

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

**CALL TO ORDER** Mayor Maria Davila called a Regular Meeting of the City Council to order at 6:39 p.m.

**INVOCATION** Pastor Charles Brady, Redeemer Lutheran Church led the invocation.

**PLEDGE OF ALLEGIANCE** Nellie Cobos, Assistant to the City Manager 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 Gregory Martinez; City Treasurer Rudy Navarro, City Manager Gary Milliman, and City Attorney Raul F. Salinas

**1  
TRANSPORTATION  
PLANNING/ADMIN**

The City Council unanimously continued a public hearing to consider adopting a Resolution - making a finding of conformance with the City's General Plan for a proposed intersection and roadway widening improvement project at the intersection of Firestone Boulevard and Atlantic Avenue and approving the required environmental assessment, to the City Council meeting of January 9, 2007, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

**RECESS** The City Council recessed at 8:02 p.m. and reconvened at 8:20 p.m., with all Members of Council present.

**COMMENTS FROM  
THE AUDIENCE**

Virginia Johnson, 5751 McKinley Avenue, said she is sorry to see Mr. Sinanian is the new owner of the Hollydale Plaza Area. She mentioned because Sinanian has a stigma surrounding his name, mainly because he was strongly associated with Albert Robles and closely associated with Mike Keale who stole the City's money for the three projects as well as with George Garrido of GWS Nursery. Ms. Johnson also mentioned that there will be no CIA meeting on Wednesday, December 13<sup>th</sup>, 2006.

Council Member Martinez made a public apology to his neighbors and the residents of South Gate because he had received complaints due to the many things from his hardware store that have accumulated on his back yard, which is open to the view of the public, due to the closing of his store. He also wants to advise his neighbors that he is working on cleaning out his back yard.

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### COMMENTS FROM THE AUDIENCE

#### CONTINUED

Yolanda Flores Aguilar, wanted to introduce herself to everyone as she is a candidate for School Board at L.A. Unified and she says she will be looking to develop her relationships with everyone during the campaign. She is now working at the Children's Planning Council of Los Angeles County and working on the past 7-8 years on improving conditions for children and families. Her hope is to learn about how they might increase the relationship and connection with the Southeast Cities with L.A. Unified, which has been a long time issue and problem.

Julio Munoz, 5130 Wood Avenue, commended the City Council for the decision on the Ordinance for the truck parking. Also, Mr. Munoz would like to know if his ticket can be waived because his vehicle is inoperable or if he must pay the ticket.

Gary Milliman, City Manager responded to Mr. Munoz's question by saying the City Council will ask the Police Department to look into it, but according to the circumstances described, Mr. Munoz towed a damaged and inoperable vehicle from another location onto a City street.

Mr. Munoz responded that he could not find a body shop during the weekend that would accept his vehicle.

Council Member Gonzalez responded to Mr. Munoz by advising him that there is an appeal procedure and he can go to the Police Department and fill out some paperwork.

### REPORTS AND COMMENTS

#### FROM CITY OFFICIALS

Council Member Martinez commented that the Christmas parade was nice on a beautiful, sunny day with many people lined up.

Council Member Hurtado announced that he attended the Council of Governments and there is nothing to report on except that they went through some Minutes from the previous meeting, had a nice meal, and that was it. He had a chance to inform them that the City of South Gate got an early Christmas present, and the place went up in a roar because everyone knew what he was talking about and it was exciting how a lot of cities recognize what the City of South Gate went through where it is now. Council Member Hurtado wanted to know how we get notified and what is the process when sex offenders get placed in our community and how many do we have now currently and if we have a say-so at any time.

Captain Andy Key responded to Council Member Hurtado's question by saying that they are notified by when they're paroled because the sex offenders have to come in to the Police Department in which they're going to live and register. If they don't register, they will have their parole violated. The City does not have a say-so in their placement. He will get

## REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 12, 2006

### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

the numbers of the amount of sex offenders for the City Council. Captain Andy Key mentioned that recently in the news, it was published that the problem the City had at the motel on Long Beach where they placed a bunch of the sex offenders, parole was shipping them around, that news story 9-10 months ago. Two parole agents got severely disciplined for doing that. It was brought to his attention about a motel on Firestone Boulevard where they were doing it again, they're not.

Council Member Hurtado responds by saying that he looked it up on the internet and that there were 120 some odd, which is a lot and where you consider we've got schools, we've got parks, and he can't see where we can't come out and say that the City is a bad place to place them because it is too close to schools and parks. He believes there should be a limit on the number of sex offenders in a City. He also made a comment about the parade and says he can't smile anymore because he is not used to smiling that long and the waving and jokingly says there should be some training for them about how to wave at a parade. He said it was amazing to see how many people were out there and it was a lot of fun and that the Police Department did a great job of keeping control of the crowd and doesn't know of any crime reported during that time. He says the people that put it all together did a great job.

Council Member Martinez wants to know if on the report about sex offenders, if they can be told the different levels of sex offenders and that the report would be beneficial to anyone who reads it. He also wanted to talk about an article about the truancy sweeps and about having 200 kids in all of these cities, but that the City was down to single digits while other cities had rampant amounts of truancy.

Captain Andy Key responded by saying that they had participated in the truancy sweeps and that they only yielded 6 truants and he heard that other cities had between 200-300 truants and that they had to shut it down early because they were overloaded with truants.

Council Member Martinez gives kudos to the City Attorney for implementing this program.

Mayor Davila mentions that with the new principal at South Gate Middle School, they are putting a full-time PSA counselor because they do want to continue with the new project ATTEND.

Council Member Gonzalez was very concerned because he found out after the fact about Mr. Pixler's father passing because the City Council used to get notified when family members of Police officers would pass away because he would have sent flowers and he did not know until Saturday when he was told that Council Member Martinez had gone to the funeral.

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### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

Regarding the parade, he thinks it is the largest crowd he has ever seen and the Police officers were doing a good job. He also mentioned that 4 out of the 5 Council Members in Lynwood are being recalled because they want to build a football stadium that would take about 1500 homes and a new high school that was built last year and the Council members will not listen to the upset people.

Vice Mayor De Witt says that he has nothing to report from California Contract Cities Association or Independent Cities because they have not met and will not meet until January and the League of California Cities holds a meeting on January 4<sup>th</sup> and he will make a presentation at that meeting in regards to efforts by certain folks in the County of Los Angeles to do away with the County's Emergency Preparedness Commission which would then eliminate Contract Cities and Independent Cities in Long Beach other than the city of L.A. and Long Beach from having much of a say at all in regards to funding of Homeland Security funding which over the last several years totaled about \$118 million. He also said the parade was excellent and that he went through it twice and that he enjoyed it and the Walrus band was very good. He also wishes everyone a Merry Christmas.

Mayor Davila announced that on the L.A. County Sanitation Meeting, the Executive Director James F. Stahl is going to be retiring and there is a new Executive Director, Steve McQueen from South Gate and that Mr. Stobb will be retiring on by the end of the month and he will be presented with a Proclamation for all the years that he has been a Director in L.A. County Sanitation. She mentioned that everyone is proud of the parade and that it was a very good turnout. She thanked the Police Department, Public Works, and Parks and Recreation for the great job that they did and Nellie Cobos for doing such a great job. She also mentioned that there is a new

Principal at South Gate Middle School and his name is Mr. Cerda and that they will continue meeting with the Principals next week. She also mentioned that Friday, December 15<sup>th</sup>, at 6:00 p.m. we have the annual Posada at the Miranda's at the corner of San Vincente and Independence and everyone is invited. She wants to wish everyone a Merry Christmas and a Happy New Year. She wants to thank everyone for a hard year.

Captain Andy Key mentions that Santa Cop will be starting Thursday and will be doing Santa Cop deliveries on Saturday and Sunday and thanks the Council Members for their kind comments and that Keith Underwood is coordinated with Public Works and works well with them.

Council Member Martinez mentions he was at Dave Pixler's house two days before so he knew his father was going to pass and he apologizes that he did not share with his colleagues that he was there fixing the furnace

## REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 12, 2006

### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

and doing some plumbing stuff for his Mom and that is how he knew. Captain Andy Key also apologizes to Council Member Gonzalez about not posting about it.

Lolita Brown Fletcher, Director of Personnel, wanted to thank everyone for their attendance and participation at Thursday's Holiday Function and Awards Banquet. In addition, she shared that next week they will be finishing up their collection of canned goods and perishables and will be providing food baskets for 30 families. Additionally, they have decided to support, in addition to Santa Cop, a foster care program and just passing around a list at last week's employee function and on Monday she received a final 50<sup>th</sup> name was taken, all 50 childrens' names have been taken and their wishes will be granted for their gifts this year thanks to the employees.

Julia James, Director of Finance, just wanted to wish everyone a Merry Christmas and Happy New Year.

Paul Adams, Director of Parks & Recreation, wanted to remind everyone that we have winter break coming up, although the parks will be closed for Christmas and New Years, the Sports Center and pool and other facilities will be open during the week between those holidays.

Mayor Davila that Santa's Breakfast was a great event and the Parks staff worked very well with the help of Southeast High School and there was a really good turnout.

Steve Lefever announced that the Redevelopment Agency and the Community Development Commission has purchased 9015 Long Beach Boulevard, formerly known as Club Oz, as of phase 2 of that proposal, they are securing bids for the asbestos removal and demolition of the existing building. Second matter is, last week they met with the American Institute of Architects who have offered to assist the City at no charge to put together an RF2, a request for qualifications so that when they do go out for bids for their design review guidelines, that they maximize the outreach and we make certain that the industry understands where the City is coming from. They will be meeting them again in the first part of January to go over some of their critiques and to have a small workshop where they asked if they can invite 12-15 different architecture firms to come and advise the City on how to proceed.

Carmen Avalos, City Clerk, wanted to give an election update. The nomination period closed yesterday and there are four candidates. This morning, the Secretary of State's office called the City Clerk's office to notify them that they did a random drawing and, as it stands, the ballot

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### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

will show the following names in this particular order: Council Member Davila, Council Member Gonzalez, Council Member Martinez, Pablo Perez, and that is assuming everyone is a qualified candidate and this will be known once the County has verified signatures and sent them back. Also, for the directors and the Council Members who did file, if they can save January 18<sup>th</sup> at 6:00 p.m. is the tentative date for the Candidate Orientation. Currently, the precincts are set for our City for this upcoming election, and there will be 13 precincts and 2 ballot groups, meaning that most of the City will be voting for those 3 City Council, LACCD representatives and school board members. The other part of the City will only be voting for City Council and Measures. We will be currently recruiting poll workers. She also wants to wish everyone happy holidays and mentioned that the parade was very nice and that there were a lot of people.

Gary Milliman, City Manager, wanted to wish everyone a good holiday season and wanted to thank all of the directors, City Council, staff members, and the public for supporting the City this year.

Raul Salinas, City Attorney, wanted to comment on about his observations on the parade. He had the pleasure of riding with two of his boys on the fire truck.

Mayor Davila wanted to mention that Gary Milliman has been doing great and wants to thank him for his great staff and all the positive comments being heard about them.

#### CONSENT CALENDAR

Agenda Items 2, 3, 4, 5, and 6 were unanimously approved during consideration of the Consent Calendar by motion of Vice Mayor De Witt and seconded by Council Member Hurtado. Item 7 was removed for separate discussion.

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#### MUNICIPAL CODE ADMINISTRATION

The City Council unanimously waived the reading and adopted Ordinance No. 2224 entitled – An Ordinance of the City Council of the City of South Gate 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 South Gate Municipal Code by modifying sections containing language regarding the front yard setback area of residential properties approved during consideration of the Consent Calendar.

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- 3  
CONFLICT OF INTEREST CODE
- The City Council unanimously adopted Resolution No.7163 entitled – A Resolution of the City Council of the City of South Gate amending the City’s Conflict of Interest Code for designated City personnel during consideration of the Consent Calendar.
- 4  
LAW ENFORCEMENT
- The City Council unanimously adopted Resolution No. 7164 entitled – A Resolution of the City Council of the City of South Gate authorizing the South Gate Police Department to receive grant funds from the FY 2006 Homeland Security Grant Program for the purchase of 35 interoperable mobile radios during consideration of the Consent Calendar.
- 5  
PERSONNEL ADMIN
- The City Council unanimously adopted Resolution No. 7165 entitled – A Resolution of the City Council of the City of South Gate amending Resolution No. 6454 (Salary Resolution and Classification Plan), to reflect a new hourly pay table in conformance with the increase of minimum wage during consideration of the Consent Calendar.
- 6  
PARKING & TRAFFIC
- The City Council unanimously appropriated \$87,702 from Proposition C fund balance for this project during consideration of the Consent Calendar.
- 7  
ACCOUNTING
- The City Council unanimously authorized (as amended) the auditor to review and approve the warrant register prepared for the second half of December in lieu of a December 26<sup>th</sup> City Council meeting, by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.
- AMENDMENT:** Council Member Gonzalez reserves the right to cancel any warrants during that period of time after he reviews the warrants.
- 8  
PERSONNEL - MOU
- The City Council unanimously approved the Memorandum of Understanding between Municipal Employees Association (“MEA”) and the City of South Gate concerning salary, benefits and terms and conditions of employment by motion of Council Member Gonzalez and seconded by Council Member Hurtado; and
- a. Authorizing the execution of the Memorandum of Understanding (Contract 2335).

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### LEGAL OPERATIONS

The City Council unanimously approved the agreement (Contract No. 2336) to retain Sultmeyer 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 by motion of Council Member Gonzalez and seconded by Mayor Davila; and

- a. Authorizing the Mayor to execute a retainer agreement in a form acceptable to the City Attorney; and
- b. Authorizing payment to the Sultmeyer Kupetz firm in an amount not available at the time the agenda bill was due but which will be reported by the City Attorney at the City Council meeting. This amount is subject to further review and approval by the City Manager and City Attorney.

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### COMMUNITY PROMOTION

The City Council unanimously approved the selection of Paul Maurer Shows to provide two carnival events annually held at South Gate Park for a period of two years with three, one year extension options based upon the proposal received by motion of Mayor Davila and seconded by Vice Mayor De Witt; and

- a. Authorizing the Mayor to execute all documents and agreements (Contract 2337) necessary as approved by the City Attorney.

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### TRANSPORTATION PLANNING/ADMIN

The City Council unanimously approved Willdan's proposal dated November 20, 2006 to provide Professional Engineering Services in the amount of \$94,000 for the preparation of three Metro Call for Projects Applications and Project Study Report Equivalents by motion of Mayor Davila and seconded by Vice Mayor De Witt; and

- a. Appropriating \$94,000 from Proposition C funds to pay for this service.

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### PARKS

The City Council unanimously approved Contract 2338 for base bid (\$1,220,094.28) and alternate bid (\$123,318) to C.S. Legacy Construction, Inc., the lowest responsible bidder, for Cesar Chavez Park, Phase II, City Project No. 273-ARC, contingent upon City of Los Angeles Department of Water and Power (LADWP) and Metropolitan Water District (MWD) concurrence by motion of Council Member Hurtado and seconded by Vice Mayor De Witt; and

- a. Authorizing the Mayor and City Clerk to execute the contract; and
- b. Accepting Willdan proposal for construction management services for \$112,350.

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**REDEVELOPMENT**

The City Council unanimously received and filed a report on the purchase of the property at 9015 Long Beach Boulevard, formerly occupied by Club Oz by motion of Vice Mayor De Witt and seconded by Council Member Hurtado.

14

**CITY COUNCIL**

The City Council unanimously received and filed an update report on abandoned shopping carts and did not provide staff with direction by motion of Vice Mayor De Witt and seconded by Council Member Martinez.

Staff will return with a subsequent report regarding this matter.

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**WARRANTS AND  
CANCELLATIONS**

The City Council approved the Warrants and Cancellations for December 12, 2006 by motion of Council Member Gonzalez and seconded by Vice Mayor De Witt.

Total of Checks:	\$995,561.12
Total of Payroll Deductions:	<del>\$30,395.62</del>
Grand Total:	\$965,165.50

Cancellations: 129565, 130181, 131479, 131483, 131497, 125526, 125732, 125826, 125852, 125859, 125883, 125949, 125954, 125955, 125984, 126016, 126264, 126287, 126320, 126394, 126466, 126713, 126864, 126884, 126885, 126959, 127069, 127103, 127167, 127279, 127340, 127359, 127412, 127420, 127435, 127453, 127490, 127491, 127523, 127650, 127708, 127709, 127712, 127715, 127834, 128010, 128081, 128085, 128086, 128107, 128175, 128336, 128339, 128343, 128356, 128581

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

**CLOSED SESSION  
WALK-ON ITEM**

City Attorney Salinas requested to walk-on an item not posted on the agenda can be walked on for consideration by the City Council if there are two conditions which are met and in the City Attorney's opinion, both of these conditions exist in this case. The matter the City Attorney would like to walk-on involves a pending litigation entitled Victor Abel Gonzalez v. City of South Gate after the posting of the agenda on Thursday, the City Attorney's office received a communication from its outside counsel conveying a settlement offer. The settlement offer is being made with a short period of time, and it is being done before the City has to respond to the federal complaint that has been filed in the case. Under those

## REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 12, 2006

CLOSED SESSION  
WALK-ON ITEM  
CONTINUED

circumstances, the matter can be brought before the City Council because the matter is brought to the attention of the City Attorney after the posting of the agenda and there is an urgency to this that cannot wait until the City meets again on January 9 of 2007. With that, the City Attorney asks the City Council to allow the matter to be walked-on and have a roll call vote.

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

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

CLOSED SESSION

The City Council recessed into Closed Session at 9:50 p.m. and reconvened at 11:08 p.m. with all Members of Council present. City Attorney Salinas reported as follows:

In the Victor Abel Gonzalez v. City of South Gate, the City Council unanimously authorized an outside counsel to proceed with settlement discussions and authorized a certain amount of money within which to affect settlement of that particular case, and assuming settlement could be had further authorized the Mayor to execute a settlement agreement to resolve that matter in a form that would be subject to approval by the City Attorney's office by motion of Council Member Hurtado and seconded by Mayor Davila.

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
Pursuant to Government Code Section 54956.9(a)
  - a. Troy Hernandez v. City of South Gate
  - b. Sil Gonzalez v. City of South Gate
  - c. Christopher Carter v. City of South Gate
  - d. Rivas v. City of South Gate

On item 1(a) the City Council received a report from its outside counsel. No action taken.

On item 1(b) the City Council unanimously authorized the City Attorney's law firm to proceed forward with the defense of that case by motion of Council Member Hurtado and seconded by Mayor Davila.

On item 1(c) the City Council unanimously authorized the City Attorney's law firm to defend the City's interests in that matter by motion of Council Member Gonzalez and seconded by Council Member Hurtado.

**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 12, 2006**

**CLOSED SESSION  
CONTINUED**

On item 1(d) the City Council received a report by the City Attorney announcing the appellate opinion in that case ruling in favor of the City of South Gate.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATIONIONS

Pursuant to Government Code Section 54956.9(c)

One (1) – Potential Case

On item 2 the City Council received a report by the City Attorney with respect to potential litigation. No action was taken in connection with that discussion.

**ADJOURNMENT**

Mayor Davila unanimously adjourned the meeting in memory of Robert Ronald Pixler, Father of Lt. David Pixler, South Gate Police Officer and Michael Perez, father of Principal Perez of South Gate Middle School at 11:11 p.m. and seconded by Council Member Hurtado.

**PASSED and APPROVED**, this 9<sup>th</sup> day of January 2007.

ATTEST:

\_\_\_\_\_  
Maria Davila, Mayor

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Carmen Avalos, City Clerk