

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING MINUTES**

Tuesday, April 27, 2021

4/27/2021 - Minutes

I. Call To Order/Roll Call With Invocation & Pledge

CALL TO ORDER Al Rios, Mayor called a Regular City Council meeting to order at 6:30 p.m.

INVOCATION Pastor Anthony Kidd, Community of Faith Bible Church

PLEDGE OF

ALLEGIANCE Carmen Avalos, City Clerk

ROLL CALL Carmen Avalos, City Clerk

II. City Officials

PRESENT Mayor Al Rios, Vice Mayor Maria del Pilar Avalos, Council Member Maria Davila, Council Member Denise Diaz and Council Member Gil Hurtado; City Treasurer Gregory Martinez; Interim City Manager Chris Jeffers, City Attorney/Special Legal Counsel Raul F. Salinas

COVID 19 Meeting Procedures

III. Meeting Compensation Disclosure

IV. Proclamations, Certificates, Introductions And Ceremonial Actions

1. Proclamation Declaring May 2021 As Older Americans Month

The City Council issued a Proclamation declaring May 2021 as Older Americans Month and Recognizing Sonia Miranda as this year's honoree.

2. Proclamation Declaring May 2021 As CalFresh Awareness Month

The City Council issued a Proclamation declaring May 2021 as CalFresh Program Awareness Month.

3. Proclamation Declaring May 2021 As Lupus Awareness Month

The City Council issued a Proclamation declaring May 2021 as Lupus Awareness Month and May 10, 2021, as Lupus Awareness Day.

4. Introduction Of The City's New And Promotional Full-Time Employees

The City Council allowed staff to introduce the new and promotional full-time employees hired or promoted during March 2021.

V. Public Hearings

5. Interim Urgency Ordinance Extending A Temporary Limit On Food Delivery Fees

The City Council conducted a Public Hearing, waived the reading in full and unanimously adopted Interim Urgency Ordinance No. 2021-05-CC entitled - Resolution of the City Council of the City of South Gate, California, extending Interim Urgency Ordinance No. 2021-04-CC continuing the temporary limit on the charges imposed by third-party food delivery services on local restaurants during the ongoing COVID-19 pandemic by motion of Council Member Diaz and seconded by Council Member Davila.

Roll Call: Council Member Davila, yes; Council Member Diaz, yes; Council Member Hurtado; yes, Vice Mayor Avalos, yes; Mayor Rios, yes.

Giselle Mires, Administrative Analyst, provided a presentation on this item.

Mayor Rios opened the public hearing.

Adolfo Varas spoke in support of the adoption of the Ordinance and asked when the state lifts their restrictions will the City also lift restrictions such as this Ordinance.

Chris Jeffers, City Manager stated that the ordinance states that it will be in effect for 10 months and 15 days or until the Governor lifts the Declaration of Emergency for the State of California. Mr. Jeffers explained that the City is only allowed to enact this type of legislature due to the fact that we are under a State of Emergency.

Seeing no one come forward Mayor Rios closed the Public Hearing.

6. Proposed Projects And Allocations Eligible For Funding From The Community Development Block Grant Program For FY 2021/22

The City Council opened the Public Hearing and unanimously approved A, B and C as amended by motion of Vice Mayor Diaz and seconded by Council Member Hurtado.

- a. Approved the list of proposed projects and allocations recommended by the Citizen Advisory Committee for Community Development Block Grant funds for fiscal year 2021/22;
- b. Approved Staff's recommendation on the appropriation of \$53,467 of un-programmed CDBG funds;
- c. Directed staff to return to Council with a 2021-22 Action Plan and Subrecipient agreements which reflect these allocations.

Roll Call: Council Member Davila, yes; Council Member Diaz, yes; Council Member Hurtado; yes, Vice Mayor Avalos, yes; Mayor Rios, yes.

Amendment: \$18,000 in public service funds to be transferred to food insecurity programs and \$34,754 being allocated to the Boy Scout Hut program.

Paul Adams, Interim Director of Community Development provided a report on this item.

Mayor Rios opened the public hearing.

Robert Montalvo is concerned that Vice Mayor Avalos is friends with Paula from Compator. Mr. Montalvo stated that staff have told him that Vice Mayor Avalos forces staff to do things for Compator. He believes this is not appropriate and tarnishes the process. Mr. Montalvo would like to see Vice Mayor Avalos abstain from voting on this item.

Adolfo Varas, disagrees with Mr. Montalvo's comments and supports funding for Compator. We need more resources to support mental health in the City.

