

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, SEPTEMBER 25, 2007**

- CALL TO ORDER** Vice Mayor Gil Hurtado called the Regular Meeting of the City Council to order at 6:40 p.m.
- INVOCATION** Pastor Nick Garife, Hope Christian Center led the Invocation.
- PLEDGE OF ALLEGIANCE** Marty Romo, Crime Prevention Specialist led the Pledge of Allegiance.
- ROLL CALL** Carmen Avalos, City Clerk
- PRESENT** Vice Mayor Gil Hurtado, Council Member Henry C. Gonzalez, Council Member Greg Martinez and Council Member Maria Davila; City Treasurer Rudy Navarro, Interim City Manager Mary Strenn and City Attorney Raul Salinas
- ABSENT** Bill De Witt, Mayor
- 1
PROCLAMATIONS** The City Council issued a Proclamation declaring the week of September 23 through 29, 2007 as “Childhood Injury Prevention Week.”
- 2
PROCLAMATIONS** The City Council issued a Proclamation declaring the month of October 2007 as “Crime Prevention Month.”
- 3
PROCLAMATIONS** The City Council presented Certificates of Recognition to the 2007 South Gate 17 and Under Youth Waterpolo Team for a successful season.
- 4
UTILITY & ASSESSMENT DISTRICTS** The City Council conducted a public hearing and Adopted Resolution No. 7209 entitled – A Resolution of the City Council of the City of South Gate establishing an Underground Utility District No. 9 on Long Beach Boulevard from Independence Avenue to Willow Place, by motion of Council Member Martinez and seconded by Council Member Davila. Mayor De Witt was absent; and
- a) Adopted Resolution No. 7210 entitled - A Resolution of the City Council of the City of South Gate establishing an Underground Utility District No. 10 on Long Beach Boulevard from Willow Place to Tweedy Boulevard; and
 - b) Instructed the City Clerk to provide a certified copy of the adopted Resolutions to all affected utilities and notify all persons owning real property within the proposed Underground Utility District No. 9 and 10 within ten days after the adoption of the Resolution.

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UNCLASSIFIED
USE PERMITS

The City Council conducted a public hearing and continued the adoption of a Resolution - approving Unclassified Use Permit No. 62, a wireless telecommunications facility at 2809 Tweedy Boulevard to the City Council Meeting of October 23, 2007, by motion of Council Member Martinez and seconded by Council Member Davila. Mayor De Witt was absent.

6
COMMUNITY DEVELOPMENT/
HOUSING

The City Council conducted a public hearing and adopted Resolution No. 7211 entitled - A Resolution of the City Council of the City of South Gate certifying the Environmental Impact Report prepared for the South Gate/Lynwood Multi-jurisdictional Enterprise Zone Program, by motion of Council Member Gonzalez and seconded by Council Member Davila. Mayor De Witt was absent.

7
COMMUNITY DEVELOPMENT/
HOUSING

The City Council conducted a public hearing and approved the Fiscal Year 2006-07 Consolidated Annual Performance and Evaluation Report and authorized the Interim City Manager to execute necessary documents and submit to HUD by September 28, 2007, by motion of Council Member Gonzalez and seconded by Council Member Davila. Mayor De Witt was absent.

COMMENTS FROM
THE AUDIENCE

Waldo Perez, 10304 Stanford Avenue, is very concerned about people using Long Beach Boulevard as a race track and asked Council for help because the Lynwood City Council are short staffed and haven't been able to assist.

Council Member Gonzalez reminded the public that the Community opposed a nightclub near South Gate. He also reminded everyone that there is a recall in Lynwood today.

Waldo Perez's second concern has to do with the Montara crosswalk and is asking for a street light.

Council Member Gonzalez answered that they can't take action because it's not on the agenda but they can give direction to staff to take a look at it.

Council Member Davila agrees with Mr. Perez's concern regarding the crosswalk because that area is dangerous for the children.

Maria Cruz, addressed City Council that she and others from the Community In Action are present supporting Mr. Perez's requests. She also asked about any projects concerning the water pipes/lines in the Westside.

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COMMENTS FROM THE AUDIENCE CONTINUED

Robert Dickey, Director of Public Works explained that to upgrade the pipes in the Westside would cost approximately \$7 million dollars. The City does not have the funds in the Water Fund Account. City staff is pursuing any grants or any other funds that may be available.

Mary Castillo, 10036 San Antonio Avenue, is present in support of Mr. Perez's requests.

Ester Medina, Montara Crossing Guard asked Council to please find a solution in regards to the Montara crosswalk.

Tony Morales, 10151 Pescadero Avenue, is also affected by the so called cruisers.

Jose Carrillo, 9208 Dorothy Avenue, addressed Council about passing a moratorium on housing developments until the City meets with the needs of its residents.

Virginia Johnson, 5751 McKinley Avenue, informed City Council that there was a great turnout at the last "Community In Action" meeting. She thanked Public Works and Dave Torres for inspecting her neighbor's tree and stated that the City needs to remove it.

Rafael Aguila, 8678 Garden View Avenue, asked City Council if the item regarding regulations of building colors will be placed on the agenda. He also agrees that the City pass a moratorium on housing developments due to the parking situation in the City.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Lolita Brown Fletcher Director of Personnel highlighted upcoming employee events.

Robert Todd, Chief of Police highlighted an upcoming community event.

Paul Adams, Director of Parks & Recreation informed Council that the Cesar Chavez Park has irrigation power and the contractor is clearing the ground.

Steve Lefever, Director of Community Development attended the International Council Shopping Centers (ICSC) last week and commended Nellie Cobos and Sandra Rodriguez for a job well done.

Raul Salinas, City Attorney explained to the public that whenever anyone requests a traffic light be placed or removed or change a crosswalk, the City must request a traffic study.

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REPORTS AND COMMENTS FROM CITY OFFICIALS CONTINUED

Council Member Martinez lives on the Westside and has seen the cursing and how the Sheriff's take a long time to respond. He also attended the ISCS in San Diego and marketed the City for businesses. He announced that he will be in Riverside this weekend at a Gang Forum with the Contract Cities Association.

Council Member Gonzalez also attended the ICSC last week and marketed the City for businesses.

Council Member Davila commented that the Booster Club meeting to be held at South Gate High School was cancelled without notification due to the action she requested that a letter be mailed to the School Superintendent for lack of professionalism from the South Gate High School principal.

Vice Mayor Hurtado attended the Gateways Cities meeting and received lots of presentations. He spoke about stretching the City's tax dollars. He also helped with the Carnival at St. Helen's and was almost run down as he was trying to cross Firestone Boulevard.

CONSENT CALENDAR

Agenda Items 8, 9, 10, 11, 12, 13, 14 and 15 were approved during consideration of the Consent Calendar by motion of Council Member Gonzalez and seconded by Council Member Davila.

8 MUNICIPAL CODE ADMINISTRATION

The City Council waived the reading and adopted Ordinance No. 2234 entitled – An Ordinance of the City Council of the City of South Gate amending Title 8 (Traffic), Chapter 8.12 (Stopping, Standing and Parking of Vehicles), Section 8.12.090 (Authority to Establish Preferential Parking Zones) of the South Gate Municipal Code by establishing Preferential Parking Districts, during consideration of the Consent Calendar. Mayor De Witt was absent.

9 MUNICIPAL CODE ADMINISTRATION

The City Council waived the reading and adopted Ordinance No. 2241 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 11.06.039.161 (Certain Property Reclassified from C-M and R-3 to Precise Plan Status), and amending Chapter 11.50 (Precise Plans), Section 11.50.110 (Units of Precise Plans), by adding Subsection 19 (3125 Firestone Boulevard), identifying Precise Plan No. 19, during consideration of the Consent Calendar. Mayor De Witt was absent.

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CITY COUNCIL

The City Council waived the reading and adopted Ordinance No. 2242 entitled - An Ordinance of the City Council of the City of South Gate amending Title 1 (Administration and Personnel), Chapter 1.02 (City Seal), Section 1.02.010 (Description and Adoption) of the South Gate Municipal Code by amending the description of the City Seal Shield, during consideration of the Consent Calendar. Mayor De Witt was absent.

11

CITY CLERK RECORDS

MGMT PROGRAM

The City Council adopted Resolution No. 7212 entitled – A Resolution of the City Council of the City of South Gate amending the City’s Records Retention Schedule, during consideration of the Consent Calendar. Mayor De Witt was absent.

12

COMMUNITY DEVELOPMENT/

HOUSING

The City Council approved an Agreement (Contract No. 2404) – with the Fair Housing Foundation for consulting services and to implement fair housing activities for Fiscal Year 2007-08 under the Community Development Block Grant Program, during consideration of the Consent Calendar. Mayor De Witt was absent; and

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

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COMMUNITY DEVELOPMENT/

HOUSING

The City Council authorized the Mayor to sign a “letter of support” to the Salvation Army Bell Homeless Shelter for a recuperative bed program, during consideration of the Consent Calendar. Mayor De Witt was absent.

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PARKING & TRAFFIC

The City Council denied the request for all-way stop for intersection of Hildreth Avenue and Tenaya Avenue based on the September 4, 2007 traffic study report prepared by Hartzog & Crabill, Inc (HCI), the City Traffic Consultant, during consideration of the Consent Calendar. Mayor De Witt was absent; and

- a) Authorized staff to proceed with installation of a 30 feet red curb to enhance traffic safety at the northwest and southeast corners of the intersection of Hildreth Avenue and Tenaya Avenue based on HCI traffic study report.

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MINUTES

The City Council approved the Regular City Council Meeting Minutes of September 11, 2007, and the Special City Council Meeting Minutes of September 17 & 18, 2007, during consideration of the Consent Calendar. Mayor De Witt was absent.

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CITY COUNCIL

The City Council appointed Mayor De Witt as a board member and Paul Adams, Director of Parks and Recreation as an alternate for a two-year term, by motion of Council Member Gonzalez and seconded by Council Member Davila. Mayor De Witt was absent; and

- a) Adopted Resolution No. 7213 entitled – A Resolution of the City Council of the City of South Gate appointing a board member and an alternate board member to the Los Angeles Gateway Region Integrated Regional Water Management Authority; and
- b) Appropriated \$15,000 from the Water Fund for membership to the Los Angeles Gateway Region Integrated Regional Water Management Authority.

17

TRANSPORTATION PLANNING/ADMIN

The City Council approved Amendment No. 3 (Contract 2118) for \$84,209 to Agreement with PBS&J (as successor-in-interest to W. Koo & Associates) for additional professional engineering services for the I-710/Firestone Boulevard Interchange, Phase III (Firestone Boulevard Bridge Widening over Rio Hondo Channel), City Project No. 275-ST, by motion of Council Member Davila and seconded by Council Member Gonzalez. Mayor De Witt was absent.

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EMERGENCY/DISASTER PLANNING/PROGRAMS

The City Council approved a Provisionally Accredited Levee Agreement (PAL) (Contract No. 2405) - with Federal Emergency Management Agency (FEMA), by motion of Council Member Gonzalez and seconded by Council Member Davila. Mayor De Witt was absent; and

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

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PERSONNEL – MOU BETW CITY & EMPLEE GROUPS

The City Council ratified (as amended) the Side Letter Agreements to the 2005-2008 Memorandums of Understanding (Contract 2264 & 2265) between the City of South Gate and the South Gate Police Officers' Association and the South Gate Police Management Association, by motion of Council Member Gonzalez and seconded by Vice Mayor Hurtado. Mayor De Witt was absent.

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PERSONNEL – MOU BETW
CITY & EMPLEE GROUPS
CONTINUED

AMENDMENT: There being language clarifying that the longevity pay will not be considered as part of any base pay for purposes of salary consideration to the extent that is a clarified term in the Side Agreements between the City, the POA & the PMA in a form approved by the City Attorney.

20
SOLID WASTE
MANAGEMENT

The City Council appointed Council Member Gonzalez and Vice Mayor Hurtado as the City Council subcommittee to meet with the management staff and representatives of Waste Management to review their application for a commercial and industrial rate adjustment, by motion of Council Member Martinez and seconded by Vice Mayor Hurtado. Mayor De Witt was absent.

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MUNICIPAL CODE
ADMINISTRATION

The City Council received and filed a report back on an incident at Tweedy and Virginia on September 10, 2007, as well as a response regarding regulations of building colors, by motion of Council Member Davila and seconded by Vice Mayor Hurtado. Mayor De Witt was absent.

22
FINANCIAL REPORTS

The City Council approved the recommended appropriations and carryovers as detailed in this report, by motion of Council Member Gonzalez and seconded by Vice Mayor Hurtado. Mayor De Witt was absent; and

a) A one-time overage of department budgets to account for salary adjustments.

23
WARRANTS AND
CANCELLATIONS

The City Council approved the Warrants and Cancellations for September 25, 2007, by motion of Council Member Gonzalez and seconded by Council Member Davila. Mayor De Witt was absent.

Total of Checks:	\$1,668,623.11
Total of Payroll Deductions:	\$ <95,732.57>
Grand Total:	\$1,572,890.54

Cancellations: 136926, 136933

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CLOSED SESSION

City Attorney Salinas requested that Closed Session item numbers 1(a) & 2 be removed from the agenda and recess into Closed Session to discuss item numbers 1(b), 1(c), 3(a) & 4.

The City Council recessed into Closed Session at 9:06 p.m. and reconvened at 9:57 p.m., with four (4) Members of Council present. Mayor De Witt was absent. City Attorney Salinas reported the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pursuant to Government Code Section 54956.9(a)
 - a. Steve Moomey v. City of South Gate
 - b. City of South Gate v. H. C. & Associates
 - c. Taron Valentin v. City of South Gate

Item 1(a) was removed from the agenda.

On item 1(b), the City Council considered a proposed settlement agreement and on a motion made by Council Member Gonzalez and seconded by Vice Mayor Hurtado and on a vote of 4-0, approved a settlement (Contract No. 2406) in that matter that will result in H.C. & Associates paying \$225,000 over the term of the repayment schedule.

On item 1(c), the City Council received a report with respect to the City of South Gate's victory and pending Federal litigation. On a motion made by Vice Mayor Hurtado and seconded by Council Member Davila on a vote of 4-0, authorized outside counsel to pursue the recovery of the attorney fees and cost as the prevailing party in that litigation against both the plaintiff in the extent allowed his attorney.

2. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION
Pursuant to Government Code Section 54956.9(b)(3)(D)&(E)

Three (3) - Potential Cases

Item 2 was removed from the agenda.

3. CONSIDER THE APPOINTMENT OR EMPLOYMENT OF A PUBLIC EMPLOYEE
Pursuant to Government Code Section 54957

- a. City Manager

On item 3(a), the City Council received a report with respect to the City's ongoing search to retain a permanent City Manager. Following the presentation without accord, the City Council gave guidance, however there is no reportable action taken. The matter will be brought before the Council in open session at the next regularly scheduled meeting on October 9, 2007.

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**CLOSED SESSION
CONTINUED**

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

Agency Representatives: Interim City Manager
Mary Strenn

Employee Organizations: SGPOA
SGPMA

On item 4, the City Council received a report, held a discussion with respect to ongoing labor negotiations. Following the conclusion of that report, there was no reportable action taken.

ADJOURNMENT

Vice Mayor Hurtado adjourned the meeting in Memory of Sandon Weisberg, South Gate Resident at 10:11 p.m. and seconded by Council Member Gonzalez. Mayor De Witt was absent.

PASSED and APPROVED, this 23rd day of October, 2007.

ATTEST:

W.H. (Bill) De Witt, Mayor

Carmen Avalos, City Clerk