

**CITY OF SOUTH GATE  
REGULAR CITY COUNCIL MEETING  
MINUTES  
TUESDAY, OCTOBER 24, 2007**

**CALL TO ORDER** Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:37 p.m.

**INVOCATION** Pastor Marina Kings, Faith Lutheran Church led the Invocation.

**PLEDGE OF ALLEGIANCE** Director Pat Acosta, Water Replenishment District 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 Martinez arrived at the dais at 6:45 p.m.

**1**  
**PRESENTATION** The City Council was introduced to a recently hired employee in the Parks and Recreation Department.

**2**  
**CITY COUNCIL APPOINTMENTS** Councilman Gil Hurtado appointed Walter Rivas to the Parks and Recreation Commission.

**3**  
**PRESENTATION** The City Council received a brief overview of the Water Replenishment District's projects and programs.

**4**  
**UNCLASSIFIED YSED PERMIT** The City Council conducted a public hearing and adopted Resolution No. 7143 – 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 telecommunication facility at 9927 San Antonio Avenue, by motion of Vice Mayor De Witt and seconded by Council Member Hurtado.

**ROLL CALL:** Council Member Gonzalez, yes; Council Member Hurtado, yes; Council Member Martinez, no; Vice Mayor De Witt, yes; Mayor Davila, yes.

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### 5 UNCLASSIFIED USED PERMIT

The City Council conducted a public hearing and adopted Resolution No. 7144 – 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, by motion of Mayor Davila and seconded by Council Member Hurtado.

### 6 UNCLASSIFIED USED PERMIT

The City Council conducted a public hearing and adopted Resolution No. 7145 – 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, by motion of Council Member Hurtado and seconded by Mayor Davila.

**ROLL CALL:** Council Member Gonzalez, yes; Council Member Hurtado, yes; Council Member Martinez, no; Vice Mayor De Witt, yes; Mayor Davila, yes.

### COMMENTS FROM THE AUDIENCE

Virginia Johnson advised City Council that Marilyn Echols' husband, Sam Echols' third surgery went well. Ms. Johnson mentioned that according to her notes from the General Plan meeting, there will be a planning committee meeting for the General Plan on November 14<sup>th</sup>, but that is also the same date as the City Council meeting.

### REPORTS AND COMMENTS FROM CITY OFFICIALS

Robert Todd, Chief of Police thanked everyone who was able to attend the Day at the Park on Saturday, October 14<sup>th</sup>. He invited everyone to attend the Explorer Academy being conducted on Saturday at the South Gate High School. There will also be a community march on Friday night from Victoria Elementary School at 6:00 p.m. to the Police Department.

Steve Lefever announced that on November 1<sup>st</sup> the Building and Safety counters will reopen at 1:30 p.m. instead of 2:30 p.m.

Carmen Avalos, City Clerk announced that the City will be having an election on March 6, 2007 and the election nomination & candidate statement open on Monday, November 13<sup>th</sup> at 7:00 a.m. and will close on Monday, December 11<sup>th</sup> at 5:30 p.m. She also announced that the City will be recruiting poll workers.

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### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

Gary Milliman, City Manager, advised City Council that staff is going to request that the mayor remove item 7 from the Consent Calendar because it was placed in the Consent Calendar inadvertently. He also reported that the City received a series of petitions from Hollydale residents and the City has taken action to install red curbs, monitor parking situation and contacted the City of Paramount in regards to the condition of a property that is in their city.

Council Member Martinez announced that the Police Officers Association is having a Halloween dinner on Saturday at Mr. C's Towing. The money goes toward the Santa Cop program.

Vice Mayor De Witt left a brochure with the City Manager from a city in Orange County about emergency preparedness.

Mayor Davila reminded everyone of the State of the City Address is scheduled for Thursday, November 2<sup>nd</sup> from 9:00 a.m. to 11:00 a.m. at the South Gate Park Auditorium.

#### CONSENT CALENDAR

Agenda Items 8, 9, 10, 11, 12 and 14 were approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Council Member Hurtado. Items 7 and 13 were removed for separate discussion.

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#### MUNICIPAL CODE ADMINISTRATION

The City Council unanimously waived the reading and adopted 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 Council Member Gonzalez and seconded by Vice Mayor De Witt.

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#### MUNICIPAL CODE ADMINISTRATION

The City Council unanimously waived the reading and adopted 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), during consideration of the Consent Calendar.

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### ELECTION ADMIN

The City Council unanimously called and gave Notice of a General Municipal Election to be held on March 6, 2007, during consideration of the Consent Calendar; and

- a) Adopted Resolution No. 7146 – A Resolution of the City Council of the City of South Gate appointing the City Clerk as the Elections Official of the City for the March 6, 2007 South Gate General Municipal Election; and
- b) Adopted Resolution No. 7147 - A Resolution of the City Council of the City of South Gate, calling and giving Notice of the holding of a General Municipal Election to be held on Tuesday, March 6, 2007, for the election of certain officers as required by provisions of the laws of the State of California relating to General Law Cities; and
- c) Adopted Resolution No. 7148 - A Resolution of the City Council of the City of South Gate, California, requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City of South Gate relating to the conduct of a General Municipal Election to be held on Tuesday, March 6, 2007; and
- d) Adopted Resolution No. 7149 - A Resolution of the City Council of the City of South Gate, California, adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at the General Municipal Election to be held on Tuesday, March 6, 2007; and
- e) Adopted Resolution No. 7150 - A Resolution of the City Council of the City of South Gate, California, consenting to an election consolidation with the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District ordering that four seats on the Board of Trustees of the Los Angeles Community College District and one seat on the Board of Education of the Los Angeles Unified School District appear on the ballot of the General Municipal Election to be held on Tuesday, March 6, 2007.

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### PARKING & TRAFFIC

The City Council unanimously adopted Resolution No. 7151 – A Resolution of the City Council of the South Gate amending Resolution No. 7109 setting rules and regulations for the operation of the Preferential Parking District on Bowman Avenue between the alley south of Firestone Boulevard and Southern Avenue and waiving parking permit fee, during consideration of the Consent Calendar; and

- a) Authorized the Finance Director to issue preferential parking permits in conformance with Ordinance No. 2219.

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### TRANSPORTATION PLANNING ADMINISTRATION

The City Council unanimously approved the Gateway Cities Council of Governments I-710 Major Corridor Study Implementation Agreement

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### TRANSPORTATION PLANNING ADMINISTRATION

#### CONTINUED

(Contract No. 2328) and authorizing the Mayor to execute the agreement, during consideration of the Consent Calendar.

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#### PARKS

The City Council unanimously approved the plans and specifications and Notice Inviting Bids for Cesar Chavez Park, Phase II, City Project No. 273-ARC, during consideration of the Consent Calendar; and

- a) Waived all required permit fees associated with this project; and
- b) Approved the proposed angled parking for this project on Southern Avenue; and
- c) Authorized the City Clerk to publish the Notice Inviting Bids as required by law.

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#### PARKING & TRAFFIC

The City Council unanimously continued a Resolution designating certain streets to be restricted for overnight parking by commercial vehicles to the regular meeting of November 14, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

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#### MINUTES

The City Council unanimously approved the Regular City Council Meeting Minutes of October 10, 2006, during consideration of the Consent Calendar.

#### RECESS

The City Council recessed at 8:38 p.m., and reconvened at 8:56 p.m., with all Members of Council present.

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#### PERSONNEL ADMIN

The City Council unanimously adopted Resolution No. 7152 – A Resolution of the City Council of the City of South Gate amending Resolution No. 6454 (Salary Resolution and Position Classification Plan) to reflect the creation of and job specifications for Tweedy Mile Program Manager (Administration), Crime Analyst (Police Department), Graffiti Removal Worker (Public Works, one full time and one hourly) and the job specifications for the Transit Services Coordinator (Parks and Recreation), by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt; and

- a) Authorized a budget appropriation in the amount of \$40,105 for the Tweedy Mile Program Manager.

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FINANCE ADMIN

The City Council unanimously adopted Resolution No. 7153 – A Resolution of the City Council of the City of South Gate authorizing the City Manager and the Finance Director to invest funds in the local agency investment fund, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

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FINANCE ADMIN/  
ELECTION ADMIN

The City Council placed a measure on the March 6, 2007 ballot to eliminate the elected City Treasurer position upon completion of the current term in March 2009 and making the position appointive thereafter, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

**ROLL CALL:** Council Member Gonzalez, yes; Council Member Hurtado, yes; Council Member Martinez, no; Vice Mayor De Witt, no; Mayor Davila, yes.

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BUSINESS LICENSE ADMIN/  
ELECTION ADMIN

The City Council removed from the agenda placing a measure on the March 6, 2007 ballot to revise the Business License Tax ordinance to remove the cap of \$3,000 on the annual amount paid, by motion of Council Member Gonzalez and seconded by Council Member Martinez.

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

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LEGAL OPERATIONS

The City Council unanimously continued the 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 November 14, 2006, by motion of Vice Mayor Davila and seconded by Council Member Hurtado.

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TRANSPORTATION PLANNING/  
ADMIN

The City Council unanimously appropriated \$36,260 from Proposition C Funds for appraisal services for the Firestone Boulevard and Atlantic Avenue Intersection Improvement Project, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

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### INVESTMENTS

The City Council unanimously received and filed the quarterly investment report for September 30, 2006, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

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### WARRANTS

The City Council unanimously approved the Warrants for October 24, 2006, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

|                              |                             |
|------------------------------|-----------------------------|
| Total of Checks:             | \$2,561,658.24              |
| Total of Payroll Deductions: | <u>\$ &lt;52,011.89&gt;</u> |
| Grand Total:                 | \$2,509,646.35              |

### CLOSED SESSION

#### WALK-ON ITEM

City Attorney Salinas requested to walk-on a matter on the Closed Session agenda. Under Government Code §54954.2 the City Council may consider a matter not posted on the agenda when the matter came before the attention of staff after the posting of the agenda and when there is a need to take immediate action. In this case, City Attorney and City Manager would like to walk-on a matter of pending litigation which is City of South Gate v. Psomas to discuss a proposed offer. This matter is appropriate for bringing up on a walk-on basis because two things developed after the agenda was posted. (1) The City Manager received a settlement proposal from Psomas on Monday, October 23<sup>rd</sup> and (2) there was a court hearing on Friday, October 20<sup>th</sup> and at the court hearing it was disclosed for the first time that Psomas had filed a cross-complaint in the action. For those two reasons the City Attorney thinks it is important for the City Council to be able to consider and have a discussion with its legal counsel so that the City may respond as a request is required both to the complaint as well as the settlement offer. Neither of those two can wait until the next City Council meeting.

Vice Mayor De Witt motioned to Walk-on the Closed Session Item and seconded by Mayor Davila.

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

### 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:

In the City of South Gate v. Psomas, the City Council gave direction to the City Manager to negotiate a final resolution directly with the business representative for Psomas and also provided guidance on the generally

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accepted range of where the settlement should lie on that matter. There was no other action taken on this matter.

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

**CLOSED SESSION  
CONTINUED**

- a. Robert Hickoff v. City of South Gate

On item 1(a), the City Council approved a settlement to purchase the future medical treatment and to resolve any further obligation of pay for medical care in connection with that Workers' Compensation matter, by motion of Vice Mayor De Witt and seconded by Mayor Davila. The vote was 5-0. The subject of the approval still requires consent by the Workers' Compensation Appeal Board.

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

Agency Representation: City Manager  
Gary Milliman

Employee Organizations: South Gate PMMA

There was no reportable action taken on this matter.

**ADJOURNMENT**

Council Member Gonzalez adjourned the meeting in memory of Serviceman Luis Enrique Tejeda, former South Gate resident; Jose Llamas, Downey Police Officer; Sighle White, long time South Gate resident; Dolores Evora, Grandmother of David Torres, South Gate employee; and Landon Dorris, Los Angeles Police Officer at 10:44 p.m., and seconded by Council Member Hurtado.

**PASSED and APPROVED**, this 14<sup>th</sup> day of November, 2006.

ATTEST:

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Maria Davila, Mayor

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Carmen Avalos, City Clerk