Thomas Buckley, stated that after listening to Mr. Varas comments he wants to state that there is definite conflict of interest since Mr. Varas is a commissioner for Vice Mayor Avalos and the concerns of conflict of interest regarding Vice Mayor Avalos relationship with Compator. Mr. Buckley stated that it should be noted that Mr. Varas serves as a board member for Compator.

Seeing no one come forward Mayor Rios closed the Public Hearing.

Raul F. Salinas, City Attorney stated there was a reference made during public comment to Government Code 82028 (Conflict of Interests) and the process for vetting a contract is staff driven. The documents then go through a process of review by the City Manager, City Attorney, City Council and public comment. The fact that a vendor has received a significant sum of money during this past year is more indicative of the times and providing relief to the residents of the City. The City Council Member have all been trained about the reporting requirements (Form 700) and recusing themselves from items. If a resident does believe that a Council Member does have a conflict of interest the City Attorney encourages the person to report the situation to Administration or the City Attorney's Office for review.

Council Member Diaz thanked the Citizen's Advisory Committee for their service. She then asked for clarification on reallocating funds since Youth Helpline has withdrawn their business from the City.

Mr. Adams stated that staff's recommendation was to put the funding towards the food insecurity program but the funding can be allocated to any of the program. If there is an interest in providing additional funding to youth programs, staff would need to confirm with the Long Beach Conservation Corp that they can provide the services required.

Council Member Hurtado spoke on the negative impact of graffiti in the community and added that we need more stringent preventative penalties to help stop graffiti. He

agrees that there are opportunities available to invest in our youth but we need to more preventative measures instead of just putting money into removing graffiti.

Vice Mayor Avalos stated that she is saddened that Helpline has withdrawn their application. Vice Mayor Avalos supports transferring these funds to the food insecurity program.

Vice Mayor Avalos motioned to approve staff's modified recommendation for \$18,000 in public service funds to be transferred to food insecurity programs and \$34,754 being allocated to the Boy Scout Hut program.

Council Member Hurtado seconded the motion. Council Member Hurtado continued that he would like to enhance areas at Hollydale Park to support youth sport organizations.

Mr. Jeffers stated that action is needed tonight to meet HUD requirements for funding. He suggested that further discussion for funding opportunities be looked at again during the budget discussions.

VI. Comments From The Audience

Carmen Avalos read the following emails into record:

Amy Luis and Julie Chan from the Leland Weaver and Hollydale Libraries welcomed the community back to the library for limited services.

Edwardo Nunez is frustrated with people parking in the street and not in their driveway. He is recommended parking permits on his street.

Robert Montalvo recommended the City Council consider waiving or reduce the costs of permits to the small businesses. He would also like the City to organize a weekly clean-up event at the park to help with litter from the weekend activities.

Adolfo Varas spoke on the behavior of Council Member Diaz as an elected official.

Thomas Buckley spoke on lack of consistency from the City Attorney and City Council in who they allow to speak and who they deny.

Liz Ruiz, Kauffman Avenue spoke on the parking problems in the City and asked if there are any updates on the Firestone Boulevard Bridge Widening Project.

Candice stated the City Attorney and City Council have been fair with allowing the residents to speak during City meetings. She also supports the idea of a City-wide cleanup.

Mayra Castaneda spoke on the parking problems within the City including the way vehicles park on the front lawns of the property. Also many people are leaving the trash cans out all week and Christmas lights have not been removed from the property. Ms. Castaneda agrees that the City Attorney and City Council have been fair with allowing the residents to speak during City meetings.

Bobbie Thompson, Firestone Plaza, is unhappy about how people are behaving at the City Council meetings and the parking situation on Firestone Plaza.

Eddie N. also spoke on parking problems with the City including people double parking on the streets.

Cindy Esquivel spoke on the parking studies and suggested changing the parking limit from 72 hours to 48 hours.

Art Cervantes, Director of Public Works provided an update on the parking study and the Firestone Boulevard bridge expansion.

Chief Randy Davis provided an update on cars parking on the front lawns of property.

Raul F. Salinas, City Attorney addressed the concerns of the residents regarding public comment. Mr. Salinas stated that our limitation as a government is to limit the public comment based on the content. There is a little bit of a judgement call involved but he prefers to make that judgement on the side of allowing the public to speak.

Mr. Salinas also updated the public on parking enforcement and how recently the state has put the matter of housing above parking. This is making it very difficult for local cities to enforce parking regulations.

VII. Reports And Comments From City Officials

Chris Jeffers, Interim City Manager reported that 46% of South Gate residents have received at least their first vaccine against COVID 19. 82% of residents that are 65 years and older have received their first dose. He reminded everyone to remember the second dose and encourages testing to those that have not been vaccinated.

Council Member Diaz wished all our mothers a Happy Mother's Day. Council Member Diaz sits on the Los Angeles library committee and stated that the libraries are opening up May 3rd.

Council Member Diaz attended the Latino Caucus and they are collaborating with the Northern part of California to get more vaccination sites open. She also attended a two day committee meeting for the Los Angeles Rivers and Conservancy. She was part of the review committee to decide on who will be building our cultural center.

Council Member Hurtado stated that as the parks are getting ready to open we are going to need added signage with safety regulations clearly stated. The youth organizations using the park are working hard to meet requirements, however, people that are walking by do not understand why they can not be sitting in certain areas.

Council Member Hurtado stated that he is still working with City staff and Waste Management to organize a City clean-up day. The City needs to enforce the policies to get people to understand that COVID is not an excuse for not maintaining their property. He also wished a Happy Mother's Day to the community.

Council Member Davila invited the community to a Food Drive this Saturday, May 1st from 9:00 am to 12:00 noon. Every year we celebrate our mothers and because of COVID last year a lot of people were not able to visit. Let's take advantage of being vaccinated and visit our moms this year.

Vice Mayor Avalos stated that on Saturday, May 1st Altamed is hosting a vaccination clinic in South Gate. She also wished a Happy Mother's Day to the community.

Mayor Rios reported that Plaza Community the Cultura de Artes has \$100,000.00 to give to local artists and the information will be on the City's webpage. Applicants have until the end of May to apply. She also wished a Happy Mother's Day to the community.

Mayor Rios stated that HUB Cities is currently employing 700 youth from the Southeast area and the majority of the youth's is from South Gate. He is also the Chair for the Metro Service Council and they are looking at making Metro free for college students, disabled individuals, seniors and other targeted populations. He also wished a Happy Mother's Day to the community.

VIII. Consent Calendar Items

Agenda Items 8, 9, 10, 11, and 12 were unanimously approved by motion of Mayor Davila and seconded by Council Member Avalos. Items 7 was pulled for separate discussion.

Roll Call: Council Member Davila, yes; Council Member Diaz, yes; Council Member Hurtado; yes, Vice Mayor Avalos, yes; Mayor Rios, yes.

7. Resolution Consenting To An Additional Proposed Use Of The Easement Area Under A 2020 Soundwall Easement Agreement

The City Council adopted Resolution No. 2021-17-CC entitled - Resolution of the City Council of the City of South Gate, California, consenting to an additional proposed use of the easement area adjacent to the Thunderbird Villa Mobile Home Park located at 10001 W. Frontage Road under the 2020 Soundwall Easement Agreement by motion of Council Member Davila and seconded by Vice Mayor Avalos.

Roll Call: Council Member Davila, yes; Council Member Diaz, yes; Council Member Hurtado; abstain, Vice Mayor Avalos, yes; Mayor Rios, yes.

8. Agreement With John L. Hunter And Associates, Inc., For As-Needed Services

The City Council unanimously approved A and B during consent calendar.

a. Agreement (Contract No. 2021-37-CC) with John L. Hunter and Associates, Inc., for the management of the Used Oil Recycling Grant and Beverage Container Recycling Grant Programs, for a two-year term, retroactively effective July 1, 2020, through June 30, 2022, in the amount of \$47,920 for Fiscal Year 2020/21 and \$34,905 for Fiscal Year 2021/22, for a total amount not-to-exceed \$82,825; and

b. Authorized the Mayor to execute the Agreement in a form acceptable to the City

Attorney.

9. Attorney Retainer Agreement With The Law Offices Of Gutierrez, Preciado & House, LLP

The City Council unanimously approved A and B during consent calendar.

- a. Attorney Retainer Agreement (Contract No. 2021-38-CC) with the Law Offices of Gutierrez, Preciado & House, LLP to provide legal services to the City and its Civil Service Commission ("COMMISSION") related to those appeals to be adjudicated by the COMMISSION.; and
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

10. Attorney-Client Retainer Agreement With The Law Offices Of Collins + Collins, LLP

The City Council unanimously approved A and B during consent calendar.

- a. Attorney-Client Retainer Agreement (Contract No. 2021-39-CC) with the Collins Firm to provide legal services in defending the City with regard to the Arguello Litigation lawsuit; and
- b. Authorized the Mayor to execute the Agreement in a form acceptable to current special legal counsel handling the matter for the City, including any related agreements pertaining to conflict waivers and joint representation matters.

11. Agreement With ClientFirst Technology Consulting To Assist The City In Procuring A Replacement Enterprise Resource Planning System

The City Council unanimously approved A and B during consent calendar.

- a. Agreement (Contract No. 2021-40-CC) with ClientFirst Technology Consulting, LLC, for assistance with the Request for Proposal (RFP) and Competitive Vendor Selection process for a replacement Enterprise Resource Planning (ERP) System, in an amount not-to-exceed \$82,935; and
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

12. Minutes

The City Council unanimously approved A, B, and C during consent calendar.

- a. Approved the Regular Meeting and Special Meeting minutes of March 23, 2021;
- b. Approved the Special Meeting minutes of March 30, 2021; and
- c. Approved the Regular Meeting and Special Meeting minutes of April 13, 2021.

IX. Reports, Recommendations And Requests

13. Report Pertaining To Senate Bill 970 Regarding The Possibility Of A Change In The City's Election Date

The City Council approved A and B Option 2 by motion of Vice Mayor Avalos and seconded by Council Member Diaz.

- A. Received and filed a summary report pertaining to Senate Bill 970; and
- B. Provided staff with direction on how to move forward with planning for the 2022 City of South Gate Municipal Election with one of the two (2) options:
 - 1. The First Option is to move forward with implementing SB970, thereby having automatically staggered primary election dates that will align our General Municipal Elections with the State Primaries of March 2020, June 2022, March 2024, June 2026, March 2028, June 2030 respectively; OR
 - 2. The Second Option is to move our current election cycle from the State Primary to the State General Election date of November of even number years.

Roll Call: Council Member Hurtado, no; Council Member Diaz, yes; Council Member Davila; yes, Vice Mayor Avalos, yes; Mayor Rios, yes.

14. Process For Securing An Exclusive Solid Waste Franchise Agreement

The City Council considered:

- a. Directing staff to issue a Request for Proposal to procure a new exclusive solid waste franchise agreement through a competitive bid process;
- b. Authorizing the City Manager to approve an agreement with HF&H Consultants (HF&H), in the amount of \$150,000, to assist with the development of a Request for Proposal for an Exclusive Solid Waste Franchise Agreement and with the management of the procurement process; and
- c. Appropriating \$150,000 from the unrestricted fund balance of the City's Refuse Collection Fund to Account No. 413- 733-51-6101 (Refuse Collection Fund - Professional Services) to fund the cost of the HF&H agreement. These funds would be reimbursed upon acceptance of the successor franchise agreement by the City Council by the successful waste hauler.

OR

- d. Directing staff to negotiate a new exclusive solid waste franchise agreement with USA Waste of California Inc., dba Waste Management;
- e. Authorizing the City Manager to approve an agreement with HF&H in the amount of \$89,000, to assist staff with the negotiation of a new exclusive solid waste franchise

agreement with USA Waste of California Inc, dba Waste Management; and

f. Appropriating \$89,000 from the unrestricted fund balance of the City's Refuse Collection Fund to Account No. 413- 733-51-6101 (Refuse Collection Fund - Professional Services) to fund the cost of the HF&H agreement. These funds would be reimbursed upon acceptance of the successor franchise agreement by the City Council by the successful waste hauler.

Council Member Davila requested that staff prepare a report with more information breaking down the pros and cons of the recommendations before City Council.

Vice Mayor Avalos motioned and Council Member Diaz seconded to approve A, B and C.

Vice Mayor Avalos amended her motion to move this item to the City Council Meeting of May 11, 2021 which was seconded by Council Member Diaz.

Roll Call: Council Member Hurtado, yes; Council Member Davila, yes; Council Member Diaz, yes; Vice Mayor Avalos, yes; Mayor Rios, yes.

15. Warrant Register Of April 27, 2021

The City Council unanimously approved the Warrant Register of April 27, 2021 by motion of Vice Mayor Avalos and seconded by Council Member Davila.

Total of Checks:	\$1,787,334.79
Voids:	\$ (18,485.81)
Total of Payroll Deductions	\$ (335,151.99)
Grand Total:	\$1,433,696.99

Cancellations: 91996, 90222

Roll Call: Council Member Davila, yes; Council Member Diaz, yes; Council Member Hurtado; abstain, Vice Mayor Avalos, yes; Mayor Rios, yes.

X. Adjournment

Mayor Rios unanimously adjourned the meeting at 10:34 p.m. by motion of Vice Mayor Avalos and seconded by Council Member Davila.

PASSED and APPROVED this 11th day of May 2021.

For a signed copy of the minutes for this meeting please contact the City Clerk's Office:
8650 California Avenue, South Gate, California 90280
(323) 563-9510 * fax (323) 563-5411 * www.cityofsouthgate.org

