

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, SEPTEMBER 26, 2006**

CALL TO ORDER Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:38 p.m.

INVOCATION Pastor Chuck Brady, Redeemer Lutheran Church led the Invocation.

PLEDGE OF ALLEGIANCE Jesus Angulo, South East High School, 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 Treasurer Rudy Navarro, City Manager Gary Milliman and City Attorney Raul F. Salinas

LATE Council Member Gregory Martinez arrived at the dais at 7:00 p.m.

**1
PROCLAMATION** Mayor Davila issued a Proclamation declaring the week of September 22 through 28, 2006, as “Childhood Injury Prevention Week.”

**2
PROCLAMATION** Mayor Davila issued a Proclamation declaring the month of October as Crime Prevention Month.

**3
PROCLAMATION** Mayor Davila issued a Proclamation declaring the month of October as National Domestic Violence Awareness Month.

**4
CITY COUNCIL
APPOINTMENTS** Councilman Gregory Martinez motioned to appoint Allen Treen to the Citizens’ Advisory Committee and seconded by Vice Mayor De Witt. The motion carried 5-0.

**5
PRESENTATION** Principal Jesus Angulo provided the City Council with an update of South East High School’s first-year in session.

**6
MUNICIPAL CODE
ADMINISTRATION** The City Council conducted a public hearing to continue the introduction of an Ordinance pertaining to Overnight Parking Prohibition on major streets to the City Council meeting of October 10, 2006.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

7 COMMUNITY DEV/ HOUSING

The City Council unanimously conducted a public hearing and approved the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2005-06, by motion of Vice Mayor De Witt and seconded by Mayor Davila; and

- a) Authorized the City Manager to submit the CAPER to the Federal Housing and Urban Development Department (HUD).

COMMENTS FROM THE AUDIENCE

Virginia Johnson reminded City Council that on October 14, 2006 is the Family Day at the Park.

Antonio Morales, 2941 Ohio Avenue, addressed City Council that ordinances are approved and adopted but they are not being enforced.

Jorge Carrillo, 9208 Dorothy Avenue, addressed City Council how they can support Mayor Villaraigosa's plan to take over the Los Angeles Unified School District.

Mayor Davila explained that the Southeast Cities were not covered under Bill 1381 and they opposed it. The bill has been amended and the Southeast Cities support it. At this time, Mayor Davila, announced that Assembly Member Hector De La Torre is in the audience.

Assembly Member De La Torre invited everyone to a couple of events.

Council Member Gonzalez commended Assembly Member De La Torre for the hard work he is doing.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Council Member Hurtado attended the Gateway meeting on September 14th and reported on the status of the I-710 project. He also asked who would be responsible if a vehicle is parked in the park parking lot and gets hit by a ball.

Vice Mayor De Witt attended the Los Angeles Division League of California's Installation meeting on September 14th and reported that Mayor John Noguez from the City of Huntington Park is the president.

Rudy Navarro, City Treasurer announced that on Saturday, September 30th NALEO will be having a "Day with Citizenship" residents whom which to become citizens.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

REPORTS AND COMMENTS FROM CITY OFFICIALS

CONTINUED

Lolita Brown Fletcher, Personnel Director announced that the ERC will be sponsoring the softball tournament on October 5th from 6:00 p.m. to 9:00 p.m., at the South Gate Park and everyone is invited.

Robert Todd, Chief of Police announced the Family Day at the Park on Saturday, October 14th. He also informed everyone that he just returned from a conference in Sacramento for the “National Preparedness” and will be bringing information to Council in the near future.

Robert Dickey, Director of Public Works announced that there are numerous projects underway that Public Works is involved with. The Seaborg house is on its way to getting transferred to the Civic Center, a clarifier is being installed at the Salt Lake Transfer Station, the South Gate Park parking lot will be renovated, and streets are getting slurry sealed.

Gary Milliman, City Manager introduced Nellie Cobos, the new Assistant to the City Manager that started working for the City on Monday.

CONSENT CALENDAR

Agenda Items 9, 10, 11, 12, 13 and 14 were approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Council Member Hurtado. Item 8 was removed for separate discussion.

8

TRACT MAP ADMINISTRATION

The City Council waived the reading and adopted 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, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

Vice Mayor De Witt abstained from discussing and voting on item 8 and departed from the Council Chambers.

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

9

MUNICIPAL CODE ADMINISTRATION

The City Council unanimously waived the reading and adopted Ordinance No. 2219 - An Ordinance of the City Council of the City of South Gate 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, during consideration of the Consent Calendar.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

**10
MUNICIPAL CODE
ADMINISTRATION**

The City Council unanimously waived the reading and adopted Ordinance No. 2220 - An Ordinance of the City Council of the City of South Gate 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 11 (Zoning), of the South Gate Municipal Code by adding sections containing language limiting paving within the front yard setback area of residential properties, during consideration of the Consent Calendar.

**11
PARKS**

The City Council unanimously approved the specifications of the Request for Proposal for the Parks & Recreation Facilities Master Plan, during consideration of the Consent Calendar; and

- a) Directed staff to issue the Request for Proposal for a consultant to complete the Parks & Recreation Facilities Master Plan

**12
PERSONNEL ADMIN**

The City Council unanimously received and filed a report pertaining to the request for two additional Police Officer positions, during consideration of the Consent Calendar.

**13
MUNICIPAL CODE
ADMINISTRATION**

The City Council unanimously received and filed a report on graffiti abatement and illegal dumping program, during consideration of the Consent Calendar.

**14
PARKS**

The City Council unanimously received and filed the South Gate Golf Course operations report, during consideration of the Consent Calendar.

**15
PARKS**

The City Council unanimously waived the reading and introduced Ordinance No. 2221 – An Ordinance of the City Council of the City of South Gate amending certain sections of Chapter 7.49 (Parks) of Title 7 (Public Safety and Morals) of the South Gate Municipal Code and adding and deleting sections thereto relating to park operations including use of open space for ball playing, use of athletic fields, public intoxication prohibition, ejection from park grounds, and skating park rules, by motion of Council Member Hurtado and seconded by Vice Mayor De Witt.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

16

REDEVELOPMENT

The City Council considered adopting a Resolution – A Resolution of the City Council of the City of South Gate, designating a Redevelopment Survey Area for study purposes in connection with the determination of the feasibility of a proposed new Redevelopment Project Area pursuant to Community Redevelopment Law.

Vice Mayor De Witt and Council Member Martinez abstained from discussing and voting on item 16 and departed from the Council Chambers.

Item 16 was continued to the next regularly scheduled City Council meeting of October 10, 2006 by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

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

17

PARKING & TRAFFIC

The City Council considered accepting the petition and authorizing staff to conduct survey for the termination of the newly created preferential parking district on Bowman Avenue (alley south of Firestone Boulevard and Southern Avenue), and waive the \$944 fee to process and conduct survey for preferential parking districts; or

- a) Denying the petition to terminate the newly created preferential parking district on Bowman Avenue.

Item 17 was unanimously continued to the next regularly scheduled City Council meeting of October 10, 2006, by motion of Council Member Gonzalez and seconded by Mayor Davila.

RECESS

The City Council recessed at 9:09 p.m., and reconvened at 9:22 p.m., with all Members of Council present.

CLOSED SESSION WALK-ON ITEM

City Attorney Salinas requested that City Council authorize a walk-on item for the Closed Session calendar that was not posted as part of the regular agenda. The Government Code §54954.2 allows a matter to be brought up when there is a need to take immediate action and can not wait until the next regularly scheduled meeting. And that the need for the action came to the attention of the City after the agenda was posted. In this case, the matter that we would like to walk-on is the item of litigation involving the City of South Gate. The matter is entitled Luis Martin Ochoa vs. City of South Gate. And the reason why the matter needs to be walked-on at this time is because on Friday which was after this Thursday posting of the agenda, the City Council received a settlement offer which

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

CLOSED SESSION WALK-ON ITEM CONTINUED

the City Council needs to discuss in Closed Session. The matter can not wait for the next regularly scheduled City Council meeting, because there are a series of depositions which are scheduled for this coming week and because there is a discovery deadline which is pending. Thus forcing the City Council to accept or discuss said settlement offer at this time or risk loosing it and incurring additional fees. So based upon those representations and the finding of urgency, City Attorney asked City Council to make a motion in the matter of Ochoa vs. City of South Gate to be walked-on as an urgency basis and a roll call vote.

Council Member Gonzalez unanimously motioned to Walk-on the Closed Session Item and seconded by Council Member Hurtado.

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

The City Council recessed into Closed Session at 9:26 p.m., and reconvened at 9:41 p.m., with four (4) Members of Council present. Council Member Martinez was excused from the meeting and departed from Closed Session at 9:40 p.m. City Attorney Salinas reported the following:

On a motion made by Vice Mayor De Witt and seconded by Council Member Gonzalez and on a vote of 5-0, the City Council approved a settlement (Contract No. 2322) of the Ochoa case in order to avoid additional expense and also authorized the Mayor to execute a settlement agreement in a form to be approved by the City Attorney.

18 PARKING & TRAFFIC

The City Council approved the recommendations from the Transit Development Plan report as outlined in the staff report, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Martinez was absent; and

- a) Authorizing a contract extension to AAE, Inc., to assist in the preparation of a Request for Proposal (RFP) for transit services

19 PERSONNEL RECRUITMENT & SELECTION

The City Council approved six hourly Police Officer positions, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado. Council Member Martinez was absent; and

- a) Approved conversion of current Reserve Police Officer positions to hourly Police Officer positions; and
- b) Appropriated \$112,644.00 from the General Fund Reserve

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

20

LEGAL OPERATIONS

The City Council considered approving an 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

- a) Authorizing the Mayor to execute a retainer agreement in a form acceptable to the City Attorney.

Item 20 was continued to the next regularly scheduled City Council meeting of October 10, 2006 by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Martinez was absent.

21

WATER ISSUES/ SYSTEM ADMIN

The City Council authorized the Mayor to execute a Quit Claim Deed conveying to Geneerco, Inc. any remaining interest of the City in and to that property located at 4134 Ardmore Avenue in the City of South Gate, commonly known as Well No. 20, by motion of Mayor Davila and seconded by Council Member Hurtado; and

- a) Directing the City Clerk to file the Quit Claim Deed with the County Recorder in a form approved by the City Attorney.

Vice Mayor De Witt abstained from discussing and voting on item 21 and departed from the Council Chambers.

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

22

SOLID WASTE MANAGEMENT

The City Council appointed Council Member Gonzalez and Council Member Martinez to the City Council subcommittee to meet with the management staff and representatives of Waste Management, Inc., to review their application for a commercial rate increase, by motion of Mayor Davila and seconded by Council Member Hurtado. Council Member Martinez was absent.

23

TRANSPORTATION PLANNING/ADMIN

The City Council accepted a proposal for an as-needed professional engineering services and technical studies from Wildan for conceptual studies in the amount of \$97,000, by motion of and Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Martinez was absent; and

- a) Appropriate \$97,000 from the Proposition C Fund reserve.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

24

PURCHASING SERVICES The City Council appropriated \$12,280.00 from the Asset Seizure Fund Reserve, by motion of Mayor Davila and seconded by Vice Mayor De Witt. Council Member Martinez was absent; and

- a) Appropriated \$12,280.00 from the AB 3229 grant funds

25

BUDGET ADMIN The City Council approved the proposed budget amendments included in the staff report, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Martinez was absent.

26

**WARRANTS AND
CANCELLATIONS**

The City Council approved the Warrants and Cancellations for September 26, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt. Council Member Martinez was absent.

Total of Checks:	\$1,745,714.48
Total of Payroll Deductions:	<u>\$< 65,923.43 ></u>
Grand Total:	\$1,679,791.05

Cancellations: 128001, 129996, 130006

CLOSED SESSION

The City Council recessed into Closed Session at 10:12 p.m., and reconvened at 10:47 p.m., with four (4) Members of Council present. Council Member Martinez was absent. City Attorney Salinas reported the following:

1. **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

There was no reportable action taken on this matter.

REGULAR CITY COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2006

ADJOURNMENT

Mayor Davila adjourned the meeting in memory of Mary Sarah Bradley, Vice Mayor De Witt's sister at 10:48 p.m., and seconded by Council Member Hurtado. Council Member Martinez was absent.

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

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk