

RECEIVED

Item No. 5

APR 20 2020

*City of South Gate*  
CITY COUNCIL

CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

10:35am

AGENDA BILL

For the Regular Meeting of: April 21, 2020

Originating Department: Office of the City Clerk

City Clerk:   
Carmen Avalos

City Manager:   
Michael Flad

**SUBJECT: APPROVAL OF CITY COUNCIL MEETING MINUTES.**

**PURPOSE:** This item was continued from the City Council Meetings of April 14 and 15, 2020. The purpose of this item is to historically preserve the events of the City Council Meetings.

**RECOMMENDED ACTION:**

- a. Approve the Special Meeting minutes of March 10, 2020; and
- b. Approve the Regular and Special Meeting minutes of March 24, 2020.

**FISCAL IMPACT:** None

**ANALYSIS:** The minutes are provided to the City Council on the Wednesday prior to their regular business meeting. Amendments should be provided to the City Clerk's Office within 24 hours of a City Council Meeting so that verification of the record and corrections are made accordingly. A revised document will be provided to the City Council prior to the Meeting.

**BACKGROUND:** The minutes typically describe the events of the meeting and may include a list of attendees, a statement of the issues considered by the participants, and related responses or decisions for the issues.

**ATTACHMENTS:** City Council Minutes

**CITY OF SOUTH GATE  
SPECIAL CITY COUNCIL MEETING  
MINUTES  
TUESDAY, MARCH 10, 2020**

**CALL TO ORDER** M. Belén Bernal, Mayor called a Special City Council meeting to order at 5:52 p.m.

**ROLL CALL** Carmen Avalos, City Clerk

**PRESENT** Mayor M. Belén Bernal, Vice Mayor Denise Diaz, Council Member Al Rios, and Council Member Bill De Witt; City Manager Mike Flad, City Attorney Raul F. Salinas

**ABSENT** Council Member Maria Davila, City Treasurer Greg Martinez

**CLOSED SESSION** The Council Members recessed into Closed Session at 5:54 p.m. and reconvened at 7:00 p.m. with four (4) 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), 54954.9(b)(3)(C)
  - a. Jonathan Hoyer v. City of South Gate
  - b. Romo, Jorge; Arias, Maura v. City of South Gate
  - c. Senorina Rendon v. City of South Gate
  - d. City of South Gate v. Albert Robles

For Item 1a the City Council received a report by the City Attorney and on a motion made by Council Member De Witt and seconded by Mayor Bernal the City Council moved to authorize the defense of the lawsuit. The vote was 4 to 0.

For Item 1b on a motion made by Council Member De Witt and seconded by Mayor Bernal the City Council moved to deny the tort claim. The vote was 4 to 0.

For Item 1c the City Council accepted the late claim but on a motion made by Council Member De Witt and seconded by Mayor Bernal the City Council denied the claim. The vote was 4 to 0.

**\*Note:** This item was reconsidered at the March 24, 2020 Special City Council Meeting where the City Council rescinded the action.

For Item 1d the City Council received a presentation by the City Attorney and upon completion of that report there was no reportable action taken.

**SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 10, 2020**

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

One (1) - Potential Case

For Item 2 the City Attorney did not take part in the presentation but there was a presentation conducted by staff and by an outside attorney. Upon completion of the presentation there was no reportable action taken.

3. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Property APN: 6264-004-900  
Property: 13050 Paramount Boulevard, South Gate,  
California 90280  
City Negotiator: Michael Flad, City Manager  
Negotiating with: Los Angeles County Office of Education  
Under Negotiation: Terms of Sale

Property APN: 6204-025-039  
Property: 9019 Long Beach Boulevard, South Gate,  
California 90280  
City Negotiator: Michael Flad, City Manager  
Negotiating with: Jon Ungvari Co. Trust  
Under Negotiation: Terms of Sale

The City Council received a report on the property at 13050 Paramount Boulevard. There was a presentation given but there was no action taken in Closed Session.

The City Council also received a report on the property at 9019 Long Beach Boulevard. Upon the conclusion of the presentation there was no action taken in Closed Session.

**ADJOURNMENT**

Mayor Bernal adjourned the meeting at 7:03 p.m. and seconded by Council Member De Witt.

**PASSED and APPROVED** this 21<sup>st</sup> day of April, 2020.

ATTEST:

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M. Belén Bernal, Mayor

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Carmen Avalos, City Clerk

**CITY OF SOUTH GATE  
SPECIAL CITY COUNCIL MEETING  
MINUTES  
TUESDAY, MARCH 24, 2020**

**CALL TO ORDER** M. Belén Bernal, Mayor called a Special City Council meeting to order at 6:01 p.m.

**ROLL CALL** Carmen Avalos, City Clerk

**PRESENT** Mayor M. Belén Bernal, Vice Mayor Denise Diaz, Council Member Maria Davila, Council Member Al Rios, and Council Member Bill De Witt; City Manager Mike Flad, City Attorney Raul F. Salinas

**ABSENT** City Treasurer Greg Martinez

**CLOSED SESSION** The Council Members recessed into Closed Session at 6:05 p.m. and reconvened at 6:30 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), 54954.9(b)(3)(C)

a. Senorina Rendon v. City of South Gate

For Item 1 the City Council received a report made by the City Attorney and upon completion of the report the City Council made two motions. The first motion was to approve a motion to reconsider an action taken at the prior City Council Meeting of March 10, 2020. This motion was made by Council Member De Witt and seconded by Council Member Rios. The vote was 5 to 0.

A subsequent motion was made on the same case rescinding the action taken at the prior City Council meeting moving to deny a request of filing a late claim. This motion was made by Council Member Maria Davila and seconded by Council Member De Witt. The votes was 5 to 0.

2. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE

Pursuant to Government Code Section 54957 and 54957.6

a. City Manager

For Item 2 the City Council received a report in Closed Session. Upon completion of the report there was no reportable action.

**SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 24, 2020**

**ADJOURNMENT**

Mayor Bernal adjourned the meeting at 6:39 p.m. and seconded by Council Member De Witt.

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, yes; Council Member De Witt, yes; Council Member Rios, yes.

**PASSED and APPROVED** this 21<sup>st</sup> day of April, 2020.

ATTEST:

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M. Belén Bernal, Mayor

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Carmen Avalos, City Clerk

**CITY OF SOUTH GATE  
REGULAR CITY COUNCIL MEETING  
MINUTES  
TUESDAY, MARCH 24, 2020**

**CALL TO ORDER** M. Belén Bernal, Mayor called a Regular City Council meeting to order at 6:55 p.m.

**INVOCATION** Mike Flad, City Manager

**PLEDGE OF ALLEGIANCE** Raul F. Salinas, City Attorney

**ROLL CALL** Carmen Avalos, City Clerk

**PRESENT** Mayor M. Belén Bernal, Vice Mayor Denise Diaz, Council Member Al Rios, Council Member Maria Davila and Council Member Bill De Witt; City Treasurer Gregory Martinez, City Manager Mike Flad, City Attorney Raul F. Salinas

**1**  
**ENGINEERING** The City Council opened the public hearing regarding the proposed Americans with Disabilities Act Self Evaluation and Transition Plan, City Project No. 538-ARC, and will continue said public hearing to the regularly scheduled City Council Meeting of April 28, 2020.

Item 1 was unanimously continued to April 28, 2020 by motion of Council Member Rios and seconded by Vice Mayor Diaz.

**2**  
**CDBG** The City Council opened the public hearing regarding projects and allocations eligible for funding from the Community Development Block Grant (CDBG) Program for Fiscal Year 2020/21 and continued said public hearing to the regularly scheduled City Council meeting of April 28, 2020.

Item 2 was unanimously continued to April 28, 2020 by motion of Council Member De Witt and seconded by Council Member Davila.

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, yes; Council Member De Witt, yes; Council Member Rios, yes.

## REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 24, 2020

### COMMENTS FROM THE AUDIENCE

Paul Voettin, advised the Council about a homeless problem behind his property on Beaumont adjacent to the 710 Freeway.

Virginia Johnson, informed the Council of the passing of James Manuel.

Nick Godoy, 8611 San Gabriel Avenue, expressed his concerns about the Memorial Day Celebrations. He inquired on what the City's plan before it was too late to organize.

### REPORTS AND COMMENTS

#### FROM CITY OFFICIALS

Mike Flad, City Manager requested each Department Head wait to speak about their own responses to the COVID-19 outbreak when that item came up on the agenda.

Mayor Bernal asked is any of her colleagues had anything to report or if their comments were directed to the COVID-19 matter.

Council Member De Witt thanked everyone and said that it had been a pleasure working with them all. All other Council Members deferred until the COVID-19 item on the agenda.

#### CONSENT CALENDAR

Agenda Items 3 and 4 were unanimously approved by motion of Council Member De Witt and seconded by Council Member Rios. Item 5 was pulled for separate discussion.

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#### PATH VILLAS

The City Council approved A, B, C, and D during Consent Calendar.

- a. Found this 60-unit permanent supportive housing project (Project) to be located at 5610 Imperial Highway is Categorically Exempt under Section 1506 I(b)(3) (General Rule Exemption) of the California Environmental Quality Act;
- b. Approved Amendment No. 1 to Contract No. 3448, Density Bonus Housing Agreement with Path Villas at South Gate, LP modifying the construction commencement date for the Project;
- c. Authorized the Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney; and
- d. Authorized the Mayor to execute the Estoppel Certificate certifying the City's approval of Amendment No. 1, in a form acceptable to the City Attorney.

## REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 24, 2020

### 4 HOUSING ELEMENT

The City Council approved A and B during Consent Calendar.

- a. Received and filed Housing Element Annual Progress Report for calendar year 2019; and
- b. Directed staff to provide a copy of the Housing Element Annual Progress Report to the State Department of Housing and Community Development.

### 5 MINUTES

The City Council approved the Regular Meeting minutes of March 10, 2020 by motion of Mayor Bernal and seconded by Council Member De Witt.

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, abstain; Council Member De Witt, yes; Council Member Rios, yes.

### 6 EMERGENCY PLANNING

The City Council adopted Resolution No. 2020-07-CC entitled - A Resolution of the City Council of City of South Gate ratifying the declaration of the existence of a local emergency within the City as a result of the spread of the Coronavirus Disease 2019 as declared by the City's Director of Emergency Services on March 18, 2020 by motion of Mayor Bernal and seconded by Council Member Davila.

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, yes; Council Member De Witt, Absent; Council Member Rios, yes.

Vice Mayor Diaz requested that the operating hours for the Senior Call Center be added to the flyer. She also requested that staff reach out to the markets to try to control the amount of traffic in there stores and practice better social distancing between people. She would like information on a testing station by working with Alta-Med and would like staff to try to control the groups of people that are getting together for parties and social activities.

Mayor Bernal inquired of staff what steps we can take as a City to enact a curfew.



## REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 24, 2020

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### EMERGENCY PLANNING CONT

The City Manager explained that typically a curfew is a time based. In that situation City Council then decides what the action is needed. We are experiencing gathering during the day time and the parties that are taking place are within peoples own private property. Typically with any curfew it is usually to deter looting or theft and we are not experiencing these issues. The State and County laws allow for travel. In order to enact a curfew you would still need to allow travel to get food, medical assistance and work commute. Then we would be in a situation where people would be traveling and we would need to be contacting a great number of folks to determine why they are traveling.

Chief Davis added that typically speaking this situation doesn't fit into the category of enacting a curfew but curfews on the whole are more counterproductive. He has been out in the field for the past seven days or so and he has talked to people that have been gathering at the park because they were not educated on what they were and were not able to do. He feels that with a little more time staff should be able to work with businesses and people to handle most of these issues without enacting a curfew.

At this point the City Council agreed that now is not the time to enact a curfew but something to consider if needed in the future.

Council Member Davila asked that all flyers distributed to the public be in English and Spanish.

Mayor Bernal asked staff what will be the consequence for non-compliance businesses. Mayor Garcetti is considering the possibility of turning off power and water. Is this something we are considering?

Joe Perez, Director of Community Development stated that it appeared to him that the City is making progress by reaching out to the businesses and the City has not reached that point.

Greg Martinez, City Treasurer suggested that we need to have a discussion on the effect of these events and the impact this will have on our budget.

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### POLITICAL SUPPORT

The City Council considered adopting Resolution No. 2020-08-CC entitled - A Resolution of the City Council of City of South Gate ratifying the issuance of Executive Order No. 03.18.2020 by the Director of Emergency Services restricting eviction of commercial and residential tenants due to the spread of the Coronavirus Disease 2019.

**REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 24, 2020**

7  
POLITICAL SUPPORT  
CONT

Council Member De Witt excused himself from the teleconference due to a conflict of interest and did not participate in the discussion or vote of this item.

Staff's recommendation were approved by motion of Mayor Bernal and seconded by Vice Mayor Diaz.

The City Council directed the City Manager to issue a new executive order to reflect an extension to be made to May 31, 2020 by motion of Mayor Bernal and seconded by Vice Mayor Diaz.

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, yes; Council Member De Witt, Absent; Council Member Rios, yes.

8  
WARRANTS

The City Council unanimously approved the Warrants and Cancellations for March 24, 2020 by motion of Council Auditor Davila and seconded by Council Member De Witt

Total of Checks:	\$1,890,885.15
Voids:	\$ 0.00
Total Payroll Deductions:	<u>(\$ 350,997.55)</u>
Grand Total:	\$1,539,887.60

**ROLL CALL:** Mayor Bernal, yes; Vice Mayor Diaz, yes; Council Member Davila, abstain; Council Member De Witt, yes; Council Member Rios, yes.

ADJOURNMENT

Mayor Bernal adjourned the meeting at 9:36 p.m. and seconded by Vice Mayor Diaz.

**PASSED and APPROVED** this 21<sup>st</sup> day of April, 2020.

ATTEST:

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M. Belén Bernal, Mayor

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Carmen Avalos, City Clerk