2007

Total of Checks:	\$1,960,185.84
Total of Payroll Deductions:	\$ < 255,339.18 >
Grand Total:	\$1,704,846.66

Cancellations: 128964, 129016, 129131, 129529, 129586

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 12, 2006

CLOSED SESSION

The City Council recessed into Closed Session at 11:28 p.m., and reconvened at 11:58 p.m., with all Members of Council present. City Attorney Salinas reported the following:

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

a) City of South Gate v. Strategy Workshop

On item 1(a), the City Council on a motion made by Vice Mayor De Witt and seconded by Mayor Davila, and on a motion of 5-0, agreed to accept as settlement (Contract No. 2321) the sum of \$230,000 from Strategy Workshop to settle the claim filed by the City.

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

One (1) – Potential Case

On item 2, the City considered a claim filed by Wesco Companies against the City of South Gate. In a motion made by Vice Mayor De Witt and seconded by Mayor Davila, and on a vote of 5-0, the City Council moved to deny the claim on the basis that it was untimely and no further action was required as a result.

3. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6

Agency Representation: City Manager
Gary Milliman

Employee Organizations: South Gate MEA
South Gate PMMA
South Gate DMA
South Gate Top Management

No report given by the City Attorney.

ADJOURNMENT

Mayor Davila unanimously adjourned the meeting at 12:01 a.m. and seconded by Council Member Gonzalez.

PASSED and APPROVED, this 10th day of October, 2006.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk