

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, NOVEMBER 14, 2006**

CALL TO ORDER Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:51 p.m.

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 Gregory Martinez; City Treasurer Rudy Navarro, City Manager Gary Milliman, and City Attorney Raul F. Salinas

CALL TO ORDER Chairperson Cecilia Miranda called a meeting of the Planning Commission at 6:51 p.m.

PRESENT Chairperson Cecilia Miranda, Vice Chairperson Abe Torres, Commissioner Angel Colon, Commissioner Sylvia Masushige and Commissioner Rudy Montalvo

INVOCATION Pastor Ernesto Trejo, South Gate Church of Christ led the Invocation.

PLEDGE OF ALLEGIANCE Bryan Cook, Assistant to the City Manager led the Pledge of Allegiance.

DEVIATE FROM THE AGENDA At this time, there being no objections, Mayor Davila stated that item 22 would be considered out of its regular agenda order.

22
GENERAL PLAN The City Council and Planning Commission received a brief update of the General Plan update process.

ADJOURNMENT Chairperson Miranda unanimously adjourned the Planning Commission meeting at 7:26 p.m., to Tuesday, November 21, 2006 at 7:00 p.m. and second by Commissioner Colon.

RECESS The City Council recessed at 7:26 p.m. and reconvened at 7:37 p.m., with all Members of Council present.

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1

MUNICIPAL CODE ADMIN The City Council unanimously continued a public hearing to consider removing 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 from the City Council Meeting Agenda, to the next regularly scheduled City Council meeting of November 28, 2006, by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

2

FRANCHISE ADMIN The City Council unanimously continued a public hearing, the reading and introduction of an Ordinance granting a five year franchise to Pacific Pipeline System LLC, to lay and use pipes, ditches, flumes, conduits and appurtenances for transmitting and distributing oil or products thereof, for any and all purposes in, along, across, upon and under the public streets, ways, alleys and places, as the same now or may hereafter exist, within the City of South Gate, to the City Council Meeting of January 9, 2007, by motion of Council Member Hurtado and seconded by Vice Mayor De Witt.

DEVIATE FROM THE AGENDA

At this time, there being no objections, Mayor Davila stated that item 14 would be considered out of its regular agenda order.

14 COMMUNITY PROMOTION

The City Council unanimously continued the hours of operations and boundaries for the 2007 Tweedy Mile Street Fair, to the next regularly City Council meeting of November 28, 2006, by motion of Mayor Davila and seconded by Vice Mayor De Witt;

- a) Waiving the business license event fee in the amount of \$4,825.00;
- b) Authorizing the Tweedy Mile Association to organize and conduct a sidewalk sale during the days and hours of the Tweedy Mile Street Fair; and
- c) Authorizing the City Manager to execute the agreement with Tweedy Mile Business Association to use the public right-of-way for this event, amend as needed and negotiate all other conditions as needed.

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3

PARKING & TRAFFIC

The City Council unanimously conducted a public hearing to continue the discussion of designation certain streets to be restricted for overnight parking by commercial vehicles to the City Council meeting of November 28, 2006, by motion of Mayor Davila and seconded by Council Member Hurtado.

4

**COMMUNITY DEVELOPMENT/
HOUSING**

The City Council unanimously conducted a public hearing to reallocate CDBG funds from fiscal years 2005/06 and 2006/07, (as amended) by motion of Council Member Gonzalez and seconded by Council Member Martinez.

AMENDMENT:

Nonprofit Organizations	\$30,000.00
Westside/Cesar Chavez Phase II	\$402,038.73
South Gate Regional Park – Parking Lot Improvement	\$318,280.86
South Gate Regional Park Alarm System	\$0.00

**DEVIATE FROM
THE AGENDA**

At this time, there being no objections, Mayor Davila stated that item 16 would be considered out of its regular agenda order.

16

**TRANSPORTATION
PLANNING/ADMIN**

The City Council unanimously established a procedure for the selection of the Local Advisory Committee for the I-710 Environmental Impact Report and Environmental Impact Statement phase of the I-710 Major Corridor, by motion of Council Member Gonzalez and seconded by Council Member Hurtado; and

- a) Authorizing staff to proceed with the creation of the Local Advisory Committee consisting of members of Tier I Committee, affected residents and/or businesses; and
- b) Authorizing the proposed LAC Committee select a Chairperson and an Alternate to serve on the I-710 Corridor Advisory Committee.

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COMMENTS FROM THE AUDIENCE

Virginia Johnson wished everyone a Happy Thanksgiving.

Jorge Carrillo, 9208 Dorothy Avenue addressed City Council about the City of Lynwood planning to build an NFL Stadium and was wondering if it will affect the City of South Gate.

Gary Milliman, City Manager mentioned that the City of Lynwood's project is very big and the City of South Gate would participate as a commentary agency in the environmental review.

Steve Lefever, Director of Community Development announced that staff has been having regular meetings with the City of Lynwood Redevelopment Department.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Council Member Martinez mentioned that the City had a clean out a couple of weeks ago and it went well. He especially thanked Waldo Perez for his hard work and participation.

Council Member Gonzalez announced inviting Lorenzo Mata to the Christmas parade. He also announced that the Rotary Club is having their Thanksgiving dinner on Thanksgiving Day at the park.

Vice Mayor De Witt mentioned that the Los Angeles Division of the League of California Cities will not be having any meetings in November and December. The League of California Cities had an issue that came up and is important to all cities in the Los Angeles County. The issue dealt with what can and cannot go into the water river. He also mentioned that the City of Downey is in the process to vitalize part of Firestone Boulevard. He suggested that our City coordinate with the City of Downey on their medium improvements on Firestone Boulevard, so we may affect cost savings.

Mayor Davila thanked the Public Work's Department and everyone for the hard work they did for the clean up. She reminded everyone that St. Helen's Catholic Church is celebrating their 75th anniversary this weekend. She thanked the South Gate Police Department for the Domestic Violence Program and especially Yolanda Urtez and Eileen Villareal for their hard work. She wished everyone a Happy Thanksgiving.

Carmen Avalos, City Clerk reminded Council that the nomination period opened yesterday and will close on Monday, December 11th. She wished everyone a Happy Thanksgiving.

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RECESS The City Council recessed at 9:18 p.m. and reconvened at 9:37 p.m., with all Members of Council present.

CONSENT CALENDAR Agenda Items 6, 7, 8, 9, 10 and 11 were unanimously approved during consideration of the Consent Calendar by motion of Mayor Davila and seconded by Council Member Hurtado. Item 5 was removed for separate discussion.

**5
CITY CLERK RECORDS
MGMT PROGRAM**

The City Council unanimously continued the adoption of a Resolution - authorizing the destruction of certain records retained in both City Hall Departments and Police Department storage areas, to the next regularly City Council meeting of November 28, 2006, by motion of Vice Mayor De Witt and seconded by Council Member Gonzalez.

**6
LEGAL OPERATIONS**

The City Council unanimously entered into an agreement (Contract No. 2329) to retain the law firm of Ferguson, Praet & Sherman ("Praet Firm"), to provide legal services for personnel related matters to the City of South Gate, during consideration of the Consent Calendar; and

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

**7
COMMERCIAL ASSESSMENT
DISTRICTS**

The City Council unanimously approved an Agreement (Contract No. 2330) - with the Tweedy Mile Association for special patrol services along the Tweedy Mile business district, during consideration of the Consent Calendar.

**8
TRANSPORTATION
PLANNING/ADMIN**

The City Council unanimously approved plans and specifications and Notice Inviting Bids for the I-710/Firestone Boulevard Interchange, Phase III (Firestone Boulevard Bridge Widening over Rio Hondo Channel), Federal Project No. BRLSZD-5257 (013) and City Project No. 275-ST, during consideration of the Consent Calendar; and

- a) Concur with Caltrans and FHWA's approval of the environmental documents; and
- b) Authorizing the City Clerk to publish the Notice Inviting Bids as required by the law.

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PARKS

The City Council unanimously approved the purchase and installation of repair parts for the South Gate Park South Playground in the amount of \$4,755.29, during consideration of the Consent Calendar; and

- a) Approving the replacement of the rubberized surfacing for the South Gate Park South Playground in the amount of \$23,097.00; and
- b) Allocating \$27,852.29 of the City's Prop A Maintenance and Servicing Funds for this purpose.

10

LEGAL OPERATIONS

The City Council unanimously removed from the Council Meeting Agenda further consideration of the Sulmeyer Kupetz firm to provide legal services to the City, with direction to the City Attorney to re-introduce the agenda item at such time as the City Attorney determines appropriate, during consideration of the Consent Calendar.

11

MINUTES

The City Council unanimously approved the Regular City Council Meeting Minutes of October 24, 2006, during consideration of the Consent Calendar.

12

CITY COMMISSIONS & CMTE ORGANIZATION RECORDS

The City Council unanimously adopted Resolution No. 7154 entitled – A Resolution of the City Council of the City of South Gate rescinding Resolution No. 6622 establishing the Teen Commission, Resolution No. 6623 establishing the Environmental Review Commission and Resolution No. 6624 establishing the Police Commission, by motion of Vice Mayor De Witt and seconded by Mayor Davila.

13

ELECTION ADMIN

The City Council considered a motion to adopt by individual vote:

- a) Adopting Resolution No. 7155 entitled – Resolution of the City Council of the City of South Gate ordering the submission to the qualified electors of the City of a certain Measure “T” relating to changing of the existing office of the City Treasurer from an elected office to an appointed position, at the General Election to be held on Tuesday, March 6, 2007 as called by Resolution No. 1747, by motion of Mayor Davila and seconded by Council Member Gonzalez; and

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

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ELECTION ADMIN
CONTINUED

- b) Adopting Resolution No. 7156 entitled – A Resolution of the City Council of South Gate, setting priorities for filing written arguments regarding City Measures and directing the City Attorney to prepare an impartial analysis, by motion of Mayor Davila and seconded by Council Member Gonzalez; and

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

- c) Adopting Resolution No. 7157 entitled – A Resolution of the City Council of the City of South Gate, California, providing for the filing of rebuttal arguments for City Measures submitted at Municipal Elections, by motion of Mayor Davila and seconded by Council Member Gonzalez; and

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

- d) Approving a Notice of Election with Measure “T” and a Notice to voters of date after which No Argument for or against City Measures may be submitted to the City Clerk for publishing and posting, by motion of Mayor Davila and seconded by Council Member Gonzalez; and

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

- e) Approving the Argument in favor of Measure “T”, by motion of Mayor Davila and seconded by Council Member Gonzalez.

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

15
LEGAL OPERATIONS

The City Council unanimously received and filed a report on the first year results from City’s anti-truancy program known as Project ATTEND (Attaching Truancy Through Education and Necessary Determination), by motion of Council Member Martinez and seconded by Vice Mayor De Witt.

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SOLID WASTE MGNT

The City Council approved a commercial/industrial refuse rate increase of 8% and a 5.3% adjustment to non-disposal services rates as authorized in the Franchise Agreement for Refuse Collection and Recycling Services, by Vice Mayor De Witt and Council Member Martinez abstained from discussing and voting on this item and departed from the Council Chambers.

18

ART/MUSEUM/AUDITORIUM

FACILITIES/PROGRAMS

The City Council unanimously removed (a) and (b) from the agenda by motion of Vice Mayor De Witt and seconded by Mayor Davila.

- a) Authorizing the City Manager to enter into an agreement - with JCA Resources Inc., and KMD Architects, as approved by the City Attorney, for a needs assessment and feasibility study of the redevelopment of the Civic Center; and
- b) Authorizing a budget allocation in the amount of \$150,000 from the General Fund Reserve to fund the needs assessment and feasibility study.

19

PARKS

The City Council unanimously approved Notice of Exemption filed with the Los Angeles County Recorder office on December 14, 2005, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt; and

- a) Awarding a \$721,452.75 construction contract no. 2331 to Sequel Contractors, Inc., the lowest responsible bidder, for the Parking Lots Rehabilitation Project, City Project No. 345-ST, contingent upon City Council allocation of \$318,280.86 from an earlier agenda item related to the reallocation of unallocated 2005/2006 and 2006/2007 CDBG funding; and
- b) Waiving as immaterial Sequel's acknowledgement of receipt of Addendum No. 1 as described in the report summary; and
- c) Authorizing the Mayor and City Clerk to execute the contract; and
- d) Accepting Willdan proposal for construction management services for \$52,750.

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20 TRANSPORTATION PLANNING/ADMIN

The City Council unanimously accepted a proposal for professional right-of-way services from Epic Land Solutions, Inc. in the amount of \$93,450, by motion of Mayor Davila and seconded by Vice Mayor De Witt; and

- a) Appropriating \$93,450 plus \$10,000 contingency from Proposition C Funds for right-of-way services for the Firestone Boulevard and Atlantic Avenue Intersection Improvement Project, City Project No. 364-ST; and
- b) Approving Professional Services Agreement (attached) and authorizing the Mayor to sign the Agreement in a form approved by the City Attorney.

21 WARRANTS & CANCELLATIONS

The City Council unanimously approved the Warrants and Cancellations for November 14, 2006, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt

Total of Checks:	\$1,528,997.63
Total of Payroll Deductions:	\$ <61,721.39>
Grand Total:	\$1,467,276.24

Cancellations: 127101, 128332, 129640, 129645, 129647, 129874, 130859, 130925

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Government Code Section 54956.9(a)
 - a. Victor Abel Gonzalez v. City of South Gate
 - b. Psomas v. City of South Gate Utility Authority
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(c)

One (1) – Potential Case
3. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS
Pursuant to Government Code Section 54956.8

Property:	9015 Long Beach Boulevard, South Gate, California, 90280
City Negotiator:	Gary Milliman, City Manager
Negotiating with:	Dwayne Corbitt
Under Negotiation:	Purchase and sale

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**CLOSED SESSION
CONTINUED**

City Attorney Salinas reported that numerous Closed Session items have already been discussed earlier this evening under one of the other agency's Closed Session agenda. City Attorney moved not to recess into Closed Session as these items have been covered. He stated that item 1(a), can be deferred to a future meeting. There is no urgency in discussing item 1(a) this evening.

ADJOURNMENT

Mayor Davila unanimously adjourned the meeting at 10:28 p.m. and seconded by Council Member Hurtado.

PASSED and APPROVED, this 28th day of November, 2006.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk