

**CITY OF SOUTH GATE  
REGULAR CITY COUNCIL MEETING  
MINUTES  
TUESDAY, JUNE 26, 2007**

**CALL TO ORDER** Mayor Bill De Witt called a Regular Meeting of the City Council to order at 6:42 p.m.

**INVOCATION** Lolita Brown Fletcher, Personnel Director led the Invocation.

**PLEDGE OF ALLEGIANCE** Elizabeth Lefson, Senior Planner led the Pledge of Allegiance.

**ROLL CALL** Carmen Avalos, City Clerk

**PRESENT** Mayor Bill De Witt, Vice Mayor Gil Hurtado, Council Member Henry C. Gonzalez and Council Member Maria Davila; City Treasurer Rudy Navarro, City Manager Gary Milliman and City Attorney Raul Salinas

**LATE** Council Member Greg Martinez arrived at the dais at 6:58 p.m.

**1  
PROCLAMATIONS/  
MEMORIAMS**

The City Council issued a Proclamation declaring the Fourth of July 2007 as Independence Day in the City South Gate in honor and celebration of our nation's birth.

**2  
PROCLAMATIONS/  
MEMORIAMS**

The City Council issued a Proclamation declaring the month of July 2007 as "Parks & Recreation Month" in the City of South Gate.

**3  
PROCLAMATIONS/  
MEMORIAMS**

The City Council issued a Proclamation to Senior Planner Elizabeth Lefson in recognition of her 21 years of service with the South Gate Community Development Department/Planning Division.

**4  
PROCLAMATIONS/  
MEMORIAMS**

The City Council issued a Proclamation for Gary Milliman recognizing him for his service to the City of South Gate as City Manager.

**5  
MUNICIPAL CODE  
ADMINISTRATION**

The City Council opened the public hearing for the introduction of an ordinance amending the South Gate Municipal Code Title 8 (Traffic), Chapter 8.12 (Stopping, Standing and Parking of Vehicles), Section 8.12.090, and unanimously continued it to the August 14, 2007 City Council meeting.

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SITE PLAN

ADMINISTRATION

The City Council unanimously conducted a public hearing and approved and certified (as amended) the Preliminary Environmental Assessment No. 1788 and its attendant Negative Declaration, by motion of Council Member Martinez and seconded by Council Member Davila; and

- a) Adopted Resolution No. 7192 entitled – A Resolution of the City Council of the City of South Gate adopting General Plan Amendment No. 2007-01 amending the Land Use Designation of the Community Development Element from “Upper-Medium Density Residential” and “Commercial” to “Urban Center High Density Residential” at 9923 Atlantic Avenue; and
- b) Introduced Ordinance No. 2232 entitled – An Ordinance of the City Council of the City of South Gate amending Title 11 (Zoning), Chapter 11.06 (Establishment of Use Zones, the Boundaries thereof and limiting the uses of Land and areas required therein), of the South Gate Municipal Code by adding new Section 11.06.039.160 (Reclassifying certain property from Zone M-2 to Precise Plan Status) and Amending Chapter 11.50, Precise Plans), by adding Section 11.50.110(Units of Precise Plans) of the South Gate Municipal Code, by adding Subsection 18, Identifying Precise Plan No. 18; and
- c) Adopted Resolution 7193 entitled – A Resolution of the City Council of the City of South Gate approving Site Plan No. 283 at 9923 Atlantic Avenue for the Planned Development of 34 Townhomes and 46,000 square feet of commercial space.

### **AMENDMENTS:**

#### **12. PARKING**

The parking structure shall be constructed with sound attenuation materials and design so as to minimize the impact of the residents and surrounding property owners, particularly across the south property line.

#### **27. SIGNAGE DURING CONSTRUCTION**

Before the beginning of grading or other construction activities, a large, 4’x8’ sign shall be posted announcing the construction and containing a telephone number of the general contractor for residents to contact in case of problems with noise, dust or other nuisances.

#### **28. NOISE FROM OPERATIONS ON THE SITE**

All drive-thru lanes and outdoor speakers shall be designed and set in volume so as to minimize the impact on adjoining properties and neighbors. Final design and volume shall be subject to approval of the Director of Community Development.

