

**CITY OF SOUTH GATE  
REGULAR CITY COUNCIL MEETING  
MINUTES  
TUESDAY, OCTOBER 10, 2006**

- CALL TO ORDER** Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:45 p.m.
- INVOCATION** Pastor Nick Garife, Hope Christian Church led the Invocation.
- PLEDGE OF ALLEGIANCE** Javier Marquez, Code Enforcement Officer 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**  
**PROCLAMATION** Mayor Davila issued a proclamation declaring October 15 through October 21, 2006 as “Code Enforcement Week”.
- 2**  
**PROCLAMATION** Mayor Davila issued a proclamation declaring October 21 – 29, 2006 as Red Ribbon Week, and encouraged the citizens of South Gate to participate in drug prevention education activities.
- 3**  
**PRESENTATIONS** Mayor Davila presented a Certificate of Appreciation to Silvia Villarreal in recognition of her service as a Parks and Recreation Commissioner.
- 4**  
**PRESENTATIONS** The City Council was introduced to a recently hired employee in the Community Development Department.
- 5**  
**PRESENTATIONS** The City Council received an update on the West Nile virus in Los Angeles County by Truc Dever, Public Information Officer of the Greater Los Angeles County Vector Control District.
- 6**  
**MUNICIPAL CODE/PARKING & TRAFFIC ADMIN** The City Council unanimously conducted a public hearing, waived the reading and introduced Ordinance No. 2222 – An Ordinance of the City of South Gate amending Section 8.12.070 (C) (Oversized Vehicle Parking Regulations) of Chapter 8.12 (Stopping, Standing and Parking of Vehicles of Title 8 (Traffic) of the South Gate Municipal Code relating to Street Restrictions for Commercial Vehicles, by motion of Vice Mayor De Witt and seconded by Mayor Davila.

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**MUNICIPAL CODE ADMIN** The City Council unanimously continued a public hearing to consider continuing the introduction of an Ordinance amending certain Sections of Chapters 11.07 (R-1-7500 Single-Family Residential Zone), 11.08 (R-1 Single-Family Residential Zone), 11.10 (R-2 Two-Family Residential Zone), 11.12 (R-3 Multiple-Family Residential Zone), and 11.14 (R-4 Restricted Service Zone) of Title 11 (Zoning) of the Municipal Code by modifying sections containing language regarding the front yard setback area and side yard setback area of residential properties, to the City Council meeting of November 14, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

8

**MUNICIPAL CODE ADMIN** The City Council unanimously conducted a public hearing, waived the reading and introduced Ordinance No. 2223 – An Ordinance of the City Council of the City of South Gate amending Section 11.34.020 (Off-Street Parking Required) of Chapter 11.34 (Off-Street Parking Requirements – General Provisions, Conditions and Exceptions) of Title 11 (Zoning) of the Municipal Code by Modifying Requirement for Additional Garages for Residential Units having Four or more Bedrooms, adding Section 11.04.062 (Defining Bedroom) and Section 11.04.186.5 (Defining Family Room) to Chapter 11.04 (Definitions), by motion Council Member Gonzalez and seconded by Vice Mayor De Witt.

### **DEVIATE FROM THE AGENDA**

At this time, there being no objections, Mayor Davila stated that items 26 and 20 would be considered out of its regular agenda order.

26

**COMMUNITY PROMOTION** The City Council unanimously approved a special permit for the South Gate Chamber of Commerce to hold a carnival at South Gate Park in accordance with Municipal Code 7.49.210, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

20

**PARKING & TRAFFIC** The City Council denied accepting the petition nor authorized 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), waive the \$944 fee to process and conduct survey for preferential parking districts; and

- a) Denied the petition to terminate the newly created preferential parking district on Bowman Avenue, by motion of Council Member Martinez and seconded by Council Member Gonzalez. The motion carried unanimously (5-0).

**RECESS**

The City Council recessed at 8:42 p.m., and reconvened at 8:56 p.m., with all Members of Council present.

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**9  
UNCLASSIFIED USE  
PERMITS**

The City Council unanimously continued a public hearing to consider adopting a Resolution – A Resolution of the City Council of the City of South Gate approving Unclassified Use Permit No. 52, allowing the installation and operation of a digital wireless telecommunications Facility at 9927 San Antonio Avenue, to the next regularly scheduled City Council meeting of October 24, 2006, by motion of Vice Mayor De Witt and seconded by Council Member Martinez.

Vice Mayor De Witt is concerned for the safety of the senior citizens due to the transmitter being place above the senior citizen’s facility.

**10  
UNCLASSIFIED USE  
PERMITS**

The City Council unanimously continued a public hearing to consider adopting a Resolution - A Resolution of the City Council of the City of South Gate approving Unclassified Use Permit No. 54, allowing the installation and operation of a digital wireless telecommunications facility at 5470 Imperial Highway, to the next regularly scheduled City Council meeting of October 24, 2006, by motion of Vice Mayor De Witt and seconded by Council Member Gonzalez.

**11  
UNCLASSIFIED USE  
PERMITS**

The City Council unanimously continued a public hearing to consider adopting a Resolution - A Resolution of the City Council of the City of South Gate approving Unclassified use Permit No. 55, allowing the installation and operation of a digital wireless telecommunications facility at 9420 Long Beach Boulevard, to the next regularly scheduled City Council meeting of October 24, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

**COMMENTS FROM  
THE AUDIENCE**

Ronald Garcia, representative from Southern California Edison Company is here to talk about the November ballot. He mentioned that the South Gate Chamber of Commerce and the other Chamber of Commerce offices he works with are supporting Proposition 1A, 1B, 1C, 1D & 1E and they are opposing Proposition 90.

Patricia Koval, 7347 Cloverlawn Street and Becky Puiceall, 7346 Cloverlawn Street, thanked City Council and staff for looking at their petitions. They also thanked Mr. Dickey for getting the curve painted red on the corner going out of Howery onto Garfield, but people are still parking on the curve. Mrs. Puicell also mentioned that the petition having to do with the empty lot belongs to Paramount, but was wondering if the City of South Gate can clean its portion and/or work with the City of Paramount to get the lot clean.

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### COMMENTS FROM THE AUDIENCE CONTINUED

Jean Heinl, 8917 Alexander Avenue, suggested a solution to the parking situation. She mentioned supporting Proposition 90.

Julio Munoz, 5130 Wood Avenue, asked who he needs to call to complain about tow trucks towing cars at 2:00 or 3:00 in the morning. He also asked who regulates tow truck companies, because his big rig was towed from Target. He went to Mr. C's Towing and was treated very harsh.

### REPORTS AND COMMENTS FROM CITY OFFICIALS

Council Member Martinez mentioned that the Boy Scouts did a great job on revamping the Boy Scouts huts.

Council Member Hurtado thanked Council Member Martinez for volunteering at the snack bar. He also thanked Captain Key and two representatives from SEACCA for meeting with him about implementing an ordinance on dogs.

Vice Mayor De Witt mentioned that he and Mayor Davila attended Hector De La Torre's college conference at the Southeast High School last Saturday. He also announced that the Los Angeles County will be having their free flu shots on Friday, November 17<sup>th</sup> from 9:00 a.m. to 11:30 a.m.

Mayor Davila thanked Bryan Cook, Assistant to the City Manager for attending the college conference on Saturday and for his presentation on government and local government. She congratulated the Parks Department for coming in first place, Police Department was second and Finance was third in the softball tournament.

Lolita Brown Fletcher, Personnel Director thanked Mayor Davila and Vice Mayor De Witt for attending the softball tournament, it means a lot to the employees. She announced that the employees will be having another softball tournament in the spring.

Steve Lefever, Community Development Director mentioned that the Seaborg house has been moved and is in the Civic Center parking lot. He announced that this Friday will be enforcing the canopy ordinance in Area 1.

Council Member Gonzalez asked Steve Lefever, Community Development Director to advise him when the City will be opening and/or dedicating the Seaborg house, so he may make arrangements for Sam and Skip Echols to be present.

Carmen Avalos, City Clerk informed City Council, staff and the public that Cerritos College has a program called Weekend College for the City or employees to participate and raise the academic level.

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**CONSENT CALENDAR** Agenda Items 12, 13, 14, 15, 16, 17 and 18 were approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

12

**PARKS**

The City Council waived the reading and adopted 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 Prohibitions, Ejection from Park Grounds, and Skating Park Rules, during consideration of the Consent Calendar. Council Member Martinez was absent

13

**WATER PLANNING/ISSUES**

The City Council adopted Resolution No. 7140 – A Joint Resolution of the City Council of the City of South Gate and the South Gate Utility Authority revising the repayment schedule for the advance made by the City to the Utility Authority in 2001, during consideration of the Consent Calendar. Council Member Martinez was absent; and

- a) Approved the Amendment to the Water Enterprise Lease Agreement.

14

**RISK MGMT ADMIN**

The City Council approved a one year agreement (Contract No. 2323) - with TRISTAR Risk Management for safety and loss control services, during consideration of the Consent Calendar. Council Member Martinez was absent.

15

**STREETS/SIDEWALKS/  
TREES ADMIN**

The City Council accepted the Garfield Avenue Resurfacing and Rehabilitation from Firestone Boulevard to Meadow Road, City Project No. 320-ST and Federal Project No. STPL-5257 (014) as complete effective September 30, 2006, during consideration of the Consent Calendar. Council Member Martinez was absent; and

- a) Directing the City Clerk to file the Notice of Completion with the County Recorder.

16

**PUBLIC TRANSPORTATION  
SYSTEMS MGMT**

The City Council approved Change Order No. 1 for \$28,615.40 for the removal and replacement of existing solar panels at 11 bus shelters in connection with the Installation of Street Furniture at Various Locations, City Project No. 353-GEN, during consideration of the Consent Calendar. Council Member Martinez was absent; and

- a) Authorized the Director of Public Works to execute Change Order No. 1

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**COMMUNITY PROMOTION** The City Council approved the Carnival Concessionaire Request for Proposal, during consideration of the Consent Calendar. Council Member Martinez was absent; and

- a) Authorized distribution and advertisement of the Request for Proposal

18

**MINUTES**

The City Council approved the Regular City Council Meeting Minutes of September 12 and September 26, 2006, during consideration of the Consent Calendar. Council Member Martinez was absent.

19

**REDEVELOPMENT**

The City Council adopted Resolution No. 7141 – A Resolution of the City Council of the City of South Gate, designating a redevelopment study area for study purposes in connection with the determination of the feasibility of a proposed new redevelopment project area pursuant to community redevelopment law, by motion of Council Member Gonzalez and seconded by Mayor Davila.

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

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

21

**LEGAL OPERATIONS**

The City Council continued an agreement to retain Sulmeyer Kupetz, 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 the Mayor to execute a retainer agreement in a form acceptable to the City Attorney to the City Council meeting of October 24, 2006, by motion of Mayor Davila and seconded by Council Member Hurtado. Vice Mayor De Witt was absent.

22

**PERSONNEL BENEFITS/  
RETIREMENT ADMIN**

The City Council unanimously approved PARS (Public Agency Retirement System) Supplemental Pension Benefit for one additional retired police officer, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt; and

- a) Authorized an appropriation of \$163,881 from the General Fund Reserve

## REGULAR CITY COUNCIL MEETING MINUTES OF OCTOBER 10, 2006

**RECESS** Prior to the conclusion of item 22, the City Council recessed at 10:43 p.m., and reconvened at 10:46 p.m., with all Members of Council present.

24 This item was removed from the agenda.

25  
**COMMUNITY DEV/  
HOUSING**

The City Council unanimously authorized the Mayor to execute Contract No. 2324 - with JWA Urban Consultants Inc., for housing program administrative services in an amount not to exceed \$150,000, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

27  
**WARRANTS AND  
CANCELLATIONS**

The City Council unanimously approved the Warrants and Cancellations for October 10, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

Total of Checks:	\$1,731,327.63
Total of Payroll Deductions:	<u>\$ &lt;63,483.28&gt;</u>
Grand Total:	\$1,667,844.35

Cancellations: 129633, 129955, 129988, 129989, 130256

**WALK-ON ITEM**

Gary Milliman, City Manager informed City Council of an urgency walk-on item that came to the attention of the staff after the posting of the agenda that a Resolution authorizing the Police Department to receive grant funds from the Corrections Standard Authority for the South Gate Police Athletic League requires that the Council adopt a resolution in advance before applying for the funding. The deadline for applying for the grant is October 17<sup>th</sup>. We are requesting that Council take this matter up as an urgency item and it would require a 4/5<sup>th</sup> vote.

Council Member Gonzalez motioned to Walk-on the Item and seconded by Mayor Davila. Motioned carried unanimously (5-0).

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

Resolution No. 7142 - A Resolution of the City Council of the City of South Gate authorize the South Gate Police Department to receive grant funds from the Corrections Standard Authority (CSA) for the South Gate Police Athletic League, was unanimously adopted by motion of Mayor Davila and seconded by Vice Mayor De Witt.

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**CLOSED SESSION**

The City Council recessed into Closed Session at 10:55 p.m., and reconvened at 11:49 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. Mercado v. City of South Gate
- b. Valverde Construction v. Wesco Companies Inc.

On item 1(a), the City Council on a motion made by Vice Mayor De Witt and seconded by Council Member Gonzalez, and on a vote of 5-0, approved a settlement agreement (Contract No. 2325) to resolve all matters in that case.

On item 1(b), the City Council met to discuss a tort claim filed under the Government Code by Wesco Companies against the City of South Gate. On a motion made by Council Member Gonzalez and seconded by Council Member Martinez, and on a vote of 5-0, denied the tort claim filed by Wesco Companies against the City.

2. 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.

**23  
PERSONNEL – MEMORANDA  
OF UNDERSTDG BETW CITY  
& EMPLEE GROUPS**

The City Council unanimously ratified the Memorandums of Understanding between Top Management Group (Contract No. 2326) and the Division Management Association (Contract No. 2327) and the City of South Gate concerning changes to terms and conditions of employment, salary and benefits, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado; and

- a) Authorized the execution and implementation of the Memorandums of Understanding; and
- b) Appropriated \$232,519 from the General Fund Reserve

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**ADJOURNMENT** Mayor Davila adjourned the meeting at 11:51 p.m., and seconded by Council Member Hurtado.

**PASSED** and **APPROVED**, this 24<sup>th</sup> day of October, 2006.

ATTEST:

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Maria Davila, Mayor

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Carmen Avalos, City Clerk