#### **29. PROPERTY MAINTENANCE**

The premises, including the landscaped areas and signage, shall be kept in a neat and orderly manner at all times in compliance with Chapter 9.48 of the South Gate Municipal Code. All graffiti on the property will be immediately removed or painted over.

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### REDEVELOPMENT

The City Council conducted a public hearing and unanimously introduced Ordinance No. 2235 entitled – An Ordinance of the City Council of the City of South Gate amending Ordinance No. U-2045 previously adopted by the City Council on April 13, 1999, which amended the Redevelopment Plan for South Gate Redevelopment Project No. 1 pursuant to Assembly Bill 1342, by motion of Vice Mayor Hurtado and seconded by Council Member Davila; and

- a) Introduced Ordinance No. 2236 – An Ordinance of the City Council of the City of South Gate amending Ordinance No. U-2198 previously adopted by the City Council on June 28, 2005, which amended the Redevelopment Plan for South Gate Redevelopment Project No. 1 pursuant to Section 33333.6(e)(2)(C) of the California Health and Safety Code; and
- b) Introduced Ordinance No. 2237 – An Ordinance of the City Council of the City of South Gate amending Ordinance No. 2199 previously adopted by the City Council on August 9, 2005, which amended the Redevelopment Plan for South Gate Redevelopment Project No. 1 pursuant to Section 33333.6(e)(2)(D) of the California Health and Safety Code.

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### REDEVELOPMENT

The City Council conducted a public hearing and unanimously introduced Ordinance No. 2238 entitled – An Ordinance of the City Council of the City of South Gate eliminating the time limit on establishment of loans, advances and indebtedness with respect to the Redevelopment Plan for South Gate Redevelopment Project No 1 as to Redevelopment Locations Nos. 1, 2, 3, 4, 5, 7 and 8 (excluding Redevelopment Location No. 9); and making other findings in connection therewith, by motion of Council Member Davila and seconded by Vice Mayor Hurtado.

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### REDEVELOPMENT

The City Council conducted a public hearing and unanimously introduced Ordinance No. 2239 entitled – An Ordinance of the City Council of the City of South Gate amending certain time limitations for the Redevelopment Plan for South Gate Redevelopment Project No. 1 as to Redevelopment Locations Nos. 1, 2, 3, 4, 5, 7 and 8 (excluding Redevelopment Location No. 9) pursuant to Health and Safety Code Section 33333.6(e)(2)(D); and making other findings in connection therewith, by motion of Vice Mayor Hurtado and seconded by Council Member Davila.

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### REDEVELOPMENT

The City Council conducted a public hearing and unanimously introduced Ordinance No. 2240 entitled - An Ordinance of the City Council of the City of South Gate, California confirming expiration of the Community Development Commission's Power of Eminent Domain for Project Area No. 1 as to Redevelopment Location Nos. 1, 2, 3, 4, 5, 7 and 8; Affirming no Power of Eminent Domain has ever existed for Project Area No. 1 as to Redevelopment Location No. 9; thereby describing the CDC's program regarding acquisition of real property by Eminent Domain pursuant to Senate Bill 53 and Section 33342.7 of the California Health & Safety Code, by motion of Vice Mayor Hurtado and seconded by Council Member Davila.

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### PARKING & TRAFFIC

The City Council opened the public hearing for the introduction of an ordinance amending the South Gate Municipal Code Title 8 (Traffic), Chapter 8.12 (Stopping, Standing and Parking of Vehicles), Section 8.12.070 (Oversized Vehicle Parking Regulations) of the South Gate Municipal Code, and unanimously continued it to the July 10, 2007 City Council meeting, by motion of Vice Mayor Hurtado and seconded by Council Member Davila.

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### STREETS/SIDEWALKS/ LANDSCAPING

The City Council conducted a public hearing and unanimously adopted Resolution No. 7194 entitled – A Resolution of the South Gate City Council confirming the diagram and ordering the levy of the FY 2007-08 Annual Assessment for the Street Lighting and Landscaping Maintenance District No. 1, by motion of Council Member Gonzalez and seconded by Mayor De Witt.

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### REVENUE & TAXATION

The City Council conducted a public hearing and unanimously adopting Resolution No. 7195 entitled – A Resolution of the City Council of the City of South Gate approving the Annual Appropriations Limit for fiscal year 2007-2008, by motion of Council Member Gonzalez and seconded by Mayor De Witt.

### COMMENTS FROM THE AUDIENCE

None

### REPORTS AND COMMENTS FROM CITY OFFICIALS

Council Member Martinez announced that he regretted voting to pass the budget at last night's meeting because there is a deficit. His hopes are that things change. He stated that when spending over 6 million dollars we need to think about things. He asked that the K-9 be placed on the agenda.

## REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 26, 2007

### REPORTS AND COMMENTS FROM CITY OFFICIALS CONTINUED

Council Member Gonzalez announced that the budget was not passed last night that only certain items were passed that had been agreed on in the past. He then asked when the next budget meeting is scheduled for.

Gary Milliman, City Manager announced that it was not scheduled and that the Finance Department is preparing a budget document for Councils consideration and that other items not discussed can be scheduled to a special meeting to amend the budget or come up individually, if the direction is to schedule another budget study session.

City Council Gonzalez said to have the minutes pulled because the Mayor gave direction to draft up a document that he would submit and present at the next budget study session meeting. He asked if Council ratified the budget at last night's meeting in its entirety.

Gary Milliman, City Manager answered that it was not.

Council Member Martinez said that it was not ratified in its entirety but ratified a portion which was \$6.8 million deficit.

Council Member Gonzalez announced pointing out a document of June 21<sup>st</sup> was projected \$6.1 million which was received and on the 25<sup>th</sup> had increased it to \$6.7 million and the final reserve went from \$8.5 million from the 21<sup>st</sup> to \$8.3 million or \$8.7 million.

Council Member Martinez said that Council Member Gonzalez is right and it increased the deficit even more.

Mayor De Witt announced that the budget is not on the agenda and if Council started discussing it, they are violating the Brown Act.

Council Member Gonzalez directed staff to notify each Council Member for a mutual agreeable date for the next budget study session in order to put the budget behind us because the fiscal year expires on June 30<sup>th</sup>.

Gary Milliman, City Manager understood that direction was given last night to prepare a budget document to bring before Council on July 10<sup>th</sup> and that there were remaining items that were open that were being dealt with on an individual bases or subsequent to that. So the staff is preparing a budget document for Councils consideration on July 10<sup>th</sup>.

Council Member Gonzalez asked if the budget document will also include his report to Council.

Gary Milliman, City Manager said that staff could certainly include that report to Council, but it's not incorporated in the budget document because that was not the action. The action was to leave these items open for further discussion in a subsequent meeting. City Manager will seek

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### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

the Mayor's guidance on this, but he thinks the intent was to give direction to the staff to come back with a final budget document based upon last night's discussion, but that there were remaining items to be taken up subsequent to the budget action.

Council Member Gonzalez asked what interpretation staff got from him preparing a break down on what he recommended.

Gary Milliman, City Manager answered that staff didn't hear any action with respect to that.

Council Member Gonzalez asked if staff did not get direction from the Mayor about waiting from Mr. Gonzalez to prepare a break down. Council Member Gonzalez was the one who was boisterous on the subject. He asked City Clerk to please give him a copy of last night's budget session meeting.

Mayor De Witt answered that during the discussion, there were a number of issues that Council Member Gonzalez brought up and was trying to keep track of it all. Mayor De Witt got confused on a couple of issues and it was his understanding that Council Member Gonzalez was going to prepare in writing a summary of Gonzalez's recommendations that the staff can type up and Council would all have it at the meeting of the 10<sup>th</sup>.

Gary Milliman, City Manager said that staff will not bring a final budget document to Council on July 10<sup>th</sup>, until Council Member Gonzales turns in a report.

Mayor De Witt thinks that staff will need to have a document prepared for Council to read and/or add some other issues. He didn't think the Council resolved some outstanding issues with the Police Department and he thought Council took care of the other departments, unless he wasn't listening, but asked if Council resolved all the Police Departments issues?

Council Member Gonzalez answered, "no, that was the intention of his report."

Mayor De Witt did not want to get into a discussion of the budget this evening.

Council Member Gonzalez said that he can make a report under the Brown Act on this comment. That his report is in reference to what was talked about last night and that's why he asked when the next budget meeting was scheduled for. He was told "there is no set budget meeting". Direction from City Manager last night was that he wants to approve

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### REPORTS AND COMMENTS FROM CITY OFFICIALS

#### CONTINUED

certain items for staff to start preparing the budget document and Council Member Gonzalez had no problem with that, but he had some recommendations.

Council Member Davila announced that Hub Cities Consortium is getting ready to send out forty students to the New Mexico College prep program and that the majority of the students are from South Gate. The students leave on Sunday, July 1<sup>st</sup> and return on Thursday, July 14<sup>th</sup>. She also mentioned that the Los Angeles Council Supervisors approved a budget of 6.5 million dollars for Hub Cities to hire high school students.

Vice Mayor Hurtado asked staff to please check the traffic light on Atlantic Avenue and Tweedy Boulevard. He also complained about the street vendors.

Mayor De Witt attended the LA Division League of California Cities meeting last week and once again they did not have a quorum. The County Sanitation has a major project going through South Gate. He also reported that he, Chief of Police Todd and Captain Avila attended a four (4) day course of the Nevada Test Site at Nevada on weapons on mass destruction and radiological issues.

Raul Salinas, City Attorney wished City Manager his best and also said we owe him a lot.

Carmen Avalos, City Clerk wished City Manager the best at his new job.

Rudy Navarro, City Treasurer thanked City Manager for his guidance and wished him the best. He also announced being invited as City Treasurer to a red carpet event at the Kodak Theatre on Sunday.

Jorge Morales thanked City Council for this opportunity to speak and advised Council and staff that he will no longer be working for Fiesta Taxi because he was offered an amazing opportunity to be the Chief of Staff for the incoming School Board Member Yoli Flores Aguilar.

#### CONSENT CALENDAR

Agenda Items 14, 15, 16, 17, 18 and 19 were unanimously approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Mayor De Witt.

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### COMMUNITY DEVELOPMENT ADMINISTRATION

The City Council unanimously approved the Contract Amendments for FY 2006-07 under the Community Development Block Grant Program, during consideration of the Consent Calendar;

- a) Amendment No. 1 to Contract No. 2315 with St. Margaret's Church Food Pantry;
- b) Amendment No. 1 to Contract No. 2312 with Oldtimers Food Pantry;
- c) Amendment No. 1 to Contract No. 2313 with Southern California Rehabilitation Services (SCRS); and
- d) Agreement (Contract No. 2372) - with Teen Challenge Ministry Institute for implementation of activities for Fiscal Year 2006-07; and
- e) Authorized the Mayor to execute the above-referenced contract and contract amendments in a form acceptable to the City Attorney.

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### RECYCLING

The City Council considered approving the Permit Fee Agreement (Contract No. 2373) - with Interior Removal Specialists, Inc., during consideration of the Consent Calendar.

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### STREETS/SIDEWALKS/ LANDSCAPING

The City Council unanimously approved Amendment No. 3 to Contract No. 1871 - with West Coast Arborists (WCA) renewing their contract for one year and authorizing a 2% rate increase for tree services effective November 1, 2007 through October 31, 2008 subject to adoption of the 2007-08 budget, during consideration of the Consent Calendar.

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### CITY FACILITIES MANAGEMENT

The City Council unanimously approved an Agreement (Contract No. 2374) - with Advanced Building Maintenance for janitorial services for the City Hall, Civic Center, Police Department, Police Jail, and El Paseo Police Substation facilities, during consideration of the Consent Calendar; and

- a) Authorized the Mayor to execute said Agreement in a form approved by the City Attorney.

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### PARKS

The City Council unanimously approved Change Order No. 4 for \$21,547.66 for the Cesar Chavez Park, City Project No. 273-ARC, during consideration of the Consent Calendar; and

- a) Authorized the Director of Public Works to execute Change Order No. 4.

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### MINUTES

The City Council unanimously approved the Regular City Council Meeting Minutes of June 12, 2007, and the Special City Council Budget Meeting Minutes of June 5 & 11, 2007.

### DEVIATE FROM THE AGENDA

At this time, there being no objections, Mayor De Witt stated that items 26, 22, Closed Session and 24 would be considered out of its regular agenda order.

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### WARRANTS AND CANCELLATIONS

The City Council unanimously approved the Warrants and Cancellations for June 26, 2007, by motion of Council Member Gonzalez and seconded by Vice Mayor Hurtado.

Total of Checks:	\$3,524,390.25
Total of Payroll Deductions:	\$ <54,362.18>
Grand Total:	\$3,470,028.07

Cancellations: 135411-135422

22

### ART/MUSEUM/AUDITORIUM FACILITIES/PROGRAMS

The City Council unanimously authorized the City Manager to enter into an agreement (Contract No. 2375) - with JCA Resources, Inc., and KMD Architects, amending Contract No. 2334 for Phase II of a Facility Needs Assessment, Design and Feasibility Studies of the redevelopment of the Civic Center, by motion of Council Member Gonzalez and seconded by Council Member Davila; and

- a) Authorized the City Manager to execute the Agreement as approved by the City Attorney; and
- b) Authorized a budget allocation in the amount of \$100,000 from the Urban Development Action Grant (UDAG) to fund Phase II of the Facility Needs Assessment, Design and Feasibility Studies.

### CLOSED SESSION

The City Council recessed into Closed Session at 9:11 p.m. and reconvened at 9:39 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. City of South Gate v. LAUSD

There was no reportable action taken on item 1(a).

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### BUSINESS LICENSE ADMINISTRATION

The City Council considered the request for a waiver of late fees, and provided staff with directions.

Mayor De Witt moved, Vice Mayor Hurtado seconded and the motion carried unanimously, to deny the request and directed the Finance Department to work out a payment plan with Mr. Colon.

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### TRANSPORTATION PLANNING/ADMIN

The City Council approved Amendment No. 1 to the Professional Services Agreement - with PCR Services Corporation (Contract No. 2361) for additional Environmental Services for an amount of \$53,252 for the Firestone Boulevard and Atlantic Avenue Intersection Improvement Project, by motion of Council Member Martinez and seconded by Council Member Davila; and

- a) Authorized the Mayor to execute Amendment No. 1 in a form approved by the City Attorney.

Mayor De Witt abstained from voting on this item and removed himself from the dais and departed from the Council Chambers.

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### COMMUNITY DEVELOPMENT ADMINISTRATION

The City Council approved an Agreement (Contract No. 2376) - with the Junior Athletic Association for FY 2006-07 under the Community Development Block Grant Program, by motion of Council Member Gonzalez and seconded by Council Member Davila; and

- a) Authorized the Mayor to execute the above-referenced contract in a form acceptable to the City Attorney.

Vice Mayor Hurtado and Council Member Martinez abstained from voting on this item and removed themselves from the dais and departed from the Council Chambers.

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### COMMUNITY DEVELOPMENT/ HOUSING

The City Council unanimously approved the committing of HOME Program funds from fiscal year 2004 and 2005 funds in one approximate amount of \$1,042,131 to the Community Development Commission of City of South Gate, by motion of Council Member Martinez and seconded by Vice Mayor Gil Hurtado; and

- a) Authorized the Mayor to execute a HOME Fund Agency and Commitment Agreement (Contract No. 2377) - in a form approved by the City Attorney.

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**LEGAL OPERATIONS**      The City Council unanimously approved Amendment No. 3 to Contract No. 2163, retainer agreement with Adorno, Yoss, Alvarado & Smith and approval of increase in hourly rate for litigation and special legal services, by motion of Council Member Martinez and seconded by Council Member Davila.

**ADJOURNMENT**      Vice Mayor Hurtado unanimously adjourned the meeting in Memory of John Hill, Supervising Highway Engineer Specialist II, Los Angeles County Department of Public Works, Ann Sparks, former Receptionist and mother of former Councilwoman Mary Ann Buckles, and Luis Lara, former Maywood Councilman at 10:50 p.m., and seconded by Mayor De Witt.

**PASSED and APPROVED**, this 10<sup>th</sup> day of July, 2007.

ATTEST:

\_\_\_\_\_  
W.H. (Bill) De Witt, Mayor

\_\_\_\_\_  
Carmen Avalos, City Clerk